

## BLUFFTON TOWN COUNCIL MEETING MINUTES

### ELECTRONIC MEETING

July 14, 2020

Mayor Sulka called the meeting to order at 6:00 P.M. Council members present were Mayor Pro Tempore Fred Hamilton, Larry Toomer, Bridgette Frazier, and Dan Wood. Town Manager Marc Orlando, Deputy Town Manager Scott Marshall, Interim Chief of Police Scott Chandler, Director of Engineering Bryan McIlwee, Director of Finance and Administration Chris Forster Director of Growth Management Heather Colin, and Town Clerk Kimberly Chapman, and Town Attorney Terry Finger were also present.

*Let the record show that Councilman Toomer was not present for the first 40 minutes of the meeting.*

Pledge of Allegiance and Invocation were given by Mayor Pro Tempore Fred Hamilton.

#### Adoption of the Agenda:

**Frazier made a motion to adopt the agenda as presented. Wood seconded. Roll call was taken, and the motion was approved with a majority vote.**

#### Adoption of Minutes:

Town Council Regular Meeting Minutes of June 9, 2020

**Wood made a motion to approve the Town Council Regular Meeting Minutes of June 9, 2020. Frazier seconded. The motion carried with a majority vote.**

Town Council Workshop Minutes of June 11, 2020

**Hamilton made a motion to approve the Town Council Workshop Meeting Minutes of June 11, 2020. Wood seconded. The motion carried with a majority vote.**

#### Communications from Mayor and Council:

Sulka stated that if citizens wish to make public comments that they submit them through the website to the Town Clerk. Sulka stated that comments made on Facebook during the meetings would not be read during meetings.

#### Public Comment:

*Public comment was open to be received until two hours before the meeting start time through the website and via email to the Town Clerk to be read aloud for the record.*

**David Griffith**, 467 Hampton Lake Drive, Bluffton - Congratulations on exposing yourself as masters of "virtue signaling." So, when should I expect all the roadways in Bluffton be closed permanently? The odds of dying in an automobile accident is 1 in 114 and the odds of dying from Covid 19 is 1 in 2,321. Therefore, logic overwhelming supports closing all the roadways in Bluffton. So, the point is an ordinance was passed requiring face masks to be worn in public buildings but at the same time you have failed to mitigate the much higher probability of death in a car accident. Since one town council member made an ignorant and arrogant statement "if it saves one life" it only reasons to close all roadways in

Bluffton. I know the reasoning presented will not be understood because it is obvious the mask ordinance was perpetrated by people who made decisions on emotions and not facts and data. I hate politicians and politics but now I am forced to support candidates who run against everyone currently serving in Bluffton government. All of you are feckless embarrassments.

**Lisa Allen, 8 Marsh Drive, Bluffton** - Thank you for the opportunity to introduce the Beaufort County Police Accountability Task Force. It is grassroots, citizens group representing every jurisdiction in the county. Our mission is to use data to highlight areas of strength and opportunities for improvement for each law enforcement agency in Beaufort County. Our goal is to build a stronger relationship between the police and its communities by using data to track objectively the demographics of traffic stops, searches, incidents of force and arrests. We want to work with the police department to understand the context of that data and learn what drives trends. We commend the Town of Bluffton for forming a citizens advisory committee and imagine our groups will work closely together. Here in Beaufort County, we want our local law enforcement agencies to be our guardians, not warriors against us. In many ways they already are, but we want the data to confirm that. Please understand that each one of us knows a police officer whom we would call a friend. But many of us also know officers of whom we're afraid, yet they're still on the force, whichever force that might be. We're heard stories of harassment, aggression and brutality. And nearly to a person, every black and brown man on our task force has been pulled over at one time or another for reasons unknown. Here in Bluffton, we want to know how our law enforcement system treats various members of our community. Are our police being fair and just in deciding whom to warn versus arrest? Whom to stop and whom to let proceed? Whom to help and whom to punish? Do they dole out equally one of their most prized currencies, benefit of the doubt? We want to use data to build a case to put resources where they are needed to ensure that our friends, family and neighbors stay out of the criminal justice system if they don't belong there. Nothing else is possible if one ends up falsely accused, convicted, beaten or, at worst, killed by the system. It all starts with the police and it can all come crashing down because of one tiny misstep, one overzealous officer, one traffic stop that shouldn't have happened. We believe that by gaining a strong understanding of our police departments and they of us, we can work together to identify areas to emulate and areas to improve. Then we can use our collective voices to get the police, the public defenders, and the prosecutors the resources they need to ensure equal treatment for everyone. All lives matter. It's time our American system treated all lives with the same respect and sanctity. When it comes to black lives, we're way overdue. We're asking the council to support this initiative and help us obtain the data and understanding of our police department as it stands today so we can create a better future for everyone in the town of Bluffton.

Public Hearing and Final Reading:

Consideration of Approval of an Ordinance to the Town of Bluffton Code of Ordinances, Chapter 23 – Unified Development Ordinance, Article 4 Zoning Districts, Including Uses by District (Shopfront Manufacturing and Storefront Manufacturing), Conditional Use Standards (Junk and Salvage Yard Operations, Manufacturing Shopfront Manufacturing, Storefront Manufacturing, Solid Waste Transfer Facility/Recycling Center) and Article 9 Definitions and Interpretations (Shopfront Manufacturing and Storefront Manufacturing) – Second and Final Reading – Heather Colin, Director of Growth Management

**Public Hearing opened at 6:11 p.m.**

**There were no comments.**

**Public Hearing closed at 6:12 p.m.**

Colin stated that on May 8, 2018, the Town of Bluffton Town Council approved a Resolution adopting the Strategic Plan for Fiscal Year 2019-20 ("Strategic Plan"). The Strategic Plan serves as a road map for activities and initiatives to implement the Town's Vision and Mission Statement to ensure that Bluffton is poised to capitalize on opportunities that advance key goals.

Strategic focus areas include Fiscal Sustainability, Economic Growth, Town Organization, Community Quality of Life, Infrastructure, Affordable and/or Workforce Housing, and the May River & Surrounding Rivers and Watersheds. To support Community Quality of Life, Town Council requested a review of the Unified Development Ordinance (UDO) to determine if amendments could be made to better support the Town's priorities and general welfare. This review resulted in a "calibration of land uses," which includes recommending the following:

- 1) The creation of two new land uses (Storefront Manufacturing and Storehouse Manufacturing), both with use conditions;
- 2) The elimination of Mini-warehouse or Self-service Storage Facilities as a conditional use in the General Mixed (GM) Use District; within the Light Industrial (LI) District, changing it from a permitted use to a conditional use; and,
- 3) Amendments to existing use conditions for the development of Junk and Salvage Yard operations; Manufacturing; Mini warehouses or Self-storage Facilities and, Solid Waste Transfer Facility / Recycling Centers to improve buffering and other good neighbor standards.

This calibration was assisted with feedback obtained from the Don Ryan Center for Innovation (Center) regarding amendments to the Unified Development Ordinance (UDO). The Center identified breweries and distilleries as desirable land uses that support Economic Development and Community Quality of Life. John O'Toole with Beaufort County Economic Development Corporation and Ashley Feaster with Palmetto Electric Cooperative also provided feedback as it relates to economic development strategies. To support a broader range of potential businesses with operational characteristics similar to breweries and distilleries (i.e., low intensity manufacturing), Storefront Manufacturing and Storehouse Manufacturing are proposed.

Proposed UDO amendments for consideration include:

1. **Amend Article 4 (Zoning Districts), Sec. 4.3 (Uses by District), Table 4.3 (Uses by District).** The following changes are proposed:
  - a. Add Storefront Manufacturing and Storehouse Manufacturing as new conditional uses within specified zoning districts; and,
  - b. Eliminate the Mini-warehouse or Self-service Storage Facilities as a conditional use in the General Mixed (GM) Use District and change from a permitted use to a conditional use in

the Light Industrial (LI) District. Additional buffering and good neighbor standards are also proposed.

In recent years, traditional retail shops have undergone transformation. While competition with Internet sales has diminished the construction of new brick and mortar stores to some degree, retailing with related light manufacturing and assembly is expected to continue to increase. Traditionally, zoning regulations have forced these uses to locate in industrial areas; however, they do not cause operational nuisances. By limiting these uses to industrial-zoned property, which is a very limited area of Bluffton, the Town may be losing potential businesses and employment opportunities.

