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3.13 Development Surety and Stormwater Surety

Proposed Change: To create separate and distinct requirements for development and stormwater sureties.

3.13.1 Intent

This Section is intended to provide procedures and standards to facilitate the review of Development Surety Applications and Stormwater Surety Applications. Review of Development Surety Applications and Stormwater Surety Applications will be required to ensure completion of the required improvements within a specified time period.

3.13.2 Applicability

A. Development Surety ~~and/or Stormwater Surety~~ as set forth herein shall be accepted where the Applicant desires to record a plat before completion of all required improvements and where a Temporary Certificate of Compliance is being issued pursuant to this Article. The Development Surety ~~and/or Stormwater Surety~~ shall ensure the satisfactory completion of all required improvements shown on the approved Subdivision Plan or Development Plan.

1. **Development Surety.** The installation and maintenance of drinking water systems, sewer systems, streetlights and signs, open space areas, and any other improvements to be constructed or indicated in lieu of actual construction prior to final approval; and

B. ~~Stormwater Surety as set forth herein shall be accepted where the approved Final Development Plan or Stormwater Permit involves the installation of stormwater infrastructure, facilities, or practices. The Stormwater Surety shall ensure the satisfactory completion of all stormwater improvements shown on the approved Final Development Plan and/or Stormwater Permit.~~

1. **Stormwater Surety.** The installation and maintenance of erosion and sediment control Best Management Practices (BMPs), drainage systems, stormwater management systems, street systems (roadway paving, curb and gutter, roadway swales, roadway stormwater inlets, pipes, and structures), grading, any other improvements to be constructed or indicated in lieu of actual construction prior to final stormwater permit approval not included in the Development Surety.

3.13.3 Application Review Criteria

The UDO Administrator shall consider the following criteria in assessing an application for Development Surety and/or Stormwater Surety:

- A. The application must comply with applicable requirements in the Applications Manual and/or Southern Lowcountry Stormwater Design Manual (Design Manual);
- B. The following types of Development Surety and/or Stormwater Surety may be accepted by the UDO Administrator:
 - 1. Cash;
 - 2. A surety bond that names the Town of Bluffton as beneficiary;
 - 3. A bank certified check payable to "Town of Bluffton"; and

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4. An irrevocable letter of credit approved by the UDO Administrator that names the Town of Bluffton as beneficiary.
- C. Prior to the UDO Administrator's acceptance of any Development Surety and/ or Stormwater Surety, the Applicant shall submit to the UDO Administrator a copy of a contract signed by both the developer and a licensed contractor for the completion of required improvements and infrastructure, or an itemized and certified cost estimate for such work prepared by a licensed contractor, registered engineer, registered architect, or registered landscape architect, or any combination thereof, as appropriate, which will cover the costs for completion of all required improvements and infrastructure. The amount of a Development Surety and/or Stormwater Surety shall be the amount determined by the UDO Administrator to be necessary to assure completion of required improvements and infrastructure, based on such contract or cost estimate, but not less than 150% of the improvement and infrastructure costs. The surety amount includes a contingency amount to ensure completion of work which may have been underestimated or unanticipated, a maintenance fee to cover the cost of maintenance and stabilization of the site improvements, and an administrative fee to cover any potential cost incurred by the Town of Bluffton in administering completion of any unfinished portion of the work and may include, but shall not be limited to, staff time and expenses, use of Town of Bluffton equipment, and/or possible professional consultant fees.

3.13.4 Effect and Expiration of Approvals

- A. Subsequent to on-site inspection by the UDO Administrator verifying that all improvements subject to the Development Surety and/or Stormwater Surety have been satisfactorily completed or a percentage has been satisfactorily completed in the opinion of the UDO Administrator, the surety, either in whole, in part, or any remaining balance thereof, shall be released in accordance with the following:
 1. A release of an appropriate portion of a Development Surety and/or Stormwater Surety, which has been accepted by the UDO Administrator in the form of cash or certified check (hereinafter a "drawdown") or amendment of the face value of any letter of credit or performance bond (hereinafter a "markdown") that has previously been accepted by the UDO Administrator may be permitted provided that:
 - a. Prior to a request for a drawdown or markdown, the Applicant shall submit, to the UDO Administrator, the contractor's itemized list of work completed, including requisite submittals, certifications, and preliminary As-Built Drawings, or any other documents or information deemed reasonably necessary by the UDO Administrator, and work remaining as secured by the surety, which has been certified by the project engineer or owner;
 - b. The UDO Administrator has inspected the work site and has verified in writing that, to the best of his/her knowledge, all such respective work has been completed;
 - c. The requested drawdown or markdown shall be at least twenty percent (20%) of the original face value of the approved surety, but not less than 30% of the original surety posting plus administrative fees; and
 - d. No more than one such drawdown or markdown shall be approved during any thirty day period, except for the request for a final drawdown or markdown.
 2. In all cases where a drawdown or markdown is requested, the contingency fee and the administrative fee shall remain intact until the work secured by the Development Surety and/or Stormwater Surety is verified by the UDO Administrator to have been completely finished and a final drawdown or markdown has been requested; and

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3. A Development Surety shall be completely released by the UDO Administrator upon the full completion of all required improvements and infrastructure and the issuance by the UDO Administrator of a **Final** ~~final~~ Certificate of Construction Compliance~~;~~ and
 4. A Stormwater Surety shall be completely released by the UDO Administrator upon the full completion of all required improvements, infrastructure, Final As-Builts (Final As-Builts include re-survey and As-Built of previously submitted information and new development and stormwater systems constructed as part of the phase and/or subphase), or any other documents or information deemed reasonably necessary by the UDO Administrator, and the issuance by the UDO Administrator of a Notice of Termination of the stormwater permit.
- B. Time limits on Development Surety and/or Stormwater Surety shall be as follows:
1. The maximum length of time for which a Development and/or Stormwater Surety may be held by the UDO Administrator shall be one year. Any Development Surety and/or Stormwater Surety submitted as a letter of credit or performance bond shall state on its face that, subsequent to the date of expiration, the Town of Bluffton as beneficiary shall have 30 days from the date of expiration to make demand upon the issuing bank or agency for the honoring of such surety, if the respective work has not been fully completed; and
 2. Any Development Surety and/or Stormwater Surety submitted as a letter of credit or performance bond shall also state that the letter of credit or performance bond shall be automatically renewed until such time that the surety issuer provides the UDO Administrator with a 30 days~~s~~ written notice of the expiration of such surety.
- C. If all improvements and infrastructure work secured by a Development and/ or Stormwater Surety have not been completed as of the stated date for such completion, the UDO Administrator shall contract to complete the remaining work and stabilize and maintain the site following normal Town of Bluffton procurement procedures.
1. In the case of a cash or certified check surety, the Town of Bluffton shall take possession of the full amount or remaining balance of such surety.
 2. In the case of a letter of credit or bond, the UDO Administrator shall make demand upon the issuer of such surety for immediate payment to the Town of Bluffton of the full or amended face value of such surety.
- D. In addition to any Penalties set forth in this Ordinance, failure by the Applicant to keep current any Development and/or Stormwater Surety prior to the issuance of a **Final** Certificate of Construction Compliance shall cause the UDO Administrator to immediately order all development work stopped and all necessary Town of Bluffton inspections of the development work suspended until a Development and/or Stormwater Surety meeting the requirements of this Article has been approved.

3.14 Certificate of Construction Compliance

Purpose: Would remove the requirement to obtain a Temporary Certificate of Construction Compliance for commercial developments seeking a building permit before installation of at least 75% of required associated improvements are completed. This relates to difficulties with financing and construction timing. The amendment would allow a building permit to be issued but would not allow a Certificate of Occupancy to be obtained until such time as a Certificate of Final Construction Compliance is obtained.

3.14.1 Intent

This Section is intended to provide procedures and standards for the review of Certificate of Construction Compliance Applications. 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;
- C. 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.

3.14.3 Effect and Expiration of Approvals

A Final Certificate of Construction Compliance is required for all development. In certain circumstances, a Temporary Certificate of Construction Compliance may be issued. Requirements for both Final and Temporary Certificates of Construction Compliance are described herein.

