Town of Bluffton

Unified Development Ordinance

Effective Date November 10, 2011

Amended November 14, 2017
www.townofbluffton.sc.gov

iZone | Interactive Zoning

Unified Development Ordinance Amendments

No.	Section	Effective Date	Ordinance
1	Adoption	November 10, 2011	2011-15
2	Section 2.2.1	December 11, 2012	2012-19
3	Section 2.2.3	December 11, 2012	2012-19
4	Section 2.2.4	December 11, 2012	2012-19
5	Section 2.2.5	December 11, 2012	2012-19
6	Section 2.2.6	December 11, 2012	2012-19
7	Section 3.2.3	December 11, 2012	2012-19
8	Section 3.9.3	December 11, 2012	2012-19
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13	Section 3.11.4	December 11, 2012	2012-19
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27	Section 9.4.2	December 11, 2012	2012-19
28	Section 9.4.3	December 11, 2012	2012-19
29	Section 3.22.2	January 14, 2014	2014-02
30	Section 5.3.1.B	January 14, 2014	2014-02
31	Section 5.3.1.G	January 14, 2014	2014-02
32	Section 5.3.3.A	January 14, 2014	2014-02
33	Section 5.3.3.C	January 14, 2014	2014-02
34	Section 5.3.3.D	January 14, 2014	2014-02
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37	Section 5.3.3.H	January 14, 2014	2014-02
38	Section 5.3.3.I	January 14, 2014	2014-02
39	Section 5.3.4.H	January 14, 2014	2014-02

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40	Section 2.1	April 8, 2014	2014-07
41	Section 2.2.2	April 8, 2014	2014-07
42	Section 2.2.6.A	April 8, 2014	2014-07
43	Section 2.2.6.B	April 8, 2014	2014-07
44	Section 2.2.6.C	April 8, 2014	2014-07
45	Section 2.2.6.F	April 8, 2014	2014-07
46	Section 3.17.3	April 8, 2014	2014-07
47	Section 3.17.5.B	April 8, 2014	2014-07
48	Section 3.17.5.C	April 8, 2014	2014-07
49	Section 3.18.1.C	April 8, 2014	2014-07
50	Section 3.18.2	April 8, 2014	2014-07
51	Section 3.18.3.D	April 8, 2014	2014-07
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64	Section 3.18.2	August 12, 2014	2014-14
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66	Section 5.15.8.P	August 12, 2014	2014-14
67	Section 4.3	February 10, 2015	2015-03
68	Section 4.4.2	February 10, 2015	2015-03
69	Section 9.2	February 10, 2015	2015-03
70	Section 4.3	March 10, 2015	2015-05
71	Section 5.15.7	March 10, 2015	2015-05
72	Section 5.12.3.A.1	April 10, 2015	2015-12
73	Section 4.3	May 12, 2015	2015-13
74	Section 4.4.2	May 12, 2015	2015-13
75	Section 9.4.3	May 12, 2015	2015-13

No.	Section	Effective Date	Ordinance
76	Section 6.5	May 10, 2016	2016-05
77	Section 5.11	November 14, 2017	2017-11
78	Section 5.15.7	November 14, 2017	2017-11
79	Table 4.3	November 14, 2017	2017-12
80	Section 4.4	November 14, 2017	2017-12
81	Section 9.4.3	November 14, 2017	2017-12

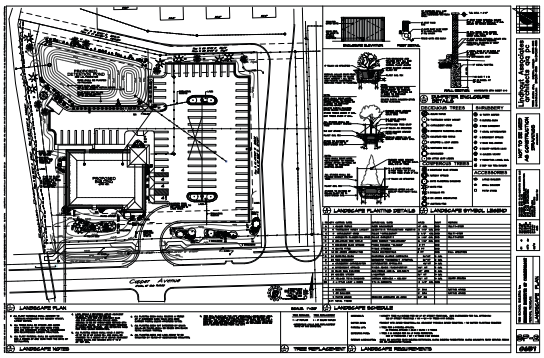
Unified Development Ordinance User Guide

The breadth and details of the Town of Bluffton Unified Development Ordinance can be a bit intimidating for first time users not familiar with municipal regulations; even for veteran code users. This User Guide is intended to help you understand the structure of the Ordinance and hopefully point you in the right direction. For those of you using the Ordinance on the Town's web site, there are links to various related regulations (see "How to use iZone" at the end of this user guide).

THE BASICS: Planning and Zoning 101

What's Regulated? The Unified Development Ordinance combines the Zoning Ordinance, Subdivision Regulations, and other ordinances related to land use development into one set of regulations. These regulations cover aspects of the built environment, including

- what different types of land uses can be constructed (single family, stores, offices etc.),
- size, height and placement of buildings,
- how much parking is needed and standards for its design
- design standards for landscape, lighting and signs, and
- the design of stormwater management and utilities.



Bluffton's Comprehensive Plan is the framework for this Ordinance, think of it as the Town's "blueprint". The Comprehensive Plan describes policies, expectations and recommendations for the future. One key element is a future land use map (shown on the following page) that illustrates the intended arrangement of land uses and their density. Some key features in the Plan are recommendations to preserve the historic and natural resources while accommodating new development. Details are provided for future improvements to the transportation system, with a goal to give people choices to travel by auto, truck, walking, bike or transit.

Some parts of the Comprehensive Plan are published separately, such as the Old Town Master Plan. In addition, there is a Southern Beaufort County Regional Plan. Policies in that Plan are mutually followed by the Town of Bluffton and other communities in the county, particularly along some major roadway corridors where the boundary varies frequently from county to Town jurisdiction. The Plan is occasionally amended, a process typically led by the Planning Commission at the direction of Town Council. The last major overhaul was in 2007. But the Plan can also be amended by Chapter, to change specific policies or to change the future land use designation for a particular area. The process for amending the plan is in Section 3.10 of the UDO.

The Zoning Map is generally based on the Comprehensive Plan's future land use plan and related policies. The zoning map classifies the Town into different zoning districts. The Ordinance describes what uses are allowed and the standards for building and site design in that district (see following page).

Authority. This Ordinance was adopted pursuant to the authority by the South Carolina Local Government Comprehensive Planning Enabling Act.

Process to Create and Amend the Ordinance. Bluffton's ordinances that regulate development go back several decades. The Ordinances have been amended from time to time to respond to changes in state law, federal law and administrative rule, and case law. In addition, the Town occasionally makes amendments to improve the Ordinance, address new opportunities, and to be consistent with changes to the Town's planning and policies. Any amendment follows that process, a public hearing at both the Planning Commission and Town Council.

This Ordinance was adopted by the Town Council after a public hearing and upon the recommendation of the Planning Commission which also held a public hearing. As part of a major rewrite of the Ordinance in 2011, a series of well attended public charrettes and workshops were held to receive input on potential changes to regulations and procedures.

If you have a hard copy of the ordinance, it is suggested you write the date of receipt on the cover of first page. Thereafter, refer to this date when asking Town Staff about any Ordinance amendments since that date (particularly to the zoning map).

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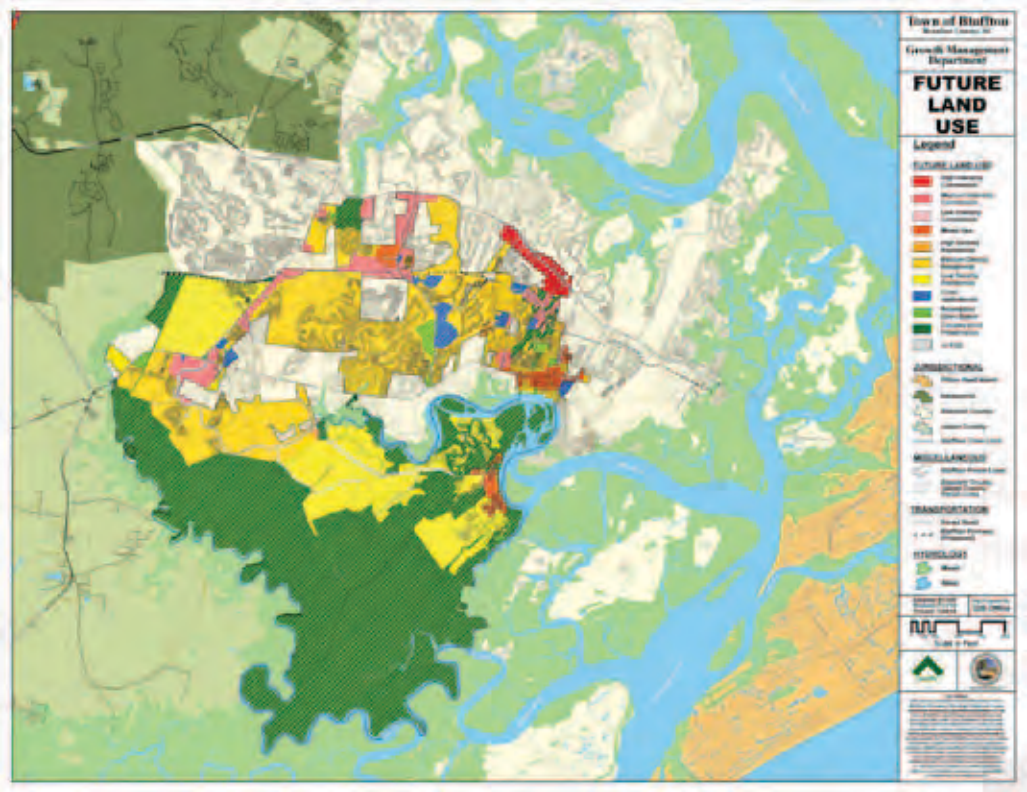


Future Land Use Map: a guide for planned future land use

Zoning Map: regulates use of the property today

* This map is for illustrative purposes. Please refer to the current zoning map for the zoning district for specific properties.

HOW THIS ORDINANCE IS ORGANIZED	
Article 1 Introduction	Describes the state statues that authorize the UDO, defines generally where and how the Ordinance applies, and describes some of the legal framework.
Article 2 Administration	Explains who is responsible for administering various regulations in the code. This includes establishment and roles for the Town Council, and its appointed boards commissions like the **Planning Commmission**, Board of Zoning Appeals and Historic Preservation Commission. The Authority provided to the **Unified Development Ordinance Administrator** is also described.
Article 3 Application Process	Article 3, along with the Application Manual, summarizes the **process for different types of approvals** (zoning map amendments, development plan approval, variances, etc.); as well as requirements for public hearings. The Article and Manual also describe the applicability, approval criteria and other regulations for each application type.
Article 4 Zoning Districts	This chapter relates to the **Zoning Map**. It describes the uses allowed in each zoning district and directs you to any specific standards applicable to that use.
Article 5 Design Standards	Includes building and site standards that may apply, depending upon property location such as • tree conservation and river corridor standards, • lot dimensions and building height/setbacks that vary by zoning district, • standards for new subdivision streets and lot arrangements. • standards for buildings, parking lots, access, landscaping, lighting, and signs. • regulations for stormwater, open space, and other general standards that apply to all properties.
Article 6 Sustainable Development Incentives	Among the goals in the Town of Bluffton Comprehensive Plan are to promote "sustainable" development, provide jobs and ensure there is housing affordable to people that live and work in the Town. The UDO acknowledges that compliance with those objectives are not applicable or practical for every development. So instead of a mandate, this Article provides incentives to a developer or land owner to meet those objectives. **Incentives are offered such as a partial rebate of application fees.**
Article 7 Nonconformities	In some cases, a use or structure was developed in compliance with the standards applicable at the time of construction, but due to amendments made over time, does not comply with current standards. If that construction was approved by the Town (i.e. was legal at one point in time), it is referred to as "nonconforming." New regulations are generally written with the intent of gradually eliminating nonconforming situations; in other cases, some level of improvement or change is allowed. This Article describes the **rights and limitations of various nonconforming situations**, what improvements or changes are allowed, or not allowed, and who has authority to approve them.
Article 8 Penalties and Enforcement	This Chapter outlines the procedures for notification and **action by the Town if there is a violation of this Ordinance**, i.e. someone knowingly or unknowingly does not comply with regulations set forth in the UDO.
Article 9 Definitions and Interpretation	Terms used in Zoning, Subdivision Ordinances and Building Codes do not always match up with what is commonly understood. This article **defines the meaning of a host of terms** used in the UDO. For example, what is an "accessory use" to a home or what is meant by different use terms like "Child Care Center." This Chapter also describes **how standards are interpreted**. An example is building height, in this code it is measured differently depending upon the type of roof, and often is not measured at the peak of the roof. Another example is how setbacks are measured, especially for lots that are not simple squares or rectangles.
Associated Manuals. The UDO is supported by three manuals:	
Stormwater Design	Provides design and engineering construction standards for stormwater facilities.
Annexation Policy and Procedures	Describes the Town's policy for annexation and the different procedures for different types of annexations.
Applications	There are **separate submittal forms and checklists for different types of requests**, such as a rezoning, development plan or variance. An applicant needs to obtain the appropriate application, fill out the forms, and provide the information listed as required for that type of approval. This manual also outlines the review and approval process of each application.

How do I determine the current zoning and planned use of my property?

Check the Zoning District Map: What is permitted in one district may not be permitted in another. To analyze the permitted uses or design requirements for a piece of property, first look at the adopted Zoning District Map to see how it is zoned. This map is on the Town's web site or available for purchase from the Growth Management Customer Service Center, for a nominal fee. The published zoning map is periodically amended, such as when a property owner receives approval for rezoning their land. The Growth Management Customer Service Center maintains the official current map.

Recommendations from the Comprehensive Plan, and other plans and studies may have recommendations related to your property or proposed project. Generally, the Town of Bluffton requires rezonings to be consistent with the future land use map. Proposed developments should also help to achieve the goals of the Comprehensive Plan.

What uses are allowed? What standards apply?

The zoning map classifies land into different zoning districts. Those districts are described in Article 4, Zoning Districts. In that Article you will find . . .

A list of the various zoning districts illustrated by colors on the Zoning Map. Those districts include:

Zoning District
PR – Preserve
AG – Agricultural
RMU – Rural Mixed Use
RG – Residential General
NC – Neighborhood Core
GM – General Mixed Use
LI – Light Industrial
RV – HD – Riverfront Edge Historic District
NCV – HD – Neighborhood Conservation Historic District
NG – HD – Neighborhood General Historic District
NCE – HD – Neighborhood Center Historic District
NC – HD – Neighborhood Core Historic District
PUD – Planned Unit Development
HCO – Highway Corridor Overlay

Text for each district that describes the intent (the Town's objectives), applicability (a narrative description related to the Zoning Map) and references to other Sections of the Ordinance for design standards. Some of those design standards, like minimum lot width, lot side, and building setbacks vary from one zoning district to another. Others, like the size of parking spaces, are consistent throughout the Town.

A list of uses allowed in that district can be found in Table 4-3. That table lists uses in three classifications

1. "Permitted" uses, meaning if you meet the standards, that use is allowed.
2. "Conditional" uses are permitted uses but must meet the specific standards for particular uses in Article 4. For example, see Section 4.4 that outlines standards for the conditional uses.
3. "Special Exception" uses are reviewed by the Board of Zoning Appeals using the standards outlined in Article 3.
4. If a use is not listed, it is not permitted in that zoning district.

The last column of that table alerts you to any specific design standards for buildings and the site related to that use. In the sample below, a Bed and Breakfast Inn must meet the standards in Section 4.4.5A, in addition to the general design standards applicable to all uses in Article 5.

Table 4.3: Uses by District	PR	AG	RMU	RG	NC	GM	LI	RV-HD	NCV-HD	NG-HD	NCE-HD	NC-HD	Conditional Use/Special Exception Standard
Lodging													
Bed and Breakfast - maximum of 6 guest rooms	-	P	P	P	P	P	-	P	P	P	P	P	4.4.5.A
Inns - maximum of 12 guest rooms	-	-	P	P	P	P	-	-	C	P	P	P	4.4.5.A

What are my options if my intended use is not listed as a permitted, conditional, or special exception land use?

If your proposed use is not listed as an allowed use on your property, you have several options, including:

- Find an alternative use for your property which is permitted or find a site in the Town which is properly zoned for your intended use.
- If your use is not listed anywhere in the Zoning Ordinance, you could request that the UDO Administrator consider your intended use based on the "determination of similar uses" as explained in Article 4. In some cases, the UDO Administrator may take the request to the Planning Commission for input. The Board of Zoning Appeals has final authority if you disagree with the UDO Administrator's interpretation.
- Request the Town rezone the property, which requires public hearings before both the Planning Commission and the Town Council. Section 3.5.3 lists the criteria the Planning Commission applies in reviewing your rezoning request.
- Request the Town amend the UDO to add your proposed use, either as a Permitted, Conditional or Special Exception Use in the particular zoning district. Note: The Town of Bluffton does not allow "use variances", a variance to allow a use that is not allowed within a zoning district.

What is the next step when the proper zoning is in place?

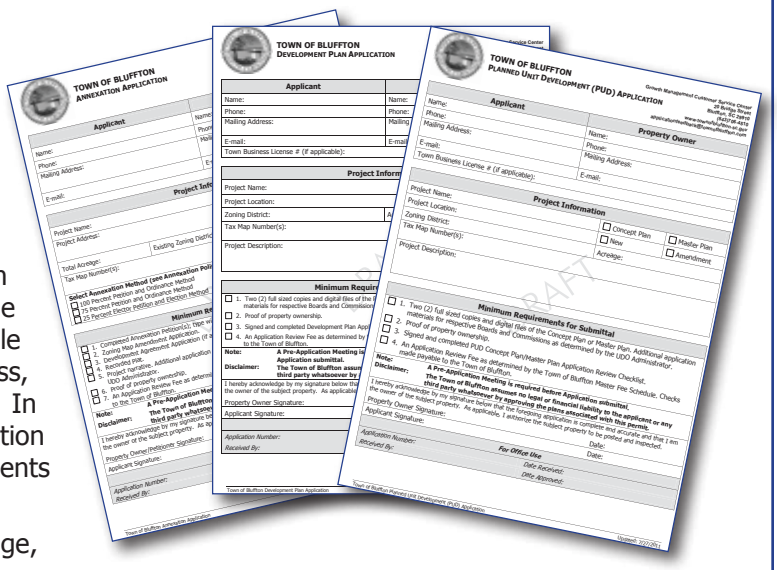
Once proper zoning is in place there are several factors to consider during the early stages of project planning. The list below highlights some of the more distinct options and procedures.

- **Natural Features:** The Town of Bluffton strives to maximize preservation of existing natural features. In particular, the opening sections of Article 5 describe specific natural resource regulations for certain trees and protection of watershed resources. In some cases, a tree inventory is required as described in those Sections. If your site contains wetlands or is along a riparian
- **Transfer of Development Rights:** This is a procedure where the Town may allow a transfer of development or density from one place (called the "sending zone") to another (the "receiving zone"). This allows areas that have sensitive natural features, are more rural or lack utilities to be preserved by redirecting development to places where infrastructure and the planned development supports more density. The Growth Framework Map identifies some potential places where additional density could be concentrated into more compact walkable places.
- **Planned Unit Development:** If there are significant natural features on your site or you want to mix land uses, the UDO has a zoning district called "Planned Unit Development (PUD). PUD's allow a greater degree of flexibility in designing a site, such as mixing certain uses or clustering buildings on the most buildable part of a site. These standards can help preserve valuable natural features which lower development costs, avoid some permits and can increase marketability. In return for the flexibility, the Town looks for special provisions to preserve key features, provide affordable housing or contributions to infrastructure improvements. Provisions are mutually agreed upon between the developer and the Town. Descriptions of PUD's are provided in Article 4.
- **Historic Preservation Commission approval** is required for projects in the Historic District. This approval requires a "Certificate of Appropriateness", as described in Section 3.20
- **Development Plan (for a site) or Subdivisions Plan (for a series of lots):** Most projects, other than construction of a single family home, require a Development Plan. Approval of lots and related infrastructure requires submission and approval of a Subdivision Plan. Most of the design standards are found in Article 5, though other Town regulations, like the Building Code, also apply. Submittal requirements for those procedures are described in Article 3. An application form along with a description of the review fees, timelines and required submittal information is in the Application Manual.

If your project is expected to generate a significant amount of traffic or is located on a congested corridor, you may be required to submit a transportation impact analysis (TIA). A TIA must be prepared by a certified traffic engineer or transportation planner.

What is the approval process for my project?

1. **Check the Zoning Map and related District text to confirm your use is allowed.**
2. **Determine which approvals are needed:** This may include Rezoning, Development or Subdivision Plan, Certificate of Appropriateness, Variance, etc.
3. **Obtain the applicable Application Packet:** Copies of the submittal application forms are on the Town's web site and available at Town Hall. The package includes the application form, a schedule of the steps in the review and approval process, and a checklist of information you must provide. In most cases, Town Staff will schedule a pre-application conference to review the procedures and requirements with you.



Once you feel you have a complete submittal package, you turn in your materials at a scheduled "Application Check-in Conference". Town Staff then begins the review process. Typically the first step is an administrative review by the Development Review Committee (representatives of different departments). In most cases a report is prepared to alert you of any changes needed to your application materials. Depending upon the type of review, when the application is determined to be complete, the UDO Administrator will forward your request to the Planning Commission, Historic District Commission, Board of Zoning Appeals or Town Council as appropriate.

For more assistance - Where can I get more help?