To address this, two new land uses are proposed, one that is primarily retail in nature (“Storefront Manufacturing”) and the other that is primarily manufacturing (“Storehouse Manufacturing”). An example of a storefront manufacturing use is a coffee shop that receives and stores beans to be roasted in mass. The roasted beans are then used to brew coffee for on-site consumption and may also be packaged for retail sale on-site and/or to be shipped to purchasers. An example of Storehouse Manufacturing is a brewery or distillery that is primarily engaged in the manufacturing and bottling of beverages for wholesale to be sold by other establishments, and that may provide limited on-site retail to the general public, tastings and tours. It has become common to see this use in conjunction with a restaurant or bar (which are separate principal uses).

Removing Mini-warehouses and Self-service Storage Facilities from the General Mixed (GM) Use District is intended to ensure that the GM District remains vibrant with businesses that provide goods and personal services, as well as employment opportunities. The nature of the storage use is more appropriate for the Light Industrial District with very specific conditions.

2. **Amend Article 4 (Zoning Districts), Sec. 4.4 (Conditional Use Standards).** As identified in UDO Table 4.3 (Uses by District), certain uses are “conditional uses” and are designated with the letter “C.” The letter indicates that the particular use has conditions that are required for it to be developed. Typically, the conditions relate to minimizing impacts, such as requiring more screening or buffering beyond the minimum requirements of the UDO. The proposed amendment provides an explanation of the intent of the conditions and eliminates language that may be confusing.
3. **Amend Article 4 (Zoning Districts), Sec. 4.4.2 (Conditional Use Standards, Commercial Uses: Storefront Manufacturing, Storehouse Manufacturing).** Storefront Manufacturing and Storehouse Manufacturing are proposed to include conditions to ensure that manufacturing activities do not cause potential nuisances for neighboring properties, including noise, odor, vibration and glare. Additional conditions relate to screening and design. If screening is provided, limited outdoor activities may be possible for the Storehouse Manufacturing use. Also, a traditional shopfront appearance is recommended to be incorporated into the design of a Storefront Manufacturing structure as retail is the main component of this use.

4. **Amend Article 4 (Zoning Districts), Sec. 4.4 (Conditional Use Standards, Industrial Uses: Junk and Salvage Operations, Solid Waste Transfer Facility/Recycling Center, Manufacturing).** Three uses—Junk and Salvage Operations, Manufacturing and Solid Waste Transfer Facility/Recycling Facility—are presently permitted in the Light Industrial district as conditional uses (i.e., if the specified UDO conditions are met, the use is permitted). The use conditions are designed to prevent or reduce potential nuisance impacts beyond the property lines, such as noise and glare. Amendments are proposed to require improved buffering, including landscaping and screening to ensure greater compatibility with neighboring properties.
5. **Amend Article 9 (Definitions and Interpretation), Sec. 9.4.3 (Description of Uses of Land and Buildings; Commercial Services-Storefront Manufacturing and Storehouse Manufacturing).** With the addition of Storefront Manufacturing and Storehouse Manufacturing as new uses (see #1 above), definitions for each are proposed. Storefront Manufacturing is primarily engaged in retail sales but also includes limited manufacturing activities (e.g., a coffee shop that roasts beans and packages them for sale on-site or via the Internet). Storehouse Manufacturing is primarily engaged in low intensity manufacturing that could include assembly and packaging for limited on-site sales but may include retail sales via the Internet and wholesale for larger quantities. An example, small-scale craft breweries and distilleries, are increasingly popular in mixed use areas and may be in combination with a restaurant and/or bar, separate principal uses.

When assessing an application for a UDO Text Amendment, the Town Council is required to consider the criteria set forth in UDO Section 3.5.3, Application Review Criteria. These criteria are provided below, followed by a Finding.

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

**Finding.** The proposed amendments are consistent with the needs, goals and implementation strategies of the Comprehensive Plan. The Comprehensive Plan, as adopted on September 4, 2007, balances “long-term visioning and goals” with “short-term actions.” Adding to Storefront Manufacturing and Shopfront Manufacturing supports diversification of the local economy, as called for the Comprehensive Plan. Likewise, the Comprehensive Plan encourages the protection of the health, safety and welfare of residents and visitors; improved use conditions support this.

2. **Section 3.5.3.B.** Consistency with demographic changes, prevailing economic trends, and/or newly recognized best planning practices.

**Finding.** The proposed amendments are consistent with best planning practices in response to the Town’s economic trends and further the public welfare.

3. **Section 3.5.3.C.** Enhancement of the health, safety, and welfare of the Town of Bluffton.

**Finding.** The proposed amendments will help to promote the Town’s general welfare by encouraging new types of businesses and improving buffering for the Town’s most intensive uses.

4. **Section 3.5.3.D.** Impact of the proposed amendment on the provision of public services.

**Finding.** The amendments will have no impact on providing public services.

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

**Finding.** The application complies with all applicable requirements of the Applications Manual.

Colin stated that the Planning Commission made a recommendation at their May 27, 2020 meeting to unanimously approve the proposed amendments to the Unified Development Ordinance. Colin also stated that there have been no changes since First Reading on June 9<sup>th</sup>.

**Wood made a motion to approve on Second and Final Reading, an Ordinance to Amend the Town of Bluffton Code of Ordinances, Chapter 23 – Unified Development Ordinance, Article 4 Zoning Districts, Including Uses by Shopfront Manufacturing and Storefront Manufacturing, Conditional Use Standards for Junk and Salvage Yard Operations, Manufacturing, shopfront Manufacturing, Storefront Manufacturing, Solid Waste Transfer Facility/Recycling Center and Article 9 Definitions and Interpretations. Hamilton seconded. Roll call was taken, and the motion carried with a majority vote.**

Consideration of Approval of an Ordinance to the Town of Bluffton Code of Ordinances, chapter 23 – Unified Development Ordinance, Article 4 Zoning Districts, Planned Unit Development, Affordable/Workforce Housing, Article 6 – Sustainable Development Incentives, Workforce/Affordable Housing – First Reading – Heather Colin, Director of Growth Management

**Public Hearing opened at 6:14 p.m.**

**There were no comments.**

**Public Hearing closed at 6:15 p.m.**

Colin stated that on May 8, 2018, the Town of Bluffton Town Council approved a Resolution adopting the Strategic Plan for Fiscal Year 2019-20 (“Strategic Plan”). The Strategic Plan serves as a road map for activities and initiatives to implement the Town’s Vision and Mission Statement to ensure that Bluffton is poised to capitalize on opportunities that advance key goals.

During the FY2019-20 Strategic Action Plan process, Town Council included a new Strategic Focus Area to address Affordable and/or Workforce Housing. Other strategic focus areas include Fiscal Sustainability, Economic Growth, Town Organization, Community Quality of Life, Infrastructure, and the May River & Surrounding Rivers and Watersheds.

The Town of Bluffton is committed to improving the quality of families and communities, by helping to develop, produce and/or assist with low-cost affordable and/or workforce housing in safe neighborhoods including rental units and home ownership programs. To help guide efforts, Town Council created the Affordable Housing Committee (AHC) by a majority vote on January 12, 2010 and Town Council Resolution adopted on August 11, 2015 establishing its Charter. The AHC is tasked with assisting and advising Town Council on the establishment of affordable housing criteria for Town-sponsored affordable housing development projects and initiatives as well as defining the Town’s affordable housing goals, guidelines and policies, and funding mechanisms per the Committee.

On August 7, 2018, the AHC discussed the Town of Bluffton's Unified Development Ordinance's (UDO) requirements and incentives for Affordable/Workforce Housing and voted to forward the following recommendations for revisions to the UDO to Town Council:

1. Amend Section 4.2.13.F. Planned Unit Development (PUD) – Affordable/Workforce Housing. Currently, the UDO requires all new PUDs include a minimum of 10% affordable/workforce housing. The AHC recommends increasing the minimum amount of affordable/workforce housing required for new and amended PUDs from 10% to 20%.
2. Amend Section 6.5.3.B.4.a. Owner-Occupied Eligibility - Currently, the UDO requires that the sale of owner-occupied workforce/affordable housing units is limited to individuals and families earning no more than 120% of the current gross Area Median Income (AMI) for Beaufort County. The AHC recommends lowering the qualifying percentage to no more than 100% of the current gross (AMI) for Beaufort County. By lowering the percentage, it will allow more units to be available to lower-earning households.

Based on additional discussion in 2019, the AHC further recommended that the payment in lieu of providing affordable/workforce housing be eliminated.