A. Temporary Certificate of Construction Compliance:

1. If improvements and landscaping have not been completed as described herein for single-family residential development, an application for a Temporary Certificate of Construction Compliance may

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be approved by the UDO Administrator for a maximum of one (1) 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. For commercial uses, including multi-family residential, the Applicant may apply for a Building Permit without a Final Certificate of Construction Compliance; however, a Certificate of Occupancy will not be issued for the building until such time as a Final Certificate of Construction Compliance is obtained for the site or phase where the building is located.

3.18 Certificate of Appropriateness – Historic District (HD)

Multiples changes are proposed for Sec. 3.18. An explanation of the proposed change is provided for each sub-section.

3.18.1 Intent

Proposed Change: This sub-section has been restructured so that the intent no longer reads as “criteria,” which is found in Sec. 13.8.3. Most of the content has been retained with the proposed revision.

~~This Section is intended to provide procedures and standards to facilitate the review of Certificate of Appropriateness Applications within the Old Town Bluffton Historic District (HD) designated zoning districts. Review of Certificate of Appropriateness Applications HD shall consider the following objectives:~~

~~A. Maintenance of the educational, cultural and general welfare of the public through the preservation, protection and enhancement of Historic Resources and Old Town Bluffton Historic District;~~

~~B. Maintenance of Contributing Resources as visible reminders of the history and cultural heritage of the Town of Bluffton as well as the Lowcountry region in accordance with the standards set forth in the Secretary of the Interior’s Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings; and~~

~~C. Ensure that proposed activities foster the development of quality and innovative designs that respect and complement the eclectic character of the Old Town Bluffton Historic District.~~

This Section provides procedures and criteria to facilitate the review of Certificates of Appropriateness – Historic District (HD) applications within Old Town Bluffton Historic District (HD) zoning districts. The COFA-HD ensures that the historic, cultural, and general welfare of Old Town Bluffton Historic District is protected and preserved and that infill development that respects and complements the character of the district is fostered.

3.18.2 Applicability

Proposed Change: The section has been reformatted to identify criteria specific to new construction and alterations vs. criteria specific to contributing resources. Additionally, to avoid conflict between Development Plans and Certificate of Appropriateness-HDs during the approval process, the order of submittal is clearer, which should prevent undue delays, un-approvable plans, and should reduce the number of conditions associated with the COFA review as it is brought before the HPC.

~~3.18.2 Applicability Except for the removal or replacement of an existing manufactured home, no structure located within a HD designated zoning district or constructed 50 or more years ago within the limits of the Town, may be erected, renovated, demolished, relocated or removed, in whole or in part, nor may the exterior architectural character of such structure be altered until a Certificate of Appropriateness HD has been issued for the project. The Historic Preservation Commission shall review applications for a Certificate of Appropriateness HD for any activity which:~~

~~A. Increases the area of the structure or building footprint;~~

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- ~~B. Results in the cutting away of any exterior wall, partition, or portion thereof;~~
- ~~C. The removal or cutting of any structural beam or load-bearing support or the removal or change of any required means of egress;~~
- ~~D. Changes in fenestration location;~~
- ~~E. Requires a development plan or demolition permit;~~
- ~~F. Results in the alteration of the exterior architectural character; and,~~
- ~~G. Is not otherwise able to be reviewed through a Site Feature Permit~~ **HD.3.18.3 Application Review Criteria** Any application for a Public Project located in the Old Town Bluffton Historic District shall be reviewed “for comment only” by the Historic Preservation Commission (HPC) using the criteria in Section 3.18 Certificate of Appropriateness – Historic District (HD). The UDO Administrator will maintain approval authority and may consider the comments of the HPC. The application shall not require a Certificate of Appropriateness HD to proceed.

- A. The Historic Preservation Commission shall review applications for a Certificate of Appropriateness-HD for new construction, alterations, relocation, or demolition of structures and other activities as may be described herein and that are not otherwise able to be reviewed through a Site Feature-Historic District Permit.

Except for the replacement or demolition of an existing manufactured home, no structure located within Old Town Bluffton Historic District can be constructed, altered, relocated, or demolished, in whole or in part, without an approved Certificate of Appropriateness-HD.

- B. Any application for a Public Project located in Old Town Bluffton Historic District shall be reviewed “for comment only” by the Historic Preservation Commission using the criteria in this Section. The UDO Administrator will maintain approval authority and may consider the comments of the Historic Preservation Commission. The application shall not require a Certificate of Appropriateness-HD to proceed.

3.18.3 Application Review Criteria New Construction and Alterations

Proposed Change: This sub-section has been reformatted to identify criteria specific to new construction and alterations, including criteria specific to contributing resources. Presently, the review criteria are intermingled and some are not applicable (e.g., applying Secretary of Interior standards to new construction). Other substantive changes include requiring an approved Final Development Plan, Subdivision plan and other agreements, as applicable, to avoid potential multiple COFA reviews when those plans and agreements are in the review process. Improvements have also been made to existing criteria.

The Historic Preservation Commission shall consider the following criteria in assessing an application for Certificate of Appropriateness HD:

- ~~A. Consistency with the Secretary of Interior’s Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings;~~
- ~~B. Consistency with the principles set forth in the Old Town Bluffton Master Plan;~~

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~~C. The application must be in conformance with applicable provisions provided in Article 5, Design Standards;~~

~~D. The nature and character of the surrounding area and consistency of the resource with the scale, form and building proportions of the surrounding neighborhood;~~

~~E. Preservation of the existing building's historic character and architecture;~~

~~F. The historic, architectural, and aesthetic features of the resource including the extent to which its alteration or removal would be detrimental to the public interest;~~

~~G. For an application to demolish, either in whole or in part, any Contributing Structure, the Historic Preservation Commission shall consider: 1. The existing and historical ownership and use and reason for requesting demolition; and 2. Information that establishes clear and convincing evidence that: a. The demolition of the structure is necessary to alleviate a threat to public health or public safety; and b. No other reasonable alternatives to demolition exist; and c. The denial of the application, as a result of the regulations and standards of this Section, deprive the Applicant of reasonable economic use of or return on the property;~~

~~H. The application must comply with applicable requirements in the Applications Manual.~~

To maintain the character of Old Town Bluffton Historic District, new construction and alterations shall be consistent with the standards, criteria and guidelines developed for the district. The Historic Preservation Commission shall consider the following criteria in its consideration of an application for a Certificate of Appropriateness-HD for new construction and alterations:

1. Consistency with applicable principles set forth in the *Old Town Bluffton Master Plan* and *Town of Bluffton Comprehensive Plan*;
2. Conformance with the approved Final Development Plan, Subdivision Plan, and any other agreements or plans that are applicable;
3. Conformance with applicable provisions in Article 5, Design Standards;
4. Demonstration of a compatible visual relationship between new construction or alterations and existing buildings, streetscapes and open spaces. A compatible visual relationship must be generally of a similar structural mass, scale, height, proportion, directional expression of the principal elevation and rhythm of spacing, as applicable;
5. Compliance with applicable requirements in the Applications Manual.

In addition to 1-5 above and as applicable, the Historic Preservation Commission shall consider the following criteria for a Contributing Resource:

6. Compliance with the *U.S. Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Structures*;
7. Demonstration that historic architectural features will be preserved to maintain the resource as a Contributing Resource to the Old Town Bluffton Historic District. Additions shall not destroy any features that characterize the Contributing Resource. New work shall be differentiated from and be compatible with the size, scale, material, and character of the property and surroundings.
8. Demonstration that any new additions will be undertaken in such a manner that the essential form and integrity of the structure would be unimpaired if such additions were to be removed in the future; and,

9. In the case of a Contributing Resource approved for relocation, the Historic Integrity shall be maintained to the greatest extent possible, including siting the relocated structure as close to the original site as possible, in a setting similar to its historic placement including building orientation setback from the street, and lot coverage. The new foundation shall match the original foundation in height, design, and materials to the extent possible.

