

ATTACHMENT 2

ORDINANCE NO. 2023 – _____

TOWN OF BLUFFTON, SOUTH CAROLINA

AN ORDINANCE AMENDING THE TOWN OF BLUFFTON'S MUNICIPAL CODE OF ORDINANCES, CHAPTER 23, UNIFIED DEVELOPMENT ORDINANCE, ARTICLE 3 – APPLICATION PROCESS, SEC. 3.2 (GENERAL APPLICATION APPROVAL PROCESS), 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), SEC. 5.13 (SIGNS); ARTICLE 7 – NONCONFORMITIES; ARTICLE 9 – DEFINITIONS AND INTERPRETATIONS, SEC. 9.2 (DEFINED TERMS), SEC. 9.3 (INTERPRETATION OF DIMENSIONAL STANDARDS), AND SEC. 9.4 (DESCRIPTION OF USES OF LAND AND BUILDINGS)

WHEREAS, the Town of Bluffton desires to improve the general safety, welfare, health and properties of the citizens of the Town of Bluffton; and,

WHEREAS, to establish the necessary provisions to accomplish the above, the Town of Bluffton has authority to enact resolutions, ordinances, regulations, and procedures pursuant to South Carolina Code of Laws 1976, Section 5-7-30; and,

WHEREAS, the Town of Bluffton's Town Code and Ordinances provide guidance and requirements for development within the Town of Bluffton through regulations set forth to protect and promote the health, safety, and welfare of the Town's citizens, as espoused through the provisions of the Town of Bluffton Comprehensive Plan and as authorized by the South Carolina Local Government Comprehensive Planning Enabling Act of 1994, Title 6, Chapter 29 of the Code of Laws for South Carolina; and

WHEREAS, the Town of Bluffton Town Council adopted the aforementioned standards, which are known as the Unified Development Ordinance, Chapter 23 of the Code of Ordinances for the Town of Bluffton, South Carolina on October 11, 2011 through Ordinance 2011-15; and

WHEREAS, the Unified Development Ordinance unifies the subdivision, land use, development/design regulations, as well as the Old Town Bluffton Historic District Code into a single set of integrated, updated, and streamlined standards; and

WHEREAS, the Town Council shall from time to time examine ordinances to ensure that they are properly regarded, enforced, sufficient and satisfactory to the needs of the community and can further suggest changes as deemed appropriate; and,

WHEREAS, the Strategic Plan for Fiscal Year 2023-24 ("Strategic Plan") serves as a road map for activities and initiatives to implement the Town's Vision and Mission Statement to ensure that Bluffton is poised to capitalize on opportunities that advance key goals, which includes amendments to the Unified Development Ordinance to support these goals; and

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WHEREAS, the Town of Bluffton Town Council desires to amend the Unified Development Ordinance, Article 3 – Application Process, Sec. 3.2 (General Application Approval Process), 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), Sec. 9.3 (Interpretation of Dimensional Standards), and, Sec. 9.4 (Description of Uses of Land and Buildings) to improve processes and development standards.

NOW, THEREFORE, BE IT ORDERED AND ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BLUFFTON, SOUTH CAROLINA, in accordance with the foregoing, the Town hereby amends the Code of Ordinances for the Town of Bluffton, Chapter 23, Unified Development Ordinance as follows:

SECTION 1. AMENDMENT. The Town of Bluffton hereby amends the Code Ordinances for the Town Of Bluffton, South Carolina by adopting and incorporating certain amendments to Chapter 23 – Unified Development Ordinance, including amendments to the following sections: Article 3 – Application Process, Sec. 3.2 (General Application Approval Process), 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), Sec. 9.3 (Interpretation of Dimensional Standards), and, Sec. 9.4 (Description of Uses of Land and Buildings) as shown on Exhibit A attached hereto and fully incorporated herein by reference.

SECTION 2. REPEAL OF CONFLICTING ORDINANCES. All ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 3. ORDINANCE IN FULL FORCE AND EFFECT. This entire Ordinance shall take full force and effect upon adoption.

DONE, RATIFIED AND ENACTED this _____ day of _____, 2023.

This Ordinance was read and passed at first reading on **July 11, 2023**.