If you have questions on the use or interpretation of the Unified Development Ordinance, procedures, submittal deadlines, or other information contact

Growth Management Customer Service Center
20 Bridge Street
Bluffton, SC 29910
(843)706-4522
www.townofbluffton.sc.gov
applicationfeedback@townofbluffton.com

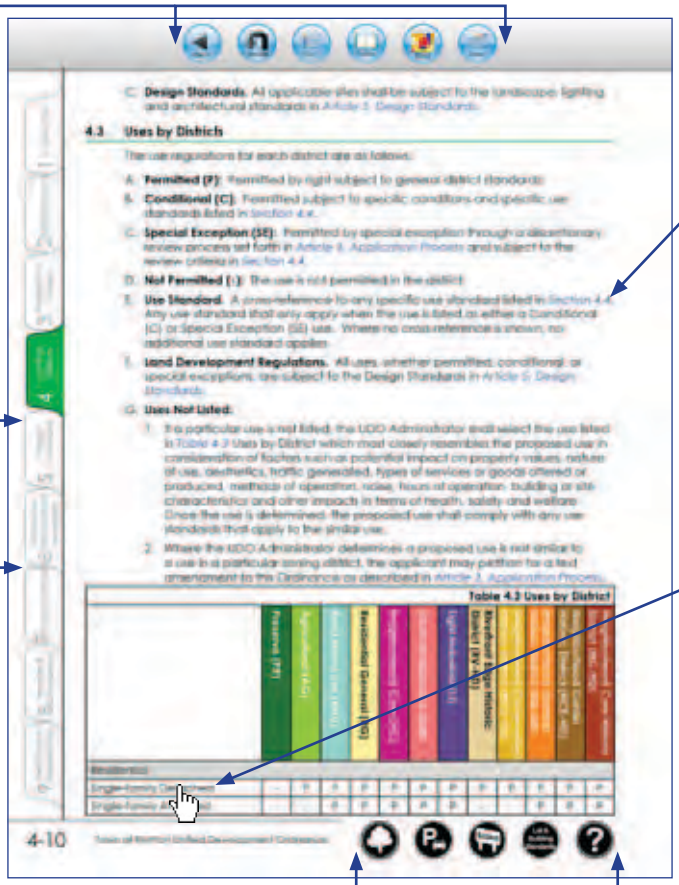
How to submit a development proposal:

Pick up/pull off the website the Application packet. This will explain what needs to be submitted and when. It includes an application form that requires information on the property owner, the developer and the subject site; a checklist of all required submittal items and a description of the procedures for each particular development process. It is always advised that you contact Town Staff to discuss your project in advance so that proper guidance and feedback can be provided in the formative stages of your project.

How to use this iZone Interactive Zoning Ordinance

iZone Document Features

The navigation buttons at the top of each page direct you to
-Back to Previous View,
-Start of Article,
-Table of Contents,
-Definitions,
-Zoning Map, and
-Table of Uses.



References to Articles, Sections, Tables and Figures are italicized to indicate the hyperlink. After you have read the referenced section, you can click on the Previous View button to return to the page you were reading.

The tabs on the side of the page take you to the start of each Article, which are colorized when active and greyed out when inactive.

Words that are linked to their definition in Article 9 are not italicized, but when you hover over them with your mouse you will see the cursor changes to a finger, allowing you to click and jump to the definition.

The buttons on the bottom of the page are quick links to Sections: Natural Resources, Parking, Signs, Lot and Building Standards, and this User Guide.

Acrobat Reader Features

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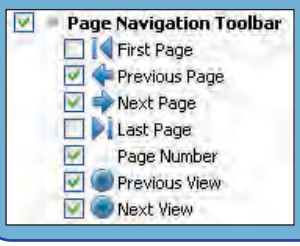

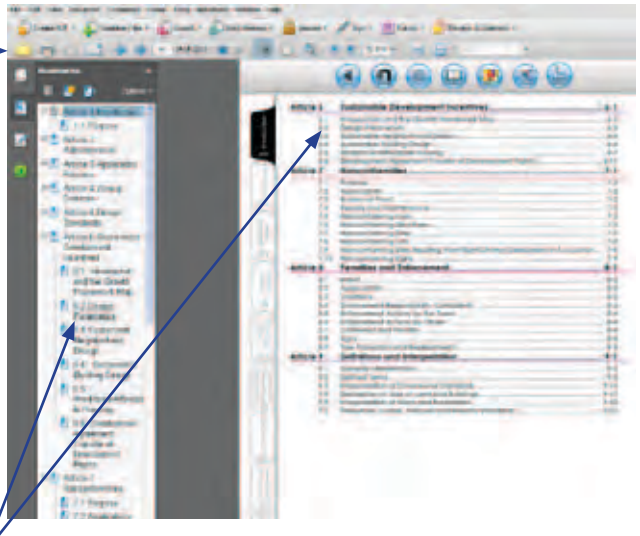

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Article 1
Introduction

1

1.1 Purpose

1.1.1 Title and Citation

This Ordinance shall be known as the Town of Bluffton Unified Development Ordinance, and may be referred to as the Unified Development Ordinance, the UDO, or this Ordinance, and may be cited as Chapter 23 of the Code of Ordinances for the Town of Bluffton, South Carolina.

1.1.2 Authority and Enactment Clause

This Unified Development Ordinance is adopted pursuant to the authority granted by Chapter 7, Planning by Local Governments, Chapter 29, South Carolina Local Government Comprehensive Planning Enabling Act of 1994, of Title 6 of the Code of Laws of South Carolina (1976), as amended, and all other applicable South Carolina state laws. In accordance with the authority conferred on the Town of Bluffton by these statutes and for promoting the purposes, intent, and design objectives expressed in this Ordinance, the Town Council of the Town of Bluffton does ordain and enact into law the following articles and sections. This Unified Development Ordinance includes the zoning ordinance of the Town of Bluffton, enacted pursuant to the authority of Title 6, Chapter 29, Article 5 of the Code of Laws of South Carolina (1976), as amended, and the land development regulations of the Town of Bluffton, enacted pursuant to the authority of Title 6, Chapter 29, Article 7 of the Code of Laws of South Carolina (1976), as amended.

1.1.3 Comprehensive Plan

Prior to the adoption of this Unified Development Ordinance, the Town of Bluffton adopted a *Comprehensive Plan* on September 4, 2007, pursuant to the authority of Title 6, Chapter 29, Article 3 of the Code of Laws of South Carolina (1976), as amended, which includes, among other things, a land use element, a community facilities element, a housing element and a priority investment element. This Unified Development Ordinance is adopted in order to assist in the implementation of the Town's *Comprehensive Plan*.

1.1.4 Purpose

This Unified Development Ordinance has been adopted for the purpose of providing guidance for land use and development and redevelopment within the Town of Bluffton, in accordance with the Town's *Comprehensive Plan*, for its physical, social, and economic growth and development. The zoning and land development regulations contained in this Unified Development Ordinance are enacted to protect and promote the public health, safety, convenience, order, appearance, prosperity, and general welfare, as well as the efficiency and economy of the Town. To those ends, this Unified Development Ordinance has the following specific purposes:

A. Provide for administrative procedures, zoning districts and regulations, and land development regulations and standards.

B. Assist in the implementation of the *Comprehensive Plan* for the Town of Bluffton, the Southern Beaufort County Regional Plan, and other official plans, policies, and programs.

C. Strengthen the conservation, preservation, and protection of natural resources and watersheds as signature elements of the region, including the protection, regeneration, and preservation of sensitive natural resources and the relationship

of development to natural resources as an aesthetic and recreational amenity.

D. Promote long-term and sustainable economic and environmental vitality for the region.

E. Allow for an integrated mixture of compatible land uses to create nodes of activity in the form of town, village, and neighborhood centers.

F. Strengthen and promote development toward town, village, and neighborhood centers.

G. Take advantage of compact building design to improve walkability, connectivity, and preservation of open space.

H. Provide for a range of affordable and workforce housing opportunities and choices.

I. Provide for a variety of transportation choices that are efficient and balanced across all modes, establishing a transportation system that reduces vehicular congestion, vehicle miles traveled, household transportation costs, and emissions.

J. Create walkable communities that support community health and reduce automobile dependency.

K. Foster distinctive, attractive communities with a strong sense of place.

L. Establish standards for zoning districts, and for the kinds and classes of buildings within districts, that promote the unique character of each district and the suitability for particular uses.

M. Make zoning and development decisions predictable, fair, and cost effective, and encourage community and stakeholder collaboration in zoning and development decisions.

1.1.5 Jurisdiction

This Ordinance shall govern all zoning and land development within the municipal boundary of the Town of Bluffton, South Carolina, as now or hereafter established, and any public improvements in the Town of Bluffton as now or hereafter established, together with such adjacent unincorporated areas of Beaufort County which the Town Council and Beaufort County Council may jointly agree to become governed by this Ordinance.

1.1.6 Administration and Enforcement

This Ordinance shall be administered and enforced according to South Carolina state law and the authority and procedures in all articles contained herein.

1.1.7 Applicability to Specific Development Activities

The following development and redevelopment activities, whether publicly or privately conducted, shall be subject to the provisions and standards of this Ordinance.

A. **Use of a Structure or Land.** The establishment or re-establishment of a use, or a change in use of a structure or land, whether temporary or permanent, which the UDO Administrator determines would affect the area's natural environment, parking requirements, transportation patterns, public health, or economic values.

B. **Construction, Demolition, Reconstruction, or Alteration.** A building operation involving the construction, demolition, reconstruction, or alteration of the size

of a structure which the UDO Administrator determines would affect the area's natural environment, parking requirements, transportation patterns, public health, or economic values.

C. **Increase in Land Use Intensity.** An increase in the intensity of land use, such as an increase in the number or size of nonresidential or residential uses in a structure or on land, an increase in traffic trip generation, or an increase in the number of parking spaces or amount of impervious coverage, when the UDO Administrator determines that such increase would affect the area's natural environment, parking requirements, transportation patterns, public health, or economic values.

D. **Filling, Excavating, or Dredging.** The commencement of any filling or excavating operation on a parcel of land, or filling or dredging of intertidal or underwater land.

E. **Change in Effects or Conditions.** In connection with the use of land, the making of any material change in noise levels, vibration levels, lighting intensity, thermal conditions, odors, or emissions of waste material.

F. **Alteration of a Shore, Bank, or Floodplain.** The material alteration of a shore, bank, or floodplain of a seacoast, river, stream, lake, or other water body.

G. **Utility Construction.** The construction, expansion, or modification of any utility line or facility.

H. **Road Construction.** The construction, expansion, or modification of any public or private road, street, or right-of-way.

I. **Silviculture.** The sustained management and harvesting of trees as a commodity.

J. **Subdivision.** The subdivision of land within the Town and the recording of a plat with the Register of Deeds for Beaufort County.

K. **Other.** Any other development, construction, alteration, modification, or change in land use not otherwise excluded by this article that the UDO Administrator determines would affect the area's natural or built environment, parking requirements, transportation patterns, public health, or economic values.

1.1.8 Activities That Do Not Constitute Development

The following operations or uses do not constitute development for the purpose of this Ordinance:

A. **Transfer of Title.** A transfer of title to land not involving the division of land into parcels.

B. **Division of Land into Five Acres or Larger Parcels.** The division of land into parcels of five acres or more where no new street is involved.

C. **Combination or Recombination of Lots.** The combination or recombination of portions of previously platted lots where the total number of lots is not increased and the resultant lots are equal to all standards of this Ordinance; and the combination or recombination of entire lots of record where no new street or change in existing streets is involved.

D. **Legal Exhibits and Documents.** The recording of any documents or plats expressly for the purpose of reference or attachment to a publicly recorded document when such recording does not result in subdivision of land into parcels. Such recording may include, but is not limited to, documents such as

master deeds or covenants, or plats for mortgage or HUD filing purposes only.

E. **Leases and Easements.** The creation or termination of leases, easements, or other rights, except that no easement required by this Ordinance may be terminated without the approval of the UDO Administrator.

1.1.9 Conflicting Provisions

Where there is a conflict between provisions of applicable South Carolina state law and provisions of this Ordinance, the provisions of applicable South Carolina state law shall control. Where there is a conflict or apparent conflict among provisions of this Ordinance, the more restrictive provision shall control; except, when there is a conflict or apparent conflict between an overlay district and the underlying base zoning district, the provisions of the overlay district shall control. Where it is possible to implement, administer, or construe a particular provision of this Ordinance in more than one way, it shall be implemented, administered, or construed in a way that eliminates or minimizes conflicts with other provisions of this Ordinance.

1.1.10 Other Town Requirements

Whenever this Ordinance imposes a more restrictive standard than required by any other Town ordinance or requirement, the provisions of this Ordinance shall control. Whenever any other Town ordinance or requirement imposes a more restrictive standard than required by this Ordinance, the provisions of such other Town ordinance or requirement shall control.

1.1.11 Relationship to Deed Restrictions and Restrictive Covenants

The Town is required by Section 6-29-1145 of the Code of Laws of South Carolina (1976), as amended, to inquire of an applicant for a permit whether the tract or parcel is restricted by any recorded covenant that is contrary to, conflicts with, or prohibits the permitted activity. If the Town has actual notice of a restrictive covenant on a tract or parcel of land that is contrary to, conflicts with, or prohibits the permitted activity, the Town must not issue the permit unless the Town receives confirmation from the applicant that the restrictive covenant has been released for the tract or parcel of land by action of the appropriate authority or property holders or by court order.

1.1.12 Effective Date

This Ordinance shall take effect and be in full force from the date of its adoption by the Town Council, effective November 10, 2011.

1.1.13 Severability

If the provisions of any article, section, subsection, paragraph, subdivision, or clause of this Ordinance shall be adjudged or construed to be invalid by a court of competent jurisdiction for any reason, such judgment shall not affect or invalidate the remainder of any article, section, subsection, paragraph, subdivision, or clause of this Ordinance, all of which shall remain in full force and effect.

1.1.14 Repeal of Existing Ordinances

Existing Town ordinances or parts of ordinances covering the same matters as embraced in this Ordinance, including, without limitation, the Town of Bluffton Zoning Ordinance, are hereby repealed, and all Town ordinances and parts of ordinances inconsistent with this Ordinance are hereby repealed to the extent necessary to give this Ordinance full force and effect. The adoption of this

Ordinance is intended by the Town of Bluffton to be the initial adoption of a new zoning ordinance and new land development regulations, and not the amendment of an existing zoning ordinance or existing land development regulations.

1.1.15 Prior Development Approval

Land development plans and subdivision plats submitted to and approved by the Town of Bluffton prior to the adoption of this Ordinance shall have expiration dates governed as follows:

A. **The Permit Extension Joint Resolution of 2010.** The running of the period of development approval and any associated vested right for any development approval, as defined in the Permit Extension Joint Resolution of 2010, that is current and valid at any point during the period beginning January 1, 2008 and ending December 31, 2012 is suspended during the period beginning January 1, 2008 and ending December 31, 2012, as provided for in said Resolution. Prior development approvals subject to such Resolution are controlled thereby.

B. **The Vested Rights Act.** The expiration of a phased development plan or a site specific development plan, as defined in the Vested Rights Act, Title 6, Chapter 29, Article 11 of the Code of Laws of South Carolina (1976), as amended, approved by the Town prior to the adoption of this Ordinance is governed by the Vested Rights Act.

C. **Other Approvals.** Any land development plan or subdivision plat approved by the Town prior to the adoption of this Ordinance that is not subject to one or both of the Permit Extension Joint Resolution of 2010 or the Vested Rights Act shall expire on the later of (i) a definite expiration date contained in the approval or permit itself, or (ii) two years from the issuance date of the approval or permit.

D. **The Development Agreement Act.** Subject to the terms of the South Carolina Development Agreement Act, this Ordinance applies to any Development Agreement previously approved by the Town of Bluffton or any other governmental entity.

Article 2
Administration

2

2.1 Intent & Applicability

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

2.2 Establishment

2.2.1 UDO Administrator, Boards, & Commissions.

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

A. **UDO Administrator.** The position of UDO Administrator of the Town of Bluffton is hereby established pursuant to the authority of Title 6, Chapter 29 of the Code of Laws of South Carolina (1976), as amended, the South Carolina Local Government Comprehensive Planning Enabling Act of 1994.

B. **Town Council Appointed Boards and Commissions.**

1. **Planning Commission.** The Planning Commission (PC) of the Town of Bluffton is hereby established pursuant to the authority of Title 6, Chapter 29, Article 1, Section 320 of the Code of Laws of South Carolina (1976), as amended, the South Carolina Local Government Comprehensive Planning Enabling Act of 1994.
2. **Board of Zoning Appeals.** The Board of Zoning Appeals (BZA) of the Town of Bluffton is hereby established pursuant to the authority of Title 6, Chapter 29, Article 5, Section 780 of the Code of Laws of South Carolina (1976), as amended, the South Carolina Local Government Comprehensive Planning Enabling Act of 1994.
3. **Historic Preservation Commission.** The Historic Preservation Commission (HPC) of the Town of Bluffton is hereby established pursuant to the authority of Title 6, Chapter 29, Article 5, Section 870 of the Code of Laws of South Carolina (1976), as amended, the South Carolina Local Government Comprehensive Planning Enabling Act of 1994.

2.2.2 Boards, Commissions and Subcommittees Membership.

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

Board and Commission Membership	Planning Commission (PC)	Board of Zoning Appeals (BZA)	Historic Preservation Commission (HPC)
Number of voting members.	7	5	7
All members shall be residents of or be freeholders in the area in which they serve or own a business within the municipal boundary of the Town of Bluffton.	■	■	
A majority of the members shall be residents of, be freeholders in, or own a commercial business within the Old Town Bluffton Historic District.			■
All members shall have a demonstrated interest in, competence in, or knowledge of historic preservation and at least three members shall be licensed professionals or have at a minimum 5 years of experience in the discipline of history, historic preservation, architecture, engineering, law, planning, construction, or related fields.			■
To the extent practicable, at least two of the members shall be licensed professionals in the disciplines of architecture, engineering, law, planning, construction, or related fields.	■	■	

2.2.3 Boards and Commissions Member Terms.

A. **Length of Term.** All members shall be appointed in accordance with Town Code Chapter 3, Section 3-2(b). All members shall continue to serve until their respective successor is appointed and qualified.

B. **Number of Terms.** No member shall serve for more than two consecutive terms; provided, however, that upon a determination by Town Council in its sole discretion of extraordinary circumstances and that the best interests of the community are served by the continuation of the term of a particular member, such member may be re-appointed for one additional term. This limitation shall not prevent any person from being appointed after an absence of one year.

C. **Removal.** Town Council may remove any member for cause, after written notice in accordance with Town Code Chapter 3, Section 3-2(d).

2.2.4 Boards and Commissions Officers, Meetings and Quorums

A. **Officers.** The members shall elect one member as Chair and another as Vice-Chair in accordance with Town Code Chapter 3, Section 3-3. The UDO Administrator shall serve as Secretary.

B. **Meetings.** The members shall meet at the call of the Chair and at such regular times as the members may determine.

C. **Quorums.** A majority of members shall constitute a quorum for the conduct of business in accordance with Town Code Chapter 3, Section 3-2(g).

D. Notice of Meeting. Public notice of meetings shall be given in accordance with the South Carolina Freedom of Information Act requirements.

E. **Rules of Procedure.** The members shall adopt rules of procedure for the conduct of business.

F. **Minutes.** The Secretary shall keep minutes of the proceedings showing the vote of each Member upon each question, or, if absent or failing to vote, indicating that fact in accordance with Town Code Chapter 3, Section 3-7.

2.2.5 Territorial Jurisdiction

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

2.2.6 Powers and Duties

A. **UDO Administrator.**
The person designated by the Town Manager as the Director of Growth Management shall serve as the UDO Administrator. The UDO Administrator shall be the Town's zoning administrator and the Town's chief administrative officer for all zoning and land development matters under this Ordinance. The UDO Administrator may designate one or more members of the Town's Growth Management Department to act on his or her behalf, and may determine the scope of authority of such designees under this Ordinance. The powers and duties of the UDO Administrator include, but are not limited to:

1. Reviewing and taking action on, approving, approving with conditions,

or denying, zoning permits or approvals for the use of land, buildings, and structures, or the construction, conversion, demolition, enlargement, movement, or structural alteration of a building or structure;

2. Reviewing and taking action on, or approving, approving with conditions, or denying applications in accordance with the provisions of *Article 3, Application Process* of this Ordinance;
3. Making administrative interpretations of this Ordinance;
4. Preparing and publishing rules and procedures relating to the administration of this Ordinance;
5. Reviewing and, when required or requested, making recommendations for action to approve, approve with conditions, or deny applications to the Town Council, Planning Commission, Board of Zoning Appeals, Historic Preservation Commission, and other appropriate decision making authorities in accordance with the provisions of this Ordinance;
6. Appointing, organizing, and chairing a Development Review Committee (DRC);
7. Serving as Secretary to all Appointed Boards, Commissions, and Committees listed in this Article; and
8. Such other powers, duties, and responsibilities explicitly granted by this Ordinance or as delegated by Town Council.

B. **Development Review Committee.**

The Development Review Committee, consisting of representatives of Town departments and other applicable agencies involved in the land development review process and the Chair and Vice-Chair of the Planning Commission, an at-large Planning Comissioner, as well as the Chair of the Historic Preservation Commission for projects located within the Old Town Bluffton Historic District, has those functions, duties, and powers of an administrative advisory board concerning land development review matters provided for by this Ordinance including, but not limited to:

1. Preparing and recommending for adoption by the applicable approval authority technical requirements for the design, installation, management, and maintenance of streets, roads, utilities, stormwater management systems, buildings, structures, lighting, landscaping and other systems or items necessary for the orderly development of the Town of Bluffton in conformance with this Ordinance, the *Comprehensive Plan*, and any other adopted or accepted policy or plan of the Town of Bluffton;
2. Reviewing and recommending action on applications as authorized by this Ordinance and the Application Process Table of the Applications Manual; and
3. Such other responsibilities and powers granted explicitly this Ordinance or delegated by the UDO Administrator.

