

ORDINANCE NO. 2012-19

TOWN OF BLUFFTON, SOUTH CAROLINA

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES FOR THE TOWN OF BLUFFTON, SOUTH CAROLINA; CHAPTER 23, UNIFIED DEVELOPMENT ORDINANCE; ARTICLE 2, ARTICLE 3, ARTICLE 5, AND ARTICLE 9.

WHEREAS, the Town of Bluffton's Municipal 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 (UDO), 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 UDO 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 of Bluffton Town Council desires to update certain provisions of the UDO; and

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 Unified Development Ordinance for the Town of Bluffton as follows:

SECTION 1. AMENDMENT. The Town of Bluffton hereby amends the Code Ordinances for the Town Of Bluffton, South Carolina; Chapter 23, Unified Development Ordinance; Article 2, Article 3, Article 5, and Article 9 as shown in Exhibit A, which is attached and incorporated hereto.

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 All ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.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 Eleventh Day of December 11, 2012.

This Ordinance was read and passed by first reading on November 13, 2012.

Lisa Sulka, Mayor
Town of Bluffton, South Carolina

ATTEST:

Sandra Lunceford, Town Clerk
Town of Bluffton, South Carolina

A public hearing was held on this Ordinance on December 11, 2012.

Lisa Sulka, Mayor
Town of Bluffton, South Carolina

ATTEST:

Sandra Lunceford, Town Clerk
Town of Bluffton, South Carolina

This Ordinance was passed at second reading held on December 11, 2012.

Lisa Sulka, Mayor
Town of Bluffton, South Carolina

ATTEST:

Sandra Lunceford, Town Clerk
Town of Bluffton, South Carolina

Ordinance 2012-19

Exhibit A

TOWN OF BLUFFTON PROPOSED UDO TEXT AMENDMENT ARTICLE 2 ADMINISTRATION

2.1 Intent & Applicability

The intent of this Article is for the Town of Bluffton to establish the responsibility and administrative authority of the UDO Administrator as well as Town Council Appointed Boards and Commissions, including the Planning Commission, the Board of Zoning Appeals, the Historic Preservation Commission, the Southern Corridor Review Board, and other bodies or individuals, as described throughout this Ordinance.

2.2 Establishment

2.2.1 UDO Administrator, Boards, & Commissions.

The following shall be subject to the provisions of this Ordinance, Chapter 3 of the Code of Ordinances for the Town of Bluffton and all applicable South Carolina state laws.

- A. **UDO Administrator.** The position of UDO Administrator of the Town of Bluffton is hereby established pursuant to the authority of Title 6, Chapter 29 of the Code of Laws of South Carolina (1976), as amended, the South Carolina Local Government Comprehensive Planning Enabling Act of 1994.
- B. **Town Council Appointed Boards and Commissions.**
 - 1. **Planning Commission.** The Planning Commission (PC) of the Town of Bluffton is hereby established pursuant to the authority of Title 6, Chapter 29, Article 1, Section 320 of the Code of Laws of South Carolina (1976), as amended, the South Carolina Local Government Comprehensive Planning Enabling Act of 1994.
 - 2. **Board of Zoning Appeals.** The Board of Zoning Appeals (BZA) of the Town of Bluffton is hereby established pursuant to the authority of Title 6, Chapter 29, Article 5, Section 780 of the Code of Laws of South Carolina (1976), as amended, the South Carolina Local Government Comprehensive Planning Enabling Act of 1994.
 - 3. **Historic Preservation Commission.** The Historic Preservation Commission (HPC) of the Town of Bluffton is hereby established pursuant to the authority of Title 6, Chapter 29, Article 5, Section 870 of the Code of Laws of South Carolina (1976), as amended, the South Carolina Local Government Comprehensive Planning Enabling Act of 1994.
 - 4. **Southern Corridor Review Board.** The Southern Corridor Review Board (SCRB), a joint Town of Bluffton/Town of Hilton Head Island/Beaufort County Board, is hereby established pursuant to the authority of Title 6, Chapter 29, Article 5, Section 870 of the Code of Laws of South Carolina

(1976), as amended, the South Carolina Local Government Comprehensive Planning Enabling Act of 1994.