Text amendments were prepared as directed by the AHC and shared with Town Council at a workshop on March 17, 2020. Town Council supported the text amendments as presented and advised that the definition for workforce housing also be amended to lower the qualifying percentage from 120% of the gross AMI for the County to 100%

Proposed Amendments:

**1. Article 4 (Zoning Districts); Sec. 4.2.13.F (Affordable/Workforce Housing)**

As of [date of the adopted amendment], a new or amended PUD with a residential component shall include a minimum of 10% ~~20%~~ affordable/workforce housing. For amended PUDs, this requirement applies only to the portion of the PUD subject to the amendment. PUD's that include more than 10% ~~20%~~ affordable/workforce housing, a density bonus of two additional market price units shall be allowed for each additional affordable/workforce housing unit. This may be utilized for a density increase of up to 20%. The Town of Bluffton may accept a fee in lieu of including affordable/workforce housing.

**2. Article 6 (Sustainable Development Incentives); Sec. 6.5.3.B.4.a (Workforce/Affordable Housing, Specific Standards)**

4. Owner-occupied workforce/affordable housing shall meet the following criteria:

- a. **Eligibility.** Sale of owner-occupied workforce/affordable housing units is limited to individuals and families earning no more than ~~120%~~ 100% of the gross Area Median Income (AMI) for Beaufort County, as published annually by the U.S. Department of Housing and Urban Development and adjusted for household size. The workforce/affordable housing unit shall serve as the owner's primary residence for the duration of ownership or until the deed restrictions required by this Section have expired."

### **3. Article 9 (Definitions and Interpretation); Sec. 9.2 (Defined Terms – Workforce Housing)**

Workforce Housing: Housing affordable to low and moderate-income families (those earning up to ~~120%~~100% of the Beaufort County Area Median Income (AMI), as defined in the schedule published annually by the U.S. Department of Housing and Urban Development).

**REVIEW CRITERIA & ANALYSIS:** When assessing an application for a UDO Text Amendment, the Planning Commission and Town Council are required to consider the criteria set forth in UDO Section 3.5.3, Application Review Criteria. These criteria are provided below, followed by a Finding.

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

**Finding.** The proposed amendments are consistent with the needs, goals and implementation strategies of the Comprehensive Plan. The Comprehensive Plan, as adopted on September 4, 2007, balances “long-term visioning and goals” with “short-term actions.” The Action Agenda Initiatives found in the 2019-20 Strategic Plan capture non-capital improvement projects of significance, many of which emanate from the Comprehensive Plan. The proposed Text Amendments are a direct result of these Initiatives.

- 2. Section 3.5.3.B.** Consistency with demographic changes, prevailing economic trends, and/or newly recognized best planning practices.

**Finding.** The proposed amendments are consistent with best planning practices in response to the Town’s economic trends and demographics. As stated in the 20192020 Strategic Plan, “the Town of Bluffton is committed to improving the quality of families and communities, by helping to develop, produce and/or assist with low-cost affordable and/or workforce (affordable) housing in safe neighborhoods including rental units and home ownership programs.” This includes “enhancement” of ordinances to meet the future housing needs of the Town.

- 3. Section 3.5.3.C.** Enhancement of the health, safety, and welfare of the Town of Bluffton.

**Finding.** The proposed amendments will help to promote the Town’s general welfare by requiring more housing opportunities for income-qualifying households.

- 4. Section 3.5.3.D.** Impact of the proposed amendment on the provision of public services.

**Finding.** The amendments will have no impact on providing public services.

- 5. Section 3.5.3.E.** The application must comply with applicable requirements in the Applications Manual.

**Finding.** The application complies with all applicable requirements of the Applications Manual.



Colin stated that the Planning Commission made a recommendation at their May 27, 2020 meeting to unanimously approve the proposed amendments to the Unified Development Ordinance. Colin also stated that there have been no changes since First Reading on June 9<sup>th</sup>.

**Frazier made a motion to approve on Second and Final Reading, an Ordinance to the Town of Bluffton Code of Ordinances, Chapter 23 – Unified Development Ordinance, Article 4 Zoning Districts, Planned Unit Development, Affordable/Workforce Housing, Article 6 – Sustainable Development Incentives, Workforce/Affordable Housing. Wood seconded. Roll call was taken, and the motion passed with a majority vote.**

Workshop Agenda:

Review of Proposed Text Amendments to the Town of Bluffton Code of Ordinances Relating to the Regulation and Certification of Short Term Rental Units, Specifically Changes to Chapter 23 – Unified Development Ordinance, Article 4 – Zoning Districts and Article 9 – Definitions and Interpretations as well as an Addition to Chapter 6 of the Code of Ordinances – Businesses and Business Regulations – Article V. Short Term Rental Units – Heather Colin, Director of Growth Management

Colin stated that presently, short-term rental units are regulated as a home occupation use, whether the rental is a bedroom within an occupied home or the rental of an entire dwelling unit with the property owner residing elsewhere. A home occupation is defined as “[a]ny use of principal or accessory buildings clearly incidental and secondary to their uses for residential purposes and which does not change the character thereof, within a residential area subject to the conditions of this Ordinance.” This classification is more suited for a bedroom rental rather than a whole-house rental. However, as both uses are lodging accommodations, they should be specifically and individually identified in the UDO.

A workshop was held with Town Council on March 12, 2019 to provide an overview of short-term vacation rentals, including impacts, best practices from other communities and possible approaches the Town may want to consider if it chooses not to continue to regulate short-term vacation rentals as a home occupation use.

As the result of the workshop, a Focus Group was created with a diverse group of individuals, including residents, realtors, business owners and representatives of a Planned Unit Development that allows short-term vacation rentals. A public workshop was also held on June 6, 2019. Feedback from the Focus Group and the public, as well as best practices from other communities and State law informed the development of the proposed process and the suggested amendments.

The process and suggested amendments include the following:

- Changing the rental of an entire dwelling from a Home Occupation Use to a new “Short-term Rental Unit” use;
- Changing the rental of no more than one bedroom within an occupied dwelling from a Home Occupation use to a new “Bed and Breakfast Homestay” use;
- Requiring a certification process for the Short-term Rental Unit use;
- Creating a definition for “Transient Guest”; and,
- Adjusting other lodging uses as the result of proposed changes to the permitted number of bedrooms, and correcting the “Inn” use to remove the limit on the maximum number of days a

stay is permitted (no more than 7 consecutive days and no more than 60 days in a calendar year) and to require that the use be located within a dwelling unit.

A Short-term Rental Unit is proposed to be defined as “A lodging accommodation where, in exchange for compensation, a residential dwelling in its entirety is rented for less than 30 consecutive days to transient guests.” As proposed, a Rental Unit would be permitted in a principal or accessory dwelling within any zoning district. Individual Planned Unit Developments would self-determine whether or not to allow the use. Several use conditions are proposed, including allowing only one rental unit per lot of record, maintaining the residential appearance of the rental unit, and requiring a certification process to ensure.

The certification process is intended to do several things: 1) mitigate potential impacts that may arise when a dwelling unit is rented as a lodging use without on-site management (e.g., a 24-hour contact responsible for the property must be provided to the Town); 2) require the owner to provide a signed checklist that certain life-safety items are in place such as smoke alarms, fire extinguishers and windows in each bedroom, as well as encourage an independent inspection of the dwelling (which Town staff will not conduct); and, 3) place the owner on notice that accommodation and hospitality taxes are required to be remitted. An application (Attachment 3) will include guidelines and information on all items required. The application is attached for information to provide an overview of the process and is a work in progress that would be finalized if Town Council chooses to move forward with the proposed UDO amendments.

A “Bed and Breakfast Homestay” is also proposed. The suggested definition is “A principal dwelling in which no more than one (1) bedroom is rented to transient guests from the proprietor who also resides within the dwelling. Meals, if provided, are available only to transient guests.” Presently, the rental of one bedroom would be classified as a Bed and Breakfast use which allows up to six bedrooms. A Bed and Breakfast is a more commercial-oriented use given the number of permitted bedrooms. Breaking out the rental of only one bedroom from the Bed and Breakfast use is suggested so that it may be regulated as a Home Occupation use. This has become an increasingly common approach in other communities. The proposed change to the number of bedrooms permitted would require adjustment to other lodging uses.

The proposed changes are in line with best practices and will allow Town Staff to better regulate vacation rentals without creating an onerous process for current and future short-term vacation rental owners, or for Town staff. There would be an initial certification process with an annual renewal. Certification lets potential renters know that minimum standards are in place for their own safety. If Town Council desires to move forward with the proposed amendments, Town Staff and the Town Attorney will continue work to finalize the certification requirements.

Colin stated that with Council’s direction, staff would like to forward the amendments to the Planning Commission for a Public Hearing, followed by a first and second reading/public hearing by Town Council.

