



Proposed Amendments to the Town of Bluffton Code of Ordinances, Chapter 23 – Unified Development Ordinance, Certain Amendments to Multiple Sections

**Presentation to Town Council
September 12, 2023
Public Hearing and Final Reading
Department of Growth Management
Kevin P. Icard, AICP**

Purpose of the Amendments



To support the Town's *Strategic Plan* to annually assess and propose amendments to the Unified Development Ordinance related to the "Community Quality of Life" strategic focus area.

January 17, 2023 – Joint Town Council & Planning Commission Workshop

March 1, 2023 – Historic Preservation Commission Workshop

March 22, 2023 – Planning Commission Public Hearing

April 26, 2023 – Planning Commission Public Hearing

May 24, 2023 – Planning Commission Public Hearing

June 28, 2023 – Planning Commission Public Hearing

First Reading Recap –Not Moving Forward



All amendments approved at First Reading; however, based on discussion regarding historic preservation and parking-related amendments at that time, the UDO Administrator recommends that the below amendments be **withdrawn** for discussion at upcoming Strategic Plan meeting and a joint Town Council-Planning Commission workshop in January, 2024. All other amendments should move forward for final reading.

Historic Preservation-related Amendments (Reviewed by Planning Commission March 2023)

- Sec. 3.2: General Application Approval Process (notice to remove a contributing resource designation)
- Sec. 3.18: Certificate of Appropriateness – Historic District
- Sec. 3.25: Designation of a Contributing Resource (removal of contributing designation)
- Sec. 5.15: Old Town Bluffton Historic District (some setbacks, addition of Medium House building type)
- Sec. 5.15.8.F. (et al): Carriage House Building Form, Sheds & Garden Structures
- Sec. 9.2: Terms (some terms)

Parking (Reviewed by Planning Commission April 2023)

- Sec. 5.11: Parking (compact, public and golf cart)

Final Reading – Moving Forward



Sec. 3.14: Certificate of Construction Compliance

- Strengthens requirements to obtain a Temporary CCC, including requiring 75% of site or phase to be completed before a Building Permit can be obtained (presently, “substantially complete”); a

Outdoor Sales (Definition and Conditions)

- Improves conditions related to display, location, time and area size; expands the type of merchandise that can be sold beyond agricultural, seafood, and seasonal products.

Article 7, Nonconformities

- Removes requirement and burden that UDO Administrator must determine that an illegal nonconformity would “adversely impact” public health, safety or welfare—could make removal or abatement more difficult; would require that any change to an illegal nonconformity comply with UDO.

Final Reading – Moving Forward



Sec. 9.2, Family and Single Household Unit Definitions

- Updates current definition of “Family” to be more expansive to include domestic partnerships, foster children. A “Single Household Unit” may be considered “Family” if certain criteria can be met. A definition of Single Household Unit is proposed.

Sec. 9.4, Residential Use Descriptions

- Updates the definition of “Accessory Dwelling Unit” to include elements that must be included allows for attached and detached units; proposes allowing “Single-Family Attached Dwelling” units on separate or same lot, requiring ground floor access to each unit.

Final Reading – Moving Forward



Sec. 3.17: Certificate of Appropriateness – Highway Corridor Overlay District

- Requires an approved Final Development Plan before COFA-HCO review by the Planning Commission

Sec. 5.8 Lot and Building Standards:

- “Housekeeping” Items
- **Light Industrial (LI) District:** Removes from Large Lot Types (Multi-family, Mixed Use and Large Commercial) and Adds the Removed LI District to Medium Lot Types (Multi-family and Mixed Use)
- **Large Mixed Use Lot Type Rear Yard Setback:** Increases from 10 feet to 30 feet
- **Story Height Reduction:** For Large Commercial and Civic Lots, reduces stories from 5 to 4

Final Reading – Moving Forward



Sec. 3.2.3: Public Notice

Removes:

- Posting requirement for *published* notice at Town Hall, the Town website and registrants
- Public notice requirement for Street Naming and minor amendments to a Subdivision Plan associated with an *active* Development Plan.