2.2.2 Boards and Commissions Membership.

In the appointment of members, the Town Council shall consider the professional expertise, knowledge of the community, and concern for the future welfare of the total community and its citizens of potential members. Members shall represent a broad cross section of the interests and concerns within the Town. The membership of the Town Council Appointed Boards and Commissions shall be as follows:

Board and Commission Membership	Planning Commission (PC)	Board of Zoning Appeals (BZA)	Historic Preservation Commission (HPC)	Southern Corridor Review Board (SCRB)
Number of voting members.	7	5	7	7 *
All members shall be residents of or be freeholders in the area in which they serve or own a business within the municipal boundary of the Town of Bluffton.	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/> **
All members shall be residents of, be freeholders in, or own a commercial business within the Old Town Bluffton Historic District.			<input type="checkbox"/>	
All members shall have a demonstrated interest in, competence in, or knowledge of historic preservation.			<input type="checkbox"/>	
To the extent practicable, at least two of the members shall be licensed professionals in the disciplines of architecture, engineering, law, planning, construction, or related fields.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

* Membership is comprised of three Town of Bluffton appointees, three Beaufort County appointees, and one Hilton Head Island appointee.

** Applies to Town of Bluffton appointees only.

2.2.3 Boards and Commissions Member Terms.

- A. **Length of Term.** All members shall be appointed in accordance with Town Code Chapter 3, Section 3-2(b). All members shall continue to serve until their respective successor is appointed and qualified.
- B. **Number of Terms.** No member shall serve for more than two consecutive terms; provided, however, that upon a determination by Town Council in its sole discretion of extraordinary circumstances and that the best interests of the community are served by the continuation of the term of a particular member, such member may be re-appointed for one additional term. This limitation shall not prevent any person from being appointed after an absence of one year.
- C. **Removal.** Town Council may remove any member for cause, after written notice in accordance with Town Code Chapter 3, Section 3-2(d).

2.2.4 Boards and Commissions Officers, Meetings and Quorums

- A. **Officers.** The members shall elect one member as Chair and another as Vice-Chair in accordance with Town Code Chapter 3, Section 3-3. The UDO Administrator shall serve as Secretary.
- B. **Meetings.** The members shall meet at the call of the Chair and at such regular times as the members may determine.
- C. **Quorums.** A majority of members shall constitute a quorum for the conduct of business in accordance with Town Code Chapter 3, Section 3-2(g).
- D. **Notice of Meeting.** Public notice of meetings shall be given in accordance with the South Carolina Freedom of Information Act requirements.
- E. **Rules of Procedure.** The members shall adopt rules of procedure for the conduct of business.
- F. **Minutes.** The Secretary shall keep minutes of the proceedings showing the vote of each Member upon each question, or, if absent or failing to vote, indicating that fact in accordance with Town Code Chapter 3, Section 3-7.

2.2.5 Territorial Jurisdiction

The jurisdiction of all Appointed Boards and Commissions shall extend to all areas within the corporate limits of the Town; provided, however, that Town Council may expand the jurisdiction of the Appointed Boards and Commissions by Ordinance or Intergovernmental Agreement in accordance with all applicable South Carolina State Laws.

2.2.6 Powers and Duties

- A. **UDO Administrator.** The person designated by the Town Manager as the Director of Growth Management shall serve as the UDO Administrator. The UDO Administrator shall be the Town's zoning administrator and the Town's chief administrative officer for all zoning and land development matters under this Ordinance. The UDO Administrator may designate one or more members of the Town's Growth Management Department to act on his or her behalf, and may determine the scope of authority of such designees under

this Ordinance. The powers and duties of the UDO Administrator include, but are not limited to:

1. Reviewing and taking action on, approving, approving with conditions, or denying , zoning permits or approvals for the use of land, buildings, and structures, or the construction, conversion, demolition, enlargement, movement, or structural alteration of a building or structure;
2. Reviewing and taking action on, or approving, approving with conditions, or denying applications in accordance with the provisions of Article 3 of this Ordinance;
3. Making administrative interpretations of this Ordinance;
4. Preparing and publishing rules and procedures relating to the administration of this Ordinance;
5. Reviewing and, when required or requested, making recommendations for action to approve, approve with conditions, or deny applications to the Town Council, Planning Commission, Board of Zoning Appeals, Historic Preservation Commission, Southern Corridor Review Board, and other appropriate decision making authorities in accordance with the provisions of this Ordinance;
6. Appointing, organizing, and chairing a Development Review Committee (DRC);
7. Serving as Secretary to all Appointed Boards, Commissions, and Committees listed in this Article; and
8. Such other powers, duties, and responsibilities explicitly granted by this Ordinance or as delegated by Town Council.