Lisa Sulka, Mayor
Town of Bluffton, South Carolina

Marcia Hunter, Town Clerk
Town of Bluffton, South Carolina

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A public hearing was held on this Ordinance on **September 12, 2023**.

Lisa Sulka, Mayor
Town of Bluffton, South Carolina

Marica Hunter, Town Clerk
Town of Bluffton, South Carolina

This Ordinance was passed at second reading held on **September 12, 2023**.

Lisa Sulka, Mayor
Town of Bluffton, South Carolina

Marcia Hunter, Town Clerk
Town of Bluffton, South Carolina

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EXHIBIT A

Sec. 3.2, General Application Approval Process

Sec. 3.2.3, Public Hearing Notice

Specific applications are subject to public hearing notice requirements as set forth in this Section. Upon acceptance of an application that requires a public hearing, the UDO Administrator shall fix a reasonable date and time for the public hearing. Notice of public hearing requirements are as follows:

- A. **Timing of Public Hearing Notice Requirements.** Public notice as set forth in this Section shall be provided not less than the following number of calendar days prior to the public hearing:

Application Type	Newspaper Posting	Posting of Property	Certified Mailing to Surrounding Property Owners
Comprehensive Plan Amendment ¹	30	-	-
Zoning Map Amendment ¹	15	15	15
UDO Text Amendment ¹	15	-	-
Special Exception ²	15	15	15
Variance ²	15	15	15
Planned Unit Development (PUD) – Concept Plan ¹	15	-	-
Street Renaming ³	15	-	15
Certificate of Appropriateness – Historic District Demolition ⁴	15	15	-
Designation of Contributing Resource ⁴	15	15	-

¹ A Public Hearing shall be held by both Planning Commission and Town Council.

² A Public Hearing shall be held by the Board of Zoning Appeals.

³ A Public Hearing shall be held by the Planning Commission.

⁴ A Public Hearing shall be held by the Historic Preservation Commission.

- B. **Newspaper Posting.** When required, the UDO Administrator shall cause notice of the public hearing to be published in a newspaper of general circulation in the Town not less than the number of days prior to the public hearing as specified in the preceding table. Notices shall also be ~~electronically published on the Town of Bluffton website, posted at Town Hall, and~~ distributed ~~either in hardcopy or electronically~~ to any person, agency, or organization registered to receive such notifications.

- B. **Posting of Property.** When required, the UDO Administrator shall cause a conspicuous notice of public hearing sign to be posted not less than the number of days prior to the public hearing as specified in the preceding table on or adjacent to the subject property, with at least one such notice being visible from each public thoroughfare that abuts the property. If the subject property does not abut a public thoroughfare, such sign shall be posted on the public thoroughfare from

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which the subject property is accessed. All signs shall be removed by the Town within 30 days of conducting the public hearing.

- D. **Certified Mailing to Surrounding Property Owners.** To help assure surrounding property owners are provided adequate public notice of a public hearing on an application, surrounding property owners shall be notified as follows:

~~1.~~ The Applicant shall send notice of the public hearing by certified US mail not less than the number of days prior to the public hearing as specified in the preceding table to all owners of real property within 250 feet of the subject property. The UDO Administrator shall provide the applicant with the names and addresses of the surrounding property who are to ~~received~~ mailed notice, and shall provide the applicant with a sample public hearing notification letter. The Applicant shall submit the original Certified Mailing receipts for the mailed notices to the UDO Administrator not less than seven ~~(7)~~ days prior to the public hearing.

- E. **Public Notice Compliance.** Failure to comply with the public notice requirements shall result in the removal of an application from the public hearing meeting agenda. Any rescheduled public hearing on an application shall be subject to subsequent compliance with all public notice requirements.

Sec. 3.2.4, Public Notice for All Applications

Specific applications are subject to public notice requirements as set forth in this Section.