C. **Planning Commission.**

The Planning Commission has those functions, duties, and powers provided for in

South Carolina State Law, including, but not limited to:

1. Undertaking a continuing planning program for the physical, social, and economic growth, development, and redevelopment of the Town;
2. Making, publishing, and distributing maps, plans, and reports and recommendations relating to the plans and programs and the development of the Town to public officials and agencies, public utility companies, civic, educational, professional, and other organizations and citizens;
3. Preparing and periodically reviewing the *Comprehensive Plan*, and making recommendations to Town Council for adoption thereof and revisions thereto;
4. Preparing and recommending for adoption to the Town Council as a means for implementing the plans and programs in the Town:
   a. Zoning ordinances to include zoning district maps and appropriate revisions thereof;
   b. Regulations for the subdivision or development of land and appropriated revisions thereof, and to oversee the administration of the regulations that may be adopted;
   c. An official map and appropriate revision(s) on it showing the exact location of existing or proposed public street, highway, and utility rights-of-way, and public building sites, together with regulations to control the erection of buildings or other structures or changes in land use within the rights-of-way, building sites, or open spaces within the Town or a specified portion of it;
   d. A landscaping ordinance setting forth required planting, tree preservation, and other aesthetic considerations for land and structures;
   e. A capital improvements program setting forth projects required to implement plans which have been prepared and adopted, including an annual listing of priority projects for consideration by the governmental bodies responsible for implementation prior to preparation of their capital budget; and
   f. Policies or procedures to facilitate implementation of planning elements;
5. Reviewing and recommending action on, or approving, approving with conditions, or denying applications in accordance with the provisions of South Carolina state law and the provisions of *Article 3, Application Process* of this Ordinance; and
6. Performing those functions, duties, and powers of a board of architectural review provided for in South Carolina state law and as determined by the applicable zoning protions of this Ordinance regarding properties located within the Town of Bluffton Highway Corridor Overlay District, including reviewing and approving, approving with conditions, or denying, applications within the Town of Bluffton Highway Corridor Overlay District; and
7. Such other responsibilities and powers granted explicitly by South Carolina state law, this Ordinance, or delegated by Town Council.

D. **Board of Zoning Appeals.**

The Board of Zoning Appeals has those functions, duties, and powers provided for in South Carolina state law, including, but not limited to:

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

E. **Historic Preservation Commission.**

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

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

F. **Historic Preservation Review Committee.**

The Historic Preservation Review Committee, consisting of representatives of Town departments and other applicable agencies involved in the architectural design and historic review process and the HPC Chair and two (2) at large HPC Commissioners, has those functions, duties, and powers of an administrative advisory board concerning design and architectural review matters provided for by this Ordinance including, but not limited to:

1. Reviewing and recommending action on applications as authorized by this Ordinance and the Application Process Table of the Applications Manual; and

2. Such other responsibilities and powers granted explicitly by this Ordinance or delegated by the UDO Administrator.

Article 3
Application Process

3

3.1 General

This article provides standards and procedures for the Town of Bluffton to review applications for compliance with this Ordinance. The regulations in this Ordinance are intended to ensure consistency with the Town of Bluffton *Comprehensive Plan*, to minimize negative impacts of development on adjacent land uses, to conserve the natural environment, to coordinate with infrastructure capacity, and to protect the public health, safety, and welfare, and Town of Bluffton's character.

3.2 General Application Approval Process

3.2.1 General Application and Permit Items

A. **Single Agent.** All applications submitted pursuant to this Ordinance, shall include a designation of a single agent through whom all communications shall occur. The agent may be either the Applicant or a representative of the Applicant.

B. **Applications Manual.** All applications required under this Ordinance shall be submitted on forms and in such numbers as required by the UDO Administrator. The UDO shall publish and make available to the public an Applications Manual setting forth requirements for the various types of applications, references to applicable section of this Ordinance, Town Council's appointed Boards and Commissions involved in the review and approval for each type of application, the application process, public hearing requirements, and general application and permit information.

C. **Application Requirements.** Complete applications shall include a completed application form, any required fee based upon the Town of Bluffton adopted fee schedule adopted by the Town Council, the minimum submittal requirements for the respective application, and any other information determined necessary by the UDO Administrator to demonstrate compliance with the requirements and standards of this Ordinance and/or State Law.

D. **Certified Plans.** All design, grading, drainage and construction plans for roads, other required infrastructure, and for site-related improvements shall be prepared and signed and sealed by either an Engineer or Landscape Architect, as appropriate and consistent with South Carolina State Law. All design and construction plans for building-related improvements shall be prepared and signed and sealed by an Architect as appropriate and consistent with South Carolina State Law.

E. **Digital Files.** Upon final application approval, digital files of all application documents shall be submitted to the UDO Administrator in a compatible file format as determined by the UDO Administrator. Required final formats may include but are not limited to Microsoft Office, AutoCAD, ArcGIS, Adobe InDesign, and PDF.

F. **Approval Authority.** The approval authority, as identified in the *Applications Manual*, shall approve, approve with conditions, or deny the applications set forth in this article.

G. **Validity of Approvals and Expiration.** Where appropriate and necessary, the validity and expiration of all other approvals shall be explicitly defined in this article and referenced in the Applications Manual with the expiration date being calculated from the date upon which final action was taken authorizing

or approving the application. As determined by the UDO Administrator, if at any time an application pending approval remains inactive through the inaction or lack of response by the Applicant, the UDO Administrator, with written notice to Applicant, may expire the application not less than 120 days since the last date of action by the Applicant or 60 days since the last date of response by the Applicant.

H. **Extensions of Approval.** For applications where this article indicates a time period for approval and provides for an extension to the expiration of the approval, the UDO Administrator may grant one or more extensions, each for a period of one year from the expiration date, upon the request of the Applicant. In determining whether or not to grant the expiration the UDO Administrator shall determine that there shall not be any adverse effect on the public health, safety, and welfare and that no amendments to this Ordinance have been adopted that prohibit the approved activity or permit. The UDO Administrator may require that plans and other information be revised to reflect amendments to this Ordinance since that approval was granted. Applications for extension must be received and accepted by the UDO Administrator prior to the expiration date.

3.2.2 Common Application Review Procedures

Specific applications are subject to the Application Review Procedures as follows:

A. **Pre-Application Meeting.** A pre-application meeting with the UDO Administrator is required prior to submission of specific applications. The purpose of this meeting is to provide and opportunity for the Applicant and UDO Administrator to discuss the basic scope, nature, and intent of the proposed project and to allow the UDO Administrator to provide guidance in the formative stages of the project. Additionally the submittal requirements and the procedures and standards applicable to an anticipated application shall be determined. At this meeting the Applicant may obtain the application, associated Ordinance provisions, and draft meeting schedule.

B. **Application Check-In Meeting.** When an application is submitted to the UDO Administrator, the UDO Administrator may review the application materials being submitted with the Applicant and ensure that the Applicant understood and provided the required application materials as set forth in the Applications Manual or as otherwise required by the UDO Administrator. During this Check-In Meeting, as applicable, the application review process and schedule, public notice requirements, and other information relevant to the application being submitted may be discussed. If requested by the Applicant and the application preliminarily meets the criteria for Sustainable Development Incentives as described in *Article 6, Sustainable Development Incentives*, the Applicant shall be so notified and the application processed accordingly.

C. **Application Log.** The UDO Administrator shall maintain a log of all applications received, which shall be available for public inspection during regular business of the Town.

D. **UDO Administrator Review.** All applications shall be submitted to and reviewed for completeness by the UDO Administrator who will inform the Applicant in writing of any information that is missing from the application as required by the Applications Manual or as otherwise required by the UDO Administrator. Such review shall be completed within 10 business days from the date the application

was received by the UDO Administrator. If any application is not complete, the UDO Administrator shall inform the Applicant in writing, specifying the ways in which the application is incomplete and the actions, materials, documents, and information necessary to complete the application. Following written notification by the UDO Administrator to an applicant that an application is incomplete, the Applicant shall have 60 days to complete the application. Any application which has not been completed within this 60 day period shall be considered by the UDO Administrator as withdrawn by the Applicant, unless the applicant and the UDO Administrator agree to an extension of such 60 day period for good cause, as determined by the UDO Administrator.

E. **Application Review.** Once the application is determined to be complete, it shall be distributed to all appropriate Staff and applicable review bodies. As applicable, the UDO Administrator reserves the right to submit any Application to the applicable Board, Commission, or Committee for comment, input and interpretation at any time throughout the application process. In addition, the UDO Administrator may request at any time additional information necessary to demonstrate compliance with the requirements and standards of this Ordinance.

F. **Planning Commission Workshop.** Planning Commission Workshops are intended to be the first official presentation of a proposed project to provide the public with information and a forum to initially review the application and identify applicable application review criteria. Meetings are encouraged as opportunities for informal, non-binding communication between the Applicant and neighboring property owners who may be affected by the application.

G. **Maximum Review Period.** Once an application for approval of a subdivision or land development plan is considered complete, failure to act on such application within 60 days shall constitute approval of the plat or plan. If the subdivision plat or land development plan is approved, the UDO Administrator shall provide the Applicant with written notice of approval within this 60 day period. If the subdivision plat or land development plan is not approved, the UDO Administrator shall provide the applicant with written notice of denial detailing the reasons for such denial. This 60 day period may be extended by written agreement by the UDO Administrator and the applicant.

3.2.3 Public Hearing Notice

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

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

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

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

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

[3] A Public Hearing shall be held by Planning Commission.

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

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

C. **Posting of Property.** When required, the UDO Administrator shall cause a conspicuous notice of public hearing sign to be posted not less than the number of days prior to the public hearing as specified in the preceding table on or adjacent to the subject property, with at least one such notice being visible from each public thoroughfare that abuts the property. If the subject property does not abut a public thoroughfare, such sign shall be posted on the public thoroughfare from which the subject property is accessed. All signs shall be removed by the Town within 30 days of conducting the public hearing.

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

1. The Applicant shall send notice of the public hearing by certified US mail not less than the number of days prior to the public hearing as specified in the preceding table to all owners of real property within 250 feet of the subject property. The UDO Administrator shall provide the applicant with the names and addresses of the surrounding property who are to received

mailed notice, and shall provide the applicant with a sample public hearing notification letter. The Applicant shall submit the original Certified Mailing receipts for the mailed notices to the UDO Administrator not less than seven days prior to the public hearing.

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

3.3 Comprehensive Plan Amendment

3.3.1 Intent

This Section is intended to provide procedures and standards for the review of Comprehensive Plan Amendment Applications. Review of Comprehensive Plan Amendment Applications shall consider the following objectives:

A. Provide specific, objective and prescriptive guidance for undertaking a continuing planning program for the physical, social and economic growth, development and redevelopment of the area within the jurisdiction of the Town of Bluffton;

B. Ensure that the *Comprehensive Plan* is designed to promote public health, safety, convenience, prosperity or the general welfare, as well as the efficiency and economy of the Town of Bluffton;

C. Ensure that the *Comprehensive Plan* is based upon careful and comprehensive surveys and studies of existing conditions and probable future development and includes recommended means of implementation; and

D. Provide for meaningful public participation.

3.3.2 Applicability

Application for a Comprehensive Plan Amendment may be initiated by a Town of Bluffton property owner, Town Council, Planning Commission, or the UDO Administrator to address a specific topic or geographic area, or to respond to new information, data, other studies, or an opportunity that would benefit the Town of Bluffton that was not foreseen when the *Comprehensive Plan* was prepared.

3.3.3 Application Review Criteria.

The Planning Commission and Town Council shall consider the following criteria in assessing an application for Comprehensive Plan Amendment:

A. Consistency with the intent of the overall policies in the *Comprehensive Plan*;

B. Consistency with demographic changes, prevailing economic trends and/or newly recognized best planning practices that would deem the proposed amendment necessary and proper for the advancement of the Town of Bluffton's goals;

C. If applicable, the ability of public infrastructure and services to sufficiently accommodate the requested amendment to the *Comprehensive Plan*;

D. Appropriate and efficient use of public funds, the future growth, development and redevelopment of its area of jurisdiction, and consideration of the fiscal impact on property owners;

E. Enhancement of the health, safety, and welfare of the Town of Bluffton;

F. Consistency with applicable South Carolina Planning law and consideration of case law;

G. Impact of the proposed amendment on the provision of public services; and

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

3.3.4 Effect of Approval

Upon Town Council adoption of a Comprehensive Plan Amendment Ordinance, any necessary changes shall be made to the *Comprehensive Plan*. A record of the type and date of such change shall be maintained by the UDO Administrator and available for public review within the amended *Comprehensive Plan*.

3.4 Zoning Map Amendment

3.4.1 Intent

This Section is intended to provide procedures and standards for the review of *Zoning Map Amendment Applications*.

3.4.2 Applicability

Application for Zoning Map Amendment may be initiated by the property owner, Town Council, Planning Commission, or the UDO Administrator to establish and maintain sound, stable, and desirable development within the Town of Bluffton. The *Zoning Map* may be amended to rezone an area or to extend the boundary of an existing zoning district. A rezoning must be based upon the recommended future land use category for the property as shown on the future land use map in the Town of Bluffton *Comprehensive Plan*. If, as determined by the UDO Administrator, the requested zone change is not in accord with the future land use category, then an application for Comprehensive Plan Amendment to change the future land use map is required prior to or concurrent with the submittal of Zoning Map Amendment Application.

3.4.3 Application Review Criteria

The Planning Commission and Town Council shall consider the following criteria in assessing an application for Zoning Map Amendment:

A. 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;

B. Capability of the site's physical, geological, hydrological and other environmental features to support the breadth and intensity of uses that could be developed in the proposed zoning district;

C. Compatibility of all the potential uses allowed in the proposed zoning district with surrounding uses and zoning districts in terms of suitability of location, impacts on the environment, noise, density, nature of use, traffic impacts, aesthetics, ability to develop adjacent properties under existing zoning, and potential influence on property values;

D. Capacity of public infrastructure and services to sufficiently accommodate all

potential uses allowed in the proposed district without compromising the public health, safety and welfare of the Town of Bluffton;

E. Public need for the potential uses permitted in the requested zoning district; and

F. Compliance with applicable requirements in the Applications Manual.

3.4.4 Effect of Approval or Denial

A. Upon Town Council adoption of a Zoning Map Amendment Ordinance, any necessary changes shall be made to the Town of Bluffton Official Zoning Map. A record of the type and date of such change shall be maintained by the UDO Administrator and available for public review.

B. If a Zoning Map Amendment application is denied by the Town Council, an application for the same proposed change in district classification affecting the same parcels or any part thereof, shall not be reconsidered within twelve (12) months from the date of denial.

3.5 Unified Development Ordinance Text Amendment

3.5.1 Intent

This Section is intended to provide procedures and standards for the review of Unified Development Ordinance Text Amendment Applications.

3.5.2 Applicability

An application for a Unified Development Ordinance (UDO) 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.

3.5.3 Application Review Criteria

The Planning Commission and Town Council shall consider the following criteria in assessing an application for UDO Text Amendment:

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;

B. Consistency with demographic changes, prevailing economic trends, and/or newly recognized best planning practices;

C. Enhancement of the health, safety, and welfare of the Town of Bluffton;

D. Impact of the proposed amendment on the provision of public services; and

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

3.5.4 Effect of Approval

Upon Town Council adoption of the Unified Development Ordinance Text Amendment Ordinance, any necessary changes shall be made to the Unified Development Ordinance. A record of the type and date of such change shall be maintained by the UDO Administrator and available for public review within the amended Unified Development Ordinance.

3.6 Special Exception

3.6.1 Intent

This Section is intended to provide procedures and standards to facilitate the review of *Special Exception Applications* and to ensure that the Special Exception uses listed for each zoning district are located and designed to be compatible with other uses in the vicinity. Review of Special Exception Applications shall consider the following objectives:

A. Ensure impacts associated with a specific use can be accommodated or are mitigated;

B. Ensure site design and operational standards minimize negative impacts on adjoining or nearby properties; and

C. Provide a mechanism for public input.

3.6.2 Applicability

Special Exceptions are uses that require a heightened level of scrutiny due to intensity of land use and potential impact on neighboring properties, compared to the range of uses permitted by right in a particular zoning district. The Board of Zoning Appeals shall determine whether Special Exceptions should be allowed and may prescribe appropriate conditions and safeguards to protect surrounding property owners and property values.

3.6.3 Application Review Criteria

The Board of Zoning Appeals shall approve a Special Exception application upon a finding that all of the following standards are met:

A. The use is allowed as a Special Exception in the zoning district;

B. The application meets the standards of *Section 4.5*, if applicable;

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

D. The application complies with applicable requirements in the Applications Manual.

E. The proposed Special Exception use is consistent with the spirit, purpose and intent of the Town of Bluffton *Comprehensive Plan*;

F. The proposed Special Exception use is consistent with the "purpose and intent" statement of the applicable zoning district;

G. The proposed Special Exception use will be constructed, operated and maintained so as to be compatible with the existing or intended character of the applicable district and so as not to change the essential character of the area in which it is proposed;

H. The proposed Special Exception use is compatible with the existing uses adjacent to and near the property;

I. The proposed Special Exception use does not have an adverse effect on any site or feature of historical, cultural, natural, or scenic importance;

J. The proposed Special Exception use is consistent with existing and planned pedestrian and vehicular circulation adjacent to and near the property;

K. The adjacent streets and highways are or will be adequate to carry any additional traffic generated by the proposed Special Exception use;

L. The proposed Special Exception use will be adequately served by public facilities and services, such as traffic operations along streets, police and fire protection, drainage structures, water and sewage facilities and primary and secondary schools;

M. The proposed Special Exception use will not involve uses, activities, processes, materials and equipment or conditions of operation that, in comparison to by right permitted uses in the district, will be hazardous, detrimental or disturbing to the natural environment, or the public health, safety and welfare by reason of excessive production of traffic, noise, smoke, odors or other such nuisance; and

N. The proposed Special Exception use will conform to any specific criteria or conditions specified for that use in the applicable zoning district.

3.6.4 Effect and Expiration of Approval

A. **Approval.** Approval of a Special Exception application by the Board of Zoning Appeals shall authorize an Applicant to apply for any further applicable Town of Bluffton approvals. All such applications shall be considered under the applicable provisions of this Ordinance, subject to the Special Exception and any conditions imposed by the Board of Zoning Appeals.

B. **Expiration.** Approval of a Special Exception shall expire two years from the date of its issue unless construction or development commences and proceeds to completion in a timely and customary manner to establish the use in accordance with the terms and requirements of the Special Exception.

3.6.5 Amendments to Approval

Any expansion of any use or any change in the configuration of the use, building(s), or site allowed by a Special Exception shall require resubmittal and approval in the manner described in this Section.

3.6.6 Action by the Town

A. After review of a Special Exception application and a public hearing on the application, the Board of Zoning Appeals shall make a written finding and approve, approve with modifications or conditions; or deny the application.

B. If approval, or approval with modifications or conditions of a Special Exception application is granted, the decision shall be communicated in writing to the applicant; and the Applicant shall thereby be authorized to submit the applications necessary and consistent with this article to establish the use.

3.7 Variance

3.7.1 Intent

This Section is intended to provide procedures and standards for the review of *Variance Applications* for requests in order to deviate from the design standards prescribed in *Article 5, Design Standards*, when literal enforcement of the provisions of this Ordinance would result in unnecessary hardship to the property owner(s) and the deviation would not be contrary to the public interest. This Section provides provisions for either unnecessary hardship or sign variance requests. Review of Variance Applications shall consider the following objectives:

A. Ensure site design and operational standards minimize negative impacts on adjoining or nearby properties; and

B. Provide a mechanism for public input.

3.7.2 Applicability

The Board of Zoning Appeals, upon request, may vary certain requirements of the design standards of *Article 5, Design Standards* that will not be contrary to the public interest, when strict application of the provisions of this Ordinance would result in unnecessary hardship as defined below.

3.7.3 Application Review Criteria

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

B. As applicable, the application must comply with the following:

1. Unnecessary Hardship. A Variance from a dimensional or design standard may be granted by the Board of Zoning Appeals in an individual case of unnecessary hardship upon a finding that all of the following standards are met:

   a. There are extraordinary and exceptional conditions pertaining to the particular piece of property;

   b. These conditions do not generally apply to other property in the vicinity, particularly those in the same zoning district;

   c. Because of these conditions, the application of the Ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property in a manner consistent with others in the zoning district;

   d. The need for the Variance is not the result of the Applicant's own actions;

   e. The authorization of a Variance does not substantially conflict with the *Comprehensive Plan* and the purposes of this Ordinance;

   f. The authorization of a Variance will not result in a substantial detriment to adjacent property or the public good, and the character of the District will not be harmed by the granting of the Variance; and

   g. The reason for the Variance is more than simply for convenience or to allow the property to be utilized more profitably.

3.7.4 Effect and Expiration of Approval

A. **Approval.** Approval of a Variance application shall authorize the Applicant to apply for any further applicable Town of Bluffton application approvals. All such applications shall be considered under the applicable provisions of this Ordinance, subject to the Variance and any conditions imposed by the Board of Zoning Appeals.

B. **Expiration.** Approval of a Variance shall expire two years from the date of its issue unless construction or development commences and proceeds to completion in a timely and customary manner in accordance with the terms

and requirements of the Variance.

3.7.5 Action by the Town

A. After review of a Variance application and a public hearing on the application, the Board of Zoning Appeals shall make a written finding and approve, approve with modifications or conditions, or deny the Variance request.

B. If approval, or approval with modifications or conditions of the Variance application is granted, the decision shall be communicated in writing to the Applicant and the Applicant shall thereby be authorized to submit the applications necessary and consistent with this article.

3.8 Planned Unit Development (PUD) Concept Plan

3.8.1 Intent

This Section is intended to provide procedures and standards for the review of *Planned Unit Development Plan (PUD) Concept Plan Applications*.

3.8.2 Applicability

An application for PUD Concept Plan is required for proposed development projects on sites consisting of two hundred (200) acres or more. A PUD Concept Plan application shall be submitted concurrently with a Zoning Map Amendment application requesting approval of a Planned Unit Development (PUD) District zoning for the subject property.

3.8.3 Application Review Criteria

A. The Planning Commission and Town Council shall consider the following criteria in assessing an application for PUD Concept Plan:

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

C. Consistency with the intent of the Planned Unit Development Zoning District as prescribed in *Article 4, Zoning Districts*;

D. 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 than which could be otherwise achieved through strict application of this Ordinance;

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;

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;

G. Conformance with adopted or accepted plans, policies, and practices of the Town of Bluffton; and

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

3.8.4 Effect of Approval

A. **Approval.** Approval by Town Council of a PUD Concept Plan Ordinance shall allow the Applicant to submit an application for Planned Unit Development (PUD) Master Plan.