- B. **Development Review Committee.** The Development Review Committee, consisting of representatives of Town departments and other applicable agencies involved in the land development review process and the Chair and Vice-Chair of the Planning Commission, as well as the Chair of the Historic Preservation Commission for projects located within the Old Town Bluffton Historic District, has those functions, duties, and powers of an administrative advisory board concerning land development review matters provided for by this Ordinance including, but not limited to:
1. Preparing and recommending for adoption by the applicable approval authority technical requirements for the design, installation, management, and maintenance of streets, roads, utilities, stormwater management systems, buildings, structures, lighting, landscaping and other systems or items necessary for the orderly development of the Town of Bluffton in conformance with this Ordinance, the Comprehensive Plan, and any other adopted or accepted policy or plan of the Town of Bluffton;
 2. Reviewing and recommending action on applications as authorized by this Ordinance and the Application Process Table of the Applications Manual; and
 3. Such other responsibilities and powers granted explicitly this Ordinance or delegated by the UDO Administrator.

- C. **Planning Commission.** The Planning Commission has those functions, duties, and powers provided for in South Carolina State Law, including, but not limited to:
1. Undertaking a continuing planning program for the physical, social, and economic growth, development, and redevelopment of the Town;
 2. Making, publishing, and distributing maps, plans, and reports and recommendations relating to the plans and programs and the development of the Town to public officials and agencies, public utility companies, civic, educational, professional, and other organizations and citizens;
 3. Preparing and periodically reviewing the Comprehensive Plan, and making recommendations to Town Council for adoption thereof and revisions thereto;
 4. Preparing and recommending for adoption to the Town Council as a means for implementing the plans and programs in the Town:
 - a. Zoning ordinances to include zoning district maps and appropriate revisions thereof;
 - b. Regulations for the subdivision or development of land and appropriated revisions thereof, and to oversee the administration of the regulations that may be adopted;
 - c. An official map and appropriate revision(s) on it showing the exact location of existing or proposed public street, highway, and utility rights-of-way, and public building sites, together with regulations to control the erection of buildings or other structures or changes in land use within the rights-of-way, building sites, or open spaces within the Town or a specified portion of it;
 - d. A landscaping ordinance setting forth required planting, tree preservation, and other aesthetic considerations for land and structures;
 - e. A capital improvements program setting forth projects required to implement plans which have been prepared and adopted, including an annual listing of priority projects for consideration by the governmental bodies responsible for implementation prior to preparation of their capital budget; and
 - f. Policies or procedures to facilitate implementation of planning elements;
 5. Reviewing and recommending action on, or approving, approving with conditions, or denying applications in accordance with the provisions of South Carolina state law and the provisions of Article 3 of this Ordinance; and
 6. Such other responsibilities and powers granted explicitly by South Carolina state law, this Ordinance, or delegated by Town Council.
- D. **Board of Zoning Appeals.** The Board of Zoning Appeals has those functions, duties, and powers provided for in South Carolina state law, including, but not limited to:

1. Hearing and deciding appeals where it is alleged there is error in an order, requirement, decision, or determination made by an administrative official in the enforcement of the zoning ordinance portions of this Ordinance;
2. Hearing and approving, approving with conditions, or denying appeals for variance from the requirement of the zoning ordinance portions of this Ordinance when strict application of the provisions of the zoning ordinance portions of this Ordinance would result in unnecessary hardship;
3. Reviewing and approving, approving with conditions, or denying applications for uses by special exception subject to the terms and conditions for the uses set forth for such uses in the applicable zoning portions of this Ordinance; and,
4. Remanding a matter to an administrative official, upon motion by a party or the board's own motion, if the board determines the record is insufficient for review.

E. **Historic Preservation Commission.** The Historic Preservation Commission has those functions, duties, and powers of a board of architectural review provided for in South Carolina state law and as determined by the applicable zoning portions of this Ordinance, including, but not limited to:

1. Reviewing and providing recommendation to the Planning Commission for properties to be added to the Old Town Bluffton Historic District;
2. Reviewing and recommending action on, or approving, approving with conditions, or denying, applications in accordance with Article 3 of this Ordinance;
3. Establishing and maintaining a system for the survey and inventory of historic properties within the Town of Bluffton;
4. Reviewing and recommending to Town Council structures to be designated or removed from being designated as a Contributing Structure;
5. Reviewing and providing recommendations on all proposed National Register nominations to Town Council for any structure within its jurisdiction; and
6. Such other responsibilities and powers granted explicitly by South Carolina state law, this Ordinance, or delegated by Town Council.

F. **Southern Corridor Review Board.** The Southern Corridor Review Board has those functions, duties, and powers of a board of architectural review provided for in South Carolina state law and as determined by the applicable zoning portions of this Ordinance regarding properties located within the Town of Bluffton Highway Corridor Overlay District, including reviewing and approving, approving with conditions, or denying, applications within the Town of Bluffton Highway Corridor Overlay District.

**TOWN OF BLUFFTON
PROPOSED UDO TEXT AMENDMENT
ARTICLE 3 APPLICATION PROCESS**

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

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

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

³ A Public Hearing shall be held by Planning Commission.