3.18.4 Demolition of a Contributing Structure Relocation

Proposed Change: This is a new section to provide specific and improved criteria for the relocation of any structure—contributing resource or not—within, into or out of the Old Town Bluffton Historic District.

~~A. In addition to the Application Review Criteria set forth in Section 3.18.3, in reviewing and recommending action on, or approving, approving with conditions, or denying, applications that include the demolition of any Contributing Structure, either in whole or in part, the Historic Preservation Commission may find that the preservation and protection of the Contributing Structure and the public interest will best be served by postponing the demolition for a designated period not to exceed 180 days. During the period of postponement, the Historic Preservation Commission shall consider what alternatives to demolition may exist and then, as appropriate, make such recommendations to Town Council and the Applicant. Such consideration by the Historic Preservation Commission shall, at a minimum, include the following:~~

- ~~1. Alternatives for preservation of the structure, either in whole or in part, including consultation with civic groups, interested private citizens, and other boards or agencies (both public and private); or,~~
- ~~2. If other alternatives for preservation cannot be identified and the preservation of a given structure is clearly in the interest of the general welfare of the community and of certain historic and architectural significance, investigation of the potential use of the power of eminent domain by the Town to acquire the property.~~

~~B. If after the postponement period has expired and an alternative for preservation has not been recommended, action regarding the application shall be taken in accordance with this Section at the next regularly scheduled Historic Preservation Commission meeting.~~

A. Non-Contributing Structures

The relocation of non-contributing structures into or within Old Town Bluffton Historic District shall be reviewed as new construction and the criteria in Sec. 3.18.3. shall be applied.

B. Contributing Resources

The relocation of any Contributing Resource is detrimental to the integrity of Old Town Bluffton Historic District and, where applicable, the Bluffton Historic District (listed in the National Register 1996), as significance of the resource is embodied in location, context, and setting, as well as the resource itself. Relocation of a Contributing Resource may destroy the relationship between the resource and its surroundings, associations with historic events and persons, historic features (such as landscaping, foundation, chimneys), and known or potential archaeological resources. Relocation may also create a false sense of historic development. For these reasons, relocation of a Contributing Resource that is individually listed in the National Register of Historic Places, contributes to the Bluffton National Register Historic District, or that was designated as

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contributing to the Old Town Bluffton Historic District on or after June 19, 2007 shall not be permitted except in extraordinary circumstances.

1. The Historic Preservation Commission shall consider the following in its consideration of an application for a Certificate of Appropriateness-HD for relocation:
 - a. The reason for the relocation and evidence that one or more extraordinary circumstances exists to support relocation;
 - b. The construction date, history of ownership, development, use(s), and any other pertinent history of the Contributing Resource;
 - c. Relocation alternatives on the existing site of the Contributing Resource that were explored and why they are not feasible;
 - d. Demonstration that the proposed relocation site will approximate the historic character and development of the original location, and the proximity of the relocation site to the original location;
 - e. Demonstration through a report prepared by a State of South Carolina registered professional structural engineer with demonstrated experience in historic preservation that the structure can be relocated without irreparable harm, supported by findings. If the report finds that intact relocation is not possible, findings shall also be provided for relocation by partial or complete disassembly of the Contributing Resource for reassembly in another location without irreparable loss of Historic Integrity.
2. **Effect of Approval**

If relocation of the Contributing Resource is approved, the approval shall be conditional until the following are provided:

 - a. An approved Certificate of Appropriateness-HD for the receiving site if located within Old Town Bluffton Historic District;
 - b. An approved Final Development Plan for the receiving site, when applicable;
 - c. Compliance with the relocation and documentation guidelines approved by Town Council; and,
 - d. Compliance with applicable requirements in the Applications Manual.

3.18.5 Effect and Expiration of Approvals Demolition

Proposed Change: Provides demolition standards for both contributing and non-contributing resources.

A. Approval.

- ~~1. Following approval of an application for a Certificate of Appropriateness HD the Applicant may apply for a building permit or any other plan approval, if applicable. In the event such additional approvals are not applicable or necessary, the Applicant may commence the activity(ies) as authorized by the approved application.~~
- ~~2. Following approval of an application for a Certificate of Appropriateness HD that includes the demolition, either in whole or in part, of any Contributing Structure and prior to the commencement of any demolition activities, the Applicant shall document the structure according to the documentation standards of the Historic American Building Survey and the Historic American~~

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~~Engineering Record for archival purposes and submit such recording to the UDO Administrator for review and approval.~~

~~B. Expiration. Approval of a Certificate of Appropriateness HD shall expire two years from the date of its issue unless an appreciable amount of improvement or development commences and proceeds to completion in a timely and customary manner in accordance with the Certificate of Appropriateness HD.~~

A. Non-contributing Structures

The below items shall be provided by the Applicant and reviewed by the Historic Preservation Commission in its consideration of a request for demolition of any structure, in whole or in part, in Old Town Bluffton Historic District that is not designated as a Contributing Resource:

1. The construction date, history of ownership, development, use(s), and the reason for the demolition request; and,
2. Compliance with all applicable requirements in the Applications Manual.

B. Contributing Resources

The demolition of a Contributing Resource, either in whole or in part, is detrimental to the integrity and status of Old Town Bluffton Historic District and, where applicable, the Bluffton National Register Historic District, as significance of these districts is embodied by their contributing resources. Demolition of a Contributing Resource that is individually listed in the National Register of Historic Places, contributes to the Bluffton National Register Historic District, or that was designated as contributing to the Old Town Bluffton Historic District on or after June 19, 2007, shall not be permitted except in extraordinary circumstances and when all preservation alternatives have been exhausted.

1. The Historic Preservation Commission shall consider the following in its consideration of an application for a Certificate of Appropriateness-HD for demolition, either in whole or in part:
 - a. The construction date, history of ownership, development, use(s), and other pertinent history of the Contributing Resource, and the reason for the request;
 - b. A report prepared by a State of South Carolina registered professional structural engineer with demonstrated experience in historic preservation detailing the structural soundness of the Contributing Resource supported by findings, including clear and convincing evidence that demolition is necessary, in whole or in part, to alleviate a threat to public health or public safety;
 - c. Evidence that demolition is required to avoid exceptional practical difficulty or undue hardship upon the owner of the property and that no other reasonable alternatives to demolition exist, including but not limited to relocation. If exceptional practical difficulty or undue hardship is claimed, evidence shall be provided to demonstrate that the applicant did not have the opportunity to discover the nature of the difficulty or undue hardship and that application of the standards would deprive the applicant of reasonable use and economic return on the property.

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- d. Consistency with applicable principles set forth in the *Old Town Bluffton Master Plan* and *Town of Bluffton Comprehensive Plan*; and,
- e. Compliance with all applicable requirements in the Applications Manual.

The applicant should provide, at a minimum, the following information:

- (1) ~~Nature of ownership (individual, business, or nonprofit) or legal possession, custody, and control;~~
- (2) ~~Financial resources of the owner and/or parties in interest;~~
- (3) ~~Cost of repairs;~~
- (4) ~~Assessed value of land and improvements;~~
- (5) ~~Real estate taxes for the previous two years;~~
- (6) ~~Amount paid for the property, date of purchase, and party from whom purchased, including a description of the relationship between the owner and the person from whom the property was purchased, or other means of acquisition of title, such as by gift or inheritance;~~
- (7) ~~Annual debt service, if any, for previous two (2) years received;~~
- (8) ~~Any listing of the property for sale or rent, price asked, and offers received, if any;~~
- (9) ~~In addition, for an income producing property, the following information from the previous two years: the annual gross income from the property, itemized operating and maintenance expenses, and annual cash flow; and~~
- (10) ~~The timeline and circumstances under which the applicant learned of the condition of the Contributing Structure which gave rise to the applicant's decision to request approval to demolish it.~~

2. Delay of Decision Regarding Demolition

In considering the criteria for demolition, the Historic Preservation Commission may find that the preservation and protection of the Contributing Resource and the public interest will best be served by postponing a decision for a designated period not to exceed 180 days. During the period of postponement, the Historic Preservation Commission shall consider what alternatives to demolition may exist. Consideration by the Historic Preservation Commission shall include:

- a. ~~Alternatives for preservation of the structure, either in whole or in part, including consultation with civic groups, interested private citizens, and other boards or agencies (both public and private); and,~~
- b. ~~If other alternatives for preservation cannot be identified, including relocation, and the preservation of the Contributing Resource is clearly in the interest of the general welfare of the community, investigation of the potential of the Town to acquire the property.~~

3. Effect of Approval

- a. ~~In granting a Certificate of Appropriateness-HD for demolition, the Historic Preservation Commission may impose such reasonable and additional conditions, which may include deconstruction of historic building components for re-use.~~
- b. ~~The process for demolishing a Contributing Resource, including documentation to be provided, shall comply with demolition guidelines approved by Town Council.~~

3.18.6 Amendments to Approvals Expiration of Approvals

Proposed Change: To have this sub-section be specifically for expiration of an approved COFA-HD. Amendments to an approved COFA-HD would have its own sub-section (3.18.7).