B. **Expiration.** Approval of a PUD Concept Plan shall not expire.

3.8.5 Amendments to Approvals

A. Any amendments to a PUD Concept Plan shall require the PUD Concept Plan to be resubmitted for approval as set forth in the Applications Manual.

3.9 PUD Master Plan

3.9.1 Intent

This Section is intended to provide procedures and standards for the review of *Planned Unit Development (PUD) Master Plan Applications*.

3.9.2 Applicability

A. PUD Master Plan approval is required for all or any portion of the PUD property prior to submittal of Development Plan application. If any of the property subject to a PUD Master Plan application is not zoned PUD at the time of submittal, the application shall be submitted concurrently with a Zoning Map Amendment application requesting approval of a PUD Zoning for the subject property.

3.9.3 Application Review Criteria

A. The Planning Commission and Town Council shall consider the following criteria in assessing an application for PUD Master Plan:

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

C. Consistency with the intent of the Planned Unit Development Zoning District as prescribed in this Ordinance;

D. As applicable, consistency with the provisions of the associated Development Agreement and/or PUD Concept Plan;

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;

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;

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;

H. Ability of the site to sufficiently accommodate the densities and land use intensities of the proposed development;

I. Conformance with adopted or accepted plans, policies, and practices of the Town of Bluffton; and

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

3.9.4 Effect of Approval

A. **Approval.** Approval by Town Council of a PUD Master Plan Ordinance shall allow the Applicant to submit an application for Development Plan to the Town of Bluffton.

B. **Expiration.** Approval of a PUD Master Plan shall expire five years from the date of its issue unless a Development Plan is submitted and accepted.

3.9.5 Extensions of Approvals

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

3.9.6 Amendments to Approvals

A. **Minor Amendments.** Minor amendments to a PUD Master Plan shall be reviewed by the UDO Administrator for approval. Minor amendments include modifications that are not considered major amendments.

B. **Major Amendments.** Major amendments to a PUD Master Plan shall be subject to the PUD Master Plan review process set forth in the Applications Manual. The following shall be considered major amendments:

1. Any amendment to the designation of land use or change in allowed uses within the PUD Master Plan;
2. Any amendment to the Design Standards provided in the PUD that is a substantive change altering the design intent and character set forth in the approved Design Standards;
3. Significant modification to the configuration of buildings, site amenities, or location of land uses on the property;
4. Significant modifications to the location, type, or widths of streets and/or right-of-ways;
5. Significant modifications or changes in geometry to the access, on-site circulation, parking, service access, and pedestrian facilities;
6. Significant amendments to the allocation of open space, residential or non-residential density or intensity, particularly when the overall approved density or intensity is altered to the extent that the character and intent of the PUD Master Plan is modified; or
7. Any other change that the UDO Administrator determines is a substantive deviation from the standards and provisions under which the PUD Master Plan was initially approved.

3.10 Development Plan

3.10.1 Intent

This Section is intended to provide procedures and standards for the review of *Development Plan Applications*. A two-tiered approval process is prescribed that includes a Preliminary Development Plan and Final Development Plan Application

review. The purpose of this sequence is to provide the Applicant with initial conceptual design guidance prior to the preparation of detailed construction plans.

3.10.2 Applicability

A. **Development Plan Required.** Development, as defined in *Article 9, Definitions and Interpretation*, requires approval of a Preliminary Development Plan and a Final Development Plan prior to commencing construction.

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

3.10.3 Application Review Criteria

A. **Preliminary Development Plan.** The UDO Administrator and the Planning Commission shall consider the following criteria in assessing an application for a Preliminary Development Plan:

1. The proposed development must be in conformance with applicable provisions provided in *Article 5, Design Standards*;
2. The proposed development shall be in conformance with any approved Development Agreement, PUD Concept Plan, PUD Master Plan, Subdivision Plan, or any other agreements or plans that are applicable;
3. If the proposed development is associated with a previously approved Master Plan, then the traffic and access plans shall adhere to the previously approved traffic impact analysis or assessment, where applicable. If an application is not associated with a previously approved PUD Master Plan, then a traffic impact analysis shall be required at development plan submittal;
4. The proposed development must be able to be served by adequate public services, including, but not limited to, water, sanitary sewer, roads, police, fire, and school services. For developments that have the potential for significant impact on infrastructure and services the applicant shall be required to provide an analysis and mitigation of the impact on transportation, utilities, and community services;
5. The phasing plan, if applicable, is logical and is designed in a manner that allows each phase to fully function independently regarding services, utilities, circulation, facilities, and open space irrespective of the completion of other proposed phases; and
6. The application must comply with applicable requirements in the Applications Manual.

B. **Final Development Plan.** The UDO Administrator shall consider the following criteria in assessing an application for a Final Development Plan:

1. The application must be consistent with the approved Preliminary Development Plan;
2. The application must be in conformance with applicable provisions provided in *Article 5, Design Standards*;
3. The proposed development shall be in conformance with any approved Development Agreement, PUD Concept Plan, PUD Master Plan, Subdivision

Plan, or any other agreements or plans that are applicable;

4. The Applicant has satisfactorily demonstrated the ability and intent to complete the proposed development and to meet all obligations agreed to or incurred as a result of conformance with this Ordinance, within a reasonable time period and in accordance with all conditions;
5. The Applicant has established adequate legal safeguards to ensure compliance with the approved Development Plan and to provide for adequate management of the development regardless of future ownership or control of the land or facilities thereon;
6. The Applicant has provided Development Sureties as defined in this article and legal guarantee, as applicable, of the installation and maintenance of water systems, sewer systems, drainage systems, street systems, open space areas, and any other improvements to be constructed or indicated in lieu of actual construction prior to final approval;
7. Where phasing is proposed, the phase for which the Final Development Plan approval is requested shall be designed in a manner that allows it to fully function independently regarding services, utilities, circulation, facilities, and open space irrespective of the completion of other proposed phases; and
8. The application must comply with applicable requirements in the Applications Manual.

3.10.4 Effect and Expiration of Approvals

A. **Preliminary Development Plan Approval.** Approval of the Preliminary Development Plan by either the UDO Administrator or Planning Commission shall authorize the Applicant to prepare and submit a Final Development Plan for review and approval.

B. **Preliminary Development Plan Expiration.** Approval of a Preliminary Development Plan shall expire two years from the date of its issue unless a Final Development Plan is submitted and accepted.

C. **Final Development Plan Approval.** Approval of the Final Development Plan by the UDO Administrator shall authorize the Applicant to:

1. Commence all improvements to the land and the construction of all support facilities as specified by the approval;
2. Apply for any building or other permits required for the construction of all buildings and facilities shown and specified by the Development Plan; and
3. Receive a Subdivision Plan approval, if applicable.

D. **Final Development Plan Expiration.** Approval of a Final Development Plan shall expire two years from the date of its issue unless an appreciable amount of construction or development commences and proceeds to completion in a timely and customary manner in accordance with the terms and requirements of the Final Development Plan. In the case of phased developments, this shall be understood as improvement or development of the permitted phase of the development.

3.10.5 Extensions of Approvals

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

of one year each.

3.10.6 Amendments to Approved Development Plans

A. **Minor Amendments.** Minor amendments to Preliminary or Final Development Plans shall be reviewed by the UDO Administrator for approval. Minor amendments include modifications that are not considered major amendments.

B. **Major Amendments.** Major amendments to Preliminary or Final Development Plans shall be subject to the applicable review process set forth in the Applications Manual. The following shall be considered major amendments:

1. Any amendment to the Design Standards provided in the Development Plan that is a substantive change altering the design intent and character set forth in the approved Design Standards;
2. Significant modification to the configuration of buildings, site amenities, or location of land uses on the property;
3. Significant modifications to the location, type, widths of streets and/or right-of-ways;
4. Significant modifications or changes in geometry to the access, on-site circulation, parking, service access, and pedestrian facilities; or
5. Any other change that the UDO Administrator believes to deviate from the intent, standards, and provisions under which the PUD Master Plan was initially approved.

3.11 Subdivision Plan

3.11.1 Intent

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

A. Guide the future growth and development of the Town of Bluffton in accordance with the *Comprehensive Plan*;

B. Establish reasonable standards of design and procedures for subdividing land to facilitate orderly layout and compatibility with street patterns, setbacks, and character of the applicable zoning district and Town of Bluffton;

C. Ensure proper legal descriptions and physical delineation of subdivided land;

D. Secure suitable sites for building purposes;

E. Preserve the natural beauty and topography of subdivision sites through appropriate development that is sensitive to these natural features;

F. Facilitate adequate provision of water, sewerage, and other utilities, as well as other public facilities as applicable for the subdivided land; and

G. To ensure that future plats, subdivisions and dedications will be improved in accordance with established public policy.

3.11.2 Applicability

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

A. **Subdivision Types**

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

3.11.3 Application Review Criteria

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

A. Compliance with the standards set forth in the approved Concept Plan, Master Plan and/or Development Plan, as applicable;

B. Consistency with applicable provisions provided in *Article 5, Design Standards*;

C. Development Sureties shall be provided in accordance with this article;

D. Ability to be served by adequate public services, including, but not limited to, water, sanitary sewer, roads, police, fire, and school services. For developments that have the potential for significant impact on infrastructure and services the applicant shall be required to provide an analysis and mitigation of the impact on transportation, utilities, and community services; and

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

3.11.4 Effect and Expiration of Approvals

A. **Approval.** Subdivision Plan approval by either the UDO Administrator or the Planning Commission shall authorize the Applicant to record the approved subdivision plat with the Beaufort County Register of Deeds.

B. **Expiration.** Unless recorded with the Beaufort County Register of Deeds, the approval shall expire two years from the date of approval.

3.11.5 Extensions of Approvals

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

3.11.6 Amendments to Subdivision Approvals

A. **Minor Amendments.** Minor amendments to a Subdivision Plan shall be reviewed by the UDO Administrator for approval. Minor amendments include modifications that are not considered major amendments.

B. **Major Amendments.** Major amendments to the Subdivision Plan following approval shall require the Applicant to resubmit the subdivision plan. The following shall be considered major amendments:

1. An increase in the number of lots;
2. Significant modification to the basic layout of the street system or non-motorized transportation system, such as removal of a connection, realignment of the street network, or change in the type or widths of streets or public rights-of-way;
3. Reduction of open space; or

4. Substantive removal or dilution of features or amenities that were essential elements of the approved subdivision plan.

3.12 Exempt Plat Stamp

3.12.1 Intent

This Section is intended to provide procedures and standards for the review of *Exempt Plat Stamp Applications*.

3.12.2 Applicability

Exempt Plat Stamps apply to activities that do not constitute development as defined in *Section 1.18, Activities That Do Not Constitute Development*, of this Ordinance. If any of these activities necessitates the recording of documents or plats, such documents or plats shall be submitted to the UDO Administrator for review and stamping prior to recording.

3.12.3 Application Review Criteria

The UDO Administrator shall ensure the application complies with the applicable requirements in the Applications Manual.

3.12.4 Effect and Expiration of Approvals

A. **Approval.** Exempt Plat approval shall authorize the Applicant to record the Exempt Plat with the Beaufort County Register of Deeds.

B. **Expiration.** Unless recorded with the Beaufort County Register of Deeds, Town of Bluffton approval shall expire two years from the date of approval.

3.13 Development Surety

3.13.1 Intent

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

3.13.2 Applicability

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

3.13.3 Application Review Criteria

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

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

B. The following types of development sureties may be accepted by the UDO Administrator:

1. Cash;

2. A surety bond that names the Town of Bluffton as beneficiary;
3. A bank certified check payable to "Town of Bluffton"; and
4. An irrevocable letter of credit approved by the UDO Administrator that names the Town of Bluffton as beneficiary.

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

3.13.4 Effect and Expiration of Approvals

A. Subsequent to on-site inspection by the UDO Administrator verifying that all improvements subject to the development surety have been satisfactorily completed or a percentage has been satisfactorily completed in the opinion of the UDO Administrator, the surety, either in whole, in part, or any remaining balance thereof, shall be released in accordance with the following:

1. A release of an appropriate portion of a development surety, which has been accepted by the UDO Administrator in the form of cash or certified check (hereinafter a "drawdown") or amendment of the face value of any letter of credit or performance bond (hereinafter a "markdown") that has previously been accepted by the UDO Administrator may be permitted provided that:

   a. Prior to a request for a drawdown or markdown, the Applicant shall submit, to the UDO Administrator, the contractor's itemized list of work completed and work remaining as secured by the surety, which has been certified by the project engineer or owner;

   b. The UDO Administrator has inspected the work site and has verified in writing that, to the best of his/her knowledge, all such respective work has been completed;

   c. The requested drawdown or markdown shall be at least twenty percent (20%) of the original face value of the approved surety, but not less than $10,000 dollars; and

   d. No more than one such drawdown or markdown shall be approved during any thirty day period, except for the request for a final drawdown

or markdown.

2. In all cases where a drawdown or markdown is requested, the contingency fee and the administrative fee shall remain intact until the work secured by the development surety is verified by the UDO Administrator to have been completely finished and a final drawdown or markdown has been requested; and
3. A development surety shall be completely released by the UDO Administrator upon the full completion of all required improvements and infrastructure and the issuance by the UDO Administrator of a final Certificate of Construction Compliance.

B. Time limits on development sureties shall be as follows:

1. The maximum length of time for which a development surety may be held by the UDO Administrator shall be one year. Any development surety submitted as a letter of credit or performance bond shall state on its face that, subsequent to the date of expiration, the Town of Bluffton as beneficiary shall have 30 days from the date of expiration to make demand upon the issuing bank or agency for the honoring of such surety, if the respective work has not been fully completed; and
2. Any development surety submitted as a letter of credit or performance bond shall also state that the letter of credit or performance bond shall be automatically renewed until such time that the surety issuer provides the UDO Administrator with a 30 days written notice of the expiration of such surety.

C. If all improvements and infrastructure work secured by a development surety has not been completed as of the stated date for such completion, the UDO Administrator shall contract to complete the remaining work and stabilize and maintain the site following normal Town of Bluffton procurement procedures.

1. In the case of a cash or certified check surety, the Town of Bluffton shall take possession of the full amount or remaining balance of such surety.
2. In the case of a letter of credit or bond, the UDO Administrator shall make demand upon the issuer of such surety for immediate payment to the Town of Bluffton of the full or amended face value of such surety.

D. In addition to any Penalties set forth in this Ordinance, failure by the Applicant to keep current any development surety prior to the issuance of a Certificate of Construction Compliance shall cause the UDO Administrator to immediately order all development work stopped and all necessary Town of Bluffton inspections of the development work suspended until a development surety meeting the requirements of this article has been approved.

3.14 Certificate of Construction Compliance

3.14.1 Intent

This Section is intended to provide procedures and standards for the review of *Certificate of Construction Compliance Applications*. Review of Certificate of Construction Compliance Applications will help ensure that all site improvements

required by the development plan have been made.

3.14.2 Applicability

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

3.14.3 Application Review Criteria

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

A. Compliance with all applicable provisions of this Ordinance, including Subdivision and/or Development Plan approval requirements, as applicable;

B. Compliance with all requirements of the approved Development Plan; and

C. The approved development must be able to function alone with all required infrastructure including, but not limited to, access drives, parking, drainage facilities, utilities, and required landscaping/tree planting.

3.14.4 Effect and Expiration of Approvals

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

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

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

3.15 Street Naming

3.15.1 Intent

This Section is intended to provide procedures and standards for the review of *Street Naming Applications*. Review of Street Naming Applications will enhance and coordinate the efficient and effective delivery of services related to the United States Postal Service, Bluffton Township Fire Department, Bluffton Police, and all other applicable emergency management organizations.

3.15.2 Applicability

Every existing, proposed or constructed public road, private road, access easement or driveway that provides, or will provide, access to two or more buildable lots requires a Town of Bluffton approved street name.

3.15.3 Application Review Criteria.

The Planning Commission shall consider the following criteria in assessing an application for Street Naming:

A. Does not already exist within Beaufort County;

B. Are not street types with the same primary name, such as Smith Street and Smith Boulevard;

C. Are not name(s) which sound alike or which might be confused with one another;

D. Does not use frivolous or complicated words, or unconventional spellings;

E. Are not numbers (such as 1st Street) or alphabetical letters (such as A Street);

F. Could not be perceived as offensive;

G. Are simple, logical, easy to pronounce, clear and brief;

H. Are associated with the history of Bluffton or the character of the Lowcountry when possible;

I. May represent a common theme within residential developments; and

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

3.15.4 Effect of Approval

A. Upon Planning Commission approval the street name(s) shall become the legal name of the street and will supersede all other records illustrating such street name(s).

B. The UDO Administrator will provide the updated street data and notify, either by hand delivery, by post office mail, or by electronic delivery, the Beaufort County Assessor's Office, E911, affected property owner(s), the U.S. Post Office, and all other applicable agencies within five business days of approval.

3.16 Street Renaming

3.16.1 Intent

This Section is intended to provide procedures and standards to facilitate the review of *Street Renaming Applications*. Review of Street Renaming Applications will enhance and coordinate the efficient and effective delivery of services related to the United States Postal Service, Bluffton Township Fire Department, Bluffton Police, and all other applicable emergency management organizations.

3.16.2 Applicability

Every existing, proposed or constructed public road, private road, access easement or driveway that provides, or will provide, access to two or more buildable lots requires a Town of Bluffton approved street name.

3.16.3 Application Review Criteria.

The Planning Commission shall consider the following criteria in assessing an application for Street Renaming:

A. Does not already exist within Beaufort County;

B. Are not street types with the same primary name such as Smith Street and Smith Boulevard;

C. Are not name(s) which sound alike or which might be confused with one another;

D. Does not use frivolous or complicated words, or unconventional spellings;

E. Are not numbers (such as 1st Street) or alphabetical letters (such as A Street);

F. Could not be perceived as offensive;

G. Are simple, logical, easy to pronounce, clear and brief;

H. Are associated with the history of Bluffton or the character of the Lowcountry when possible;

I. May represent a common theme within residential developments;

J. In determining whether a street should be named in honor of a particular person, consideration shall be given to that person's relationship to the Bluffton area, character, public image, and public contribution;

K. A notarized, stamped and sealed Affidavit of Compliance must be received by the UDO Administrator at least fifteen days before the scheduled Public Hearing. The Affidavit must contain a list of all property owners affected by the change, property owners contacted, and the signatures of all property owners in agreement with the proposed street name change. An eighty percent (80%) majority of the existing property owners must be in agreement with the proposed street name change; and

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

3.16.4 Effect of Approval

A. Upon Planning Commission approval through the issuance of a Certificate of Street Renaming, which is recorded with the Beaufort County Register of Deeds, the street name(s) become the legal name of the street and will supersede all other records illustrating such name(s).

B. The UDO Administrator will provide the updated street data and notify, either by hand delivery, by post office mail or by electronic delivery, the Beaufort County Assessor's Office, E911, the development/property owner(s), the U.S. Post Office, and all other applicable agencies within five business days of approval.

3.17 Certificate of Appropriateness - Highway Corridor Overlay (HCO)

3.17.1 Intent

This Section is intended to provide procedures and standards for the review of *Certificate of Appropriateness HCO Applications* within the Highway Corridor Overlay (HCO) District. The review is intended to provide a method to ensure consistent design along the applicable major roadway corridors as defined in *Article 4, Zoning Districts*.

3.17.2 Applicability

A. Permit Required. A Certificate of Appropriateness HCO is required to install, modify, or remove landscaping, lighting, or architectural elements within the HCO District as defined in *Article 4, Zoning Districts*.

B. Permit Not Required. A Certificate of Appropriateness HCO is not required for the following activities:

1. Individual parcels designated for single-family residential use; and

2. Any development not visible from the highway, as determined by the UDO Administrator.

3.17.3 Application Review Criteria

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

A. The application must be in conformance with the applicable landscaping, lighting, and architectural provisions provided in *Article 5, Design Standards*;

B. The application must be in conformance with Development Agreement, PUD Concept Plan, PUD Master Plan, Subdivision Plan, or any other agreements or plans that are applicable; and

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

3.17.4 Effect and Expiration of Approvals

A. **Approval.** Following issuance of a Certificate of Appropriateness HCO the Applicant may apply for any other applicable plan or permit approvals. In the event such additional approvals are not applicable or necessary, the Applicant may commence the activity(ies) as authorized by the approved application.

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

3.17.5 Amendments to Approvals

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

B. Changes may be approved by the UDO Administrator if the proposed revision complies with the standards of this Ordinance, and does not substantially alter the basic design approved by the Planning Commission.

C. If the UDO Administrator determines that the requested modification to the approved plans substantially alters the basic design approved by the Planning Commission in accordance with the Certificate of Appropriateness HCO, a new, separate application shall be submitted and processed in accordance with the requirements of this Section.