- A. Public Notice Requirement. *[No changes]*
- B. Exceptions. The public notice requirements of Section 3.2.4.A. are not required for the following applications:
1. Any application for which a Public Hearing Notice is required pursuant to Section 3.2.3 of this Ordinance;
 2. A minor amendment to a previously approved PUD Master Plan pursuant to Section 3.9.6.A;
 3. A minor amendment to a previously approved Development Plan pursuant to Section 3.10.6.A;
 4. A minor amendment to a previously approved Subdivision Plan or a minor amendment to a Subdivision Plan associated with an active Development Plan pursuant to Section 3.11.6.A;
 5. An application for an Exempt Plat Stamp pursuant to Section 3.12;
 6. An application for a Development Surety Application pursuant to Section 3.13;
 7. An application for Certificate of Construction Compliance pursuant to Section 3.14;
 8. An application for Street Naming pursuant to Section 3.15;

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- ~~8.~~ 9. An application for an amendment to a previously approved Certificate of Appropriateness – Highway Corridor Overlay (HCO) provided that the UDO Administrator determines that the proposed revision complies with the standards of this Ordinance and does not substantially alter the basic design approved by the Planning Commission pursuant to Section 3.17.5.B; and,
- ~~9.~~ 10. An application for an amendment to a previously approved Certificate of Appropriateness – Historic District (HD) provided that the UDO Administrator determines that the proposed revision complies with the standards of this Ordinance and does not substantially alter the basic design approved by the Historic Preservation Commission pursuant to Section 3.18.6.B.

Sec. 3.14, Certificate of Construction Compliance

3.14.1 Intent

This Section is intended to provide procedures and standards for the review of Certificate of Construction Compliance Applications. ~~Review of Certificate of Construction Compliance Applications will help ensure that all site improvements required by the development plan have been made. The Certificate of Construction Compliance process ensures that all site improvements, including landscaping, comply with the approved Final Development Plan and are completed.~~

3.14.2 Applicability

The regulations set forth in this Section shall apply to any development which is subject to a Development Plan approval pursuant to the provisions of this Article.

3.14.3 Application Review Criteria

The UDO Administrator shall consider the following criteria in assessing an application for Certificate of Construction Compliance:

- A. Compliance with all applicable provisions of this Ordinance, including Subdivision and/or Development Plan approval requirements, as applicable;
- B. Compliance with all requirements of the approved Final Development Plan; ~~and~~
- C. ~~The approved development must be able to function alone with all required infrastructure including, but not limited to, access drives, parking, drainage facilities, utilities, and required landscaping/tree planting. The approved site or phase must be able to function on its own with all required infrastructure, including but not limited to vehicular and pedestrian facilities, stormwater facilities, utilities, and landscaping; and,~~
- D. The application complies with applicable requirements in the Applications Manual.

3.14.4 Effect and Expiration of Approvals

~~Following issuance of a Certificate of Construction Compliance, the Applicant may apply for a Building Permit. A Building Permit shall not be issued for any residential structure, nor shall a Certificate of Occupancy be issued for any commercial structure by the Town of Bluffton until a Certificate of Construction Compliance has been issued for the site or phase thereof in which the building is located.~~

~~A. A Temporary Certificate of Construction Compliance may be issued and valid for a maximum of one year if the following conditions are met:~~

- ~~1. Development is substantially complete and the site is in a safe, accessible, and useable condition as determined by the UDO Administrator;~~
- ~~2. Upon providing financial guarantees in accordance with this Article assuring completion of all requirements of the approved Development Plan; and~~
- ~~3. The application must comply with applicable requirements in the Applications Manual.~~

A. Temporary Certificate of Construction Compliance.

1. If improvements and landscaping have not been completed as described herein, an application for a Temporary Certificate of Construction Compliance may be approved by the UDO Administrator for a maximum of one year from date of issuance when the following conditions are met:

- a. Unless otherwise provided in an approved and valid development agreement, the site or phase shall be seventy-five (75%) percent complete as referenced to the monetary value of the improvements, including landscaping. The existing construction cost estimate must be current to within twelve (12) months of the approved construction cost estimate. If the time period is exceeded, the construction cost estimate shall be updated and approved by the UDO Administrator.
- b. The site or phase shall be in safe, accessible, and useable condition as determined by the UDO Administrator.
- c. The Applicant shall provide financial guarantees in accordance with this Article and assure completion of all requirements of the approved Final Development Plan; and,
- d. The application must comply with applicable requirements in the Applications Manual.

2. If a Temporary Certificate of Construction Compliance is approved by the UDO Administrator, an application for a Building Permit can be made. Before a Certificate of Occupancy can be issued, a Final Certificate of Construction Compliance must be approved.