3.18.6 Amendments to Approvals

~~A. An Applicant who has been granted a Certificate of Appropriateness HD shall notify the UDO Administrator of any proposed amendments to approved plans.~~

~~B. Changes may be approved by the UDO Administrator if the proposed revision complies with the standards of this Ordinance and does not substantially alter the basic design approved by the Historic Preservation Commission. C. If the UDO Administrator determines that the requested modification to the approved plans substantially deviates from the basic design approved by the Historic Preservation Commission in accordance with the Certificate of Appropriateness HD, a new, separate application shall be submitted.~~

Approval of a Certificate of Appropriateness-HD shall expire two years from the date of approval unless an appreciable amount of improvement, development or other activity approved by the Historic Preservation Commission commences, as determined by the UDO Administrator, and proceeds to completion in a timely and customary manner in accordance with the Certificate of Appropriateness HD.

3.18.7 Amendments to Approvals

Proposed Change: To provide the amendment process with its own sub-section.

- A. An Applicant who has been granted a Certificate of Appropriateness HD shall notify the UDO Administrator of any proposed amendments to approved plans.
- B. Changes may be approved by the UDO Administrator if the proposed revision complies with the standards of this Ordinance and does not substantially alter the approval by the Historic Preservation Commission.
- C. If the UDO Administrator determines that the requested modification to the approved plans substantially deviates from the approval by the Historic Preservation Commission in accordance with the Certificate of Appropriateness HD, a new application shall be submitted.

3.19.2 Site Feature – Historic District Permit, Applicability

Proposed Change: Includes the addition of “shed,” which is presently a type of “garden structure.” As a roofed structure less than 121 square feet, a shed can be for both residential and commercial storage, including commercial freezers. Garden structures are yard elements, such as fences, walls, and trellises.

A. Permit Required. A Site Feature - Historic District (HD) Permit is required for the following:

1. Sign, to include new signs, modifications to existing signs, or replacement of existing signs. Certain signs, as indicated in Sec. 5.13.3, are exempt from the Site-Feature-Historic District (HD) Permit requirement.

2. Modifications or improvements to site elements such as changes to parking lots, sidewalks, landscaping, and lighting;
3. Garden Structures and Sheds; as specified in Sec. 5.15.5;
4. *[No change.]*
5. *[No change.]*

Sec. 3.25 Designation of Contributing Resources

Proposed Change: The process for designating a contributing resource exists, but a formal process to remove contributing status does not. Removal of the designation has been a policy decision that includes a recommendation from the HPC for consideration by Town Council.

3.25 Designation of Contributing Resources Contributing Resource Procedure and Criteria

Proposed Change: Renaming this section as it is proposed to include a process to remove a contributing resource designation.

3.25.1 Intent

This Section is intended to provide procedures and criteria to facilitate designation or the removal of designation as a ~~of~~ Contributing Resources ~~s within to the~~ Old Town Bluffton Historic District.

3.25.2 Applicability

Applications to designate or remove the designation as a Contributing Resources ~~s to~~ or from the Old Town Bluffton Historic District may be initiated by the property owner, UDO Administrator, Historic Preservation Commission or Town Council. ~~When the applicant is not the property owner, written consent of the property owner is required at time of application.~~

3.25.3 Application Review Criteria

- A. Except as provided elsewhere in this Section, any ~~resource building, structure, object, site~~ that is at least 50 years old, as applicable, and retains integrity of location, design, setting, materials, workmanship, feeling, and association may be considered for a Contributing Resource designation by Town Council upon a recommendation of the Historic Preservation Commission. At least one of the following criteria must be present:
 1. ~~The resource is associated~~ An association with events that have made a significant contribution to the broad patterns of our history;
 2. ~~The resource is associated~~ An association with the lives of persons significant in our past;
 3. ~~The resource embodies~~ Embodiment of the distinctive characteristics of a type, period, or method of construction or represents the work of a master, or possesses ion of high artistic

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values, or ~~represents representation of~~ a significant and distinguishable entity whose components lack individual distinction; or

4. ~~The resource has yielded, or is likely to yield, information~~ Information important in prehistory or history has been yielded or is likely to be yielded.

B. Resource of Exceptional Importance

Any ~~resource~~ building, structure, or object that is less than 50 years old may be designated as a Contributing Resource by Town Council, upon a recommendation of the Historic Preservation Commission, if ~~the resource it~~ is of 'exceptional importance.' In consideration of the designation, the Historic Preservation Commission and Town Council shall consider the following:

1. Significance ~~of the resource~~ in history, architecture, archeology, engineering, or culture when evaluated within the historic context of the Town, State or Nation;
2. Integrity of location, design, setting, materials, workmanship, feeling and association ~~of the resource~~, as applicable; and,
3. Compliance with Criterion G, as provided in the *National Register Bulletin: How to Apply the National Register Criteria for Evaluation*, as amended.

C. The application must comply with applicable requirements in the Applications Manual.

3.25.4 ~~Effect of Approval~~ Application Review Criteria to Remove the Designation as a Contributing Resource

~~Upon designation, Town Council shall amend the 'Contributing Resources' map to include the approved Contributing Resource.~~

1. Any Contributing Resource that no longer meets the criteria for designation because the qualities which caused it to be originally designated have been lost or destroyed, or the designation criteria in Sec. 3.25.3.A. no longer applies, Town Council may remove the designation as a Contributing Resource upon a recommendation of the Historic Preservation Commission.
2. The application shall comply with applicable requirements in the Applications Manual.

3.25.5 Effect of Approval

Upon designation or the removal of the designation, Town Council shall amend the 'Contributing Resources' map accordingly. ~~to include the approved Contributing Resource.~~

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Sec. 4.3 Uses by District, Table 4.3

Proposed Change: The addition of the Storefront Manufacturing use to the Neighborhood General-Historic District. This use primarily functions as a commercial store but may have some related manufacturing, assembly and packaging of items that is not discernible from the exterior.

Table 4.3 Uses by District												
	Preserve (PR)	Agricultural (AG)	Rural Mixed Use (RMU)	Residential General (RG)	Neighborhood Core (NC)	General Mixed Use (GM)	Light Industrial (LI)	Riverfront Edge Historic District (RV-HD)	Neighborhood Conservation Historic District (NCV-HD)	Neighborhood General Historic District (NG-HD)	Neighborhood Center Historic District (NCE-HD)	Neighborhood Core Historic District (NC-HD)
Industrial												
Storefront Manufacturing	-	-	C	-	C	C	C	-	-	C	C	C

Sec. 5.10 Stormwater

Purpose: To make a distinction make a distinction between development and redevelopment as it relates to the size of land disturbance, which triggers stormwater improvements and grading plan requirements.