3.18 Certificate of Appropriateness - Historic District (HD)

3.18.1 Intent

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

A. Maintenance of the educational, cultural and general welfare of the public through the preservation, protection and enhancement of the old, historic, and/or architecturally significant structures and areas in the Old Town Bluffton Historic District;

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

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

3.18.2 Applicability

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

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

B. Results in the cutting away of any exterior wall, partition, or portion thereof;

C. The removal or cutting of any structural beam or load-bearing support or the removal or change of any required means of egress;

D. Changes in fenestration location;

E. Requires a development plan or demolition permit;

F. Results in the alteration of the exterior architectural character; and,

G. Is not otherwise able to be reviewed through a Site Feature Permit-HD.

3.18.3 Application Review Criteria

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

A. Consistency with the Secretary of Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings;

B. Consistency with the principles set forth in the Old Town Bluffton Master Plan;

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

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

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

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

G. For an application to demolish, either in whole or in part, any Contributing Structure, the Historic Preservation Commission shall consider:

1. The existing and historical ownership and use and reason for requesting demolition; and

2. Information that establishes clear and convincing evidence that:
   a. The demolition of the structure is necessary to alleviate a threat to public health or public safety; and
   b. No other reasonable alternatives to demolition exist; and
   c. The denial of the application, as a result of the regulations and standards of this Section, deprive the Applicant of reasonable economic use of or return on the property;

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

3.18.4 Demolition of a Contributing Structure

A. In addition to the Application Review Criteria set forth in Section 3.18.3, in reviewing and recommending action on, or approving, approving with conditions, or denying, applications that include the demolition of any Contributing Structure, either in whole or in part, the Historic Preservation Commission may find that the preservation and protection of the Contributing Structure and the public interest will best be served by postponing the demolition for a designated period not to exceed 180 days. During the period of postponement, the Historic Preservation Commission shall consider what alternatives to demolition may exist and then, as appropriate, make such recommendations to Town Council and the Applicant. Such consideration by the Historic Preservation Commission shall, at a minimum, include the following:
   1. Alternatives for preservation of the structure, either in whole or in part, including consultation with civic groups, interested private citizens, and other boards or agencies (both public and private); or,
   2. If other alternatives for preservation cannot be identified and the preservation of a given structure is clearly in the interest of the general welfare of the community and of certain historic and architectural significance, investigation of the potential use of the power of eminent domain by the Town to acquire the property.

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

3.18.5 Effect and Expiration of Approvals

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

standards of the Historic American Building Survey and the Historic American Engineering Record for archival purposes and submit such recording to the UDO Administrator for review and approval.

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

3.18.6 Amendments to Approvals

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

B. Changes may be approved by the UDO Administrator if the proposed revision complies with the standards of this Ordinance and does not substantially alter the basic design approved by the Historic Preservation Commission.

C. If the UDO Administrator determines that the requested modification to the approved plans substantially deviates from the basic design approved by the Historic Preservation Commission in accordance with the Certificate of Appropriateness HD, a new, separate application shall be submitted.

3.19 Site Feature – Historic District (HD)

3.19.1 Intent

This Section is intended to provide procedures and standards for the review of *Site Feature Applications* within the Old Town Bluffton Historic District (HD) designated zoning districts and for all other historic structures throughout the Town of Bluffton. Review of Site Feature Application shall consider the following objectives:

A. Maintenance of the educational, cultural, and general welfare of the public through the preservation, protection, and enhancement of the old, historic, and/or architecturally significant structures and areas in the Old Town Bluffton Historic District (HD);

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

C. Ensure that activities described below respect and complement the eclectic character of the HD designated zoning districts.

3.19.2 Applicability

A. **Permit Required.** The following activities require approval of a Site Feature Permit:

1. Minor exterior modifications that do not alter the exterior architectural character;
2. Signs;
3. Modifications or improvements to site elements such as changes to parking lots, sidewalks, landscaping, and lighting;
4. Garden Structures;
5. Ordinary maintenance and repair of any of the existing features of a structure

that does not involve a change in design, or outward appearance. Materials shall be a like for like replacement or equivalent to be reviewed and approved by the UDO Administrator; and

6. Exterior non-structural work of a minor nature that includes modifications or renovations to an existing building or structure. Such work is discouraged on the principle façade, as it is the intent of this section to preserve the outward appearance of the building or structure. Examples of allowable work include, but are not limited to, adding screens or balustrades to an existing porch, new decks without a roof covering, and improvements made for ADA accessibility.

B. **Permit Not Required.** Any activity that is not determined by the UDO Administrator to be a Site Feature or subject to the requirements of the Certificate of Appropriateness Historic District shall not require approval of a permit.

3.19.3 Application Review Criteria

The UDO Administrator shall consider the following criteria in assessing an application for Site Feature:

A. The application must be in conformance with applicable provisions provided in *Article 5, Design Standards*; and

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

3.19.4 Effect and Expiration of Approvals

A. **Approval.** Issuance of a permit shall authorize the Applicant to install the site feature as specified by the permit.

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

3.20 Zoning Permit

3.20.1 Intent

This Section is intended to ensure that no construction, reconstruction, alteration, demolition, change in the use of or occupancy of any land, building, or other structure occurs without first obtaining the permit approval and that no permit is issued or approved by the Town of Bluffton unless compliance with the requirements of this Ordinance has been met.

3.20.2 Applicability

This Section applies to an activity involving the construction, reconstruction, alteration, demolition, and change in the use of or occupancy of any land, building, or other structure.

3.20.3 Application Review Criteria

The UDO Administrator shall consider the following criteria in assessing an *application for Zoning Permit*:

A. The application must comply with the applicable requirements of this Ordinance; and,

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

3.20.4 Effect and Expiration of Approvals

A. **Approval.** Issuance of a permit shall authorize the Applicant to either begin the activity specified by the permit or apply for any additional permits, if applicable.

B. **Expiration.** Approval of a Zoning Permit shall expire one year from the date of its issue unless an appreciable amount of the approved activity commences and proceeds to completion in a timely and customary manner in accordance with the Zoning Permit.

3.21 Sign Permit

3.21.1 Intent

This Section is intended to provide procedures and standards for the review of *Sign Permit Applications*. Review of Sign Permit Applications shall consider the following objectives:

A. Encourage a high degree of design quality in the context of the overall image and visual environment of the Town of Bluffton, as well as encourage designs that are in aesthetic harmony with their location on buildings and surrounding area;

B. Promote the public welfare and property values by preserving the aesthetic qualities of the natural environment and Bluffton vernacular architecture and reducing visual clutter;

C. Protect pedestrians, motorists and property by ensuring that signs do not create hazards due to distractions, collapse, fire, collision, or decay;

D. Promote the efficient transfer of general public and commercial information by improving the legibility and effectiveness of signs through the control of their number, location, size, appearance and illumination; and

E. Stimulate the economic vitality of the Town of Bluffton and encourage a business atmosphere that continues to attract new enterprises to the Town of Bluffton.

3.21.2 Applicability

A. Permit Required. A Sign Permit is required to install signage on any property, replace existing signage, or modify existing signage.

B. Permit Not Required. A Sign Permit is not required for the following:

1. Signage located in the Old Town Bluffton Historic District (HD) designated zoning district. Instead, an application permit for a Site Feature – Historic District is required; and
2. Signs as defined in *Article 5, Design Standards* to be exempt from obtaining a Sign Permit.

3.21.3 Application Review Criteria

The UDO Administrator shall consider the following criteria in assessing an application for Sign Permit:

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

B. The signage is compatible with the surrounding natural area and the character of structures and architecture in the vicinity; and

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

3.21.4 Effect and Expiration of Approvals

A. **Approval.** The issuance of a sign permit shall authorize the Applicant to either install or modify signage as specified by the permit or apply for a building permit, if applicable.

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

3.22 Tree Removal Permit

3.22.1 Intent

This Section is intended to provide procedures and standards for the review of *Tree Removal Permit Applications*. Review of Tree Removal Permit Applications shall consider the following objectives:

A. Protect the Town of Bluffton's tree canopy, historic trees, and significant individual trees;

B. Protect woodlands as important natural resources that provide natural beauty, preserve animal habitat, protect the groundwater recharge areas, and maintain plant and tree diversity, as well as protect threatened, endangered, and imperiled species;

C. Minimize disturbance and structural changes to the vegetative community; prevent damage from erosion, siltation, and disease; manage stormwater runoff, limit loss of animal habitat and vegetative cover, all of which, in the aggregate, result in the destruction of the woodland character; and

D. Provide economic support to local property values and preservation of historical character of the Town of Bluffton.

3.22.2 Applicability

A. **Permit Required.** Regardless of the health or condition of the tree(s), a Tree Removal Permit is required to remove any tree, 8 inches in diameter at breast height ("DBH") or greater or any American holly, dogwood, redbud, southern magnolia, or red buckeye 4 inches in DBH or greater.

B. **Permit Not Required.** A Tree Removal Permit is not required for the following activities:

1. Approved tree removals identified in a valid Silviculture Permit;
2. Approved tree removals identified in a valid Final Development Plan or Subdivision Plan; and
3. Removal of trees less than 14 inches in DBH on property used as a single-family detached residential;
4. Removal of dead or diseased trees: If the tree was not included in a

previously approved landscape plan and the UDO Administrator determines that the tree is clearly diseased or dead, the removal shall not require a permit; and

5. Removal of hazardous trees: If the failure to remove the tree would constitute an eminent danger to the environment, property, public health, safety or welfare due to the hazardous condition of the tree, the removal shall not require a permit. Before removing a hazardous tree, the property owner shall submit an International Society of Arboriculture ("ISA") Basic Tree Risk Assessment Form to the UDO Administrator that has been prepared by an ISA Certified Tree Risk Assessor, ISA Certified Arborist, or ISA Board Certified Master Arborist. The assessment shall be independent and not prepared by the same company that would remove the hazardous tree. The UDO Administrator has the authority to order the removal of any tree that is considered hazardous to life or property.

3.22.3 Application Review Criteria

The UDO Administrator shall consider the following criteria in assessing an application for Tree Removal Permit:

A. The application must be in conformance with the applicable provisions provided in *Article 5, Design Standards*; and

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

3.22.4 Effect and Expiration of Approvals

A. **Approval.** Issuance of a permit shall authorize the Applicant to remove the tree(s) specified by the permit.

B. **Expiration.** Approval of a Tree Removal permit shall expire two years from the date of its issue unless an appreciable amount of tree removal commences and proceeds to completion in a timely and customary manner in accordance with the Tree Removal permit.

3.23 Silviculture Permit

3.23.1 Intent

This Section is intended to provide procedures and standards for the review of *Silviculture Permit Applications*.

3.23.2 Applicability

Undeveloped portions of property may be used for forestry/silviculture for the purpose of producing wood fiber and timber. Generally accepted methods of forest management are permitted including construction and use of forest roads and practices to promote the health and growth of trees.

3.23.3 Application Review Criteria

The UDO Administrator shall consider the following criteria in assessing an application for Silviculture Permit:

A. The property owner shall maintain a Forestry Management Plan prepared by a Registered Forester that provides for replanting, harvesting schedules and other related information as specified by the South Carolina Forestry Commission;

B. Planted pine trees may be removed only for the specific purpose of silviculture harvesting via seedtree/shelterwood harvesting and selective thinning, as defined by the South Carolina Forestry Commission;

C. The application must comply with the current South Carolina Forestry Commission's Best Management Practices Manual;

D. The application must be in conformance with following provisions provided in *Article 5, Design Standards*:

1. Silviculture;
2. Tree Conservation; and
3. Stormwater; and
4. The application must comply with applicable requirements in the Applications Manual.

3.23.4 Effect and Expiration of Approvals

A. **Approval.** Issuance of a permit shall authorize the Applicant to begin silviculture.

B. **Expiration.** Approval of a Silviculture permit shall expire one year from the date of its issue unless 75% of the area subject to the permit has been harvested and proceeds to completion in a timely and customary manner in accordance with the Silviculture permit.

3.24 Public Projects

3.24.1 Intent

The intent of this Section is to provide procedures and standards for the review of *Public Project Applications*. The review of Public Project Applications will help ensure the project is consistent with the spirit and intent of this Ordinance and the Town of Bluffton *Comprehensive Plan*.

3.24.2 Applicability

This Section applies to any new street, structure, utility, square, park, or other public way, grounds, or open space or public buildings for any use, whether publicly or privately owned.

3.24.3 Application Review Criteria

A. The Town of Bluffton shall consider the following criteria in assessing an application for Public Project:

B. The application must be in conformance with the applicable location, character, and extent provisions of the *Comprehensive Plan*; and

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

3.24.4 Effect and Expiration of Approvals

A. **Approval.** Approval of the Public Project shall authorize the Applicant to:

1. Commence all improvements to the land and the construction of all support facilities as specified by the approval; and
2. Apply for any building or other permits required for the construction of all buildings and facilities shown and specified by approval.

B. **Expiration.** Approval of a Public Project shall expire two years from the date of its issue unless an appreciable amount of construction and development commences and proceeds to completion in a timely and customary manner in accordance with the approval.

3.24.5 Extensions of Approvals

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

3.24.6 Amendments to Approved Public Projects

Modifications or amendments to the plan may be approved by the Town of Bluffton where the proposed revision does not substantially alter the basic design approved by the Town of Bluffton. Should the Town of Bluffton determine that the requested amendment alters the approved plan, a new, separate Public Project application shall be submitted.

3.25 Designation of Contributing Structure

3.25.1 Intent

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

3.25.2 Applicability

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

3.25.3 Application Review Criteria

A. The Historic Preservation Commission and Town Council shall consider the following criteria in determining whether or not a structure should be designated as a Contributing Structure:

1. The structure has significant inherent character, interest, or value as part of the development or heritage of the Town, Region, State, or Nation;
2. The structure is the site of an event significant in history;
3. The structure is associated with a person or persons who contributed significantly to the culture and development of the Town, Region, State, or Nation;
4. The structure exemplifies the cultural, political, economic, social, ethnic, or historic heritage of the Town, Region, State, or Nation;
5. The structure individually, or as a collection of resources, embodies distinguishing characteristics of an architectural type, style, period, or specimen in architecture or engineering;
6. The structure is the work of a designer whose work has influenced significantly the development of the Town, Region, State or Nation;

7. The structure contains elements of design, detail, materials, or craftsmanship which represent a significant innovation;
8. The structure is part of or related to a cove or other distinctive element of the community;
9. The structure represents an established and familiar visual feature of the neighborhood or Town; or
10. The structure has yielded, or may be likely to yield, information important in pre-history or history;

B. For structures achieving significance less than 50 years ago, the Historic Preservation Commission and Town Council must find that the structure is of exceptional importance to the Town, Region, State, or Nation in meeting the criteria set forth above.

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

3.25.4 Effect of Approval

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

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Article 4
Zoning Districts

4

4.1 Establishment of Zoning Districts

4.1.1 Zoning Districts

The following districts are established to meet the purposes of this Ordinance:

Zoning District	District Character	Maximum Density
Preserve (PR)	Permanently preserved lands	N/A
Agricultural (AG)	Agricultural; rural residential at very low densities	1 dwelling unit per acre, non-residential density based upon the lot standards of *Article 5, Design Standards*
Rural Mixed Use (RMU)	Low-intensity, mixed-use development	Density based upon the lot standards of *Article 5, Design Standards*
Residential General (RG)	Moderate-density residential	4 dwelling units per acre, non-residential density based upon the lot standards of *Article 5, Design Standards*
Neighborhood Core (NC)	Moderate-intensity, mixed-use development	Density based upon the lot standards of *Article 5, Design Standards*
General Mixed Use (GM)	High-intensity, mixed-use development	Density based upon the lot standards of *Article 5, Design Standards*
Light Industrial (LI)	Primarily industrial-based employment centers	Density based upon the lot standards of *Article 5, Design Standards*
Riverfront Edge Historic District (RV-HD)	Low-density residential along the May River within the Historic District	Density based upon the lot standards of *Article 5, Design Standards*
Neighborhood Conservation Historic District (NCV-HD)	Low-density residential within the Historic District	Density based upon the lot standards of *Article 5, Design Standards*
Neighborhood General Historic District (NG-HD)	Moderate-density residential with limited commercial uses within the Historic District	Density based upon the lot standards of *Article 5, Design Standards*
Neighborhood Center Historic District (NCE-HD)	Moderate-intensity, mixed-use development within the Historic District	Density based upon the lot standards of *Article 5, Design Standards*
Neighborhood Core Historic District (NC-HD)	Commercial heart of the Historic District with the greatest potential for mixed-use within multi-story buildings	Density based upon the lot standards of *Article 5, Design Standards*
Planned Unit Development (PUD)	Mixed use master planned communities	Density based upon approved PUD
Highway Corridor Overlay (HCO)	Overlay district for major corridors	Density based upon underlying zoning district.

4.1.2 Official Zoning Map

A. **Official Zoning Map.** An Official *Zoning Map* is adopted as a part of this Ordinance. The Official Zoning Map identifies the boundaries of the zoning districts.

B. **Official Zoning Map Amendment.** The Official *Zoning Map* may be amended in accordance with the procedures outlined in *Article 3, Application Process*.

C. **District Boundaries Interpreted.** Where uncertainty exists with respect to the boundaries of the various districts as shown on the Official *Zoning Map*, the Official *Zoning Map* shall be interpreted and construed in accordance with the provisions established in *Article 9, Definitions and Interpretation*.

4.2 Zoning District Provisions

4.2.1 Preserve (PR)

A. **Purpose and Intent.** The PR district is intended to preserve and protect sensitive environmental areas, restrict development that could compromise these areas, and maintain open spaces that provide an ecological and aesthetic value to the community.

B. **Applicability.** The boundaries of the PR district are illustrated on the Official *Zoning Map*.

C. **Allowed Uses.** Uses permitted in the PR district and conditions and standards for those permitted uses are provided in *Section 4.3*.

D. **Density.** Residential uses shall not be permitted in the PR district.

E. **Lot Standards.** All lots shall be subject to the design standards in *Section 5.8*.

F. **Building Standards.** All buildings shall be subject to the design standards in *Section 5.8*.

G. **Open Space Standards.** All sites shall be subject to the open space standards in *Section 5.6*.

4.2.2 Agricultural (AG)

A. **Purpose and Intent.** The AG district is intended to provide for agricultural, forestry, and low-density rural residential uses. The regulations are designed to conserve cultivated, forested, or pastoral land, and to discourage residential development. This district is also intended to provide for supporting uses associated with agricultural activity.

B. **Applicability.** The boundaries of the AG district are illustrated on the Official *Zoning Map*.

C. **Allowed Uses.** Uses permitted in the AG district and conditions and standards for those permitted uses are provided in *Section 4.3*.

D. **Density.** Density shall be limited to a maximum of one dwelling unit per acre.

E. **Lot Standards.** All lots shall be subject to the design standards in *Section 5.8*.

F. **Building Standards.** All buildings shall be subject to the design standards in *Section 5.8*.

G. **Open Space Standards.** All sites shall be subject to the open space standards in *Section 5.6*.

4.2.3 Rural Mixed Use (RMU)

A. **Purpose and Intent.** The RMU district is intended to be located at the intersections of rural crossroads to provide local commerce in a rural context that includes small scale retail, service and other similar business establishments that compliment agricultural uses and/or the natural environment. The regulations are designed to accommodate a mix of low-intensity uses that support this intent and accommodate businesses that primarily meet the needs of residents within the surrounding area and pass-by traffic.

B. **Applicability.** The boundaries of the RMU district are illustrated on the Official *Zoning Map*.

C. **Allowed Uses.** Uses permitted in the RMU district and conditions and standards for those permitted uses are provided in *Section 4.3*.

D. **Density.** Density shall be based upon the designated lot types in the design standards in *Section 5.8*.

E. **Lot Standards.** All lots shall be subject to the design standards in *Section 5.8*.

F. **Building Standards.** All buildings shall be subject to the design standards in *Section 5.8*.

G. **Open Space Standards.** All sites shall be subject to the open space standards in *Section 5.6*.

4.2.4 Residential General (RG)

A. **Purpose and Intent.** The RG district is intended to provide for moderate-density residential neighborhoods. This district will include a range of dwelling types in an integrated neighborhood setting with other civic and recreational uses. The regulations are designed to promote neighborhood character and accommodate a variety of dwelling types.

B. **Applicability.** The boundaries of the RG district are illustrated on the Official *Zoning Map*.

C. **Allowed Uses.** Uses permitted in the RG district and conditions and standards for those permitted uses are provided in *Section 4.3*.

D. **Density.** Density shall be limited to a maximum of four dwelling units per acre.

E. **Lot Standards.** All lots shall be subject to the design standards in *Section 5.8*.

F. **Building Standards.** All buildings shall be subject to the design standards in *Section 5.8*.

G. **Open Space Standards.** All sites shall be subject to the open space standards in *Section 5.6*.

4.2.5 Neighborhood Core (NC)

A. **Purpose and Intent.** The NC district is intended to provide a compact, commercial environment with a mix of complementary and supporting services. The NC district will provide nearby residential areas with convenient access to stores, essential goods and services, and workplaces in close proximity to each other.

A. **Applicability.** The boundaries of the NC district are illustrated on the Official *Zoning Map*.

B. **Allowed Uses.** Uses permitted in the NC district and conditions and standards for those permitted uses are provided in *Section 4.3*.

C. **Density.** Density shall be based upon the designated lot types in the design standards in *Article 5, Design Standards*.

D. **Lot Standards.** All lots shall be subject to the design standards in *Article 5, Design Standards*.

E. **Building Standards.** All buildings shall be subject to the design standards in *Article 5, Design Standards*.

F. **Open Space Standards.** All sites shall be subject to the open space standards in *Section 5.6*.

4.2.6 General Mixed Use (GM)

A. **Purpose and Intent.** The GM district is intended to provide for regional commerce and accommodate large-scale, high intensity, mixed-use development.

B. **Applicability.** The boundaries of the GM district are illustrated on the Official *Zoning Map*.

C. **Allowed Uses.** Uses permitted in the GM district and conditions and standards for those permitted uses are provided in *Section 4.3*.

D. **Density.** Density shall be based upon the designated lot types in the design standards in *Section 5.8*.

E. **Lot Standards.** All lots shall be subject to the design standards in *Section 5.8*.

F. **Building Standards.** All buildings shall be subject to the design standards in *Section 5.8*.

G. **Open Space Standards.** All sites shall be subject to the open space standards in *Section 5.6*.

4.2.7 Light Industrial (LI)

A. **Purpose and Intent.** The LI district is intended to provide locations for light industrial, research and development, assembly, high technology production, precision manufacturing, and similar primary employment uses. This district can be used to integrate a number of mutually supportive uses within the district to create employment centers. The regulations of this district are designed to accommodate primary employment opportunities and support services that cannot readily fit into other mixed-use centers and/or may require special location considerations and buffering due to the nature or intensity of operations. The regulations are designed to prevent or greatly reduce impacts beyond the property lines.

B. **Applicability.** The boundaries of the LI district are illustrated on the Official *Zoning Map*.

C. **Allowed Uses.** Uses permitted in the LI district and conditions and standards for those permitted uses are provided in *Section 4.3*.

