

TOWN COUNCIL



STAFF REPORT Department of Growth Management

MEETING DATE:	February 10, 2015
PROJECT:	Ordinance Amending Articles 4 and 9 of the Unified Development Ordinance Establishing Regulations to Conditionally Permit the Sale of Low Speed Recreational Vehicles in the Neighborhood Core – HD District Second Reading and Public Hearing
PROJECT MANAGER:	Kendra Lelie, AICP Planning and Community Development Manager

RECOMMENDATION: The Planning Commission recommends that Town Council approve First Reading of the following:

ZONE-10-14-8445. The Applicant, Randolph Stewart, requests approval of an Ordinance amending Articles 4 and 9 of the Unified Development Ordinance establishing regulations to conditionally permit the sale of low speed recreational vehicles in the Neighborhood Core-HD (NC-HD) District.

INTRODUCTION: On July 11, 2014, Randolph Stewart submitted an application requesting approval of a Zoning Text Amendment to:

1. Permit the sale and rental of golf carts in the Neighborhood Core-HD (NC-HD) Zone;
2. Permit the outdoor display of golf carts; and
3. Not allow the repair, maintenance or remanufacturing of golf carts on site.

The Applicant represents the Owner (RKG Holding LLC) of Lot 10 within the Promenade, who intends to submit applications for a Certificate of Appropriateness and a Final Development Plan to construct a structure that will house a business which sells golf carts and golf cart accessories.

On December 17, 2014, Planning Commission held a public hearing on this item and recommended the proposed text amendment as a conditional use permitting only the sale of low speed recreational vehicles with the following conditions:

1. All operations, including the display of low speed recreation vehicles, shall be conducted within a fully enclosed building.
2. There shall be no repair or servicing of low speed recreational vehicles permitted.
3. No low speed recreational vehicle that is for rent, lease, or is gas powered shall be made available on-site.

4. There shall be a minimum distance of 500 feet between properties, measured from the nearest property lines that have the same low speed recreational sales use.
5. Notice of applicable traffic laws and a map of legal streets of operation pertaining to low speed recreational vehicles must be provided to the customer during the transaction and copy of said laws and map provided with the low speed recreational vehicle. The customer shall sign an acknowledgement of receipt of the applicable traffic laws and map of legal streets of operation.

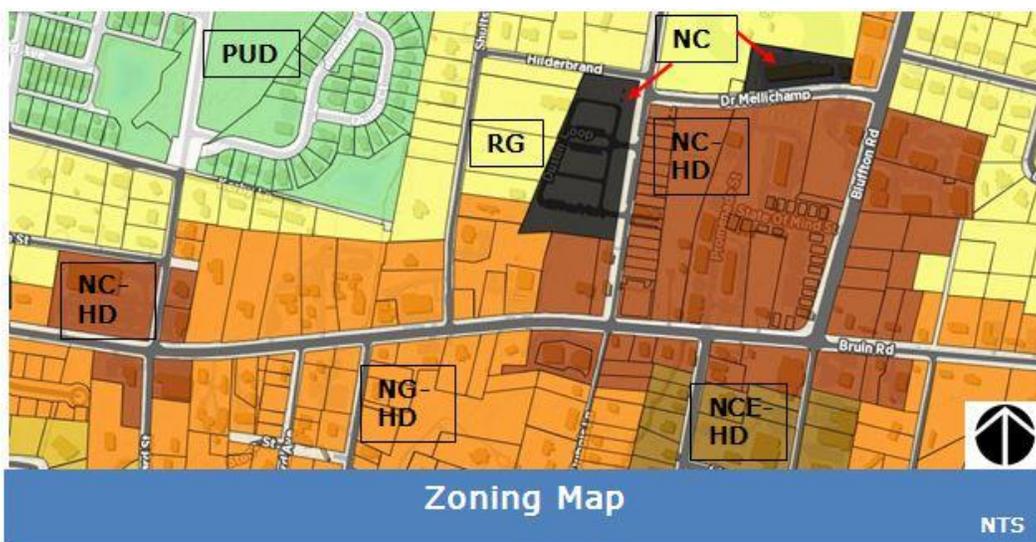
These conditions as recommended by Planning Commission are included in the proposed UDO text amendment ordinance (attached).