B. Final Certificate of Construction Compliance. When the required improvements, including landscaping, have been completed and a Final Certificate of Construction Compliance approved for the site or phase where the building is located, a Certificate of Occupancy can be issued.

Sec. 3.17 Certificate of Appropriateness – Highway Corridor Overlay (HCO)

3.17.3 Application Review Criteria

The Planning Commission shall consider the following criteria in assessing an application for Certificate of Appropriateness HCO:

- A. The application must be in conformance with the applicable landscaping, lighting, and architectural provisions provided in Article 5, Design Standards;
- B. The application must be in conformance with the approved Development Agreement, ~~PUD~~ Concept Plan, ~~PUD~~ Master Plan, Final Development Plan, Subdivision Plan, ~~or and~~ any other agreements or plans, that are as applicable; and
- C. The application must comply with applicable requirements in the Applications Manual.

Sec. 4.4 Conditional Use Standards

4.4.2.A.1. Conditional Use Standards, Commercial Services, Outdoor Sales

- ~~1. The following merchandise can be sold:
 - a. Agricultural goods,
 - b. Seafood, or
 - c. Seasonal Sales, such as Christmas trees or pumpkins.~~
 - ~~2. Sales displays shall be arranged to leave at least five (5) feet of clear walkway for pedestrian circulation and shall not adversely impact vehicular access or circulation or unreasonably reducing parking.~~
 - ~~3. Displays shall only be permitted during daylight hours.~~
 - ~~4. Lighting of merchandise, signage, or any other elements of the outdoor sales area shall not be permitted.~~
 - ~~5. No permanent improvements shall be made for the sole purpose of outdoor sales.~~
 - ~~6. Tents shall not be used in the Old Town Bluffton Historic District.~~
 - ~~7. All merchandise and sales displays shall be located on private property.~~
1. Except as otherwise provided in this UDO and the Town Code, all Outdoor Sales must be conducted in conjunction with the primary Retail Business being conducted on the premises and must comply with the following regulations:
- a. The merchandise displayed outside shall be of the same type that are lawfully displayed and sold inside the business on the premises;
 - b. The aggregate Outdoor Sales area shall not exceed 25 percent of the heated footprint of the business in which the primary Retail Business is being conducted;
 - c. Items displayed in front of a building in which the primary Retail Business is being conducted shall not project more than ten feet from the front façade of the building and shall be displayed only during the hours that the Retail Business is open for business. The display or storage of liquified

- petroleum gas (propane) cylinders of not more than 43.5 pounds capacity, which await sale, are exempt from the hours of display limitation;
- d. No item shall be displayed in a manner that causes a safety hazard; obstructs any ingress or egress to any building; interferes with , or impedes the flow of pedestrian or vehicular traffic; is unsightly or creates any other condition that is detrimental to the appearance of the premises or any surrounding property; or any other manner that is detrimental to the public health, safety or welfare or causes and public nuisance;
 - e. No item, or any portion thereof, shall be displayed on any public property, as defined in Chapter 13 of the Town Code, unless the display is in accordance with a Town-sanctioned short-term special event or other organized activity;
 - f. Lighting of the display or sales area, including signage, is not permitted;
 - g. All architectural and developmental requirements of this Ordinance and the Town Code, including but not limited to required vegetative buffers, parking standards, and impact fees;
 - h. Seasonal sales of holiday-related items, such as Christmas trees, pumpkins, and similar items may be conducted for a period not to exceed 45 calendar days; and,
 - i. Tents shall not be used in the Old Town Bluffton Historic District without a Special Event Permit.
2. The Conditional Use Standards set forth in Section 4.4.2.A.1. shall apply to the below use except that displays may remain in place during non-business hours:
- a. Plant nurseries that primarily engage in the non-bulk retail sales of trees, shrubs, or plants, to the general public, and may include the accessory sale of garden or landscape accessories, such as mulch, fertilizer, soil, tools, pavers, landscape timbers, and other similar garden or landscape materials as permitted by Table 4.3 of this Ordinance.
3. Certain time-limited Outdoor Sales, as indicated below and as provided by this Ordinance and the Town Code, may be conducted independent of a Retail Business. The UDO Administrator may provide conditional approval to ensure compliance with applicable provisions in Sec. 4.4.2.A.1.
- a. Sales of holiday-related items, such as Christmas trees, pumpkins, and similar items conducted for a period not to exceed 45 calendar days;
 - b. Seasonal sales of fresh agricultural and/or seafood products directly to the consumer. If located within a structure, the structure shall be temporary and open-air; and,
 - c. Sales related to a short-term special event or other Town-permitted organized activity, such as festivals, carnivals, farmers' markets, and celebrations and commemorations.