D. **Density.** Density shall be based upon the lot types designated in the design standards in *Section 5.8*.

E. **Lot Standards.** All lots shall be subject to the design standards in *Section 5.8*.

F. **Building Standards.** All buildings shall be subject to the design standards in

Section 5.8.

G. **Open Space Standards.** All sites shall be subject to the open space standards in *Section 5.6*.

4.2.8 Riverfront Edge Historic District (RV-HD)

A. **Purpose and Intent.** The RV-HD district forms the fringe of the Old Town Bluffton Historic District along the May River. While almost exclusively residential, civic and park functions are also important to the character within the RV-HD district.

B. **Applicability.** The boundaries of the RV-HD district are illustrated on the Official *Zoning Map*.

C. **Allowed Uses.** Uses permitted in the RV-HD district and conditions and standards for those permitted uses are provided in *Section 4.3*.

D. **Density.** Density shall be based upon the designated building types in the Land Development Regulations in *Section 5.15.5.E*.

E. **Lot Standards.** All lots shall be subject to the design standards in *Section 5.15.5.E*.

F. **Building Standards.** All buildings shall be subject to the design standards in *Section 5.15.5.E*.

G. **Open Space Standards.** All sites shall be subject to the open space standards in *Section 5.6*.

4.2.9 Neighborhood Conservation Historic District (NCV-HD)

A. **Purpose and Intent.** The NCV-HD district is primarily single-family residential character within the Old Town Bluffton Historic District. Although the NCV-HD district is mainly a residential zone, it provides a limited mix of uses, such as civic buildings. The NCV-HD district serves to promote and protect the neighborhood character of Old Town.

B. **Applicability.** The boundaries of NCV-HD district is illustrated on the Official *Zoning Map*.

C. **Allowed Uses.** Uses permitted in the NCV-HD district and conditions and standards for those permitted uses are provided in *Section 4.3*.

D. **Density.** Density shall be based upon the designated building types designated in the design standards in *Section 5.15.5.D*.

E. **Lot Standards.** All lots shall be subject to the design standards in *Section 5.15.5.D*.

F. **Building Standards.** All buildings shall be subject to the design standards in *Section 5.15.5.D*.

G. **Open Space Standards.** All sites shall be subject to the open space standards in *Section 5.6*.

4.2.10 Neighborhood General Historic District (NG-HD)

A. **Purpose and Intent.** The NG-HD district is residential in scale and includes a mixture of residential, non-residential, and civic uses within the Old Town Bluffton Historic District. Residential units are an assortment of single-family homes including bungalows, cottages, village houses, and sideyard houses.

B. **Applicability.** The boundaries of the NG-HD district are illustrated on the Official *Zoning Map*.

C. **Allowed Uses.** Uses permitted in the NG-HD district and conditions and standards for those permitted uses are provided in *Section 4.3*.

D. **Density.** Density shall be based upon the designated building types in the design standards in *Section 5.15.5.C*.

E. **Lot Standards.** All lots shall be subject to the design standards in *Section 5.15.5.C*.

F. **Building Standards.** All buildings shall be subject to the design standards in *Section 5.15.5.C*.

G. **Open Space Standards.** All sites shall be subject to the open space standards in *Section 5.6*.

4.2.11 Neighborhood Center Historic District (NCE-HD)

A. **Purpose and Intent.** The NCE-HD district is the historic center of shops, residences, and workplaces in the Old Town Bluffton Historic District. The zone has been created to protect the historic and eclectic character of the area.

B. The continued reuse of historic structures will help to create a complete mixed-use environment and careful infill development that will respect the existing buildings with regards to building placement, massing and scale. The NCE-HD district is a place where the greatest range of traditional building types are expected and encouraged.

C. **Applicability.** The boundaries of the NCE-HD district are illustrated on the Official *Zoning Map* and include the center of the Old Town Bluffton Historic District.

D. **Allowed Uses.** Uses permitted in the NCE-HD district and conditions and standards for those permitted uses are provided in *Section 4.3*.

E. **Density.** Density shall be based upon the designated building types in the design standards in *Section 5.15.5.B*.

F. **Lot Standards.** All lots shall be subject to the design standards in *Section 5.15.5.B*.

G. **Building Standards.** All buildings shall be subject to the design standards in *Section 5.15.5.B*.

H. **Open Space Standards.** All sites shall be subject to the open space standards in *Section 5.6*.

4.2.12 Neighborhood Core Historic District (NC-HD)

A. **Purpose and Intent.** The NC-HD district is the commercial heart of the Old Town Bluffton Historic District. It is within walking distance of the surrounding, primarily residential areas. It contains a mix of uses and the potential for higher-density buildings. Multi-story buildings are well-suited to accommodate a mix of uses, such as apartments or offices above shops.

B. **Applicability.** The boundaries of NC-HD district are illustrated on the Official *Zoning Map* and include the commercial heart of the Old Town Bluffton Historic District, centered around Bluffton Road and May River/Bruin Road.

C. **Allowed Uses.** Uses permitted in the NC-HD district and conditions and standards for those permitted uses are provided in *Section 4.3*

D. **Density.** Density shall be based upon the designated building types in the design standards in *Section 5.15.5.A*.

E. **Lot Standards.** All lots shall be subject to the design standards in *Section 5.15.5.A*.

F. **Building Standards.** All buildings shall be subject to the design standards in *Section 5.15.5.A*.

G. **Open Space Standards.** All sites shall be subject to the open space standards in *Section 5.6*.

4.2.13 Planned Unit Development (PUD)

A. **Purpose and Intent.** The PUD district is intended to achieve the objectives of the Town of Bluffton *Comprehensive Plan* and to allow flexibility in development than could otherwise be achieved through strict application of this Ordinance and that will result in improved design, character and quality of walkable mixed-use developments and preserve natural and scenic features of open spaces.

B. **Existing PUDs.** The following PUDs have been established in the Town of Bluffton:

1. Belfair
2. Bluffton Village
3. Buckwalter
4. Hidden Lakes
5. Jones Estate
6. Kent Estates
7. MindStream Academy
8. Old Carolina
9. Palmetto Bluff
10. Schultz Tract
11. Southeastern Property
12. Village at Verdier
13. Wellstone

C. **Applicability.** The PUD District is applicable to tracts of at least five acres of land if creation of a single master development will yield greater benefits to the general public than would otherwise occur through more conventional planning and zoning concepts.

D. **Eligibility Criteria.** A PUD must meet the following criteria:

1. **Demonstrated Benefit.** The Town encourages the PUD to provide the following:

   a. Preservation and/or substantial enhancement of significant natural or historic features;

   b. Preservation and/or substantial enhancement, as applicable, of significant usable open space;

   c. Incorporation of a complementary mixture of uses or a variety of housing types;

   d. Inclusion of creative design that allows redevelopment of a nonconforming site, bringing it into closer compliance with the Ordinance; and/or

   e. Economic development through the creation of primary jobs consistent

with the *Comprehensive Plan*.

2. **Public Services.** All PUDs shall be served and/or be able to be served by adequate public services, including, but not limited to, water, sanitary sewer, roads, police, fire, and school services. For developments that have the potential for significant impact on infrastructure and services the applicant shall be required to provide an analysis of the impact on transportation, utilities, and community services.

E. **Allowed Uses.** Land uses for the PUD shall be designated on the associated PUD Concept Plan and/or PUD Master Plan approved by the Town Council. The PUD will be divided into land use areas with the land uses listed as Permitted, Conditional or Special Exception, based on a land use table similar to *Table 4-3*. These land uses shall be incorporated into the ordinance adopting the PUD zoning for the property. Any use different from those in *Table 4-3* or any uses further defined, specified or limited than provided in *Table 4-3* shall be defined in the PUD Concept Plan, PUD Master Plan, and/or Ordinance adopting the PUD zoning for the property.

F. **Affordable/Workforce Housing.** All PUD's shall include a minimum of 10% affordable/workforce housing. For PUD's that include more than 10% 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.

G. **Dimensional Requirements.** A table shall be provided that details any and all deviations from the standards in *Article 4, Zoning Districts*, and *Article 5, Design Standards*.

H. **Approved Plan.** No use of the parcel, nor construction, modification, or alteration of any use or structure within a PUD shall be permitted unless such construction or use complies with the terms and conditions of the approved plan. A PUD plan shall be approved subject to the procedures and criteria in *Article 3, Applications*.

I. **Previously Granted Variances, Null and Void.** PUD approval shall supersede any previously granted variances obtained for the property, which shall become null and void.

4.2.14 Highway Corridor Overlay (HCO)

A. **Purpose and Intent.** The HCO district is intended to enhance the quality of development, protect and enhance the area's unique aesthetic Lowcountry character and natural environment, reduce unnecessary visual distractions and to ultimately provide a consistent regional context for architecture, landscaping, and lighting provisions along regional roadway corridors.

B. **Applicability.** The boundaries of the Highway Corridor Overlay District generally encompass all lands located within 500 feet of the right-of-way line or to the rear of the property line fronting the designated highway, whichever is less. The HCO district shall apply to US Highway 278, South Carolina Highway 170, Bluffton Parkway, South Carolina Highway 46, and Burnt Church Road, except as otherwise provided for in applicable Development Agreements and illustrated on the *HCO District Map*.

C. **Design Standards.** All applicable sites shall be subject to the landscape, lighting and architectural standards in *Article 5, Design Standards*.

4.3 Uses by Districts

The use regulations for each district are as follows:

A. **Permitted (P):** Permitted by right subject to general district standards;

B. **Conditional (C):** Permitted subject to specific conditions and specific use standards listed in *Section 4.4*.

C. **Special Exception (SE):** Permitted by special exception through a discretionary review process set forth in *Article 3, Application Process* and subject to the review criteria in *Section 4.4*.

D. **Not Permitted (-):** The use is not permitted in the district.

E. **Use Standard.** A cross-reference to any specific use standard listed in *Section 4.4*. Any use standard shall only apply when the use is listed as either a Conditional (C) or Special Exception (SE) use. Where no cross-reference is shown, no additional use standard applies.

F. **Land Development Regulations.** All uses, whether permitted, conditional, or special exceptions, are subject to the Design Standards in *Article 5, Design Standards*.

G. **Uses Not Listed.**

1. If a particular use is not listed, the UDO Administrator shall select the use listed in *Table 4-3* Uses by District which most closely resembles the proposed use in consideration of factors such as potential impact on property values, nature of use, aesthetics, traffic generated, types of services or goods offered or produced, methods of operation, noise, hours of operation, building or site characteristics and other impacts in terms of health, safety and welfare. Once the use is determined, the proposed use shall comply with any use standards that apply to the similar use.

2. Where the UDO Administrator determines a proposed use is not similar to a use in a particular zoning district, the applicant may petition for a text amendment to this Ordinance as described in *Article 3, Application Process*.

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)
Residential												
Single-family Detached	-	P	P	P	P	P	P	P	P	P	P	P
Single-family Attached	-	-	P	P	P	P	P	-	-	P	P	P
Multi-Family	-	-	-	-	P	P	P	-	-	-	P	P
Accessory Dwelling Unit	-	C	C	C	C	C	C	C	C	C	C	C
Agriculture/Conservation												
Agricultural Use and Structures	P	P	P	P	P	P	P	P	P	P	P	P
Animal Hospital, Veterinary Clinic, Kennel	-	-	*SE*	-	*SE*	*SE*	*SE*	-	-	-	-	*SE*
Horse Riding School, Horse Training Facility and/or Commercial Stables	-	P	P	-	-	P	P	-	-	-	-	-
Seafood/Shellfish Packaging/ Processing	-	-	-	-	-	*SE*	P	*SE*	-	-	-	-
Commercial Services												
Outdoor Sales	-	C	C	-	C	C	C	-	C	C	C	C
Retail Businesses	-	-	P	-	P	P	P	-	C	C	C	C
Personal Service Establishments	-	-	P	-	P	P	P	-	P	P	P	P
Restaurant	-	-	C	-	C	C	C	-	-	C	C	C
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	-	-	-	-	-	-	-	-	-	-	-	C

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)
Lodging												
Bed and Breakfast - maximum of 6 guest rooms	-	P	P	P	P	P	-	P	P	P	P	P
Inns - maximum of 12 guest rooms	-	-	P	-	P	P	-	-	C	P	P	P
Hotel (no room limit)	-	-	-	-	-	P	P	-	-	-	-	P
Office												
Home Occupation	-	P	P	P	P	P	P	P	P	P	P	P
Professional Offices	-	-	P	-	P	P	P	-	P	P	P	P
Health/Human Care												
Family Day Care Home (6 or less children)	-	P	P	P	P	P	P	P	P	P	P	P
Group Day Care Home (7 to 12 children)	-	P	P	P	P	P	P	-	-	P	P	P
Child Care Center (13 or more children)	-	P	P	P	P	P	P	-	-	P	P	P
Hospitals	-	-	-	-	-	P	P	-	-	-	-	-
Medical Offices and Clinics	-	-	P	-	P	P	P	-	-	P	P	P
Nursing Homes and Long-term Care	-	P	P	-	P	P	P	-	-	P	P	P
Recreation/Entertainment												
Campgrounds and Recreational Vehicle Parks	P	P	-	-	-	-	-	-	-	-	-	-
Golf Course	-	P	-	P	-	P	P	-	-	-	-	-
Recreation Facility	C	C	C	-	C	C	C	-	-	-	C	C
Theaters and Auditoriums	-	-	-	-	P	P	-	-	-	-	P	P

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)
Civic/Institutional												
Cemetery	-	P	P	P	P	P	P	-	-	P	P	P
Club, Lodge, Union Hall, or Social Center	-	-	P	-	P	P	P	-	-	P	P	P
Conference or Exhibition Center	-	-	-	-	P	P	P	-	-	-	-	P
Government Building	P	P	P	P	P	P	P	P	P	P	P	P
Parks	P	P	P	P	P	P	P	P	P	P	P	P
Museum	P	P	P	P	P	P	-	P	P	P	P	P
Religious Assembly	-	P	P	P	P	P	P	P	P	P	P	P
School	-	P	P	P	P	P	P	P	P	P	P	P
Utilities	P	P	P	P	P	P	P	P	P	P	P	P
Industrial												
Artisan Workshop	-	P	P	-	P	P	P	-	P	P	P	P
Concrete and Asphalt Plants	-	-	-	-	-	-	*SE*	-	-	-	-	-
Contractor's Office	-	-	C	-	C	C	C	-	-	C	-	-
Junk and Salvage Operations	-	-	-	-	-	-	C	-	-	-	-	-
Light Assembly/Fabrication	-	-	-	-	-	C	P	-	-	-	-	P
Manufacturing	-	-	-	-	-	-	C	-	-	-	-	-
Mini-warehouses or Self-service Storage Facilities	-	-	-	-	-	C	P	-	-	-	-	-
Research and Laboratory	-	C	C	-	P	P	P	-	-	-	P	P
Solid Waste Transfer Facility/ Recycling Center	-	-	-	-	-	-	C	-	-	-	-	-
Telecommunication Towers	-	C	C	C	C	C	C	-	-	-	-	-
Warehouse or Distribution Operation	-	-	-	-	-	-	P	-	-	-	-	-
Other												
Public and Private Parking Structures and Stand Alone Parking Lots	-	-	-	-	-	-	-	-	-	-	P	P

4.4 Conditional Use Standards

The Conditional Uses, as listed in Table 4.3 above, do not constitute development as defined herein and thereby do not require a Development Plan Application; however, the UDO Administrator may require a conceptual site plan to ensure compliance with the following Conditional Use Standards:

4.4.1 Residential

A. **Accessory Dwelling Unit**

1. Maximum size of 1,200 heated square feet;
2. Maximum footprint (not including porches) of 800 square feet;
3. Maximum height of two stories or height of the primary structure, whichever is less;
4. Must be an accessory structure;
5. Only one permitted per lot;
6. Must be of same general character as primary structure; and
7. Must be placed in the side or rear yard, no closer to the primary frontage road than the primary structure.

4.4.2 Commercial Services

A. **Outdoor Sales**

1. The following merchandise can be sold:
   a. Agricultural goods,
   b. Seafood, or
   c. Seasonal sales, such as Christmas trees or pumpkins.
2. Sales displays shall be arranged to leave at least five (5) feet of clear walkway for pedestrian circulation and shall not adversely impact vehicular access or circulation or unreasonably reduce parking.
3. Displays shall only be permitted during daylight hours.
4. Lighting of merchandise, signage, or any other element of the outdoor sales area shall not be permitted.
5. No permanent improvements shall be made for the sole purpose of outdoor sales.
6. Tents shall not be used in the Old Town Bluffton Historic District.
7. All merchandise and sales displays shall be located on private property.

B. **Fueling/Service Station, including Fuel Pumps/Convenience Store.**

1. All pumps and any associated fuel canopy shall be set back at least 25 feet or the required setback of the applicable zoning district, whichever is greater, from the right-of-way line of the street;

2. Parking and/or service areas shall be separated from adjoining residential properties by a planting screen, fence or wall at least six feet in height;
3. No open storage of any type, including the overnight storage of vehicles, shall occur in conjunction with the operation.
4. No more than eight pumps (defined as a fueling area for an individual vehicle) shall be permitted.
5. All service bay doors shall not be oriented toward any public right-of-way.

C. **Vehicle Service and Repair Facilities:**

1. All operations shall be conducted within a fully enclosed building.
2. All parts shall be stored within an enclosed building.
3. Any overhead doors to the facility shall not be oriented toward the public right-of-way unless the fulfillment of the requirements orients the overhead doors towards a property with a residential use located on the first floor.
4. Any vehicles stored on the site shall be located within a fully enclosed building or shall be stored behind the front building line, and shall be completely screened from the street and adjoining properties using natural buffers, fencing, buildings, or a combination thereof. Chain link fencing shall not be permitted as a screening material.
5. The setback of structures and vehicular use/storage areas from the property line shall be a minimum of 50 feet.

D. **Motor Vehicle Carwash**

1. Enclosed Building. All washing facilities shall be within a completely enclosed building.
2. Vacuum & Drying Location. Vacuuming and hand towel drying may be located outside the building, but shall not be in the front yard and shall be set back at least 50 feet and completely screened using natural buffers, fencing, buildings, or a combination thereof from any property with a residential use located on the first floor.
3. Stacking Spaces. All cars required to wait for access to the facilities shall be provided stacking spaces fully off the street right-of-way that does not conflict with vehicle maneuvering areas to access gasoline pumps or vacuums. Adequate queuing space shall be provided at the facility exit to allow cars to be dried prior to entering the street right-of-way, per *Article 5, Design Standards*.

E. **Restaurants**

1. Property must have frontage on SC Highway 46, Bruin Road or Burnt Church Road within the Neighborhood General – HD zoning district and Calhoun Street within the Neighborhood Center – HD zoning district. In the Neighborhood Core – HD, Light Industrial (LI), General Mixed Use (GM,) Neighborhood Core (NC), and Rural Mixed Use (RMU), where restaurants are conditionally permitted, restaurants are allowed on all properties regardless of frontage location.
2. Within the Historic District, any outdoor patio and café on which alcoholic beverages will be possessed, consumed, or sold shall be located a minimum

of 150 feet from the property line of an existing place of religious assembly, publicly owned park, school, residential use (only if it is the sole use of the property) or other outdoor patio or café on which alcoholic beverages are possessed, consumed, or sold. If an intervening property line does not exist, then the distance measurement shall be measured from the nearest point of the existing use to the proposed outdoor patio or café.

3. Any outdoor patio and café located on property in the Neighborhood General Historic District (NG-HD) or Neighborhood Center Historic District (NCE-HD) and is adjacent to a residential use is only permitted to have entertainment in the form of an acoustic (unamplified) guitar and/or televisions without the aid of microphones, additional speakers or other amplification.
4. The outdoor patio and cafe shall be delineated with railings, ornamental walls, landscaping or other suitable features that are a minimum of three feet tall.

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.

G. **Retail Businesses**

1. A Retail Business principally engaged in the sale of goods or merchandise may have an Icery as a Conditional Accessory Use provided the following conditions are met: (i) No more than twenty-five (25%) percent of the Retail Business' heated square footage is allocated for use as an Icery; and, (ii) No outdoor dining areas with seating and tables for customers may be provided.

4.4.3 Lodging

A. **Inns**

1. The principal building shall be the primary and permanent legal residence of the inn operator. Meals or other services provided on the premises shall only be available to residents, employees, and overnight guests of the

establishment.

2. Guests shall be restricted to overnight or weekly stays, not exceeding seven consecutive nights, and may stay no longer than 60 days in any one calendar year.
3. Off-street parking areas shall be provided for guests outside of any required front yard. Stacking of more than two vehicles in a driveway is prohibited.
4. Screening shall be provided between adjacent residences and parking areas or any outdoor eating area.
5. The use of exterior stairways to provide primary access to the upper floor shall be prohibited.

4.4.4 Recreation/Entertainment

A. **Recreation Facility**

1. Accessory uses to the Recreation Facility may include, but shall not be limited to refreshment stands, maintenance buildings, small-scale retail (not exceeding 2,500 square feet), offices for management functions, spectator seating and service areas, including locker rooms and rest rooms. Accessory retail or commercial facilities shall be designed to serve only the patrons of the recreation facility.
2. The location, layout, design or operation of recreation facilities shall not impair the continued enjoyment, use, and future orderly development of adjacent and nearby properties.
3. Hours of operation, maintenance, lighting, and irrigation may be restricted by the UDO Administrator to minimize impacts of the use on surrounding properties.
4. No use, structure, or spectator seating facility shall be located within 50 feet of a lot line abutting a property with a residential use located on the first floor and shall be completely screened using natural buffers, fencing, buildings, or a combination thereof from such use or district.