Council directed staff to re-examine wording on the Short-Term Rental Unit Certificate Application under “Locations and Conditions” regarding maximum occupancy. Colin stated that when bringing back for Council consideration for First Reading, staff will clarify and outline the process regarding inspecting and enforcement and list a summary of fees and the timeframe that owners would have to come into compliance. Council also was in consensus that management companies should be local, the utilization of the term “bungalow” would not be permitted and that there would be a limit of one rental unit per property with parking limits strictly enforced at each rental based on the size of the home and the district that it is located.

Review of Proposed Text Amendments to the Town of Bluffton Code of Ordinances Relating to the Definition of Contributing Structures and the Incorporation of the Inventory of Contributing Structures, Specifically Changes to Chapter 23 – Unified Development Ordinance, Article 3 – Application Process, Article 4 – Zoning Districts, and Article 9 – Definitions and Interpretations – Heather Colin, Director of Growth Management

Colin stated that as defined by the UDO, a contributing structure is “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 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.”

The definition does not explain the characteristics of a contributing structure and is also unnecessarily complicated and confusing as multiple sources must be referenced to obtain the complete list of structures. Therefore, as part of updating the definition of contributing structure, the inventory list is proposed to be included in the UDO as Section 9.7 (Town of Bluffton Contributing Resources). The term “contributing resource” is proposed for the list as two coves (Heyward and Huger) were included as part of the 1996 National Register of Historic Places listing. Resources can include structures, buildings, sites, objects and landscapes.

All of the resources shown on the inventory in Attachment 1 have been previously listed in 1996 (National Register) or in 2001 or 2008 (local historic resources surveys). There are no changes to the have been removed from the list. Contributing resources may be listed nationally, locally or both. All structures that contribute to the National Register have been designated as local contributing structures; however, not all local contributing structures are nationally contributing. Local contributing structures, all of which are presently in Old Town Bluffton Historic District, must comply with the design requirements of UDO Sec. 5.15 (Old Town Bluffton Historic District) and receive a Certificate of Appropriateness (COFA) for any modifications to the exterior appearance, including alterations and additions. Additionally, a COFA is required to relocate or demolish a contributing structure as specified in UDO Sec. 3.18 (Certificate of Appropriateness – Historic District).

A historic resource survey was undertaken in 2019 to resurvey the Old Town Historic District and to survey the Buck Island-Simmonsville and Goethe corridors. This survey has not yet been adopted by Town Council. Any structures that are identified as eligible for listing will not be included as part of the historic resource inventory list proposed with these amendments. To be included on the contributing resource inventory list, the designation process described in UDO Sec. 3.25 (Designation of Contributing Structure) must be followed. The survey data is under evaluation to determine if additional structures may qualify for potential designation.

All structures appearing on the contributing resource list would be eligible to apply for a special tax assessment for contributing structures known as the “Bailey Bill,” if adopted in the future. The Bailey Bill

is being pursued by Town Staff as part of an FY2018-2019 Strategic Action Plan initiative. This special assessment permits a property owner to lock-in the taxable assessed value of the property based on its fair market value prior to rehabilitation. Taxes are not paid on the increased value of the property until the special assessment period ends, which could be up to 20 years.

The Historic Preservation Commission (HPC) reviewed the proposed amendments on July 1, 2020 and did not suggest any changes. Colin stated that with Council direction, staff would like to forward the amendments to the Planning Commission for a Public Hearing, followed by a first and second reading/public hearing by Town Council.

Council feedback was that they would like for a professional preservationist to look at each structure to make a determination, rather than basing the designation of a structure simply by its age. Colin will consult with state archives where the model ordinance was drafted from to discuss simplifying language; Colin stated that there will not be an automatic designation of being a contributing structure – all structures would go through a rezoning process with notification that the structure is being considered (either by the Town of Bluffton or requests from owners). Council was also in consensus that each structure be considered on a case by case basis in regard to not only the age and designation of a structure but the potential financial hardship once a determination has been made.

Review of Proposed Text Amendments to the Town of Bluffton Code of Ordinances Relating to Unsafe and Uninhabited Structures and Pro-Active Preservation of Contributing Structures, Specifically Changes to Chapter 23 – Unified Development Ordinance, Article 3 – Application Process and Article 9 Definitions and Interpretations – Heather Colin, Director of Growth Management

Colin stated that in the FY2018-2019 Strategic Action Plan, Town Council included an initiative to address “unsafe, uninhabited structures.” Presently, the Official Construction Code regulates all such buildings throughout town, including contributing structures located within Old Town Bluffton Historic District.

At a February 13, 2018 Town Council workshop, Council directed staff to develop an ordinance specifically addressing the maintenance of historic contributing structures. Additionally, it was acknowledged that an update to the list of contributing structures would be necessary to determine if additional structures were eligible for listing.

The Town previously had a “Maintenance of Contributing Structures” ordinance in the Unified Development Code (UDC). When the Unified Development Ordinance (UDO) was adopted on November 11, 2011 to take the place of the UDC, the Maintenance of Contributing Structures ordinance was not included.

A “Maintenance of Contributing Structures” ordinance is a valuable tool for historic preservation. It is more commonly known as a “Prevention of Demolition by Neglect” ordinance or a “Pro-active Preservation” ordinance. The purpose is to provide a process by which the Town can intervene to ensure that such structures are not permitted to deteriorate and/or become destabilized to such a degree that partial or full demolition may be necessary due to a lack of regular maintenance and repair, whether intentional or not.

As defined by the UDO, a contributing structure is “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 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.” This definition is proposed to be revised to provide more exact and clear language regarding the characteristics of a contributing structure. A map of existing contributing structures is provided as Attachment 3.

For this initiative, Town Staff reviewed the previous “Maintenance of Contributing Structures” ordinance. While there are elements of the ordinance that are desirable, Town Staff believes that the minimum conditions constituting “neglect” could be more substantial and the process more streamlined. This decision was supported by research of similar ordinances from other communities, including Savannah; New Orleans; Charlottesville, Virginia; and Raleigh and Durham, North Carolina. Charleston does not have such an ordinance.

**Proposed Ordinance:** The pro-active preservation process begins when an application is received by the UDO Administrator stating that a contributing structure may have one or more possible conditions of neglect, as specified by ordinance. The application may be submitted by the public or Town Staff.

If any condition exists, the UDO Administrator would consult with the Building Official to determine if any condition may be an immediate threat to persons or property. If none, the UDO Administrator would then contact the property owner by mail, outlining alleged condition(s) of neglect and requesting a meeting to discuss. Ideally, the property owner and the Town would come to an agreement as to how the condition(s) would be corrected and the date for completion, which would be outlined in a final determination letter. If the property owner disagrees, the decision could be appealed to the Historic Preservation Commission (HPC).

Colin stated that with Council direction, staff would like to forward the proposed amendments to the Planning Commission for a Public Hearing, followed by a first and second reading/public hearing by Town Council. Council was in consensus for staff to move forward.

Formal Agenda:

Consideration of Approval of an Ordinance to Amend the Town of Bluffton Code of Ordinances, Chapter 5 – Official Construction Code, Article 1. Administration, Division 18 (new) Construction Site Property Maintenance and Site Preparation for Severe Weather Events – First Reading – Heather Colin, Director of Growth Management

An amendment to the municipal code of ordinances is proposed to address construction site property maintenance during non-emergency events, as well as preparation of construction and developed sites for severe weather events. Several hurricanes in recent years and an increase in development throughout the Town have demonstrated the need for this ordinance.

In the interest of public safety, the ordinance is proposed to prepare construction and developed sites for severe weather events to prevent loose items from becoming airborne. Such items would be required to

be secured, stored or removed, and containers and portable toilets would be required to be tied to the ground. Public notice of an impending severe weather event would come when the National Weather Service or National Hurricane Center issues a hurricane or tropical storm warning for Beaufort County, or when a severe weather directive has been issued by the Town Manager, whichever may be first. Once these agencies remove Beaufort County from further weather threat, or the Town Manager ends the severe weather directive, materials and furnishings could be returned to their locations. For construction sites, if the Town deems the site to be an endangerment to public safety; a possible liability to the Town; or an endangerment to public property, streets or utilities, the Town would be able to enter the site to secure, store or remove items if the property owner or contractor has not done so. The property owner would be required to reimburse the Town for related expenses.