⁴ A Public Hearing shall be held by 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.
- C. **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 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. No less than 30 days prior to the date of the public hearing, 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 receive 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 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.

3.9 PUD Master Plan

3.9.3 Application Review Criteria

- A. The Planning Commission and Town Council shall consider the following criteria in assessing an application for PUD Master Plan:
 - 1. Promotion of and consistency with the land use goals, environmental objectives and overall intent of the policies within the Comprehensive Plan;
 - 2. Consistency with the intent of the Planned Unit Development Zoning District as prescribed in this Ordinance;

3. As applicable, consistency with the provisions of the associated Development Agreement and/or PUD Concept Plan;
4. Compatibility of proposed land uses, densities, traffic circulation and design with adjacent land uses and environmental features, as well as the character of the surrounding area;
5. Ability to be served by adequate public services, including, but not limited to, water, sanitary sewer, roads, police, fire, and school services. For developments that have the potential for significant impact on infrastructure and services the applicant shall be required to provide an analysis and mitigation of the impact on transportation, utilities, and community services;
6. Demonstration of innovative site planning techniques that improve upon the standards in other allowable Town of Bluffton zoning districts with the purpose of enhancing the Town of Bluffton's health, safety and welfare;
7. Ability of the site to sufficiently accommodate the densities and land use intensities of the proposed development;
8. Conformance with adopted or accepted plans, policies, and practices of the Town of Bluffton; and
9. The application must comply with applicable requirements in the Applications Manual.

3.10 Development Plan

3.10.1 Intent

This Section is intended to provide procedures and standards for the review of Development Plan Applications. A two-tiered approval process is prescribed that includes a Preliminary Development Plan and Final Development Plan Application review. The purpose of this sequence is to provide the Applicant with initial conceptual design guidance prior to the preparation of detailed construction plans.

3.10.2 Applicability

- A. **Development Plan Required.** Development, as defined in Article 9, Definitions and Interpretation, requires approval of a Preliminary Development Plan and a Final Development Plan prior to commencing construction.
- B. **Development Plan Not Required.** A Development Plan is not required for those operations or uses that do not constitute development as defined in Article 9, Definitions and Interpretation, including the construction of a single-family residential structure and associated accessory uses.

3.10.3 Application Review Criteria

- A. **Preliminary Development Plan.** The UDO Administrator and the Planning Commission shall consider the following criteria in assessing an application for a Preliminary Development Plan:
 1. The proposed development must be in conformance with applicable provisions provided in Article 5, Design Standards;

2. The proposed development shall be in conformance with any approved Development Agreement, PUD Concept Plan, PUD Master Plan, Subdivision Plan, or any other agreements or plans that are applicable;
 3. If the proposed development is associated with a previously approved Master Plan, then the traffic and access plans shall adhere to the previously approved traffic impact analysis or assessment, where applicable. If an application is not associated with a previously approved PUD Master Plan, then a traffic impact analysis shall be required at development plan submittal;
 4. The proposed development must be able to be served by adequate public services, including, but not limited to, water, sanitary sewer, roads, police, fire, and school services. For developments that have the potential for significant impact on infrastructure and services the applicant shall be required to provide an analysis and mitigation of the impact on transportation, utilities, and community services;
 5. The phasing plan, if applicable, is logical and is designed in a manner that allows each phase to fully function independently regarding services, utilities, circulation, facilities, and open space irrespective of the completion of other proposed phases; and
 6. The application must comply with applicable requirements in the Applications Manual.
- B. **Final Development Plan.** The UDO Administrator shall consider the following criteria in assessing an application for a Final Development Plan:
1. The application must be consistent with the approved Preliminary Development Plan;
 2. The application must be in conformance with applicable provisions provided in Article 5, Design Standards;
 3. The proposed development shall be in conformance with any approved Development Agreement, PUD Concept Plan, PUD Master Plan, Subdivision Plan, or any other agreements or plans that are applicable;
 4. The Applicant has satisfactorily demonstrated the ability and intent to complete the proposed development and to meet all obligations agreed to or incurred as a result of conformance with this Ordinance, within a reasonable time period and in accordance with all conditions;
 5. The Applicant has established adequate legal safeguards to ensure compliance with the approved Development Plan and to provide for adequate management of the development regardless of future ownership or control of the land or facilities thereon;
 6. The Applicant has provided Development Sureties as defined in this article and legal guarantee, as applicable, of the installation and maintenance of water systems, sewer systems, drainage systems, street systems, open space areas, and any other improvements to be constructed or indicated in lieu of actual construction prior to final approval;
 7. Where phasing is proposed, the phase for which the Final Development Plan approval is requested shall be designed in a manner that allows it to fully function independently regarding services, utilities, circulation, facilities, and open space irrespective of the completion of other proposed phases; and