Sec. 5.10.1 General provisions

A. Intent *(No Changes)*

B. Purpose *(No Changes)*

C. Applicability

~~Beginning with and subsequent to its effective date, this Article shall be applicable to:~~

~~1. The following activities, unless exempt pursuant to Section 5.10.1.C.2 below:~~

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- ~~a. Development and/or Redevelopment that involves the creation, addition or replacement of 5,000 square feet or more of impervious surface or that involves other Land Disturbing activities of one acre or more.~~
 - ~~b. Development and/or Redevelopment, regardless of size, that is part of a Larger Common Plan of Development, even though multiple, separate, and distinct Land Disturbing activities may take place at different times and on different schedules.~~
 - ~~c. A Major Substantial Improvement of an existing property.~~
1. This Section shall apply to the following activities unless otherwise exempted by Sec. 5.10.1.C.2:
 - a. Any Development of 5,000 or more square feet of land disturbance;
 - b. Any Redevelopment/Infill that will result in an additional 2,000 or more square feet of impervious surface;
 - c. Any Land Disturbance, regardless of size, within a Larger Common Plan of Development where multiple, separate and distinct land disturbing activities may occur at different times and on different schedules; and,
 - d. A Major Substantial Improvement of an existing lot.
 2. The following activities are exempt from this ~~Article~~ Section:
 - a. Any maintenance, alteration, renewal, or improvement as approved by the Town which does not alter existing drainage patterns, does not result in change or adverse impact on adjacent property, or create adverse environmental or water quality impacts, and does not increase the temperature, rate, quality, or volume or location of stormwater runoff discharge;
 - b. Projects that are exclusively for agricultural or silvicultural activities, not involving relocation of drainage canals, within areas zoned for these uses;
 - c. Redevelopment that constitutes the replacement of the original square footage of impervious cover and original acreage of other Development activity when the original Development is wholly or partially lost due to natural disaster or other acts of God occurring after September 14, 2021; and,
 - d. Work by governmental agencies or property owners required to mitigate emergency flooding conditions. If possible, emergency work should be approved by the duly appointed officials in charge of emergency preparedness or emergency relief. Property owners performing emergency work will be responsible for any damage or injury to persons or property caused by their unauthorized actions. Property owners will stabilize the site of the emergency work within 60 days, or as soon as reasonable, following the end of the emergency period.
 3. Any illicit discharges.
 4. The provisions of this ~~Article~~ Section shall apply throughout the incorporated areas of the Town.

Sec. 5.10.3 Standards

A.-B. *(No Changes)*

C. Stormwater Surety

Financial sureties for the cost of stormwater facilities approved for the proposed Development and/or Redevelopment shall be provided in accordance with the Town Stormwater Surety and stormwater permit issuance process in this Article Section 3.13.

D.-I. *(No Changes)*

J. Grading

Mass Grading and Clearing shall not be permitted. No land within the Town shall be cleared, disturbed, graded, excavated, except as follows:

~~1. It shall be unlawful to perform any Land Disturbance, or land disturbing activity, in excess of 5,000 square feet or create an increase in impervious surface in excess of 2,000 square feet unless a Grading Plan has been submitted to and approved by the Town of Bluffton as provided for herein.~~

It shall be unlawful to perform any Land Disturbance, or land disturbing activity, of 5,000 or more square feet or accruing a total exceedance of 5,000 square feet of impervious surface without a Grading Plan approved by the Town of Bluffton.

2. ~~A~~ Grading Plans shall be filed with and become part of any Application that equals or exceeds the threshold limits provided above. Such plans shall be prepared in accordance with Article 3 and shall follow the requirements set forth in Article 5 Design Standards.

3. Amendments to Grading Plans. Amendments, changes or modifications of a minor nature to a plan required as a result of field conditions arising during construction may be ordered or approved by the UDO Administrator.

~~4. All Grading Plans shall follow the requirements set forth in Article 5 Design Standards.~~

~~5.~~ 4. Soil erosion and sediment control measures shall, at a minimum, conform to the Standards for Soil Erosion and Sediment Control per the *Design Manual*.

K. **Fee-in-Lieu.** A fee-in-lieu may be approved by the UDO Administrator when none or only partial stormwater requirements, as defined in this Article Section and in the *Design Manual*, cannot be attained on the site ~~{due to impractical site characteristics or constraints}~~. A Maximum Extent Practicable analysis shall be required by the applicant for review by the UDO Administrator to make this determination.

L. **Waiver.** Individuals seeking a waiver from the requirements of this Article Section may submit to the UDO Administrator a request for a waiver in accordance with the *Design Manual*.

Sec. 5.11 Parking

Proposed Changes: Amendments include: 1) a cross-reference to parking requirements in Old Town Bluffton Historic District; 2) removal of the allowance to apply parking at a public facility located within 500 feet of a property towards the required parking calculation; 3) a change of parking space requirements from maximum to minimum requirements (Table 5.11.3.c); 4) elimination of the ability to the UDO Administrator to reduce minimum parking requirements as a variance process is available; 5) a reduction of the percentage of parking spaces that may be identified as compact from 25% of all spaces to 10% of all spaces when at least 25 parking spaces are provided (and providing for dimensional requirements); 6) elimination of the ability to apply golf cart parking spaces towards the required parking calculation (and providing for dimensional requirements); 7) a requirement for accessory dwelling units to provide one parking space (presently, requirement is two spaces per dwelling unit); 8) parking space dimensions would be revised for some angled parking to avoid vehicular encroachment into drive aisles and parallel parking dimensions would be slightly increased to accommodate larger vehicles and, 9) correction of typos.

Sec. 5.11.1. Intent

No changes.

Sec. 5.11.2. Parking Space Calculations

These provisions shall apply to all development and redevelopment in the Town of Bluffton except as otherwise provided for in Old Town Bluffton Historic District, Sec. 5.15.7.

Sec. 5.11.3. Parking Space Calculations

~~A. Parking calculations may include public parking that is within 500 feet of the property.~~

~~A.-B.~~ Shared parking may allow for a reduction of up to 40 percent based upon the compatibility of uses that have different parking demands and are able to share parking lots/ spaces throughout the day (except for Restaurant Uses). The Applicant shall provide a parking study to justify the number of spaces for shared parking. The Applicant shall provide a shared parking easement that must be approved by the UDO Administrator and be recorded with Beaufort County to allow the shared parking arrangement between property owners/ tenants.

~~B. If an Applicant would like to reduce the number of parking spaces beyond 20 percent or increase the number of parking spaces beyond the maximum in the table below, the Applicant shall provide a parking study for the UDO Administrator's review.~~

~~B.~~ Unless otherwise noted, the following ~~parking space calculations define~~ are the ~~maximum~~ minimum amount of parking ~~spaces allowed~~ required for specific uses:

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Table 5.11.3.C Parking Spaces	
Use	Maximum Parking Minimum Parking Spaces
Residential	2 spaces per dwelling unit, <u>1 space per accessory dwelling unit minimum</u>
Lodging	1 space per bedroom for rent plus 2 spaces per 1000 sf of ancillary office use
Office	4 spaces per 1000 sf
Health / Human Care	3.5 spaces per 1000 sf
Commercial Services	4 spaces per 1000 sf
Civic / Institutional	1 space per 1000 sf
Education	1 space per 3 students plus 1 space per instructor
Agricultural / Conservation	1 space per 500 sf of commercial use plus 1 space per employee
Industrial	1 space per each employee at max shift plus 1 space for each company vehicle
Recreation / Entertainment	Number of spaces shown to be necessary and reasonable by data submitted by the Applicant and as approved by the UDO Administrator
Motor Vehicle Sales and Service	4 spaces <u>per</u> 1000 sf of the showroom and 2 spaces per the service bay

Sec. 5.11.4. Standards: Design Standards for Parking Areas and Parking Lots

A. The following dimensional requirements for parking spaces shall be applicable to all parking areas and parking lots other than single-family detached residential parking on the lots:

1. Diagonal/angled and perpendicular parking spaces and parking space sizes shall conform to the following table of minimum values. Angled parking may be reverse angle as well.

Table 5.11.4.A.1 Parking Space Design Standards				
A. Parking Angle (degrees)	B. Curb Length (feet)	C. Stall Depth (feet)	D. Aisle Width	
			One-Way	Two-Way
30°	18'	16' <u>20'</u>	12'	20'
45°	12' <u>13'</u>	18' <u>20'</u>	14'	20'
60°	10' <u>11'</u>	19' <u>21'</u>	18'	22'
90°	9'	18'	20'	22' – min 24' - max

2. Up to 25% of all Parking Areas may be designated for compact cars and/or golf carts. For any non-residential use that requires at least 25 parking spaces, up to 10% of the parking spaces may be designated for compact car parking. Compact parking spaces shall be

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grouped, where possible, and designated by signage or pavement marking. Compact parking space dimensions shall be no less than nine (9) feet wide and 15 feet in length. Golf cart parking spaces shall not count towards required parking spaces. If golf cart parking spaces are provided, parking space dimensions shall not be less than six (6) feet wide by 12 feet in length.