Similarly, it is in the interest of the public welfare to require that construction sites during non-emergency events be maintained in good, clean and safe condition. Minimal standards are proposed to help ensure this, including but not limited to a requirement for debris to be removed at least once a week, or when a dumpster is full; removing any dirt, mud or other debris from rights-of-way and public property on a daily basis; placing portable toilets away from adjacent properties; tree protection measures; and, approving access for construction vehicles. Any violation would require correction within 24 hours, otherwise a stop-work order may be issued, and the Town may correct the violation, charging the property owner for related expenses. The requirements will be included during the development plan review process, issuance of any and all planning and building permits and during the pre-construction meeting.

**Frazier made a motion to approve First Reading of Amendments to Chapter 5 – Official Construction Code, Article 1 – Administration to Create Division 18, Construction Site Property Maintenance and Site Preparation for Severe Weather Events. Toomer seconded. Roll call was taken, and the motion carried unanimously.**

Consideration of Approval of an Ordinance to Amend the Town of Bluffton Code of Ordinances, Chapter 23 – Unified Development Ordinance, Article 5 Design Standards, General Standards Related to Historic District Architectural Design and Lot Sizes – First Reading – Heather Colin, Director of Growth Management

Colin stated that as set forth in Section 3.5.2 of the Unified Development Ordinance (UDO), “an application for a Unified Development Ordinance Text Amendment may be initiated by a Town of Bluffton property owner, Town Council, Planning Commission, or the UDO Administrator when public necessity, convenience, State or Federal law, general welfare, new research, or published recommendations on zoning and land development justifies such action.”

On May 8, 2018, the Town of Bluffton Town Council approved a Resolution adopting the Strategic Plan for Fiscal Year 2019-20 (“Strategic Plan”). The Strategic Plan serves as a road map for activities and initiatives to implement the Town’s Vision and Mission Statement to ensure that Bluffton is poised to capitalize on opportunities that advance key goals.

Strategic Plan focus areas include Fiscal Sustainability, Economic Growth, Town Organization, Community Quality of Life, Infrastructure, Affordable and/or Workforce Housing, and the May River & Surrounding Rivers and Watersheds. These amendments relate to Community Quality of Life, which includes updating

policies and ordinances to sustain the Town's "unique and authentic" character, as well as preserving its culture and history.

Chapter 23 (Unified Development Ordinance), Article 5 (Design Standards), Section 15 (Old Town Bluffton Historic District) regulates new construction, redevelopment and exterior changes to all structures within Old Town. The impetus for having both general and architectural standards for these types of activities grew out of the Old Town Master Plan, which identified the need to establish a blueprint for the area in order to maintain its historic and eclectic architectural character and development patterns while still encouraging creativity.

The proposed amendments are intended to address reoccurring issues that have been identified as problematic in their application over the years. This process included input from the Historic Preservation Commission, Town Council, a consultant, local architects and other interested individuals and community members.

Additional amendments are also proposed to fix scrivener's errors, provide consistency with other sections of the UDO, and allow additional flexibility in some instances (e.g., more material choices). These amendments were discussed at a Historic Preservation Workshop on May 1, 2019 and, more recently, May 6, 2020 and are representative of the comments provided.

Finally, these amendments also suggest adjustments to minimum lot widths for certain building types in the Neighborhood Core-HD, Neighborhood Center-HD, Neighborhood General-HD and Neighborhood Conservation-HD zoning districts based on Town Council concerns that lot widths less than 50 feet are too minimal to adequately provide for driveways and off-street parking. Presently, some building types within the four Old Town Historic District zoning districts allow for lot widths as minimal as 30 feet. After discussing lot widths at two meetings in May and June, the Planning Commission suggested that new lots not be less than 40 feet in width and, in some cases, be wider than 40 feet depending on building type.

Of the affected 18 lot widths less than 50 feet in width for the various building types scattered among the four zoning districts, seven (7) are proposed for lot width increases to 40, 45 or 50 feet from 30 and 35 feet; five (5) are proposed to have width increases from 40 feet to 45 or 50 feet. Of the remaining six (6), two would remain the same at 40 feet; two are new building types in the Neighborhood General-HD district with 45-wide lots; and two would have a lot width increase from 40 to 50 feet. These varying lot widths reflect the zoning district, building type, building size range, maximum footprint, typical width for the building type and the side yard setbacks. The Planning Commission also proposes requiring that, if the amendments are adopted, new single and two-family residences would be required to have vehicular access from the rear or side yard. The front yard could be accessible if a shared driveway with the adjacent property is established. If the shared driveway cannot be provided, the UDO Administrator would then have the authority to approve individual driveways. In addition, the Planning Commission recommended that the UDO Administrator be allowed the ability to reduce the minimum lot width requirement by up to five (5) feet if there are site constraints, such as protected/specimen trees or historic resources.

When assessing an application for a UDO Text Amendment, the Town Council is required to consider the criteria set forth in UDO Section 3.5.3, Application Review Criteria. These criteria are provided below, followed by a Finding.

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

**Finding.** The proposed amendments are consistent with the needs, goals and implementation strategies of the Comprehensive Plan. The Comprehensive Plan, as adopted on September 4, 2007, balances “long-term visioning and goals” with “short-term actions.” The Action Agenda Initiatives found in the 2019-20 Strategic Plan capture non-capital improvement projects of significance, many of which emanate from the Comprehensive Plan. The proposed Text Amendments are a direct result of these Initiatives.

2. **Section 3.5.3.B.** Consistency with demographic changes, prevailing economic trends, and/or newly recognized best planning practices.

**Finding.** The proposed amendments are consistent with best planning practices, which includes evaluating existing ordinances from time to time to ensure, among other things, that they are adequately protecting and enhancing the Bluffton’s historic and eclectic character.

3. **Section 3.5.3.C.** Enhancement of the health, safety, and welfare of the Town of Bluffton.

**Finding.** The proposed amendments will help to promote the Town’s general welfare by ensuring that general and architectural standards for Old Town Bluffton Historic District adequately protect Bluffton’s historic and eclectic character.

4. **Section 3.5.3.D.** Impact of the proposed amendment on the provision of public services.

**Finding.** The amendments will have no impact on providing public services.

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

**Finding.** The application complies with all applicable requirements of the Applications Manual.

**Toomer made a motion to approve on First Reading an Ordinance to Amend the Town of Bluffton Code of Ordinances, Chapter 23 – Unified Development Ordinance, Article 5 Design Standards, General Standards Related to Historic District Architectural Design and Lot Sizes. Frazier second. The motion failed with a vote 3-2 against.**

**Hamilton made a motion to approve on First Reading an Ordinance to Amend the Town of Bluffton Code of Ordinances, Chapter 23 – Unified Development Ordinance, Article 5 Design Standards, General Standards Related to Historic District Architectural Design and Lot Sizes that Grandfathers in Current Lots that are Under 50 Feet and Changing Minimum Lot Width to 50 feet. Wood seconded. Roll call was taken, and the motion passed unanimously.**

Consideration of Approval of an Ordinance to Amend the Belfair Planned Unit Development Text to Amend Proposed Uses to add the Use of “Animal Hospital or Clinic” to the List of Permitted Uses within the Neighborhood Commercial Development Plan Section A – Land Uses, Subsection 6 – neighborhood Commercial – First Reading- Kevin Icard, Planning and Community Development Manager

Icard stated that this application is being presented by Walter Nester of Burr & Forman LLP, on behalf of the owner, BRE Mariner Belfair Town Village, LLC, for approval of a Planned Unit Development (PUD) Text Amendment. The Applicant is requesting the approval of a text amendment to the Belfair PUD by adding to the current authorized uses in the Neighborhood Commercial (NC) portion of the



Belfair PUD the use category "Animal Hospital or Clinic," but excluding the use category "Kennel".

The Neighborhood Commercial (NC) portion of the Belfair PUD, known as the Belfair Town Village, is located on the northern side of Highway 278 across from the intersection of Simmonsville Road and consists of approximately 31.5 acres

The application is for a text amendment within the Belfair PUD to allow "Animal Hospital or Clinic", but excluding "Kennels," within the Neighborhood Commercial (NC) portion of the PUD.

The Owner intends to lease Property within the Neighborhood Commercial area of the PUD to Banfield Pet Hospital, a full-service veterinary clinic providing treatment, medications, vaccinations and the sale of associated retail products for household pets. Banfield does not require nor plan to contract kennels or facilities for keeping household pets on the property, except as necessary to provide medical treatment.

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

*Finding. This request is consistent with the Comprehensive Plan.*

*Finding. This text amendment would extend the Neighborhood Commercial (NC) area uses to allow an animal hospital or clinic, excluding kennels, and would be consistent with the commercial uses in the area.*

1. **Section 3.5.3.B.** Consistency with demographic changes, prevailing economic trends, and/or newly recognized best planning practices.