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

3.10.4 Effect and Expiration of Approvals

- A. **Preliminary Development Plan Approval.** Approval of the Preliminary Development Plan by either the UDO Administrator or Planning Commission shall authorize the Applicant to prepare and submit a Final Development Plan for review and approval.
- B. **Preliminary Development Plan Expiration.** Approval of a Preliminary Development Plan shall expire two years from the date of its issue unless a Final Development Plan is submitted and accepted.
- C. **Final Development Plan Approval.** Approval of the Final Development Plan by the UDO Administrator shall authorize the Applicant to:
 1. Commence all improvements to the land and the construction of all support facilities as specified by the approval;
 2. Apply for any building or other permits required for the construction of all buildings and facilities shown and specified by the Development Plan; and
 3. Receive a Subdivision Plan approval, if applicable.
- D. **Final Development Plan Expiration.** Approval of a Final Development Plan shall expire two years from the date of its issue unless an appreciable amount of construction or development commences and proceeds to completion in a timely and customary manner in accordance with the terms and requirements of the Final Development Plan. In the case of phased developments, this shall be understood as improvement or development of the permitted phase of the development.

3.10.5 Extensions of Approvals

Upon request by the Applicant and in conformance with the requirements of this Article, the UDO Administrator shall grant not more than five extensions for a period of one year each.

3.10.6 Amendments to Approved Development Plans

- A. **Minor Amendments.** Minor amendments to Preliminary or Final Development Plans shall be reviewed by the UDO Administrator for approval. Minor amendments include modifications that are not considered major amendments.
- B. **Major Amendments.** Major amendments to Preliminary or Final Development Plans shall be subject to the applicable review process set forth in the Applications Manual. The following shall be considered major amendments:
 1. Any amendment to the Design Standards provided in the Development Plan that is a substantive change altering the design intent and character set forth in the approved Design Standards;
 2. Significant modification to the configuration of buildings, site amenities, or location of land uses on the property;
 3. Significant modifications to the location, type, widths of streets and/or right-of-ways;

4. Significant modifications or changes in geometry to the access, on-site circulation, parking, service access, and pedestrian facilities; or
5. Any other change that the UDO Administrator believes to deviate from the intent, standards, and provisions under which the PUD Master Plan was initially approved.

3.11 Subdivision Plan

3.11.1 Intent

This Section is intended to provide procedures and standards for the review of Subdivision Plan Applications (Major, Minor, and Historic District). Review of Subdivision Plan Applications shall consider the following objectives:

- A. Guide the future growth and development of the Town of Bluffton in accordance with the Comprehensive Plan;
- B. Establish reasonable standards of design and procedures for subdividing land to facilitate orderly layout and compatibility with street patterns, setbacks, and character of the applicable zoning district and Town of Bluffton;
- C. Ensure proper legal descriptions and physical delineation of subdivided land;
- D. Secure suitable sites for building purposes;
- E. Preserve the natural beauty and topography of subdivision sites through appropriate development that is sensitive to these natural features;
- F. Facilitate adequate provision of water, sewerage, and other utilities, as well as other public facilities as applicable for the subdivided land; and
- G. To ensure that future plats, subdivisions and dedications will be improved in accordance with established public policy.

3.11.2 Applicability

Any proposed subdivision of land in the Town of Bluffton that meets the definition of a subdivision, as defined in Article 9, Definitions and Interpretation, shall comply with the provisions of this Section.

A. Subdivision Types

1. General. A division of land, located outside of the Old Town Bluffton Historic District.
2. Historic District. A division of land, located in the Old Town Bluffton Historic District.

3.11.3 Application Review Criteria

The UDO Administrator and Planning Commission shall consider the following criteria in assessing an application for Subdivision Plan:

- A. Compliance with the standards set forth in the approved Concept Plan, Master Plan and/or Development Plan, as applicable;
- B. Consistency with applicable provisions provided in Article 5, Design Standards;
- C. Development Sureties shall be provided in accordance with this article;

- D. Ability to be served by adequate public services, including, but not limited to, water, sanitary sewer, roads, police, fire, and school services. For developments that have the potential for significant impact on infrastructure and services the applicant shall be required to provide an analysis and mitigation of the impact on transportation, utilities, and community services; and
- E. The application must comply with applicable requirements in the Applications Manual.