3. ~~Parallel parking spaces shall be 8-10 feet in width and 18-26 feet in length.~~ Parallel parking spaces shall be a minimum of nine (9) feet in width and 22 feet in length.
4. Wheel stops shall be provided in all parking facilities without curbing. The vehicle side of the wheel stop shall be no more than 18 inches from the end of the parking space.
5. Each parking bay shall be separated from other parking bays by a median. All medians shall be at least 12 feet wide.
6. Not more than eight (8) continuous parking spaces shall be allowed in a row of parking without separation by a landscape island. Each landscape island shall be at least 10 feet in width.
7. A landscape island of at least 12 feet in width shall be provided at the ends of each parking bay.

Sec. 5.11.5. Off-Street Loading Requirements

No changes.

Sec. 5.11.6. Standards: Bicycle Parking

No changes.

Sec. 5.15 Miscellaneous Old Town Bluffton Historic District

Proposed Changes: The increase in the minimum front build-to zone in the NC-HD and NCE-HD zoning districts increases the area between the buildings and the right-of-way by 5 feet, which does not include porches or stoops. At present, the front build-to, which typically has a 6-10 feet front porch area, extends beyond the front build-to. Since the minimum porch depth is 6 feet, a 5-foot build-to line is not possible should a front porch be proposed. The increase allows more flexibility to set the structure back farther on the lot and ensures there is at least a small amount of space at the front of the lot for the required street trees, foundation plantings, and will help to save large trees at the front of lots.

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Sec. 5.15.5.A. Neighborhood Core Historic District, Building Type Requirements, Front Build-to Zone

Neighborhood Core Building Type Requirements	Front Build-to Zone
Main Street Building	0' – 10' <u>10' – 20'</u>
Commercial Cottage	5' – 15' <u>10' – 15'</u>
Live-Work Sideyard	0' – 5' <u>10' – 15'</u>
Duplex	5' – 15' <u>10' – 15'</u>
Triplex	5' – 15' <u>10' – 15'</u>
Mansion Apartment House	5' – 15' <u>10' – 25'</u>
Civic Building	5' – 25' <u>10' – 25'</u>
Additional Building Type	0' – 25' <u>10' – 25'</u>

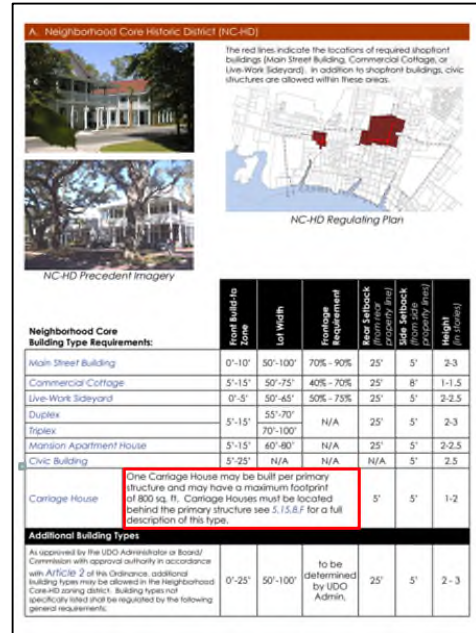
Sec. 5.15.5.B. Neighborhood Center Historic District, Building Type Requirements, Front Build-to Zone

Neighborhood Center Building Type Requirements	Front Build-to Zone
Main Street Building	10' – 25'
Commercial Cottage	5' – 20' <u>10' – 20'</u>
Live-Work Sideyard	0' – 5' <u>5' – 10'</u>
Duplex	5' – 15' <u>10' – 15'</u>
Triplex	5' – 15' <u>10' – 15'</u>
Mansion Apartment House	5' – 15' <u>10' – 25'</u>
Cottage	5' – 15' <u>10' – 15'</u>
Village House	5' – 15' <u>10' – 15'</u>
Sideyard House	5' – 10' <u>10' – 15'</u>
Vernacular House	10' – 20'
Civic Building	5' – 25' <u>10' – 25'</u>
Additional Building Type	10' – 25'

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5.15.5.A-E. General Standards

[Editor's Note: Example graphic provided to show where change is proposed in Secs. A-E. See below for proposed amendments.]



5.15.5.A. Neighborhood Core Historic District

Carriage House	One Carriage House may be built per primary structure and may have a maximum footprint of 800 sq.ft. Carriage Houses must be located behind the primary structure see 5.15.8.F. for a full description of this type. See Sec. 5.15.8.F. for placement and other requirements.
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5.15.5.B. Neighborhood Center Historic District

Carriage House	One Carriage House may be built per primary structure and may have a maximum footprint of 800 sq.ft. Carriage Houses must be located behind the primary structure. See 5.15.8.F. for a full description of this type. See Sec. 5.15.8.F. for placement and other requirements.
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5.15.5.C. Neighborhood General Historic District

Carriage House	One Carriage House may be built per primary structure and may have a maximum footprint of 800 sq.ft. Carriage Houses must be located behind the primary structure. See 5.15.8.F. for a full description of this type. See Sec. 5.15.8.F. for placement and other requirements.
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5.15.5.D. Neighborhood Conservation Historic District

Carriage House	One Carriage House may be built per primary structure and may have a maximum footprint of 800 sq.ft. Carriage Houses must be located behind the primary structure. See 5.15.8.F. for a full description of this type. See Sec. 5.15.8.F. for placement and other requirements.
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5.15.5.E. Riverfront Edge Historic District

Carriage House	Two carriage houses may be built per primary structure and may have a maximum footprint of 800 sq.ft. each. They must be placed between the primary structure and the street. See Sec. 5.15.8.F. for placement and other requirements.
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5.15.5.C. Neighborhood General Historic District (NG-HD)

Proposed Change: Reformatting for consistency and clarification on the residential character requirement.

~~1. The Neighborhood General HD zoning district shall be primarily residential in nature. All commercial or mixed-use development within this zoning district must maintain a predominantly residential character.~~

~~2. A waiver of the mandatory residential component may be granted by the UDO Administrator for commercial properties with direct frontage on SC Highway 46 or Bruin Road. While these commercial properties may have retail shopfronts or have awning/marquees or colonnades/arcades and be at grade, in accordance with this Ordinance, they must still maintain residential scale.~~

Within the NG-HD district, building form and scale shall be primarily residential to maintain the predominantly residential character component of this district. The UDO Administrator may waive the mandatory residential component for properties with frontage on SC Highway 46 and Bruin Road; buildings on these properties may be constructed with retail shopfronts, awnings, marquees, colonnades, or arcades in accordance with this UDO but must be residential in form and scale.

Sec. 5.15.5.E. General Standards, Riverfront Edge Historic District

Proposed Change: Zoning districts are used in place of transect zones.

In the Riverfront Edge ~~Transect Zone-~~ HD district, the river shall be the focus of each lot abutting it and therefore acts as the “front” of the lot.

Sec. 5.15.5.F.11. Old Town Bluffton Historic District, General Standards, Large Footprint Buildings

Proposed Change: To remove the “large footprint building” standards from General Standards. They directly conflict with the maximum size permitted for buildings, which was an amendment added to the Additional Building Type in 2021. Should this be amended in the future to allow large footprint buildings, it should fall under the Building Types for each district rather than the General Standards for Architecture. This subsection will be for sheds and identify the number permitted.