*Finding. This request does not significantly alter the area since the Belfair Towne Village is already developed with a variety of residential, civic, commercial, and other mixed uses. The application proposes to add the additional use of "Animal Hospital or Clinic," which is an equivalent or less intense use than other uses available in the Belfair PUD.*

2. **Section 3.5.3.C.** Enhancement of the health, safety, and welfare of the Town of Bluffton;

*Finding. This request will allow the additional use of Animal Hospital or Clinic to support current and future residents of the Town by allowing animal medical and health care facilities for animals of Town and County Residents.*

3. **Section 3.5.3.D.** Impact of the proposed amendment on the provision of public services;

*Finding. This request affects the Neighborhood Commercial (NC) portion of the Belfair PUD, which has direct access to U.S. Highway 278. The Neighborhood Commercial area has all necessary and readily available utilities and storm water facilities that are suitable for the proposed use. No additional density is requested; therefore, there is no adverse impact on the public facilities and services contemplated to serve the Belfair PUD.*

4. **Section 3.5.3.E.** The application must comply with applicable requirements in the Applications Manual.

*Finding. This request has satisfied all applicable requirements of the Applications Manual.*

**Toomer made a motion to approve on First Reading an Ordinance to Amend the Belfair Planned Unit Development Text to Amend Proposed Uses to add the use of "Animal Hospital or Clinic" to**

**the List of Permitted Uses within the Neighborhood Commercial Portion of the Belfair Planned Unit Development Concept Plan, Article 4 Development Plan Section A – Land Use, Subsection 6 – Neighborhood Commercial. Wood seconded. Roll call was taken, and the motion carried unanimously.**

Consideration of Approval of an Ordinance to approve a 100% Annexation Petition for Certain Property Consisting of Approximately 1.076 Acres of Land Located at 464 Buckwalter Parkway and Identified as a Portion of Beaufort County Tax Map No. R600 029 000 0014 0000 into the Town of Bluffton Municipal Boundary as part of the Buckwalter Planned Unit Development to Supplement the Development of the 9.18 Acre Robertson Site – First Reading – Kevin Icard, Planning and Community Development Manager

Icard stated that on January 9, 2019 in accordance with Section 5-3-150 of the Code of Laws of South Carolina and the *Town of Bluffton Annexation Policy and Procedure Manual* (“Annexation Manual”), Walter Nester of Burr, Forman, McNair, on behalf of Enmark Stations, Inc. and the property owner Grande Oaks II, LLC, submitted a 100% Annexation Petition Application for a 1.076 acre portion of the property located at 464 Buckwalter Parkway (“Property”) into the Town of Bluffton’s municipal boundary.

Pursuant to the Annexation Manual, the Applicant also submitted a concurrent Zoning Map Amendment application requesting the Property’s incorporation into the Buckwalter Planned Unit Development (“Buckwalter PUD”), Concept Plan and Development Agreement as part of the Buckwalter Commons Land Use Tract which is the most permissive land use designation which allows a broad mix of uses.

Per the Annexation Manual, the initial step in the public review process is an initial briefing, or “intent to annex”, to Town Council for general discussion of the request and its associated applications such as the appropriate zoning classification and possible negotiation items. At the conclusion of the discussion, Town Council votes on the approval of First Reading of the Annexation Ordinance.

The Property contains approximately 1.076 acres located within Unincorporated Beaufort County as shown on the Aerial Location Map (Attachment 3). The Property is currently vacant. The Property is zoned as Grande Oaks Planned Unit Development, as shown on the Zoning Map (Attachment 4), and designated as part of the Community Residential C-2 Land Use Tract as shown on the Grande Oaks Master Plan (Attachment 5) which allows limited uses including attached and detached single family, multi-family, community recreation, and sales center. The immediately adjacent properties vary as to jurisdiction and zoning as follows:

Direction	Jurisdiction	Zoning District	Current Use
North	Town of Bluffton	Buckwalter Planned Unit Development	Drayton-Parker Companies, LLC - Bluffton Township Fire District - 469 Buckwalter Parkway - Parker’s Gast Station
	Town of Bluffton	Buckwalter Planned Unit Development	Beaufort County - Buckwalter Parkway - Road Right-of-Way
	Town of Bluffton	Buckwalter Planned Unit Development	Wappoo, LLC - 145 Carolina Bluff Drive - Vacant

	Town of Bluffton	Buckwalter Planned Unit Development	Wappoo, LLC - No Address - Carolina Bluff Drive - Road Right-of-Way
South	Beaufort County	Grande Oaks Planned Unit Development	Grande Oaks II, LLC - 454 Buckwalter Parkway - Vacant
	Beaufort County	Grande Oaks Planned Unit Development	Sandy Pointe Property Owners Association, Inc. - No Address - Sandy Pointe Open Space
East	Town of Bluffton	Buckwalter Planned Unit Development	Grande Oaks, LLC - No Address - Vacant
West	Beaufort County	Grande Oaks Planned Unit Development	Grande Oaks II, LLC - No Address - Vacant
	Beaufort County	Grande Oaks Planned Unit Development	Beaufort County - Lake Point Drive - Road Right-of-Way

The Applicant intends to utilize the Property, in conjunction with the adjacent 9.18 acre property currently within the Buckwalter PUD and Buckwalter Commons Land Use Tract, as a gas station consisting of a 5,900 square foot convenience store, fuels facility with 20 vehicle fueling positions, and a 1,200 square foot car wash which are conditional uses permitted within the requested Buckwalter Commons Land Use Tract as shown in the Comparison of Current Beaufort County and Proposed Town of Bluffton Zoning District Land Uses provided as Attachment 6.

The necessity for the proposed annexation to further the proposed development is due to their inability to obtain a new access point from the Property directly to the Buckwalter Parkway since it would not meet the spacing standards of the Buckwalter Parkway Access Management Plan’s standards. Once annexed, the Property will allow for an access point onto Lake Point Drive. Further, all future development of the Property would be required to be reviewed through the applicable Town of Bluffton planning processes.

**A. ANNEXATION APPLICATION**

The *Town of Bluffton Annexation Policy and Procedure Manual* (Annexation Manual) provides the review criteria for annexation requests and an analysis of each is as follows:

**1. The application meets the principals, policies and procedures set forth in the Annexation Manual.**

Finding: Staff finds the annexation request, in conjunction with approval of the concurrent Comprehensive Plan Amendment Application, meets the principals, policies and procedures to achieve orderly growth and develop a more cohesive and less fragmented Town Boundary as set forth in the Annexation Manual.

**2. The Annexation of the property is in the best interest of the Town and its citizens.**

Finding: In accordance with the Annexation Manual, Staff will prepare a Cost/Benefit Analysis for the proposed annexation to evaluate the costs, benefits and estimated tax revenue for the Property including its first year of annexation as well as at build-out prior to Planning Commission’s Public Hearing.

**3. The Property has contiguity to the Town of Bluffton Municipal Boundary.**

Finding: The Property is contiguous to the Town of Bluffton's Municipal Boundary. Contiguity with the Town of Bluffton's municipal boundary is established through the adjacent parcel to the south known as the Robertson Tract and the Buckwalter Parkway to the east which are within the Buckwalter Planned Unit Development, Concept Plan, and Development Agreement and located to the south of the Lake Point Drive and Buckwalter Parkway intersection. of the Properties along US Highway 278. The adjacent parcel was annexed into the Town of Bluffton's municipal boundaries upon approval of the Buckwalter Annexation by Town Council Ordinance 2000-02 on April 19, 2000.

**4. The Annexation avoids creating new enclaves (or donut holes) in the Town of Bluffton Municipal Boundary.**

Finding: The proposed annexation will not create new enclaves in the Town of Bluffton Municipal Boundary.

**5. The Annexation is consistent with the recommendations of the Town of Bluffton Comprehensive Plan including the Future Annexation Map.**

Finding: The annexation of the Property is consistent with the recommendations of the Comprehensive Plan and falls within the boundary of the Future Annexation Map. The Town of Bluffton Comprehensive Plan Map 8.3 - Future Land Use currently identifies the Properties as Medium Density Residential. Though the anticipated future use is not residential, it will provide a neighborhood service to surrounding residents and aligns with the uses permitted within the requested Buckwalter Commons Land Use Tract of the Buckwalter Planned Unit Development.