4.4.5 Industrial

A. **Telecommunication Towers**

1. **Maximum Height.** Maximum height, including any tower attachments, shall be as follows:
   a. 125 feet, if two or three collocations are provided.
   b. 200 feet, if four or more collocations are provided.
   c. 20 feet from the roof peak, if mounted on any building.
2. **Lighting.** Lighting shall be as follows:
   a. No general illumination shall be permitted.
   b. All towers 150 feet or taller shall be lighted in accordance with Federal Aviation Administration (FAA) requirements or as required by Beaufort County to conduct vector control operations.
3. **Setbacks.**
   a. The base of any new tower shall be set back no closer to a residential structure than a distance equal to one foot for each one foot in height of the proposed tower, plus an additional 50 feet.

b. Guy wire anchors, equipment buildings, and other facilities supporting communication towers shall satisfy the minimum setback requirements in the underlying zoning district.

c. Towers shall be located no closer than 500 feet, plus one foot for each foot of height of the proposed tower, to the OCRM critical line.

4. **Visual Impact Mitigation.**

a. A 50 foot forested buffer shall be maintained on all sides of the telecommunications tower. If a forested buffer does not exist, the following landscaping shall be installed and maintained:

(1) A continuous hedge of evergreen shrubs, at least 36 inches high at planting, shall be planted a maximum of five feet apart around the outside perimeter of the security fence around the tower site, except for access driveways. These shrubs shall have an expected height of at least 10 feet at maturity; and

(2) At least a double row of large shade trees, at a maximum spacing of 50 feet on center, beginning within a 50 foot radius of the tower, and contains a mixture of at least 50% evergreen tree species.

b. Communication towers shall have either a galvanized steel or neutral color finish unless otherwise required by the Federal Aviation Administration.

c. Telecommunication towers shall not have a visual impact on any property, road or waterway which has been officially recognized or designated as scenic.

5. **Collocation.** Procedures for collocation of telecommunication towers are as follows:

a. All telecommunication towers shall provide for at least two sites for collocation.

b. All applications for telecommunication towers shall provide a collocation study to demonstrate that there is not a suitable alternative collocation site by providing evidence of the following:

(1) Existing structures located within the geographic area in which the proposed antenna must be located are of insufficient height to meet the technical design requirements;

(2) Existing structures do not have sufficient structural strength to support the proposed antenna;

(3) The proposed antenna would cause electromagnetic interference with antennae on existing structures, or antennae on existing structures would cause interference with the proposed antenna; and/or

(4) The fees, costs, or other contractual provisions required by the owner of the existing structure for collocation or the engineering costs to adapt an existing structure for collocation are unreasonable given current market rates in the region.

c. If existing telecommunication towers or tall structures are located within two miles of the proposed site, the Applicant will be expected to prove that there is no technologically and structurally suitable space available

on the existing structure.

6. **Additional Standards.**
   a. Only monopole structures will be allowed.
   b. No structure shall adversely affect any historic structure or site.
   c. A collapse zone shall be designed so that tower collapse will occur only within the property owned or controlled by an easement.
   d. A sign identifying the tower owner, address, and emergency notification number and other information required by state or federal regulations shall be placed in a conspicuous location. The sign shall be no more than four square feet in area and mounted no more than five feet above the ground, as measured from the adjacent grade to the top of the sign. No commercial signs or advertising shall be placed on communication towers.
   e. When any tower is abandoned for 60 days, it shall be removed by the landowner and the site restored to the condition that existed prior to the development of the tower within six months.
   f. Speculation towers are prohibited.
   g. New towers are strictly prohibited in the Highway Corridor Overlay and in the Old Town Bluffton Historic District.
   h. Communication towers shall be enclosed by security fencing not less than six feet in height. Razor wire shall not be permitted on fences. Access to communication towers shall be through a lockable gate.
7. **Additional Application Materials Required.** In addition to the materials required for a Development Plan Application, the following materials will also be submitted for proposed telecommunication towers:
   a. A map of the geographic area in which the Applicant's antenna must be located to reasonably serve the Applicant's coverage area, showing all existing and approved tower sites and all other structures equal to or greater than 75% of the height of the proposed tower within this area;
   b. A community impact statement and visual impact analysis;
   c. Written documentation that collocation on existing towers or structures in the vicinity of the proposed tower was attempted by the Applicant but found infeasible with reasons explained. This documentation must include verification by a professional engineer that no alternative to the construction of a new tower exists;
   d. Copies of all applicable submissions made by the Applicant to any state or federal regulatory agency relative to the proposed project, including any approvals received at the time of application to the Town;
   e. Elevation drawings showing the height and design of the tower, materials to be used, color, and lighting;
   f. A sealed report from a professional engineer registered in South Carolina that describes the tower height and design and that demonstrates the tower's compliance with the structural requirements of the Standard Building Code and the collocation requirements of this Ordinance. The

engineering report shall further certify that the tower will satisfy minimum wind load standards imposed by the American Society of Civil Engineers and shall certify the tower's fall zone;

g. A notarized affidavit that states the Applicant's willingness to allow collocation on the proposed tower at a fair market rate and in a timely manner to any other service provider licensed by the Federal Communications Commission for the Town of Bluffton market area and that such collocation agreement is assigned to the successors, heirs, and future owners of the tower;

B. **Junk and Salvage Operations**

1. Salvage yards shall be screened by a solid screening fence or wall that is a minimum 8 feet tall and setback at least 10 feet from the property line. The fence or wall shall be of similar composition, construction and color throughout, and only contain openings for necessary entrances and exits.
2. Entrances and exits shall be equipped with solid 8 foot high gates which shall be closed at all times except when in use.
3. Material stored outside of a completely enclosed building shall be stacked or arranged so that no portion of such material is visible from any adjacent property.
4. All loading and unloading shall be conducted within the enclosed area.
5. Maximum lot size for a junk and salvage yard use shall be ten acres.

C. **Light Assembly/Fabrication**

1. Any light assembly or fabrication use shall be conducted completely within a building, does not involve outside storage, and does not generate noise in excess of the levels allowed by the Town's noise ordinance or glare to the surrounding properties.

D. **Research and Laboratory**

1. Any research or laboratory use shall be conducted completely within a building and not involve outside storage.
2. No impacts or byproducts of the use, including noise, dust, or odor shall be discernible from the property line.

E. **Solid Waste Transfer Facility/Recycling Center**

1. The solid waste transfer facility/recycling center may accept previously sorted non-food items, such as glass, newspaper, cardboard, metal, construction and demolition debris, or other similar materials. Sewage or hazardous substances in quantities considered to be detrimental to the operation of the transfer facility shall not be permitted.
2. All activities and storage shall be conducted within a completely enclosed building. Doors shall remain closed during operations and there shall be no outdoor storage.
3. The entire site shall be fully landscaped, screened, and/or fenced from adjacent properties and public rights-of-way.
4. All areas adjacent to the transfer point, such as the tipping floor, the turning area, and the area supporting the trailer while it is being packed, shall be

paved with concrete.

5. Adequate standing and parking facilities shall be provided on the site so that no packers or other collection vehicles at any time stand on a public right-of-way waiting entrance to the site.
6. Publicly owned and/or operated facilities/centers are allowed to collect and sort any non-hazardous waste on-site and outdoors. All outdoor waste or collection bins must be setback a minimum of 40 feet from the property line, of which 25 feet shall be a landscape buffer.

F. **Contractor's Office**

1. Outdoor storage shall be located in the side or rear yard of the lot and setback a minimum of 40 feet from the property line.
2. Outdoor storage areas shall be screened by a solid screening fence or wall a minimum of 6 feet in height.
3. Any stockpiles of soil, fertilizer or similar loosely packaged materials shall be sufficiently covered or contained to prevent dust, erosion, or blowing of materials.
4. The height of all material and equipment stored within 20 feet of the screening wall or fence shall not exceed the height of the screening wall or fence. To the extent possible, material and equipment shall be stored behind a building in a manner the minimizes its view from the street.
5. All loading and truck maneuvering shall be accommodated on-site.

G. **Manufacturing**

1. All storage and operations shall occur indoors, except that limited daily outdoor operations behind the front building line and at least 50 feet from any property line may occur.
2. No impacts or byproducts of the use, including noise, dust, or odor shall be discernible from the property line.

H. **Mini-Warehouses or Self-Storage Facilities**

1. The use shall be limited to storage only. The premises shall not be used for operating any other business or repairing of any vehicles, except truck rental may be approved as an accessory use.
2. No storage of combustible or flammable liquids, combustible fibers, or explosive materials as defined in the fire prevention code, or toxic materials, shall be permitted within the self-storage buildings or upon the premises.
3. Outdoor storage shall be limited to vehicles, trailers, boats, campers, recreational vehicles, and other motorized or towable equipment and may only be located behind a building.
4. Outdoor storage areas shall be screened by a solid screening fence or wall a minimum of 6 feet in height.

4.5 Special Exception Use Standards

4.5.1. Animal Hospital, Veterinary Clinic, Kennel

A. All structures being used as an animal hospital, veterinary clinic, or kennel shall

be no closer than 200 feet to any residential dwelling or zoning district.

B. All kennel arrangements must be maintained within an enclosed building.

4.5.2. Seafood/Shellfish Packaging/Processing

A. There shall be a setback of 150 feet from the perimeter of any residential structure or zoning district.

B. All packaging and/or processing of seafood or shellfish shall be located within an enclosed structure.

C. No impacts or byproducts of the use, including noise, dust, or odor shall be discernible from the property line.

4.5.3. Adult Oriented Business

A. **Intent.** It is recognized that there are some uses which, because of their nature, are recognized as having serious objectionable, operations characteristics, thereby having deleterious effect upon adjacent areas. It is also recognized when several of these uses are concentrated in close proximity, they begin to dominate the character of an area and create a synergy that compounds their deleterious effect on other uses. Special regulations of these uses are therefore necessary to insure that these adverse effects will not contribute to the blighting, deteriorating, and/or down grading of the area and the adjacent areas. It is the purpose of this Section to regulate adult oriented business to promote and protect the health, safety, morals and general welfare of the citizens of the Town and to establish reasonable and uniform regulations to prevent a concentration of adult oriented business within the Town. These regulations are intended to control the negative secondary impacts such businesses have been documented above to have on the surrounding area and the community. The provisions of this ordinance have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is neither the intent nor effect of this ordinance to restrict or deny access by adults to sexually oriented materials protected by the First Amendment or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Likewise, it is not the intent of this ordinance to legitimize activities which are prohibited by Town ordinance or State or Federal law.

B. **Classification.** The following uses are considered adult oriented business under this article:

1. Adult arcades; Adult book, novelty, retail or video stores;
2. Adult cabarets;
3. Adult massage parlors;
4. Adult motion picture theaters;
5. Adult motels;
6. Adult theaters;
7. Adult personal service establishment;
8. Adult physical culture establishment;
9. Escort agencies;
10. Nude model studios;

11. Sexual encounter centers; and
12. Any other similar use or business as determined by the UDO Administrator.

C. **Location Requirements.** The establishment of an adult oriented business (whether the use is primary, secondary, or accessory) is prohibited if the use will be within a 500 foot radius of any of the following:

1. Residential property;
2. Day care, child care facility, nursery or preschool;
3. Place of worship or religious institution;
4. Public or private elementary or secondary school or youth activity center; or
5. Public park or public building.
6. Measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the property site boundary of a adult uses to the nearest lot line of the premises of any use listed above.

D. **Separation Requirements.** The establishment of an adult oriented business is prohibited if the use will be within 1000 feet of another adult oriented business. Measurement shall be made in a straight line, without regard to intervening structures or objects, between the closest exterior walls of each business.

E. **Conditions and Operating Requirements for Adult Oriented Business**

1. The building and site shall be designed, constructed and maintained so products and material such as a display, decoration or sign depicting, describing, or relating to specific sexual activities or specified anatomical areas cannot be observed by pedestrians or motorists on a public right-of-way or from an adjacent property. No exterior door or window on the premises shall be kept open at any time while the business is in operation. The merchandise or activities of the establishment shall not be visible from any point outside the establishment. The exterior portions of the establishment shall not have any signs, words, lettering, photographs, silhouettes, drawings or pictorial representations of any specified anatomical area or sexually explicit activity.
2. The building shall provide sufficient sound absorbing insulation so noise generated inside said premises shall not be audible anywhere on any adjacent property or public right-of-way.
3. The Town may require a wall, fence or other screening device in conjunction with landscaping to provide an appropriate screen in consideration of views from public streets, distance and surrounding land uses.
4. All off-street parking areas shall be illuminated from at least 90 minutes prior to sunset to at least 60 minutes after closing.
5. The hours of operation shall be approved by the Town. No adult oriented business shall be open for business prior to 10:00 a.m., nor after 10:00 p.m. However, employees or other agents, or contractors of the business may be on the premises at other hours for legitimate business purposes such as maintenance, preparation, record keeping, and similar purposes.
6. Signs must be posted on both the exterior and interior walls of the entrances, in a location which is clearly visible to those entering or exiting the business,

and using lettering which is at least two inches in height, that: "Persons under the age of 18 years are not permitted to enter the premises."

7. Any adult oriented business that allows customers to remain on the premises while viewing live, filmed or recorded entertainment or while using or consuming the products or services supplied on the premises, shall provide at least one security guard on duty. The Security guard provided will patrol the property and parking areas at all times while the business is in operation.
8. It shall be unlawful for any person to perform in any commercial establishment serving alcohol, to knowingly permit or allow to be performed therein, any of the following acts or conduct the actual or simulated public displaying of specified anatomical areas or the public performance of acts or simulated acts of specified sexual activities or any sexual acts which are prohibited by law.
9. It shall be unlawful to allow any female to appear in a commercial establishment serving alcohol so costumed or dressed that one or both breasts are wholly or substantially exposed to public view.
10. Topless or bottomless or totally uncovered waiter/waitresses, bartenders or barmaids, entertainers including dancers, impersonators, lingerie shows, or any other form for the attraction or entertainment of customers, are strictly prohibited. The prohibition shall also extend to such events similar to wet t-shirt contests, lingerie shows or bikini shows.

4.5.4. Concrete and Asphalt Plants

A. The entire site shall be fully landscaped, screened, and fenced from adjacent properties and public rights-of-way.

B. Storage of loose materials shall be in specified locations and be located at least 50 feet from the edge of the property line.

C. Machinery used for the operation shall be located at least 50 feet from the edge of the property line.

D. The main office should be located to the front of the property.

E. Exterior storage, and work areas shall be located to the rear and/or side of the main building.

F. Parking of mixing trucks and other work trucks/vehicles shall be within the enclosed yard and not be visible from adjacent properties and public rights-of-way.

G. No impacts or byproducts of the use, including noise, dust, or odor shall be discernible from the property line.

Article 5
Design Standards

5

5.1 General

This article identifies the standards and requirements for development and redevelopment to ensure that development and redevelopment is consistent with the Town of Bluffton's goals for building form, physical character, land use, and quality growth as identified in the Town of Bluffton *Comprehensive Plan*.

5.2 Natural Resources: Silviculture

5.2.1 Intent

This Section establishes standards for silviculture and forestry activities in order to protect the environment and forest resources of Bluffton.

5.2.2 Applicability

Unless otherwise stated, this Section applies to all land in the Town of Bluffton that is being used for bonafide silviculture and forestry activities.

5.2.3 Standards

The following standards and regulations apply to any property being used for silviculture and forestry activities:

A. **Perimeter Buffer.** A perimeter buffer of 50 feet shall be maintained around the entire property. The buffer must remain untouched except to allow access into and out of the property.

B. **Forestry Management Plan.** A forestry management plan shall be prepared by a Registered Forester for the property and approved by the Town of Bluffton. The forestry management plan must be followed during all silviculture and forestry activities and include a replanting plan to be carried out within one year of harvesting.

C. **Stormwater.** Stormwater regulations set forth in this article shall be followed to prevent impacts to waterways and adjacent properties.

D. **Bonding.** A bond, as defined in *Article 3, Application Process*, for 150% of the cost to replant the area that is being harvested shall be required.

E. **Trees to Remain.** A minimum of 15 trees per acre shall remain on the property post harvesting, not including the perimeter buffer. No hardwood trees over 12 inches dbh shall be removed from the property.

F. **Clearcutting**. Clearcutting is explicitly prohibited.

5.3 Natural Resources: Tree Conservation, Planting & Landscaping

5.3.1 Intent

This Section establishes standards for the conservation, removal, and mitigation of removed trees as well as the standards for landscaping, in order to protect the environment, provide critical habitat, and preserve the character of the Town of Bluffton. Specifically, conservation focuses on existing groups, stands, and mature trees, as well as the associated shrub and herbaceous understory layers. Further, the intent of this Section is:

A. To preserve and enhance the local, native vegetation in order to maintain Bluffton's Lowcountry character.

B. To protect the canopies of large, mature hardwood trees.

C. To eradicate or control certain exotic and invasive plant species that have negative impacts to native ecosystems.

D. To provide critical habitat for animals and plants throughout the Town of Bluffton.

E. To encourage efficient usage of water with native landscaping and reduce the usage of potable water for irrigation.

F. To recognize that stormwater management can be assisted by the use of vegetation for natural water and nutrient uptake.

G. To treat all sites equitably for the purpose of protecting and replanting trees and maintaining adequate tree coverage consistent with the character of the area.

5.3.2 Applicability

Unless otherwise stated, this Ordinance applies to all land in the Town of Bluffton.

5.3.3 Tree Conservation

A. **Protected Tree Designations:** No person shall cut, destroy, cause to be destroyed, move or remove a protected tree without first obtaining an approval as required by Article 3, Application Process.

1. Protected Trees: A protected tree is defined as all trees, including significant trees, that are 8 inches in Diameter at Breast Height ("DBH") or greater and all American holly, dogwood, redbud, southern magnolia, and red buckeye trees that are 4 inches in DBH or greater.
2. Significant Trees: A significant tree is defined as all trees that are 24 inches in DBH or greater, any tree listed on America's Historic Tree Register maintained by American Forests, and all trees, regardless of size, that are located within regulated wetland buffers.

B. **Tree Marking:** Prior to any removal or commencement of construction on a site, a red ribbon shall be used to identify trees to be removed.

C. **Tree Conservation During Site Planning:** During the site planning for any property, consideration shall be given to the existing tree canopy and every reasonable effort made to maximize the preservation of the existing canopy. No significant tree will be permitted to be removed until reviewed and approved by the Development Review Committee (the "DRC"). If the DRC determines that an Applicant has not met the intent of the following criteria, the removal shall require approval of the Planning Commission.

Review Criteria

1. It is difficult or impossible to reasonably use the property without the removal of the tree.
2. Roads, parking areas, drive aisles, paths and other site features have been designed around the canopies of the protected trees to the greatest extent possible.
3. The removal allows the preservation of other, healthier hardwood trees on the property.
4. Adjustments to the site plan cannot be made to save the tree without losing

lots or floor area.

5. The tree is not located within a required setback or buffer area.
6. The tree is not listed on America's Historic Tree Register maintained by American Forests.

D. **Tree Conservation During Construction:** The following standards shall apply to all trees, natural areas, and/or buffers that are to be preserved during development in the Town of Bluffton, unless specifically exempted under this Section:

1. Tree Protection Zone (TPZ): Each tree or group of trees to be retained shall have a designated TPZ around the drip line of the tree(s). The UDO Administrator has the authority to modify the TPZ based on site-specific conditions that warrant a modification, which can include increasing the TPZ area.
2. Tree Protection Fencing: Tree protection fencing shall consist of 4 to 6 feet high orange laminated plastic or chain link fence and be mounted on sturdy posts (wooden or metal) spaced no more than 10 feet apart. Tree protection fencing shall be erected before demolition, grading, or construction begins and remain in place until final inspection and approval of the project by the UDO Administrator. Tree protection signage shall be placed no more than 40 feet apart stating "Warning- Tree Protection Zone- No activity is to occur within this area." The UDO Administrator may approve alternative methods for delineating tree protection zones.
3. Any damage to preserved trees during construction shall be mitigated using industry accepted standards for limb pruning, root pruning, wound cleaning, watering, fertilizing, and any other applicable mitigation needed. Any damage that is determined to be lethal to preserved trees shall cause the tree to be removed and replaced in accordance with the requirements in this Section.

E. **Tree Conservation Post Construction:** Any tree required to be preserved or required to be planted as a result of the requirements of this article, shall not be removed or caused to be removed unless the tree(s) are replaced in accordance with the requirements of this Section.

F. **Replacement of Protected Trees:** The following standards shall establish the tree replacement requirements for the removal of certain trees:

1. Silviculture Pines: The Town of Bluffton encourages the replacement of planted pines with desirable hardwood trees. Mitigation for the removal of planted pines will not be required; however, all sites must conform to the minimum landscaping requirements defined in this article.
2. Invasive and Undesirable Species: The Town of Bluffton encourages the replacement of invasive species as defined by United States Forest Service or Clemson University, water oaks, and sweetgums with desirable hardwood trees. Mitigation for the removal of these trees shall be on a 1 tree replacement per 1 tree removal basis provided that the mature canopy of the replacement tree is at least equal to the mature canopy of tree removed.
3. Required Trees: The removal of any tree that was planted to meet the requirements of this Ordinance shall be replaced on a 1 tree replacement

per 1 tree removal basis provided that the mature canopy of the replacement tree is at least equal to the mature canopy of tree removed.

4. All Other Trees: Unless otherwise noted in this Section, the removal of any protected tree shall be replaced. All replacement trees shall be at least 12 feet tall and have a trunk diameter of not less than 2.5 inches when planted. The replacement of all approved significant trees shall have a trunk diameter of not less than 6 inches. The trunk diameter, also known as trunk caliper, shall be measured at 6 inches above ground. The UDO Administrator has the authority to accept smaller mitigation trees if the size, shape or topography of the site or the location of utilities unreasonably restricts access to the property or the ability to plant larger caliper replacement trees.

G. **Maximum Replacement of Removed Trees.** The amount of trees required to be planted on-site in order to meet replacement of removed trees requirements shall be limited to the number of trees necessary to provide 75 percent lot coverage with tree canopy measured as the mature canopy, not including rooftops. If all of the removed trees are not required to be mitigated, based on the remaining canopy coverage, the 6 inch caliper replacement trees shall be installed before satisfying the requirement with 2.5 inch caliper replacement trees.