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11. Large Footprint Buildings Sheds

- a. Large footprint buildings can only be located in the Neighborhood Core Historic District Zoning District.
 - b. Buildings may be one story in height, but shall be at least 24 feet in height. This may be accomplished with ~~Liner Buildings or higher ceiling heights and/ or parapets.~~
 - c. ~~To encourage use by pedestrians and decrease the need for solely auto-oriented patronage, Large Footprint Buildings must reinforce the character of the Old Town Bluffton Historic District and shall therefore front the buildings to the sidewalks, providing windows and doors at frequent intervals. Operable doorways should occur on an average of every 50 feet for the whole length of the street frontage.~~
 - d. ~~Building footprints shall not be larger than a single block. Floor area of buildings shall not cantilever over public rights-of-way.~~
 - e. ~~Loading docks, service areas and trash disposal facilities shall not face streets, parks, squares, waterways, or significant pedestrian spaces.~~
- Sheds shall not be taller than one-story, exceed 121 square feet, and no more than three (3) are permitted per lot.

Sec. 5.15.6.E.8.b., Chimneys, Roof Appurtenances, and Roof Penetrations

Format issue—move standard “b” to correct location (appears under “Chimneys Precedent Imagery”)

Sec. 5.15.6.E.8.d., Chimneys, Roof Appurtenances, and Roof Penetrations

Proposed Change: To provide concealment of arrestors, flues and caps from street view. This change was proposed by the Planning Commission.

- d. In keeping with masonry building technology, metal spark arrestors, exposed metal flues, ~~or~~ and pre-fabricated chimney caps are ~~not~~ permitted only when concealed within a masonry architectural feature and screened from a street.

Sec. 5.15.6.G. OTBHD, Architectural Standards, Building Walls

Proposed Change: Removal of an incorrect term (“bulkhead”) to prevent confusion.



Sec. 5.15.6.N.7.a. OTBHD, Architectural Standards, General Standards, Corners and Water Tables, Water Table Trim

- a. Drip boards shall be a minimum 5/4 stock with a bevel (any exposed flashing must be copper or match color of water table trim);

Table 5.15.6.Q.4.a. OTBHD, Architectural Standards, Signs

S.R. SC 46 / Bruin Road Square Footage & Height (Maximum)

5.15.8.A. thru M. Building Types “Note”

Change the word “Notes” to “Characteristics” for building types “A” (Main Street Building) thru “M” (River House). This includes: 1) “A” (Main Street Building); 2) “B” (Commercial Cottage); 3) “C” Live-Work Sideyard; 4) “D” Duplex/Triplex; 5) “E” (Mansion Apartment House); 6) “F” Carriage House; 7) “G” Bungalow Court; 8) “H” (Cottage); 9) “I” (Village House); 10) “J” (Sideyard House); 11) “K” Vernacular House; 12) “L” (Center Hall House); and, 13) “M” (River House).

Sec. 5.15.5 Old Town Bluffton Historic District, General Standards

Proposed Changes: Creating a Medium House Type which will help span the gap between the small Cottage and the large Village House. Many buildings come through as this and end up defaulting into the Additional Building Type, causing the appearance of something abnormal. This addition will allow for ease of review, but should not negatively impact any proposed structure that will fall within this type, nor should it cause existing structures to be non-conforming. Buildings which do not meet the characteristics of this type may still be reviewed as ABTs, but it will reduce the number. Allows for smaller setbacks for this smaller structure than would be permitted under ABT – which is intended for structures that are typically larger, but do not quite meet shape or massing of those building types already existing.

Trees located in setbacks and buffers are supposed to be saved. With a 5’ side setback, this is nearly impossible as the roots are disturbed beyond the ability to save. The other side of the lot typically has a driveway, which also requires all trees to be removed. For commercial structures, there is an 8’ foundation planting requirement, which cannot be met with the current setbacks. The increase in side setbacks will allow for side entry stoops (which cannot happen given the required Finished Floor Height), foundation plantings, tree preservation etc. It should be noted that porches, bay windows, roof overhangs, stairs, chimneys, service yards and other uninhabited appurtenances may encroach into setbacks (but no closer than 3’ from prop line).

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B. Neighborhood Center Historic District (NCE-HD)

[Note: No change to photos or text above chart.]

Neighborhood Center-HD Building Type Requirements		Front Build-to Zone	Lot Width	Frontage Requirements	Rear Setback (from rear property line)	Side Setback (from side property line)	Height (in stories)
Carriage House	One Carriage House may be built per primary structure and may have a maximum footprint of 800 sq. ft. Carriage Houses must be located behind the primary structure. See 5.15.8.F for a full description of this type.				5'	5'	1-2
Main Street Building		10'-25'	50'-80'	75%-90%	25'	8'	2-2.5
Commercial Cottage		5'-20'	50'-60'	50%-70%	25'	8'	1-1.5
Live-Work Sideyard		0'-5'	50'-60'	40%-75%	25'	5' 8'	1.5-2.5
Duplex		10'-20'	55'-70'	N/A	25'	8'	1.5-2.5
Triplex			70'-100'				
Mansion Apartment House		10'-20'	60'-80'	N/A	25'	10'	2-2.5
Cottage		5'-15'	50'-60'	N/A	25'	5' 8'	1-1.5
Medium House		5'-15'	50'-60'	N/A	25'	8'	1-2
Village House		5'-15'	50'-60'	N/A	25'	5' 8'	2-2.5
Sideyard House		5'-10'	50'-65'	N/A	25'	8'	2-2.5
Vernacular House		10'-20'	60'-80'	N/A	25'	10'	1.5
Civic Building		5'-25'	N/A	N/A	N/A	5' 8'	2
Additional Building Types							
As approved by the UDO Admin. or Board/Comm. with approval authority in accordance with Article 2 of this Ordinance, additional building types may be allowed in the Neighborhood Conservation-HD zoning district. Building types not specifically listed shall be regulated by the following general requirements:		10'-25'	50'-100'	To be determined by UDO Admin	25'	8'	1-2.5

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C. Neighborhood General Historic District (NG-HD)

[Note: No change to photos or text above chart.]

Neighborhood General Building Type Requirements		Front Build-to Zone	Lot Width	Frontage Requirements	Rear Setback (from rear property line)	Side Setback (from side property line)	Height (in stories)
<i>Carriage House</i>	One Carriage House may be built per primary structure and may have a maximum footprint of 800 sq. ft. Carriage Houses must be located behind the primary structure. See 5.15.8.F for a full description of this type.				5'	5'	1-2
<i>Live-Work Sideyard</i>		10'-20'	50'-100'	N/A	25'	10'	1-2.5
<i>Commercial Cottage</i>		10'-20'	50'-100'	N/A	25'	10'	1-1.5
<i>Bungalow Court</i>		10'-20' for foremost bungalow	60'-100'	N/A	25'	15'	1-1.5
<i>Cottage</i>		10'-20'	50'-60'	N/A	25'	10'	1-1.5
<i>Medium House</i>		<u>10'-20'</u>	<u>50'-60'</u>	<u>N/A</u>	<u>25'</u>	<u>10'</u>	<u>1-2</u>
<i>Village House</i>		10'- 15 20'	50'-65'	N/A	30'	15'	2-2.5
<i>Vernacular House</i>		10'-20'	60'-100'	N/A	30'	15'	1.5
<i>Center Hall House</i>		15'-25'	70'-100'	N/A	30'	15'	2-2.5
<i>Civic Building</i>		15'-35'	N/A	N/A	N/A	10'	2
Additional Building Types							
As approved by the UDO Admin. or Board/Comm. with approval authority in accordance with Article 2 of this Ordinance, additional building types may be allowed in the Neighborhood Conservation-HD zoning district. Building types not specifically listed shall be regulated by the following general requirements:		10'-35'	50'-100'	N/A	30'	10'	1-2.5

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D. Neighborhood Conservation Historic District (NCV-HD)

Neighborhood Conservation Building Type Requirements		Front Build-to Zone	Lot Width	Frontage Requirements	Rear Setback (from rear property line)	Side Setback (from side property line)	Height (in stories)
Carriage House	One Carriage House may be built per primary structure and may have a maximum footprint of 800 sq. ft. Carriage Houses must be located behind the primary structure. See 5.15.8.F for a full description of this type.				5'	5'	1-2
Cottage		10'-20'	50'-60'	N/A	30'	10'	1-1.5
<u>Medium House</u>		<u>10'-20'</u>	<u>50'-70'</u>	<u>N/A</u>	<u>30'</u>	<u>10'</u>	<u>1-2</u>
Village House		10'-20'	50'-70'	N/A	30'	10'	2-2.5
Vernacular House		15'-25'	60'-100'	N/A	30'	10'	1.5
Center Hall House		20'-35'	80'-100'	N/A	30'	15'	2-2.5
Civic Building		15'-40'	N/A	N/A	N/A	10'	1.5
Additional Building Types							
As approved by the UDO Admin. or Board/Comm. with approval authority in accordance with Article 2 of this Ordinance, additional building types may be allowed in the Neighborhood Conservation-HD zoning district. Building types not specifically listed shall be regulated by the following general requirements:		10'-35'	50'-100'	N/A	30'	10'	1-2.5

Sec. 5.15.5.F.7. OTBHD, General Standards, Garden Structures

Proposed Change: Garden Structure is proposed to become a definition (see Sec 9.2).