Further, the Property is within the Town Center Place Type of the Town of Bluffton Growth Framework Map which are identified as the most intensely developed areas or those areas to be intensely developed consisting of compact, complete, and highly connected neighborhoods that support a larger, most intense mixed-use development condition as defined Section 6.1.2 of the Unified Development Ordinance.

**Toomer moved to table an Ordinance to approve a 100% Annexation Petition for Certain Property Consisting of Approximately 1.076 Acres of Land Located at 464 Buckwalter Parkway and Identified as a Portion of Beaufort County Tax Map No. R600 029 000 0014 0000 into the Town of Bluffton Municipal Boundary as part of the Buckwalter Planned Unit Development to Supplement the Development of the 9.18 Acre Robertson Site until the next regular meeting of Council. Hamilton seconded. Roll call was taken, and the motion carried unanimously.**

Consideration of Approval of an Amendment to the Initial Master Plan for Property Referred to as Cypress Ridge within the Jones Estate Planned Unit Development to Amend the Transportation Network by Adding Roads and Service Lanes to the Commercial Village Area Located at the Intersection of Highway 170 and Mill Creek Boulevard- Kevin Icard, Planning and Community Development Manager

Icard stated that the Applicant, Thomas and Hutton, with authorization of the property owner, D.R. Horton, is requesting approval for an amendment to the Initial Master Plan for Cypress Ridge located in the Jones Estate Planned Unit Development (PUD). More specifically, the amendment includes:

- (A) Moving the forty-four (44) residential units that currently front Oak Barrel Boulevard on the southern side of Blakers Boulevard to the northern side of Blakers Boulevard and constructing the necessary roads and service lanes to support the residential units and future commercial village area of Mill Creek; and
- (B) In response to recently discovered graves (3) adjacent to a previously identified cemetery, the initial master plan has been updated to remove a portion of commercially designated property and replace it with an open space designation.

Icard stated that on January 14, 2020, Town Council voted to table the consideration of approval of an amendment to the Cypress Ridge Master Plan until a tree and topographic survey is completed and staff has reviewed the survey to determine if additional trees could be saved.

During the meeting, Town Council proposed multiple questions to staff regarding the proposed changes. Their questions included requesting a formal acknowledgement of the recently discovered graves, identifying any significant trees and to label any trees that can be saved during construction. Staff has worked with the Applicant to have the graves labeled on a plat to be recorded with Beaufort County Register of Deeds. While working with staff to save additional trees, the Applicant redesigned the site with 6-unit townhome buildings instead of 4-unit townhome buildings. This redesign preserved approximately 20,000 SF of open space, and 58 trees that were previously planned for removal. When the plans were resubmitted, the Applicant added the sidewalks to the various streets to meet the Planning Commission's conditions of approval.

At the November 20, 2019, Planning Commission meeting, Commissioner Keefer recommended approval with conditions of the Initial Master Plan Amendment for the Cypress Ridge Master Plan to re-locate 44 residential units to the northern side of Blakers Boulevard and remove the commercial designation from an area of recently discovered gravesites, with the following conditions:

1. To allow for pedestrian connectivity, development plans must show:
  - A. Sidewalks on both sides of Blakers Boulevard and the "center street" that provides primary access to the new homes; and,
  - B. Require the construction of a sidewalk along the front of the homes that front the new street that provides access to the commercial property and connects between Mill Creek Boulevard and Dillard Lane
2. The transfer of Development Rights for Commercial Development from D.R. Horton to Magnolia Residential Investors, LLC is not permitted.

The Cypress Ridge Initial Master Plan is part of the Jones Estate PUD Concept Plan. It consists of approximately 1,412 acres with a total allowed 1844 dwelling units. The property is located west of Highway 170 and north of Highway 46. The original Cypress Ridge Initial Master Plan was approved by the Town of Bluffton Town Council on April 13, 2005. The Town of Bluffton Negotiating Committee agreed to add 194 residential units to the IMP with 44 units to be placed in the commercial Mill Creek Village area,

bringing the total units to 1,844.

The intent of the Cypress Ridge Master Plan was to create a community that recognizes the basic character of the Low Country and the quality of life that makes Beaufort County both unique and appealing. The Mill Creek Village design was proposed to implement a lifestyle ideal that promulgates the ability to live, work, shop, and play in one location. The design created a mix of residential land use types that are livable with pedestrian access to amenities, open space and leisure activities. The heart of the community is to be located at the commercial village. It will serve the needs of the community and those living within proximity to the intersection of Highway 170 and Gibbet Road.

The Unified Development Ordinance in assessing an application for a Master Plan. These criteria are provided below followed by a Staff Finding(s).

1. **Section 3.9.3.B.** Promotion of and consistency with the land use goals, environmental objectives and overall intent of the policies within the Comprehensive Plan.

*Finding. The application is consistent with the Comprehensive Plan.*

The Land Use Element within the Comprehensive Plan provides a vision that suggests a balance of land uses to ensure a high quality of life, business opportunity, environmentally protected areas and proper placement of commercial uses. This Amended Master Plan proposes a mix of commercial uses that will stimulate economic growth and contribute to the Town's goal of being a sustainable community with a diversified tax base to support Town facilities and services. While this Master Plan proposes future development flexibility, the Town receives benefits including long-term predictability and a higher level of amenities, open space, road improvements, infrastructure and environmental preservation than what could be otherwise obtained through traditional zoning approvals.

The Transportation element of the Comprehensive Plan promotes vehicular and pedestrian connectivity with adjacent properties and roadway infrastructure. This plan provides necessary vehicular and pedestrian connections and reduces the impact on Blakers Boulevard by accessing adjacent properties with additional infrastructure. Future connections to the commercial portion of the development have also be contemplated.

2. **Section 3.9.3.C.** Consistency with the intent of the Planned Unit Development Zoning District as prescribed in this Ordinance.

*Finding. This request will be consistent with the Town of Bluffton Zoning and Development Standards Ordinance that applies to the Jones Estate Concept Plan.*

The Jones Estate Concept Plan was designed to be a mixed-use development, which includes residential and commercial uses. The Cypress Ridge Master Plan is being developed as a mix of commercial and residential uses as part of the overall Concept Plan. Moving locations for residential units and adding additional transportation infrastructure is consistent with the development of this project.

3. **Section 3.9.3.D.** As applicable, consistency with the provisions of the associated Development Agreement and/or PUD Concept Plan.

*Finding. The proposed master plan is consistent with the provisions of the Jones Estate Development Agreement, as amended, and the Jones Estate PUD Concept Plan, as amended.*

The proposed master plan amendment does not increase density or intensity of any residential or commercial designated properties.

4. **Section 3.9.3.E.** 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.

*Finding. The application is compatible with the surrounding area.*

The application proposes to provide additional pedestrian and vehicular drives and access. It does not propose to change densities. Internal circulation has changed to allow the continuation of vehicular access lanes and roadways from existing development to the north of the entrance at Blakers Boulevard to the proposed commercial area.

The parking exhibit previously provided at the January 14<sup>th</sup> Town Council meeting has been updated to include locations of trees to be saved and locations of Significant Trees that are planned for removal. Conformance with approved access locations and compliance with wetland preservation requirements and stormwater methods are consistent with the approved Concept Plan and character of the surrounding area.

In response to recently discovered graves (3), the Applicant has delineated an area on the master plan dedicated to providing open space in rather than commercial development in the area where the graves were found.

5. **Section 3.9.3.F.** 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.

*Finding. The property is able to be served by adequate public services and has previously provided an analysis and mitigation measures on the impact on transportation, utilities, and community services with the Jones Estate Development Agreement and Concept Plan.*

The proposed Master Plan is in an existing PUD where much of the infrastructure including roadways, sanitary sewer, solid waste, drainage, potable water, electricity, telephone and cable, have been contemplated during the creation of the PUD.

6. **Section 3.9.3.G.** 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.

*Finding. The Master Plan includes innovative site planning techniques that enhance the Town's health, safety, and welfare.*

The site is being developed using the best practices in stormwater management and design guidelines. Pedestrian connections will be provided to connect the development to the existing pedestrian network and proposed commercial development along SC Highway 170.

7. **Section 3.9.3.H.** Ability of the site to sufficiently accommodate the densities and land use intensities of the proposed development.

*Finding. The property can sufficiently accommodate the proposed development.*

The site is consistent with the approved Development Agreement and the Jones Estate Concept Plan.

8. **Section 3.9.3.I.** Conformance with adopted or accepted plans, policies, and practices of the Town of Bluffton.

*Finding. The application can be in conformance with adopted or accepted plans, policies, and practices of the Town with the following modifications.*

The Comprehensive Plan recognizes the systematic growth of Bluffton within the Jones Estate Planned Unit Development. By establishing a maximum allowed commercial acreage and residential units, the Jones Estate Concept Plan is controlling growth in an orderly design.