During the first reading of the proposed text amendment, Town Council voted to amend the ordinance to include outdoor display as a permitted use provided certain conditions are met including:

1. The vehicles shall not be displayed more than 10 feet from the principal building;
2. No more than 3 vehicles shall be displayed outside the principal building; and
3. The vehicles shall not be displayed in any common or public area or within a parking space and/or lot.

This amendment is consistent with the direction provided by the Planning Commission in the event Town Council decided to allow outside display.

BACKGROUND: In accordance with the South Carolina Uniform Act Regulating Traffic on Highways, golf carts are not excluded from the definition of "motor vehicle" and therefore are regulated as a "motor vehicle". The UDO does not currently permit "Motor Vehicle Sales and Service" in the NC-HD district. As such, the Applicant is requesting an amendment to Section 4.3 "Uses by District" to permit the sales and rental of golf carts.



TOWN COUNCIL ACTIONS: The Town Council has the authority to take the following actions with respect to the recommendation:

1. Approve the application as submitted by the Applicant;
2. Approve the application with conditions; or
3. Deny the application as submitted by the Applicant.

REVIEW CRITERIA & ANALYSIS: The Town Council is required to consider the criteria set forth in Section 3.5.3 of the Unified Development Ordinance in assessing an application for a Zoning Text Amendment. These criteria are provided below followed by a Staff Finding(s) based upon review of the application submittals to date.

1. **Section 3.5.3.A.** The application demonstrates consistency with the Comprehensive Plan or, if conditions have changed since the Comprehensive Plan was adopted, consistency with the overall intent of the Comprehensive Plan, recent development trends and the general character of the area.

Finding. The application is consistent with the Comprehensive Plan, as well as the general character of the area.

The Neighborhood Core-HD Zone is described as the commercial heart of the Old Town within the UDO and describes the intent of the district to contain a mix of uses with the potential for higher-density buildings supporting a mix of uses such retail on the ground floor with residential and/or offices on the second and third floors. The Comprehensive Plan describes a mixed use land use as follows:

“Lands designated Mixed Use are intended to be used for a variety of compatible uses to accommodate a mix of business and residential uses in a way that provides easy access to both vehicles and pedestrians and which can serve as an “activity node.” Mixed Uses can reduce the overall number of vehicle trips by providing the opportunity for live-work arrangements and convenient walking access from higher density residential, senior and group housing developments.”

The use of land within the NC-HD Zone for the sale of golf carts (or low speed recreational vehicles as recommended by the Planning Commission) would increase the variety of services permitted and could be compatible with the uses currently allowed provided certain conditions are placed on the use to ensure the character of the area is not negatively impacted. Additionally, the use of golf carts may reduce the need for conventional automobiles, thereby providing an alternate mode of transportation to and from the district and potentially reducing overall parking and vehicle congestion in a high density area.

2. **Section 3.5.3.B.** The application shall show consistency with demographic changes, prevailing economic trends, and/or newly recognized best planning practices.

Finding. The application is consistent with demographic changes, new economic trends and best planning practices.

Although golf carts are not a completely new mode of transport in the Old Town, the popularity of golf cart use for everyday travel and for visitors has increased over the past several years. Given the anticipated increase in the older population, it is likely that there may be an increased demand for additional mobility options beyond the automobile. The South Carolina Division of Motor Vehicles laws regulating the permitting of golf carts was recently changed to permit a longer distance of transport from two (2) miles to four (4) miles emanating from the home or place of business which reflects an increased demand for this type of vehicle and the needed flexibility of its use. Providing alternate modes of transport, other than the car, truck or SUV, is considered a best planning practice.

The use of other modes of transport (pedestrian, bicycle, Segway, etc.) reduce pollution and congestion while providing a "green" alternative to the use of conventional automobiles. Golf carts or low speed recreation vehicles contain some of the same qualities of other modes of transport suitable for high density areas including having slower speeds, containing lower or no emissions and being smaller in size for more efficient parking opportunities.

3. **Section 3.5.3.C.** The application shall be an enhancement to the health, safety and welfare of the Town of Bluffton.

Finding. The application would enhance the health, safety and welfare of the Town of Bluffton.

As noted above, the use of low speed recreational vehicles as an alternate to conventional automobiles would help to reduce emissions and provide a "green" option for a mode of transport.