Sec. 5.8 Lot and Building Standards

Sec. 5.8.3 Standards

The existing or proposed use in combination with the lot width shall determine the lot type and applicable standards. Lot types shall only be permitted in those Districts listed. The maximum allowed density is based on the dimensional characteristics of the lot type in combination with other site characteristics that may limit the amount of land able to accommodate density. These other site characteristics include, but are not limited to, lot configuration, right-of-way, easements, protected natural resources, open space, and topography.

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Table 5.8.3.A Lot Types by District																			
		Estate House Lot	Large House Lot	Medium House Lot	Small House Lot	Duplex House Lot	Small Townhouse Lot ¹	Large Townhouse Lot ¹	Live/Work Lot	Small Multi-family Lot	Medium Multi-family Lot	Large Multi-family Lot	Small Mixed-use Lot	Medium Mixed-use Lot	Large Mixed-use Lot	Small Commercial Lot	Large Commercial Lot	Industrial Lot	Civic Lot
PR																			•
AG	•																		•
RMU	•	•		•									•			•			•
RG	•	•	•	•	•	•	•	•											•
NC		•	•	•	•	•	•	•	♦	•	•		•	•		•			•
GM				•	•	•	•	•	♦		•	•	•	•	•	•	•		•
LI ²		•						•			•	♦		•	♦	•	♦	•	•

Table 5.8.3.B Lot Standards							
Lot Type	Permitted In Districts	Lot Width/Building Width (if specified)	Building Setbacks ²			Lot Coverage (max)	Height (min/ max in stories ⁵
			Front ³	Rear ⁴	Side ^{3, 4}		
Estate House Lot	AG RMU RG	90 ft. min, no max	30 ft. min	40 ft. min.	15 ft. min	50%	1-3
Large House Lot	RMU RG NC LI	70 ft. min, 89 ft. max	12 ft. min 40 ft. max	30 ft. min.	10 ft. min	60%	1-3
Medium House Lot	RMU RG NC	50 ft. min., 69 ft. max	12 ft. min 30 ft. max	30 ft. min.	8 ft. min	60%	1-3
Small House Lot ⁶	RG NC GM	40 ft. min., 49 ft. max	10 ft. min 24 ft. max	25 ft. min.	5 ft. min	65%	1-3
Duplex House Lot	RG NC GM	25 ft. min., 39 ft. max	10 ft. min 24 ft. max	20 ft. min.	0 ft. min. 5 ft. min. total	65%	1-3
Small Townhouse Lot ¹	RG NC GM	16 ft. min., 23 ft. max	0 ft. min 12 ft. max	10 ft. min.	0 ft. min.	80%	1-3
Large Townhouse Lot ¹	RG NC GM LI	24 ft. min., 40 ft. max	0 ft. min 20 ft. max	10 ft. min.	0 ft. min.	70%	2-3