3.11.4 Effect and Expiration of Approvals

- A. **Approval.** Subdivision Plan approval by either the UDO Administrator or the Planning Commission shall authorize the Applicant to record the approved subdivision plat with the Beaufort County Register of Deeds.
- B. **Expiration.** Unless recorded with the Beaufort County Register of Deeds, the approval shall expire two years from the date of approval.

3.11.5 Extensions of Approvals

Upon request by the Applicant and in conformance with the requirements of this article, the UDO Administrator shall grant not more than five extensions for a period of one year each.

3.11.6 Amendments to Subdivision Approvals

- A. **Minor Amendments.** Minor amendments to a Subdivision Plan shall be reviewed by the UDO Administrator for approval. Minor amendments include modifications that are not considered major amendments.
- B. **Major Amendments.** Major amendments to the Subdivision Plan following approval shall require the Applicant to resubmit the subdivision plan. The following shall be considered major amendments:
 - 1. An increase in the number of lots;
 - 2. Significant modification to the basic layout of the street system or nonmotorized transportation system, such as removal of a connection, realignment of the street network, or change in the type or widths of streets or public rights-of-way;
 - 3. Reduction of open space; or
 - 4. Substantive removal or dilution of features or amenities that were essential elements of the approved subdivision plan.

3.18 Certificate of Appropriateness - Historic District (HD)

3.18.1 Intent

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 and for all other historic structures throughout the Town of Bluffton. 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 the old, historic, and/ or architecturally significant structures and areas in the Old Town Bluffton Historic District;
- B. Maintenance of historic structures 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 respect and complement the eclectic character of the Old Town Bluffton Historic District.

3.18.2 Applicability

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 activities which require a building permit, development plan, demolition permit, or activity that results in the alteration of the exterior architectural character.

3.18.3 Application Review 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;
- 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 structure with the harmony of the surrounding neighborhood;
- E. Preservation of the existing building's historic character and architecture;
- F. The historic, architectural, and aesthetic features of the structure 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.

3.18.4 Effect and Expiration of Approvals

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 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.

3.18.5 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.

3.25 Designation of Contributing Structure

3.25.1 Intent

This Section is intended to provide procedures and standards to facilitate designation of Contributing Structures, including the review and evaluation of all nominations for the National Register of Historic Places.

3.25.2 Applicability

Application for designation of Contributing Structure may be initiated by Town Council, Historic Preservation Commission, the UDO Administrator, or the property owner when public necessity, convenience, State or Federal law, general welfare, new research, or published recommendations on historic preservation justifies such action.

3.25.3 Application Review Criteria

- A. The Historic Preservation Commission and Town Council shall consider the following criteria in determining whether or not a structure should be designated as a Contributing Structure:
 - 1. The structure has significant inherent character, interest, or value as part of the development or heritage of the Town, Region, State, or Nation;
 - 2. The structure is the site of an event significant in history;
 - 3. The structure is associated with a person or persons who contributed significantly to the culture and development of the Town, Region, State, or Nation;
 - 4. The structure exemplifies the cultural, political, economic, social, ethnic, or historic heritage of the Town, Region, State, or Nation;
 - 5. The structure individually, or as a collection of resources, embodies distinguishing characteristics of an architectural type, style, period, or specimen in architecture or engineering;
 - 6. The structure is the work of a designer whose work has influenced significantly the development of the Town, Region, State or Nation;
 - 7. The structure contains elements of design, detail, materials, or craftsmanship which represent a significant innovation;
 - 8. The structure is part of or related to a cove or other distinctive element of the community;
 - 9. The structure represents an established and familiar visual feature of the neighborhood or Town; or
 - 10. The structure has yielded, or may be likely to yield, information important in pre-history or history.
- B. For structures achieving significance less than 50 years ago, the Historic Preservation Commission and Town Council must find that the structure is of exceptional importance to the Town, Region, State, or Nation in meeting the criteria set forth above.
- C. The application must comply with applicable requirements in the Applications Manual.

3.25.4 Effect of Approval

Following approval of a Designation of Contributing Structure application by Town Council, the UDO Administrator shall designate the structure as a Contributing Structure on the inventory of historic properties.

**TOWN OF BLUFFTON
PROPOSED UDO TEXT AMENDMENT
ARTICLE 5 DESIGN STANDARDS**

5.5 Natural Resources: River Buffer

5.5.2 Applicability

This Section shall apply to all building, development, redevelopment, and site alteration on any land within 100 feet from the South Carolina Office of Ocean and Coastal Resource Management (OCRM) Critical Line adjacent to tidal wetlands and waterways in and around the Town of Bluffton. This area shall not exceed 40% of the area of the lot provided that no disturbance is closer than 25 feet to the OCRM Critical line, unless expressly permitted in Section 5.5.3.