**Hamilton moved to approve the Master Plan Amendment for Cypress Ridge as submitted with the condition of a more detailed depiction of the preservation of the grave site that includes landscaping, fencing and detailed access to the property be submitted. Wood seconded. The motion carried unanimously.**

Consideration of Approval of an Emergency Ordinance of the Town of Bluffton Extending the Temporary Suspension of the Normal Operating Procedures of the Town of Bluffton Town Council Meetings and Other Public Meetings and to Authorize the Town Manager to Develop and Enact Such Plans and Policies Needed to Ensure Continuity in the Delivery of Government Services in Light of the COVID-19 Outbreak – Scott Marshall, Deputy Town Manager

Marshall stated that on March 16, 2020, Mayor Lisa Sulka declared that a State of Emergency existed in the Town of Bluffton as a result of the COVID-19 pandemic. On March 17, 2020 Town Council unanimously passed Emergency Ordinance 2020-03. This Ordinance expired on May 17, 2020 and accomplished the following:

1. Section 1 provides standards for electronic meetings.



2. Section 2 provides authorization to the Town Manager, pursuant to the Town of Bluffton Code of Ordinances, Section 2-116, to develop and enact all such plans and policies intended to ensure the continuity of delivery of government services in light of the COVID-19 outbreak and to take necessary action to protect the health, safety, and welfare of town residents, visitors, and employees and staff.
3. Section 3 suspends certain municipal deadlines.
4. Section 4, in accordance with Governor McMaster's Executive Order 2020-10, extends certain municipal tax deadlines.

Sections 3 and 4 of Emergency Ordinance 2020-3 were extended and modified on April 14, 2020 by Emergency Ordinance 2020-4, extending deadlines for certain municipal taxes and business license fees.

Sections 1 and 2 of Emergency Ordinance 2020-03 were effectively extended with the adoption of Emergency Ordinance 2020-05 on May 12, 2020 and is set to expire on July 18, 2020. The Emergency Ordinance presented for consideration at Attachment 1, if approved, will further extend Sections 1 and 2 of Emergency Ordinance 2020-03. It would become effective on July 18, 2020 and, unless rescinded sooner, would expire on September 17, 2020.

Marshall stated that under the authority granted under Sections 1 and 2 of Emergency Ordinance 2020-03, the following actions have been taken so far:

1. All public meetings to conduct Town business have been conducted electronically.
2. At the Direction of the Town Manager:
  - a. Public access to Town facilities has been restricted.
  - b. Physical staffing of Town facilities has been reduced to the minimum required to conduct Town business.
  - c. Telecommuting policies have been implemented for employees able to work remotely.
  - d. The following decisions regarding access to public facilities were made:
    - 1) Access to all Town of Bluffton docks and boat ramps was closed on April 1, 2020, consistent with Governor McMaster's Executive Orders to close public access to beaches, public piers and parking lots associated with those activities.
    - 2) Consistent with the Governor's subsequent Executive Order to re-open boat ramps, the Oyster Factor Boat Ramp was re-opened on April 17, 2020.
    - 3) Restrictions to Town Public Docks remained in place after the Governor's Executive Order that such restrictions could be lifted on April 21, 2020.
    - 4) Access to parks and playgrounds was closed on April 1 to be consistent with the Governor's Executive Order to close public playgrounds and activities that involve the use of shared sporting apparatus and equipment.
    - 5) Access to Town parks and docks was opened on June 1, 2020 simultaneous with expiration of previous Executive Order issued by the Governor; however, access to playgrounds remains closed, consistent with CDC recommendations.

**Toomer made a motion to approve an Emergency Ordinance of the Town of Bluffton Extending the Temporary Suspension of the Normal Operating Procedures of the Town of Bluffton Town Council Meetings and Other Public Meetings and to Authorize the Town Manager to Develop and Enact Such Plans and Policies Needed to Ensure Continuity in the Delivery of Government Services in Light of the COVID-19 Outbreak. Frazier seconded. Roll call was taken, and the motion carried unanimously.**

Consideration of Approval of an Ordinance Authorizing a Parcel Exchange between the Town of Bluffton and MFH Land, LLC for Certain Real Property Owned by the Town of Bluffton within New Riverside Identified as R610 036 000 3214 0000; and, Authorizing the Execution and Recording of Certain Documents Therewith – First Reading – Heather Colin, Director of Growth Management

Colin stated that on January 3, 2019, New Riverside, LLC donated 7.11 acres known as Parcel 4B-3 within the New Riverside Planned Unit Development Concept Plan.

Town Council then conditionally approved the New Riverside Village Master Plan, consisting of the 7.11 acres owned by the Town and 26.966 acres owned by MFH Land, LLC on February 11, 2020 as shown on the Master Plan provided. The Master Plan included an alternate layout for the Town owned property, which will house a public park and stormwater facilities, to enhance overall site design. The Master Plan also includes a change to the existing primary access point on New Riverside Road closer to the SC Highway 47/170 roundabout which will require the relocation of the median cut and installation of turn lanes to serve New Riverside Village as well as the Town owned and Fire District owned properties across the street.

To move forward with the Master Plan, an exchange of the Town owned 7.11 acres for the reconfigured parcels, consisting of the proposed Parcel 4B-3A containing 2.476 acres and Parcel 4B-3B containing 3.031 acres for a total of 5.507 acres as shown on the draft plat provide, is necessary. Additionally, the Town and MFH Land, LLC need to memorialize provisions for the development of the project and future responsibilities such as construction of the public park, cost sharing for the relocation of the median cut, future maintenance responsibilities, easements, and signage.

To address these needs, the Town and applicable parties drafted the Land Swap Agreement and Public-Private Development Contract.

This comprehensive document details the necessary provisions, which include, but are not limited to:

1. Authorization of the reconfiguration and exchange of the Town's property;
2. Obligations of MFH Land, LLC for the construction of the public park and stormwater facilities;
3. Obligations for the Town to install the park's playground, lighting, furniture, and kiosk signs as well as optional improvements for the construction of restroom and hydration facilities;
4. Cost share of 60% for the Town and 40% for MFH Land, LLC for improvements to New Riverside Road to relocate the median cut and install turn lanes;
5. Easements in favor of MFH for construction, utilities, stormwater, and maintenance; and
6. Easements in favor of the Town for access, parking, signage, stormwater drainage and maintenance.

*Let the record show that Mayor Sulka recused herself. Conflict of interest form is on file in the Town Clerk's office.*

**Wood made a motion to approve on First Reading an Ordinance Authorizing a Parcel Exchange between the Town of Bluffton and MFH Land, LLC for Certain Real Property Owned by the Town of Bluffton within New Riverside Identified as R610 036 000 3214 0000; and, Authorizing the Execution and Recording of Certain Documents Therewith. Frazier seconded. Roll call was taken, and the motion passed with four votes. (Mayor Sulka was recused.)**

Consent Agenda:

1. Monthly Department Reports: Police, Finance & Administration, Municipal Court, Engineering, Don Ryan Center for Innovation, and Growth Management
2. Town Manager's Monthly Report
3. Consideration of a Resolution Amending the Town of Bluffton Employee Handbook to add New Policies and Revisions in Response to COVID-19 and Other Potential Emergencies – Katherine Robinson, Director of Human Resources

**Frazier made a motion to approve the consent agenda as presented. Toomer seconded. The motion carried unanimously.**

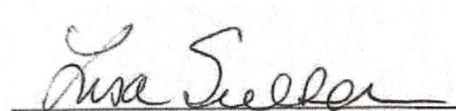
Executive Session:

1. Contractual Matters Pertaining to the Town of Bluffton's Request for Proposal 2020-24 to Develop Affordable and Workforce Housing on Town-Owned Properties (Pursuant to SC Freedom of Information Act 30-4-70 [a][2])
2. Contractual Matters Pertaining to Marshall L. Horton, Esq. for Services as a Town of Bluffton Municipal Judge (Pursuant to SC Freedom of Information Act 30-4-70 [a][2])

**Toomer made a motion to move into Executive Session at 9:14 PM to discuss the aforementioned items. Frazier seconded. The motion was unanimous.**

**Town Council exited Executive Session at 10:13 PM. No motions were made, and no votes were taken during Executive Session.**

**Toomer made a motion to adjourn at 10:14 p.m. Wood seconded. The motion carried unanimously.**



Lisa Sulka, Mayor



Kimberly Chapman, Town Clerk