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Table 5.8.3.B Lot Standards							
Lot Type	Permitted In Districts	Lot Width/Building Width (if specified)	Building Setbacks ²			Lot Coverage (max)	Height (min/ max in stories ⁵
			Front ³	Rear ⁴	Side ^{3, 4}		
Small Multi-family Lot	NC GM	60 ft. min., 79 ft. max	10 ft. min 20 ft. max	10 ft. min.	6 ft. min.	80%	1-2
Medium Multi-family Lot	NC GM <u>LI</u>	80 ft. min., 119 ft. max	10 ft. min 25 ft. max	20 ft. min.	10 ft. min.	75%	2-3
Large Multi-family Lot	GM <u>LI</u>	120 ft. min., 600 ft. max, provided that no building may exceed 200 ft. in width	10 ft. min 24 ft. max	30 ft. min.	15 ft. min.	70%	2-4
Small Mixed-Use Lot	RMU NC GM	22 ft. min., 79 ft. maximum, provided that no building may exceed 79 ft. in width	10 ft. min 24 ft. max	10 ft. min.	0 ft. min. 6 ft. min. total	80%	1-2
Medium Mixed-Use Lot	NC GM <u>LI</u>	80 ft. minimum, 119 ft. maximum, provided that no building may exceed 119 ft. in width	10 ft. min. 24 ft. max.	10 ft. min.	0 ft. min. 10 ft. min. total	75%	2-3
Large Mixed-use Lot	GM <u>LI</u>	120 ft. minimum, no maximum, provided that no building may exceed 200 ft. in width	10 ft. min. 24 ft. max.	10 30 ft. min.	0 ft. min. 15 ft. min. total	70%	2-4
Small Commercial Lot	RMU NC GM LI	16 ft. min., 199 ft. max	10 ft. min	20 ft. min	5 ft. min	80%	1-2
Large Commercial Lot	GM <u>LI</u>	200 ft. min., no max	10 ft. min	30 ft. min	10 ft. min	75%	1- 54
Industrial Lot	LI	150 ft. min, no max	30 ft. min	30 ft. min	20 ft. min	60%	1-3
Civic Lot	All Non-HD Districts	50 ft. min., no max	10 ft. min	10 ft. min	10 ft. min.	80%	1- 54

Notes:

1 No more than 6 townhouses are permitted in a grouping. Groupings must be separated by a minimum of 10 feet.

2 Where a buffer is required the required setback shall be measured from the buffer line.

3 When a residential use includes a driveway accessed from a street, the driveway shall be at least 22 feet in length as measured from the property line. Covered parking accessed by a driveway, including garages and carports, shall set back at least 22 feet from the property line.

4 Detached accessory structures must be set back a minimum of 3 feet from the property line.

5 See Sec. 9.3.E.

6 Vehicular access is permitted only in the rear lot.

Sec. 5.13 Signs

5.13.3 Exempt Signs

The following signs are exempt from the permit requirements of this UDO, and do not count toward the maximum sign area limitation for a site, provided that they conform to the requirements of this UDO. Exempt signs shall not be located within the public right-of-way without an approved encroachment permit.

Note: A-D and F-K, no changes are proposed.

E. Flags.

1. Flags that do not display a commercial message shall be erected and located in accordance with the following standards:

a. Number Per Lot: For PR, AG, RG and RMU zones and for any Historic District (HD) zones, no more than two (2) flags. For NC, GMU and LI zones, no more than three (3) flags.

b. Location: Flags shall be attached to a stand-alone flagpole not located within a required setback or on a flagpole attached to a building.

Flagpoles attached to a building shall not be roof mounted or mounted to extend over the roof line or parapet.

c. Area and Height (Maximum): 32 square feet per flag with a stand-alone flagpole height of no more than 30 feet.

5.13.4 Prohibited Signs

Unless otherwise and specifically permitted elsewhere in this UDO, the following sign types are prohibited.

Note: A and C-S, no changes are proposed.

B. **Balloons, Inflatable Signs, Flutter/Feather Signs, Streamers, Pennants and Other Attention-Getting Devices.** Balloons, inflatable signs, flutter/feather signs, streamers, pennants and other attention-getting devices designed to move, that direct, promote, or that are otherwise designed to attract attention.

5.13.7 Temporary Signs

Purpose: To indicate that certain temporary signs (Real Property for Sale/Rental/Lease, Construction/Project and Campaign) do not require a Sign Permit. The permit exemption for these signs was inadvertently omitted when Sec. 5.13, Signs was previously update.

A. General

[No changes.]

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B. Special Events Signs

[No changes.]

C. Portable Signs

[No changes.]

D. ~~Real Property Sale, Rental and Lease Signs:~~ Temporary Signs Allowed Without a Sign Permit

1. Real Property Sale, Rental and Lease Signs:

1. a. Individual Single-family Lots and Residential Units:

~~a.~~ i. **Number (Maximum):** One (1) sign per street frontage.

~~b.~~ ii. **Dimensions (Maximum):** 10 square feet of sign area. Freestanding signs shall not exceed five(5) feet in height.

2. b. Areas Other than Single-family Lots and Residential Units:

~~a.~~ i. **Number (Maximum):** One (1) sign per street frontage.