Safety concerns are present with the use of low speed recreational vehicles on the local streets. Low speed recreational vehicles are more vulnerable from a safety perspective due to their smaller, lighter frame and they do not conform to normal automobile safety standards (airbags, seatbelts for frontal crash protection). The National Highway Traffic Safety Administration (NHTSA) states that deaths and serious injuries from the on-road use of golf carts were not numerous, but were occurring.¹ The safety concerns led researchers to advise the golf carts be equipped with seat belts and four-wheel brakes at a minimum and that low speed vehicles

¹ <http://www.nhtsa.gov/cars/rules/ruling/lsv/lsv.html#lsv27>

contain safety glass windshields, turn signals, mirrors, wiper blades, head and tail lights, parking brakes, seat belts and a vehicle identification number.²

State regulations have been implemented that permit golf carts on secondary highway or streets within four (4) miles of the place of residence or business during daylight hours only. While the permitted use of golf carts and low speed vehicles as a retail operation within the NC-HD Zone may increase the use of these vehicles on the local street network, the Town can rely upon the State regulations to provide adequate safety precautions and the Town Police Department to ensure regulations are followed.

Regarding safety on private property, improvement of parking lots and access points to businesses for low speed recreational vehicle use should be encouraged during development plan review and approval of development applications.

4. Section 3.5.3.D. The application considers the impact on the provision of public services.

Finding. There is sufficient existing capacity to provide the needed public services for the proposed use.

Reliance on the Town of Bluffton Police Department to enforce the local and state laws is needed on an ongoing basis. While the proposed conditional use may increase the use of low speed recreational vehicles in Town, the increase is not expected to create a major impact to the level of services currently provided for this zoning district according to the Police Department. However, Chief Reynolds recommended the ordinance contain a condition that requires the business owner provide a copy of South Carolina traffic laws pertaining to golf carts and a map of the roads permitting the use of golf carts. The proposed ordinance (attached) contains the proposed language addressing this concern.

5. Section 3.5.3.E. The application must comply with applicable requirements in the Application Manual.

Finding. The application has been reviewed by Town Staff and has been determined to be complete, meeting all requirements of the Applications Manual.

PLANNING COMMISSION RECOMMENDATION: Planning Commission finds that the requirements of Section 3.5.3 of the Unified Development Ordinance are met and recommends that Town Council approve the zoning text amendment as submitted.

² <http://www.nhtsa.gov/cars/rules/rulings/lsv/lsv.html>

While the Planning Commission did not approve the outside display of low speed recreational vehicles, as there was a split vote on the issue, they did request Town Council to provide the final decision on whether or not to permit the outdoor display of low speed recreational vehicles. Planning Commission requests that if Town Council decides to permit the outdoor display that the display not exceed three (3) vehicles a maximum of ten (10) feet from the principal building and not located in a commons or public area or in parking lots.

ATTACHMENTS:

1. Ordinance No. 2015-____
 - a. Exhibit A: Amendments to Articles 4 and 9
2. Zoning Text Amendment Application

ORDINANCE NO. 2015 - _____

TOWN OF BLUFFTON, SOUTH CAROLINA

AN ORDINANCE AMENDING ARTICLE 4 ZONING DISTRICTS AND ARTICLE 9 DEFINITIONS OF THE UNIFIED DEVELOPMENT ORDINANCE ESTABLISHING REGULATIONS TO CONDITIONALLY PERMIT THE SALE OF LOW SPEED RECREATIONAL VEHICLES IN THE NEIGHBORHOOD CORE – HD ZONING DISTRICT

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

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

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

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

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

WHEREAS, the Unified Development Ordinance, Article 4, Zoning Districts provides, among other things, the current permitted, conditional, and special exception land uses and Article 9, Definitions and Interpretations further defines these land uses; and,

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

WHEREAS, the Town of Bluffton Town Council desires to amend certain provisions of the Unified Development Ordinance to establish regulations to conditionally permit the sale of low speed recreational vehicles in the Neighborhood

Core-HD (NC-HD) District and define this new land use through an amendment to Article 4 and Article 9.

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

SECTION 1. AMENDMENT. The Town of Bluffton hereby amends the Code Ordinances for the Town Of Bluffton, South Carolina, Chapter 23, Unified Development Ordinance by adopting and incorporating an amendment to Sections 4.3, Uses by District and Section 4.4.2 Commercial Services of Article 4, Zoning Districts and Section 9.2, Defined Terms of Article 9, Definitions and Interpretations 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 _____ day of _____, 2015.