5.12 Lighting

5.12.3 Standards

C. Sign Illumination

1. The brightness of an illuminated sign shall not exceed 30 foot-candles at any one point on the sign face. Illumination shall be by an externally located steady stationary light source, shielded and directed solely at the sign. Light sources to illuminate signs shall neither be visible from any street right-of-way nor cause glare hazardous to pedestrians or vehicle drivers or so as to create a nuisance to adjacent properties.
2. Spotlighting of signs shall be restricted to not more than one shielded light fixture per side for sign faces up to 40 square feet and not more than two shielded light fixtures per side for larger sign faces.
3. Signs shall not have light-reflecting or translucent backgrounds but may use halo glow or reverse channel lettering.
4. Colored lamps are not permitted.
5. Backlighting of signs shall be permitted provided the sign is opaque and the rear surface is not reflective.
6. Exterior lighting shall be designed and arranged so as to minimize glare and reflection. Lighting shall be low-intensity, shielded from adjacent parcels.

5.13 Signs

5.13.6 Sign Materials

The finish materials to be used for signage throughout the Town shall include:

- A. Wood: painted, stained, or natural;
- B. Metal: copper, brass, galvanized steel or aluminum;

- C. Stucco, Tabby, Stone, or Brick; or
- D. Any other material that is finished or painted and looks like painted wood.

5.13.10 Temporary Signs

- A. The following Temporary signs announcing a sale, promotion, civic, philanthropic, educational, religious, or other special event shall require the issuance of a Temporary Sign Permit. The permit shall state the length of time any such sign may be displayed and all such signs shall meet the following requirements:
 - 1. Signs shall not exceed 16 square feet in area per sign face, 32 square feet in total sign area, and 6 feet in height if free-standing;
 - 2. Such Signs shall be affixed at all corners to the structure on which the sign is attached;
 - 3. No more than one temporary sign shall be permitted at any time;
 - 4. No temporary sign shall be illuminated; and
 - 5. Any tenant space or lot, if a single occupant, may display temporary signs, in aggregate, for up to 30 days in any 12 month period.
- B. **Sandwich Board Signs**
 - 1. One sandwich board sign may be permitted per tenant space or lot if a single occupant during business hours;
 - 2. Sign must not exceed 6 square feet in area per sign face, 12 square feet in total sign area, and 4 feet in height;
 - 3. In addition to being located on private property, such sign may be located on any common property associated with the private property for which the sign serves;
 - 4. Sign shall not be placed in any highway or roadside buffer.
 - 5. Sign must be located in a manner that maintains a minimum of 36 inches of unobstructed sidewalk clearance and does not impede pedestrian traffic; and
 - 6. Sign must be located in a manner that does not impede vehicular traffic or parking, including safety sight lines at intersections.
- C. The following signs shall be allowed without a permit provided the restrictions for the type of sign are met.
 - 1. **Political Signs:**
 - a. Political signs shall not be located on public property or in public rights-of-way., and must be confined wholly to placement on private property, with permission of the property owner;
 - b. Signs shall not be erected earlier than 60 days prior to the election or referendum to which they apply;
 - c. Signs shall be removed within five days after the election or referendum to which they apply. Signs for candidates in a runoff election may be maintained until the final election to which the signs apply; and
 - d. Signs shall not exceed six square feet in area per sign face, 12 square feet in total sign area, and shall not exceed a height of four feet.

2. Real Estate Signs:

- a. Such Real estate “for sale” or “for lease” signs shall not be located on public property or in public rights-of-way, and must be confined wholly to placement on private property, with permission of the property owner;
- b. For single-family residential lots or units, one real estate sign, not exceeding five square feet in area per sign face and ten square feet in total sign area, and if freestanding, not exceeding four feet in height, shall be permitted. Property with frontage on two or more streets shall be permitted one additional sign per frontage. If a framed metal freestanding sign is not used, then a single post sign may be used, not to exceed six feet in height and five square feet in area per sign face and ten square feet in total sign area;
- c. For single-family subdivisions, multi-family, commercial, and industrial developments, one real estate or project sign not exceeding 48 square feet in area per sign face and 96 square feet in total sign area, and if freestanding, not exceeding eight feet in height, shall be permitted. Property with frontage on two or more streets shall be permitted one additional sign per frontage; and
- d. Such signs shall be removed within 30 days of the rental, sale, or lease of a property.

3. Project Signs:

- a. Such Project signs shall not be located on public property or in public rights-of-way and must be confined wholly to placement on private property, with permission of the property owner;
- b. Such signs shall not exceed 32 square feet in area per sign face, 64 square feet in total sign area, and shall not exceed 8 feet in height; and
- c. Such signs shall not be erected prior to issuance of a development plan approval and shall be removed prior to issuance of the final Certificate of Occupancy.