~~b.~~ ii. **Dimensions (Maximum):** 64 square feet of sign area, with no sign face larger than 32 square feet. Freestanding signs shall not exceed eight (8) feet in height.

3. c. Real Property signs shall be removed within seven (7) days of the sale, rental or lease.

E. 2. Construction and Project Signs:

~~1.~~ a. **Number (Maximum):** No limitation.

~~2.~~ b. **Dimensions (Maximum):** 32 square feet of sign area. Freestanding signs shall not exceed eight (8) feet in height.

~~3.~~ c. **Time Period:** Construction and project signs shall not be erected prior to issuance of a development plan approval and shall be removed upon or prior to issuance of the final Certificate of Occupancy.

F. 3. Campaign Signs:

~~1.~~ a. **Number (Maximum):** No limitation.

~~2.~~ b. **Dimensions (Maximum):** 6 square feet of sign area. Freestanding signs shall not exceed five (5) feet in height.

~~3.~~ c. **Time Period:** Campaign signs shall not be erected earlier than 60 days prior to the election or referendum to which they apply and shall be removed within with seven (7) days after the election or referendum. Signs for candidates in a runoff election may be maintained until the final election to which the signs apply.

Article 7, Nonconformities

Sec. 7.2.2. Illegal Nonconformities

Purpose: To remove the requirement that the UDO Administrator make determinations that nonconformities are illegal and that their continuance will have an adverse impact on public health, safety and welfare. There are no compelling reasons legally to include these requirements, and their inclusion may create obstacles to removing or abating nonconformities.

Illegal nonconformities are those nonconformities that were not properly permitted or legally established at the time of establishment and do not comply with applicable zoning and land development regulations.

~~Illegal nonconformities are hereby declared to be illegal.~~ Illegal nonconformities are subject to removal and termination by the Town in accordance with Article 8 of this Ordinance. ~~upon a determination of such illegality by the UDO Administrator, and a determination by the UDO Administrator that the continuance of an illegal nonconformity will have a material adverse impact on the public health, safety, or welfare.~~

Illegal nonconformities ~~nonconforming uses, structures, sites, and signs~~ shall not be changed, enlarged, expanded, or extended, unless such action is in full conformance with the provisions of this Ordinance.

Sec. 7.9 Non-conforming Sites Resulting from Right-of-Way Dedication or Acquisition

Buildings, structures, and parking lots and other site improvements which lawfully existed prior to the adoption or amendment of this Ordinance, but do not comply with the provisions of this Ordinance ~~regarding front yard setback, parking lot setback, or greenbelt~~ as a result of required additional road right-of-way dedication to or acquisition by the Town, Beaufort County, or the State of South Carolina may be improved or expanded without obtaining a variance from the Board of Zoning Appeals upon a determination by the UDO Administrator that such improvement or expansion is reasonable. In making such a determination, the UDO Administrator shall consider ~~the~~ all of the facts and circumstances regarding the proposed improvement or expansion, including, but not limited to the following:

A.-C. *[No changes]*

Sec. 9.2, Defined Terms

Basement

Basement: ~~That portion of a building having its floor sub grade (below ground level) on all sides. That portion of a floor of a building which is one-half or more below the average grade of the ground level adjoining the building shall constitute a basement; provided, however, that if the height from the average grade level to the lowest portion of the floor beam joists are greater than three (3) feet, such basement shall be considered a story.~~

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Building

Building: ~~Any structure used or intended for supporting or sheltering any use or occupancy. Each portion of a building separated from other portions by a firewall shall be considered as a separate building. Any structure with a roof supported by columns or walls and used or intended for the shelter, housing or enclosure of any individual, animal, process, equipment, goods, or materials of any kind.~~

Family

Family: One to no more than five (5) persons who are related by blood, marriage or adoption and living together as a single household unit ~~in and occupying a single dwelling unit shall be presumed to constitute a family for the purposes of this Ordinance. The term "family" shall not be construed to mean a fraternity, sorority, club, monastery or convent, or institutional group. There shall be a rebuttable presumption that no family exists if there are more than five (5) persons and any are unrelated by blood, law, adoption, marriage, domestic partnership, or are under a judicial order for foster care living together in the same dwelling unit. This presumption may be rebutted by demonstrating the existence of a Single Household Unit to the UDO Administrator as part of an application for a Written Interpretation pursuant to this Ordinance. Such demonstration may include a lease agreement, utility bills, and affidavits from the occupants. Any appeal of the UDO Administrator's decision shall be made to the Board of Zoning Appeals in the same manner as any other Written Interpretation.~~