Sec. 5.13: Signs

- Identifies the maximum number of flags to be allowed within the Old Town Bluffton Historic District zoning districts (two).
- Prohibits “flutter signs” or “feather signs”
- Exempts construction project, real estate and campaign signs from Sign Permit requirement

Text Amendment Review Criteria



1. **Section 3.5.3.A. Consistency with the Comprehensive Plan or, if conditions have changed since the Comprehensive Plan was adopted, the consistency with the overall intent of the Plan, recent development trends and the general character of the area.**
The amendments have no relationship to this criterion.
2. **Section 3.5.3.B. Consistency with demographic changes, prevailing economic trends, and/or newly recognized best planning practices.**
The amendments have no relationship to this criterion.
3. **Section 3.5.3.C. Enhancement of the health, safety, and welfare of the Town of Bluffton.**
The amendments have no relationship to this criterion.
4. **Section 3.5.3.D. Impact of the proposed amendment on the provision of public services.**
The amendments have no relationship to this criterion.
5. **Section 3.5.3.E. The application must comply with applicable requirements in the Applications Manual.**
Complies.

Planning Commission Recommendation



- **March 22:** Approve (7-0) with three revisions as noted in staff report.
- **April 27:** Approve (5-0) with three revisions as noted in staff report.
- **May 24:** Approve (6-0) as recommended by staff.
- **June 28:** Approve (7-0) as recommended by staff.

Town Council Action



As granted by the powers and duties set forth in Section 2.2.6.C.4 of the UDO, the Town Council has the authority to take the following actions with respect to this application:

1. Approve the application as submitted;
2. Approve the application with amendments;
3. Approve the application as recommended by the UDO Administrator; or
4. Deny the application as submitted.

Next Steps



UDO Text Amendment Procedure	Date	Complete
Step 1. Planning Commission Public Hearing and Recommendation	March 22, April 26, May 24 and June 28, 2023	✓
Step 2. Town Council – 1st Reading	July 11, 2023	✓
Step 3. Town Council Meeting – Final Reading and Public Hearing for Certain Amendments and Withdrawal of Certain Amendments for Future Discussion	September 12, 2023	✓



QUESTIONS & DISCUSSION

Proposed Motion (First Part)



*“I move to **Approve [Approve with amendments, Deny]** the following certain amendments to the Town of Bluffton Code of Ordinances Chapter 23 – Unified Development Ordinance, Article 3 – Application Process, Sec. 3.2 (General Application Approval Process, certain text), Sec. 3.14 (Certificate of Construction Compliance), Sec. 3.17 (Certificate of Appropriateness-Highway Corridor Overlay); Article 4 – Zoning Districts, Sec. 4.4.(Conditional Use Standards); Article 5 – Design Standards, Sec. 5.8 (Lot and Building Standards) and Sec. 5.13 (Signs); Article 7 - Nonconformities; Article 9 – Definitions and Interpretations, Sec. 9.2 (Defined Terms, certain terms); Sec. 9.3 (Interpretation of Dimensional Standards); Sec. 9.4.1 (Description of Land Use and Buildings)”*

Proposed Motion (Second Part)



*“I move to **Withdraw [or Approve, Approve with amendments, Deny]** the following certain amendments to the Town of Bluffton Code of Ordinances Chapter 23 – Unified Development Ordinance, Article 3 – Application Process, Article 3 – Application Process, Sec. 3.2 (General Application Approval Process, certain text), Sec. 3.18: Certificate of Appropriateness – Historic District and Sec. 3.25: Designation of a Contributing Resource; Article 5 – Design Standards, Sec. 5.11, Parking, Sec. 5.15: Old Town Bluffton Historic District and Sec. 5.15.8.F. (et al): Carriage House Building Form, Sheds & Garden Structures; Article 9 – Definitions and Interpretations, Sec. 9.2: Terms (certain terms)*