5.15 Old Town Bluffton Historic District

5.15.6 Architectural Standards

Q. Sign Requirements

1. General Requirements:

- a. All signs shall be subject to review by the UDO Administrator for consistency and harmony with the character of the Old Town Bluffton Historic District. The UDO Administrator shall use the graphics in this section as non-binding guidelines, to make a determination of appropriateness on a case by-case basis.
- b. Wall signs shall be flat against the façade, or mounted projecting from the façade.

- c. Free standing monument signs shall be placed at least five feet from the right of way.
 - d. Signs shall be externally lit from the front.
 - e. All signs shall be permanently mounted.
 - f. No off premise signs shall be permitted.
 - g. Temporary signs announcing a sale, promotion, civic, philanthropic, educational, religious, or other special event must meet the following requirements:
 - 1. Any tenant space or lot, if a single occupant, may display temporary signs, in aggregate, for up to 30 days in any 12 month period;
 - 2. Must not exceed 6 square feet in area per sign face, 12 square feet in total sign area, and 4 feet in height if free-standing ;
 - 3. Signs shall be affixed at all corners to the structure on which the sign is attached.
 - 4. No more than one temporary sign shall be permitted at any time; and
 - 5. No temporary sign shall be illuminated.
 - h. One sandwich board sign may be permitted per tenant space or lot if a single occupant during business hours and must meet the following requirements:
 - 1. Must not exceed 6 square feet in area per sign face, 12 square feet in total sign area, and 4 feet in height;
 - 2. In addition to being located on private property, such sign may be located on any common property associated with the private property for which the sign serves;
 - 3. Must be located in a manner that maintains a minimum of 36 inches of unobstructed sidewalk clearance; and
 - 4. Must be located in a manner that does not impede vehicular traffic or parking, including safety sight lines at intersections.
2. Finish Materials:
- a. Wood: painted or natural;
 - b. Metal: copper, brass, galvanized steel, or aluminum;
 - c. Painted Canvas;
 - d. Paint/engraved directly on façade surface; and
 - e. MDU or other recycled material finished to resemble wood.

**TOWN OF BLUFFTON
PROPOSED UDO TEXT AMENDMENT
ARTICLE 9 DEFINITIONS & INTERPRETATION**

9.2 Defined Terms

All words and phrases shall have their ordinary and customary meanings unless the context of the word or phrase indicates otherwise. The following terms shall have the meaning given below, unless the context of the use of the term clearly indicates otherwise based on the purposes, intent, design objective or other guidance associated with its use in a particular section.

Clear and Convincing Evidence: Credible, relevant evidence that is not ambiguous, doubtful, or contradictory. The standard for clear and convincing evidence is a higher burden of proof than a preponderance of the evidence and a lower burden of proof than beyond a reasonable doubt.

Contributing Structure: Any property, structure, or architectural resource which was designated as "contributing" in the Bluffton Historic District's 1996 nomination to the National Register of Historic Places, or in the most recent Bluffton Historic Resource Survey, or any other structure designated as a Contributing Structure as provided for in Section 3.25. The complete demolition of a "Contributing Structure" or removal of a "Contributing Structure" from the Bluffton Historic Resource Survey shall cause the structure to no longer be considered "contributing."

: Any sign not permanently attached to the ground or other permanent structure, or a sign designated to be transported, including, but not limited to, signs designed to be transported by means of wheels; balloons used as signs; and umbrellas used for advertising.

9.4.2 Agriculture/Conservation Uses

The Agriculture/Conservation Uses category is for uses commonly associated with a rural or agriculture environment, which demand little or no public infrastructure, and which benefit from vast open spaces and stewardship of natural and environmental assets of the land.

- A. Agricultural Use and Structures:** The use of land and associated structures to raise, harvest, or store crops, feed, breed, or manage livestock, or to produce plants, trees, fowl, or animals, including the preparation of the products raised thereon and disposed of by marketing or other means, except the slaughtering of poultry, livestock, and other animals is excluded from this use.

9.4.3 Commercial Services

The Commercial Use category is for businesses retail, personal service or professional service industries for general consumers where the nature of the exchange generally requires interactions with the clients, customers or patrons on the premises, and where lots or buildings are primarily designed for exposure to the public-at-large.

- H. **Personal Service Establishment:** Business involving the rendering of personal service or the repair and servicing of small equipment, and include but are not limited to, services rendered by photography studio, tailor, laundry, travel bureau, shoe repair, and barber/ beauty shop.