This Ordinance was read and passed at first reading on January 13, 2015.

Lisa Sulka, Mayor
Town of Bluffton, South Carolina

Sandra Lunceford
Clerk, Town of Bluffton, South Carolina

A public hearing was held on this Ordinance on _____, 2015.

Lisa Sulka, Mayor
Town of Bluffton, South Carolina

Sandra Lunceford
Clerk, Town of Bluffton, South Carolina

This Ordinance was passed at second reading held on _____, 2015.

Lisa Sulka, Mayor
Town of Bluffton, South Carolina

Sandra Lunceford
Clerk, Town of Bluffton, South Carolina

**TOWN OF BLUFFTON
PROPOSED UDO TEXT AMENDMENTS
LOW SPEED RECREATIONAL VEHICLE SALES**

**ARTICLE 4
USES BY DISTRICT
NEW USE**

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)
	Commercial Services											
Outdoor Sales	-	C	C	-	C	C	C	-	C	C	C	C
Retail Businesses	-	-	P	-	P	P	P	-	P	P	P	P
Personal Service Establishments	-	-	P	-	P	P	P	-	P	P	P	P
Restaurant	-	-	P	-	P	P	P	-	-	C	P	P
Motor Vehicle Sales and Service	-	-	-	-	-	P	P	-	-	-	-	-
Fueling/Service Station including fuel pumps/Convenience Store	-	-	C	-	C	P	P	-	-	C	-	C
Car Wash	-	-	C	-	C	P	P	-	-	C	-	C
Tattoo/Body Art Parlor	-	-	-	-	-	P	P	-	-	-	-	-
Adult Oriented Business	-	-	-	-	-	SE	SE	-	-	-	-	-
Low Speed Recreational Vehicle Sales												<u>C</u>

**ARTICLE 4
CONDITIONAL USE STANDARDS
NEW SECTION**

4.4.2 Commercial Services

F. Low Speed Recreational Vehicle Sales

1. All operations, including the display of low speed recreation vehicles, shall be conducted within a fully enclosed building.

2. There shall be no repair or servicing of low speed recreational vehicles permitted.
3. No low speed recreational vehicle that is for rent, lease, or is gas powered shall be made available on-site.
4. There shall be a minimum distance of 500 feet between properties, measured from the nearest property lines that have the same low speed recreational sales use.
5. Notice of applicable traffic laws and a map of legal streets of operation pertaining to low speed recreational vehicles must be provided to the customer during the transaction and copy of said laws and map provided with the low speed recreational vehicle. The customer shall sign an acknowledgement of receipt of the applicable traffic laws and map of legal streets of operation.
6. Outdoor display of the vehicles is limited to a maximum of three (3) vehicles provided the vehicles are located not more than ten (10) feet from the principal building façade and the vehicles are not in a common or public area and not within a parking space or lot.

**ARTICLE 9
DEFINITIONS AND INTERPRETATION
NEW DEFINITION**

9.2 Defined Terms

Low Speed Recreational Vehicle: Any 4-wheeled vehicle whose top speed is not greater than 25 miles per hour including the following:

- a. Conventional golf car which is used to carry one or more people who may use them to travel on public roads and to and from golf courses.
- b. Speed-modified golf car which is a conventional golf car that was modified after its original manufacture, so as to increase its speed.
- c. Neighborhood electric vehicle which is a 4-wheeled electric vehicle whose top speed is not greater than 25 miles per hour and may look more like a passenger car than a conventional golf car.

R. Stewart Design LLC



Urban Planning Residential Design Preservation

October 6, 2014

Town of Bluffton
Ms. Kendra Lilie

Re: Lot 10 Calhoun Promenade
Olde Town Golf Carts
UDO Text Change

This narrative is to request a UDO text amendment that would permit the Retail Sales and Leasing of Golf Carts in the proposed location. The building has not been designed, approved by HPC or Permitting at this time. The Applicant and Owner are requesting the Text Change prior to obtaining the Development Permit and Building Permit.

There will also be retail sales of golf cart accessories. There will be no repairs, remanufacturing, or maintenance done at the facility.

Within the same structure there will be an apartment/condo on the top 1 ½ floors of the 2 ½ story building that is permitted within this zoning district.

I understand the process and appreciate having the opportunity to bring this project to Bluffton.

Regards,



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