Raised Basement

Raised Basement: ~~A ground story that has the appearance of a raised foundation and is used primarily as a garage or storage area.~~

Single Household Unit

Single Household Unit: ~~One person or two or more individuals living together sharing an entire dwelling until together with household responsibilities and activities that may include: (1) sharing expenses for food, rent, utilities or other household items; (2) sharing household chores; (3) eating meals together; (4) participating in recreation activities together; and (5) having close social, economic, and psychological commitments to each other.~~

Stucco

Stucco: ~~A coarse plaster composed of Portland or masonry cement, sand and hydrated lime, mixed with water and applied to form a hard covering.~~

Sec. 9.3, Interpretation of Dimensional Standards

Sec. 9.3.E. Interpretation of Dimensional Standards, Story

E. Story: Where building height is expressed as a “stor(ies),” the interpretation in this section shall apply, unless otherwise required by this Ordinance. Please see Figure 9-1, Building Height. “Story” shall be interpreted as follows:

Sec. 9.4 Description of Uses of Land and Buildings

Sec. 9.4.1 Residential Uses

~~The residential use category is for buildings or portions of buildings are used for a dwelling unit. The residential use category is buildings, structures, or areas, the combination of qualities and features of which are commonly associated with and primarily used for the purpose of residential dwelling.~~ Certain types of residential uses within this category may have building types that have more than one dwelling unit per building. Certain types of residential uses may be more refined within specific zoning districts, where lot or building type standards may produce different typologies.

- A. Accessory Dwelling Unit/~~Dependency Unit: A second dwelling unit in a separate accessory structure on the same lot as the main dwelling, for use as a complete, independent living facility. A separate, complete Dwelling Unit with an exterior entrance, kitchen, sleeping area, and bathroom facilities, which is an attached or detached extension to an existing Dwelling Unit. -~~
- B. Dwelling, Multi-family: A building containing multiple dwelling units, including residential condominiums and apartments.
- C. Dwelling, Single-Family Detached: A one family detached dwelling designed for or occupied by one family.
- D. Dwelling, Single-Family Attached: ~~Two or more dwelling units attached by a common wall or roof, but wherein each unit is located on a separate lot of record. A single Building containing two or more dwelling units that are attached by a common wall or roof, have primary ground floor access to the outside, including but not limited to townhomes, duplexes, triplexes, regardless of whether each unit is located on a separate lot of record.~~
- E. Dwelling Unit: A single unit providing complete independent living facilities for one Family or Household including permanent provisions for living, sleeping, eating, cooking, and sanitation.
- F. Manufactured Home: A structure, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or when erected on site, is 320 or more square feet and which is built on a permanent chassis and designed to be used as a dwelling, with or without a permanent foundation, when connected to the required utilities, and all systems, appliances, accessories, and furnishings sold with the home, including, among other things, the plumbing, heating, air conditioning and electrical systems, as defined in S.C. Code 40-29-20(9).

ATTACHMENT 2

G. Residential: A building or portion of a building arranged or designed to provide permanent living quarters for a household. The terms “residence” and “dwelling” shall be used interchangeably.

9.4.3.G., Commercial Services, Outdoor Sales

Outdoor Sales: ~~The temporary sale of goods that are not located within an enclosed building. The display of merchandise on a sidewalk or an exterior private area of a site associated with an otherwise permitted Commercial use that does not meet the limitations of Limited or Seasonal Outdoor Sales, and which may require areas to be designed and dedicated for display when part of the permanent operations of an interior retail business. This also includes uses where the primary business is generated by merchandise displayed permanently outside. The outdoor display and/or sale of goods conducted by a Retail Business, and which may require areas to be designed and dedicated for display as part of the operations of an interior Retail Business, regardless of whether the primary business is generated by merchandise displayed permanently inside. Certain Outdoor Sales may be conducted independent of a Retail Business as provided by this Ordinance and the Town Code, as applicable.~~