7. ~~**Garden Structures.** Garden structures are small accessory buildings which may contain storage space, trash receptacles, or other garden uses. Structures such as sheds, fences, pergolas, and gazebos are considered to be garden structures. Garden structures shall not be greater than 120 square feet in footprint, shall not exceed 1 story in height, and must comply with the architectural standards.~~

Cupolas

Sec. 5.15.6.E.4. Cupolas/Small Footprint Towers

Proposed Changes: Formatting and providing clarity regarding maximum height.

- a. ~~Plan Area~~ Footprint: =20' x 20' Maximum ~~Footprint~~

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b. Height: Cupolas and towers may extend a maximum of 15 feet above the ~~Zoning District height limit, roof ridge but shall not be taller than 50 feet above the adjacent grade level.~~

Sec. 5.15.8, Building Types

5.15.8.F. Building Types, Carriage House

Proposed Changes: 1) Revise minimum size range from 200 sf to 121 sf to eliminate the square footage gap between carriage houses and garden structures (garden structures presently includes sheds); 2) Change characteristics, including allowing two carriage houses in the Riverfront Edge zoning district; 3) To be clearer as to how the Carriage House building form can be used, including as a dwelling or garage; 4) To clarifying that an “opening” is for vehicles and is intended to be limited as to the number of openings; and, 5) To allow the placement of a Carriage House to be considered in an alternate location when on the same lot as a Contributing Resource—other than behind the Contributing Resource—if approved by the UDO Administrator.

Note: The sections proposed to be amended are highlighted on the next page with a red box, and the proposed text is shown on the page that follows.

F. Carriage House		
General: Accessory Structure.		<div>CORE</div> <div>●</div>
Size Range: 200 – 1,200 sq. ft. (per unit).		<div>CENTER</div> <div>●</div>
Maximum Footprint (not including porches): 800 sq. ft.		<div>GENERAL</div> <div>●</div>
Height: 1 – 2 stories.		<div>CONSERVE</div> <div>●</div>
Notes: Must be an accessory structure. Only one permitted per lot, unless otherwise noted. May be used as a garage, living unit or home business (or combination). May function as a small-scale shop, studio or workshop. Garages are limited to 2 cars, with maximum garage door widths of 12' each. Must be of same general character as primary structure. Must be placed behind the primary structure and towards the back of the lot		<div>RIVER EDGE</div> <div>●</div>
<p align="center"><i>Carriage House Precedent Imagery</i></p> <div>     </div> <p><small>*Precedent images are for illustrative purposes only, with no regulatory effect. They are provided as examples, and shall not imply that every element in the photograph is permitted.</small></p>		





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F. Carriage House
General: Accessory Structure
Size Range: 200-121 – 1,200 sq.ft. (per unit)
Maximum Footprint (not including porches): 800 sq.ft.
Height: 1-2 stories
<p>Notes: Characteristics: Must be <u>A detached or an attached</u> accessory structure. <u>An attached structure must be clearly incidental to, smaller than, and distinguished from the principal building form.</u></p> <p>Only one permitted per lot, unless otherwise noted <u>except within the RV-HD district where two may be allowed for lots of at least one acre.</u></p> <p>May be used as a garage, living unit or home business (or combination).</p> <p>May function as a small scale shop, studio or workshop. <u>May be used as a garage, carport, dwelling unit, shop, studio, workshop (or combination thereof) as permitted by Sec. 4.3.</u></p> <p>Garages are limited to 2 cars, with maximum garage door widths of 12' each. <u>Garages are limited to two vehicular openings. When one opening is provided, it shall not exceed 12ft; two openings shall not exceed 10ft in width each. One additional vehicular opening not exceeding 6ft in width may be allowed provided the building footprint is not exceeded.</u></p> <p>Must be of the same general character as primary structure.</p> <p>Must be placed behind the primary structure and towards the back of the lot. <u>For lots with a Contributing Resource, the UDO Administrator may consider an alternate location.</u></p>

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Sec. 5.15.8 Old Town Bluffton Historic District, Building Types

Proposed Change: To provide the Medium House Type category, requirements, and characteristics.

I. Medium House Type		
<u>General: Detached Single Family Residence</u>		<u>CORE</u>
<u>Size Range: 1,300 – 3,000 sq. ft.</u>		<u>CENTER</u> •
<u>Maximum Footprint: (not including porches) 1,300 sq. ft.</u>		<u>GENERAL</u> •
<u>Height: 1-2 stories</u>		<u>CONSERVE</u> •
<u>Characteristics:</u> <u>Larger than a Cottage.</u>		<u>RIVER EDGE</u>
<u>The street elevation must have a front porch that is at least 50% of the façade.</u> <u>Shall be narrower along the street front than it is deep.</u> <u>May have dormers.</u>		
<u>Medium House Precedent Imagery</u>		
		
<u>*Precedent images are for illustrative purposes only, with no regulatory effect. They are provided as examples and shall not imply that every element in the photograph is permitted.</u>		

Note: The addition of the Medium House Building Type would be most appropriately located between the Cottage and Village House Building Types. This addition will cause all building types to be re-lettered as follows, without any changes to the associated text, drawings and photos:

- ~~J.~~ J. Village House
- ~~K.~~ K. Sideyard House
- ~~L.~~ L. Vernacular House
- ~~M.~~ M. Center Hall House
- ~~N.~~ N. River House

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- ~~N~~ Q. Civic Building
- ~~Q~~ P. Church Building
- ~~P~~ Q. Manufactured Homes

Sec. 9.2, Defined Terms

Garden Structure

Structure, Garden: Any unenclosed and unroofed Accessory Structure, including but not limited to fences, walls, pergolas, decks, and patios. Garden structures shall comply with all applicable architectural standards of this Ordinance.

Historic Integrity

Historic Integrity: The ability of a property to convey its historical associations or attributes through seven aspects that include location, setting, design, materials, workmanship, feeling and association. The National Register Bulletin “How to Apply the National Register Criteria for Evaluation” produced by the National Park Service, and as amended, shall serve as the reference document for interpretation of these aspects.

Principal Building

Building, Principal: ~~The building in which is conducted the principal use of the zone lot on which it is located. Zone lots with multiple principal uses may have multiple principal buildings, but storage buildings, garages, and other clearly accessory uses shall not be considered principal buildings.~~

The building in which the principal use of a lot is conducted. Accessory buildings, such as carriage houses, Sheds, and garages shall not be considered principal buildings.

Shed

Shed: A one-story detached and roofed Accessory Structure that is clearly incidental and compatible with the Principal Building or Use located on the same lot. Such structures shall not be used as a Dwelling Unit or for an independent commercial enterprise.

Structure, Accessory

Structure, Accessory: A detached or attached Structure that is clearly delineated from, and secondary to, the building form of the Principal Building located on the same lot. Such structures may include carriage houses, Sheds and Garden Structures. Should the Accessory Structure be attached to the Principal Building, the delineation of square footage shall be made where the exterior visual separation

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occurs. Sheds cannot be attached Accessory Structures. Accessory Structures shall comply with applicable architectural standards of this Ordinance.