H. **Exceptions to Tree Replacement Requirements.** The regulations contained in this Section shall apply differently to the following activities:

1. Schools and Public Parks. The removal of trees on property to be used for the purpose of providing active recreation requiring open areas for schools and public parks shall be exempt from this Section. Any other area of a school or public park site not considered active recreation requiring open area shall meet the requirements of this Section.
2. Wetlands Mitigation: The mitigation of wetlands pursuant to a development order or approved plan from, and meeting the requirements of, the South Carolina DHEC-OCRM or the United States Army Corps of Engineers shall be exempt from the provisions of this Ordinance, except for the mitigation requirements listed herein.
3. Commercial Operations: All commercial nursery, botanical garden, and tree farm operations shall be exempt from the provisions of this Section, but only as to those trees which were planted for display or sale in the ordinary course of business.
4. Agricultural Exemption: Any bona fide agricultural use being conducted on land that is eligible for, and actually used for agricultural operations, and written application has been approved by the Beaufort County Assessor for the special assessment for agricultural use for the property in question shall be exempt from this Section, provided that an undisturbed 50 feet wide vegetated perimeter buffer is maintained.
5. Utilities: Utility companies, electric suppliers and governmental agencies constructing or maintaining within easements or rights-of-way for water, sewer, electricity, gas, drainage, telephone, television, or other utilities shall be exempt from the provisions of this Ordinance if the applicable company, supplier, or agency has executed an Agreement with the Town which at a minimum:

a. Recognizes the need to minimize the cutting or trimming of vegetation that does not frustrate or substantially interfere with the intended purpose of construction or maintenance;

b. Establishes, to the extent feasible, design guidelines for construction and maintenance that identifies the saving of protected trees as a factor to be considered in the design process;

c. Requires a consultation process with the Town prior to the commencement of major construction or maintenance or the removal of protected trees; and

d. Provides that a breach of such Agreement constitutes a violation of this Ordinance and a loss of exemption from the requirements of this Ordinance.

5.3.4 General Tree & Landscape Material Standards

A. Native and regionally appropriate plant species are required. Invasive species, as identified by the United States Forest Service or Clemson University are prohibited from being planted in the Town of Bluffton. Further, the Town of Bluffton encourages the replacement of invasive species with desirable hardwood species.

B. All plant and tree material shall meet the American Standard for Nursery Stock standards that are published by and available from the American Association of Nurserymen.

C. Tree and landscape materials selected for planting must be free from injury, pests, disease, nutritional disorders or root defects, and must be of good vigor in order to assure a reasonable expectation of survivability.

D. Large and Medium Canopy Tree species shall be a minimum of 12 feet in height and have a caliper of at least 2.5 inches at time of planting.

E. Small Canopy Tree species shall be a minimum of 5 feet in height and have a caliper of at least 1.5 inches at time of planting.

F. Shrubs shall be a minimum of 18 inches in height and width at time of planting.

G. At least 80% of all tree plantings must be hardwoods.

H. In order to promote diversity, a variety of plant species are encouraged.

5.3.5 General Tree & Landscape Installation Standards

A. Tree and landscape materials shall be installed according to standards established by the American National Standards Institute (ANSI).

B. Root barriers shall be installed within tree lawns less than 7 feet between the back of curb and the sidewalk to prevent root penetration and destruction of infrastructure.

C. Structural soil shall be installed in and around all tree wells to provide adequate underground volume for root growth. The structural soil should tie into adjacent landscaped areas to provide tree roots access to open soil.

D. Large and medium trees shall not be planted underneath or directly adjacent to overhead powerlines.

5.3.6 General Tree & Landscape Maintenance Standards

A. All plant material shall be maintained in good condition at all times in accordance with standards established by ANSI. All plantings that die or are destroyed must be replaced, during the next suitable planting season.

B. Attaching lights, signage, fence rails, and any other items to trees that may result in damage to the tree is strictly prohibited.

C. Consistent with the purposes of this Article, all persons shall make reasonable efforts to preserve and retain any existing, self-supporting plants, whether such plants are trees or flora which are part of the understory, shrub layer.

D. Underbrushing (the removal of understory vegetation) from undeveloped property shall not occur unless approved by the UDO Administrator.

E. Routine and seasonal pruning of protected trees is permitted provided that it is done in accordance with the guidelines of ANSI A300 Pruning. As stated in ANSI A300, topping and lion's tailing shall be considered unacceptable pruning practices. Removing more than 25 percent of the leaf surface within an annual growing season is also unacceptable and shall be considered tree removal, which would require a tree removal permit. The use of climbing spurs on trees that are not being removed is prohibited, with the exception of the seasonal pruning of sabal palmettos.

F. Maintenance in required buffer areas shall be limited to the removal of invasive species, as defined by United States Forest Service or Clemson University, and seasonal pruning. No tree branches larger than 4 inches in diameter shall be removed without approval by the UDO Administrator. Seasonal pruning shall be limited to what is necessary to insure the health of the plants and not compromise the intent of the buffer.

5.3.7 Specific Landscaping Standards

A. **Street Trees**

1. All roadways on which development is proposed shall include large canopy street trees that are planted no greater than 50 feet apart.

B. **Buffers**

1. **Purpose and Function**
   a. The function of buffer areas is to provide attractive visual and spatial separation between adjacent land uses and public streets.
   b. The purpose of buffer areas is to soften potentially incompatible land uses and associated development from adjacent properties and public streets.

2. **Required Buffers**
   a. **Adjacent Use Buffers.** The UDO Administrator may require landscape buffers to mitigate the adverse impacts of incompatible land uses. When required, the landscape buffer width shall not be less than half the maximum side and/or rear setback requirement and no more than 50 feet. The buffer shall consist of multi-layered vertical and horizontal plantings in order to achieve a consistent and dense visual buffer.
   b. **Adjacent Street Buffers.** For those lots fronting US Highway 278, South Carolina Highway 170, Buckwalter Parkway, Bluffton Parkway, South Carolina Highway 46, and Burnt Church Road, except properties located

within the Old Town Bluffton Historic District, a minimum 50 feet wide landscaped buffer shall be established from the road right-of-way. While the buffer is not intended to provide complete screening, sufficient plant material shall be retained and installed to accomplish the intent of this Section.

c. **Wetland Buffers.** For applications of buffers from regulated wetlands, refer to the Natural Resources: Wetlands Section of this Article.

3. **Buffer Design Standards**

a. **Undisturbed.** Other than what is permitted in this Section, buffer areas shall be left undisturbed.

b. **Vegetation Removal.** If understory planting is required, the UDO Administrator may allow existing vegetation to be limbed-up from the ground to a height that will provide adequate sunlight for the new plantings. Such height would typically not exceed five feet from the ground to the lowest branches; however, additional height may be permitted at street intersections for sight triangles. If the existing buffer area contains invasive species, the invasive species shall be removed and replaced with native buffer vegetation. The UDO Administrator may permit the removal of silviculture pines in order to provide adequate spacing for existing and supplemental hardwood trees.

c. **Plant Material.** In order to meet the purpose and function of these standards, the buffer may need to be enhanced in order to soften the visual impact of the structures from public view and from adjacent property (or created where such vegetation is insufficient or nonexistent) with trees and shrubs of a variety or species appropriate to the area. If the buffer already has trees of protected sizes and groupings of native shrubs, their preservation is required

d. **Utilities.** Electrical, telephone, gas, water, sanitary sewer, storm drainage and other utilities may be constructed to pass through or across the required buffer area, provided they are approximately perpendicular to the right-of-way or adjacent property line. If installed approximately parallel, an equal amount of buffer may be required to substitute for the area of vegetation removal.

e. **Multi-layered.** Plant material shall be designed and maintained in a staggered or undulating manner to create a more natural looking area.

f. **Lagoons and Drainage Swales**. Where existing or created lagoons and drainage swales will occupy a substantial portion of the buffer, additional buffer depth may be required to achieve the intent of this Section.

g. **Minimum Height.** The minimum height of new shrubs used to create the buffer shall be at least 36 inches in height at the time of installation.

h. **Structural Elements.** Structural elements, such as fences or privacy walls no taller than six feet in height, berms or other elements approved by the UDO Administrator may be required depending on adjacent land uses. When fences or privacy walls are used as structural elements, adequate distance shall be maintained between the structure and the property line for plant material in order to create a softening effect on the structure.

i. **Other Activities.** The following activities are also permitted within required buffer areas.

(1) Street and driveway accesses, provided they are installed approximately perpendicular to the right-of-way or property line;

(2) Foot and bicycle paths;

(3) Approved signage;

(4) Bus shelters; and

(5) Landscaping sculptures, lighting fixtures, trellises, pedestrian amenities and arbors.

4. **Review of Installed Buffer**

a. One year after a Certificate of Compliance has been issued, the buffer shall be reviewed to determine its adequacy in regard to the softening and screening required above. Where insufficient plant materials were originally installed, plant materials have died, or the buffer is otherwise deemed to be inadequate, the landowner shall remedy the problems within 30 days of written notice of said inadequacy.

C. **Parking and Loading Area Landscaping**

1. All parking and loading areas that are visible from the public right-of-way shall be buffered to minimize the visual impact of parked vehicles by landscaped areas that include a mixture of trees and shrubs.

2. The following landscaping requirements shall apply for parking lots:

a. Shrubs and trees shall be installed in all parking lot medians to provide for semi-continuous plantings.

b. Each landscape island shall contain 1 large canopy tree.

D. **Lot Landscaping**

1. All lots, except active recreation areas requiring open area that are part of a school or public park, shall contain sufficient landscaping, either existing or planted, to have a minimum of 75 percent lot coverage with tree canopy measured as the mature canopy, not including building rooftops.

2. All permeable ground surfaces of lots in environments altered from their natural, predevelopment state and not provided for circulation of vehicles, bicycles or pedestrians shall be planted with vegetation or otherwise landscaped.

E. **Foundation Plantings**

1. Except when a build-to line or minimum setback identified in this Ordinance makes the provision of foundation plantings impractical, a foundation planting area at least 8 feet wide shall be maintained around all structures. The foundation planting shall incorporate a mixture of trees, shrubs, and ground covers in order to soften the building façade. Foundation plantings shall not be required along any building elevation or portion thereof that contains only service and/or delivery area that are not visible from any roadway.

2. Foundation planting(s), as described above, shall only be provided along the

front yard elevation(s) for single-family detached residential uses.

5.3.8 Fee In Lieu of Tree Replacement and/or Specific Landscaping

If it is determined that the required tree conservation and/or specific landscaping standards provisions of this Section will have an adverse impact on the intended use for a particular property, the Town Council may authorize the Applicant to pay a fee in lieu of planting to the Town of Bluffton Tree Fund. The fee per tree is based on the current market rate for the purchase, installation, and 1 year maintenance.

5.4 Natural Resources: Wetlands

No provisions of this Ordinance shall be construed to relieve the Applicant or Property Owner from the requirement to obtain permits from the United States Army Corps of Engineers and/or the State of South Carolina, as applicable, prior to the commencement of any land disturbance activity within the boundaries of a wetland or wetland buffer.

5.5 Natural Resources: River Buffer

5.5.1 Intent

The intent of this Section is to promote sustainable watersheds including nonpoint source pollution reduction measures that protect and restore water quality by:

A. Providing for the removal or reduction of sediments, nutrients, and potentially harmful or toxic substances in runoff entering the natural waterways in and around Bluffton;

B. Minimizing erosion and stabilize stream, cove, and river banks and shorelines;

C. Providing a habitat for flora and fauna along waterways; and

D. Protecting the aesthetic character of the waterways and shorelines in and around Bluffton.

5.5.2 Applicability

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

5.5.3 Standards

A. All vegetation, ground cover, understory trees and shrubs, and overstory trees shall be retained throughout the entire buffer. Removal of the existing vegetation shall only occur to accommodate the following:

1. To accommodate views, one-third of the total buffer zone area can be selectively trimmed and landscaped to provide a view between a height of 2 feet and 10 feet measured from the adjacent grade, provided that no more than a maximum contiguous area measuring 75 feet in a horizontal distance parallel to the Critical Line is selectively trimmed and landscaped at any one location, separated by a matching undisturbed buffer. Selective landscaping shall include native understory and groundcover plantings that do not require chemical treatment for survival or maintenance;

2. In addition to the standards in this Section, Tree Conservation, Landscaping and Buffers, and other applicable portions of this article shall apply.

B. Provided that the minimum land area required to serve the purpose is used, no development is permitted in the buffer with the exception of the following uses.

1. Pedestrian and/or vehicular access ways leading to docks, fishing piers, boat landings, other access way, or other approved water/marsh uses, provided that only permeable (excluding bare ground) or semi-permeable paving materials (such as open lattice block pavers) are used;
2. Docks, fishing piers, boat landings, or other approved water/marsh uses that by design must tie into the high ground adjacent to the marsh/water;
3. Flood control devices (from rising waters or tidal surge), erosion control devices, and other activities related to soil and water conservation;
4. Utility lines, including irrigation, which must cross the buffer shall be buried and any disturbed area shall be replanted with vegetation. In such a case, utility lines must be placed approximately perpendicular to the line of the buffer. If the installation of utility lines have a significant adverse impact to the buffer, additional buffer and plantings may be required to mitigate the impacts; and
5. Roads leading to bridges or causeways that cross the waterway provided the roads are configured to minimize disturbance into and within the buffer, and provided all shoulders are vegetated.

C. Docks, Piers, Boat Landings. In order to limit the impacts to the Town of Bluffton waterways, shared multiple user docks are encouraged over single user docks.

1. Docks (other than public docks) must originate from property that has at least 75 feet of water frontage. Lots with less than this required frontage may be eligible to share a dock with an adjacent property.
2. There may be no habitable structures located on the dock, fishing pier, boat landing, or elsewhere upon waters in the Town of Bluffton limits. Only open shelters and limited storage (e.g., for water skis, anchors, fishing equipment) are permitted.

D. Utility lines which must cross the water/marsh to serve facilities on the opposite side of the water/marsh shall be submerged below the surface or buried underground. In such a case, utility lines must be placed in a configuration that minimizes impact and potential hazards.

5.6 Open Space

5.6.1 Intent

The intent of this Section is to define and require open space types that are appropriate within a range of contexts. A variety of open space types shall be distributed throughout the Town of Bluffton.

5.6.2 Applicability

This Section applies to all development and redevelopment within the Town of Bluffton.

5.6.3 Open Space Requirement – All Development

For any development or redevelopment activities, regardless of the use, a minimum of twenty percent (20%) of the gross acreage shall be specifically identified and developed

or preserved as open space.

5.6.4 Open Space Requirement – Residential Development

In addition to other open space requirements of this Section, for any development or redevelopment activities including a residential use, a minimum of ten percent (10%) of the gross residential use acreage shall be specifically identified and developed to use as common open space and accessible to the residents or general public through deed restrictions, covenants, public dedication, or other method acceptable to the UDO Administrator.

5.6.5 Types of Land Included

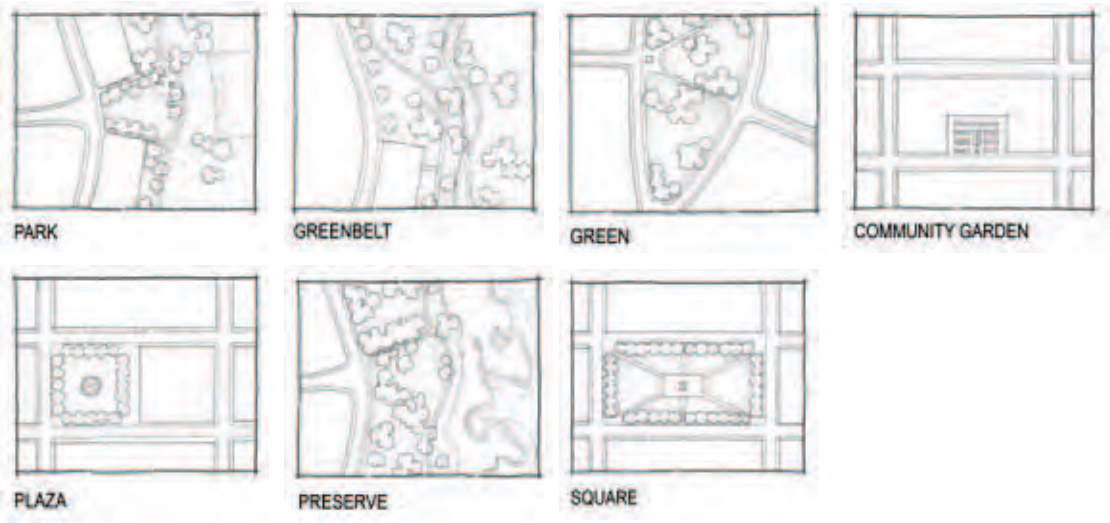
In order to fulfill the intent of this Section, the UDO Administrator may specify the type open space land to be provided. Otherwise, lands included as open space may include the following:

A. The following uses and combination thereof are permitted in the designated greenway / open space areas.
   1. Active recreation areas such as playfields or tennis courts;
   2. Central greens, neighborhood squares, plazas or commons;
   3. Community parks;
   4. Conservation of open land in its natural state;
   5. Greenbelts; and
   6. Stormwater detention areas designed and available for use as an integral part of the greenway trails and footpaths.

B. For development and redevelopment activities incorporate a residential use, the total open space required to be useable to and accessible by the residents and/or the general public shall balance active and passive areas. The type of open space to be provided in order to fulfill the intent of this Section shall include any of the following open space types and shall be designed in accordance with the following:
   1. Green: Green means an open space available for unstructured recreation, its landscaping consisting of grassy areas and trees. A green should be designed for passive and unstructured active recreation. Improvements to the green may consist of paths, benches, landscaping, and other improvements.
   2. Greenbelt: Greenbelt means a series of connected open spaces that follow natural features such as ravines, creeks or streams. A greenbelt is usually a combination of natural vegetation and landscaped or regularly maintained areas. Ideally, a greenbelt will provide pedestrian and bicycle connections to other open spaces in a larger open space system or to destinations such as schools, libraries, and neighborhood commercial areas. If access to a greenbelt is not continuous, then frequent access points should be provided as described in the following sections. Greenbelt width requirements are intended to promote a sense of openness and avoid a sense of enclosure.
   3. Park: Park means an open space, available for recreation, with landscape consisting of paths and trails, open lawn, trees, open shelters, or recreational facilities. Facilities may range from simple picnic tables, benches, or a

playground in a small park, to a recreation center, swimming pool, or sport field in a larger park. Other facilities may include playgrounds, shelters, sport courts, drinking fountains, parking lots, or restrooms. Park grounds are usually grassy and maintained on a regular basis for recreational activity, but may include some natural or formally landscaped areas.

4. Plaza: Plaza means open space usually at the intersection of important streets, set aside for civic purposes and commercial activity, including



parking, its landscape consisting of durable pavement and formal tree plantings. Civic or private buildings usually border a Plaza. Plazas may range from very active places with adjacent complimentary uses such as restaurants and cafes, to quiet areas with only seating, formal landscape plantings, and amenities such as fountains or public art.

5. Preserve: Preserve means open space that preserves or protects endangered species, a critical environmental feature, or other natural feature. Access to a preserve may be controlled to limit impacts on the environment. Development of the preserve is generally limited to trails, educational signs, and similar improvements.

6. Square: Square means open space that may encompass an entire block, is located at the intersection of important streets, and is set aside for civic purposes, with landscape consisting of paved walks, lawns, trees, and civic buildings. Streets border a square and may have major civic uses located on or adjacent to the square. The square is intended as a central place for the community and should accommodate a wide variety of formal and informal gatherings.

7. Community Gardens: Community gardens are groupings of garden plots that are available to nearby residents for small-scale cultivation. Such gardens may be provided as a component of other publicly accessible open spaces and/or civic uses, or may be provided as freestanding open spaces.

C. Required open space shall be reasonably accessible from all parts of the development, especially by pathways. Wherever feasible, the common open space shall connect into existing town parks, recreation, or conservation lands, historic sites, or lands proposed for park, recreation, or conservation in the

Comprehensive Plan, or lands in adjacent developments that are set aside, or proposed to be set aside, for common open space.

5.6.6 Ownership and Maintenance

A. **Maintenance.** Open space areas shall be maintained so that their use and enjoyment as open space is not diminished or destroyed. Common open space areas shall be owned permanently, preserved and maintained by any of the following mechanisms, combinations thereof, or alternative mechanisms approved by the UDO Administrator:

1. Dedication of common open space to an appropriate public agency, if there is a public agency willing to accept the dedication;
2. Common ownership of the open space by a Property Owner's or Home Owner's Association or a similar entity; and/or
3. Deed-restricted private ownership, which shall prevent development and/or subsequent subdivision of the common open space land and provide for the maintenance responsibility.

B. **Organization Responsible**

1. Such organization shall not be dissolved and shall not dispose of any open space, by sale or otherwise, except to an organization conceived and established to own and maintain the common open space for the benefit of such development, and thereafter such organization shall not be dissolved or dispose of any of its common open space.
2. The organization established to own and maintain common open space, or any successor organization, shall maintain the common open space in reasonable order and condition and in accordance with reasonable health, safety, and welfare standards.

5.7 Lot and Block Patterns

5.7.1 Intent

This Section promotes and enables the subdivision of land in a manner that permits more open space to be preserved. The standards also provide and protect more open, undeveloped land than would exist otherwise to absorb and filter rain water, reduce flooding and stormwater drainage needs, and lower the amount of pollution entering the streams and rivers.

5.7.2 Applicability

These standards are applicable to the subdivision and/or development of land within the Town of Bluffton.

5.7.3 Block and Roadway Layout & Design.

The layout, design, and construction of proposed roadways shall comply with the requirements of this article, the *Comprehensive Plan*, and any adopted Town specifications.

A. **Roadway alignment plan.**

1. When applicable, each street shall generally conform in alignment with that shown or indicated on the *Comprehensive Plan* or any standards adopted in compliance with the *Comprehensive Plan*.

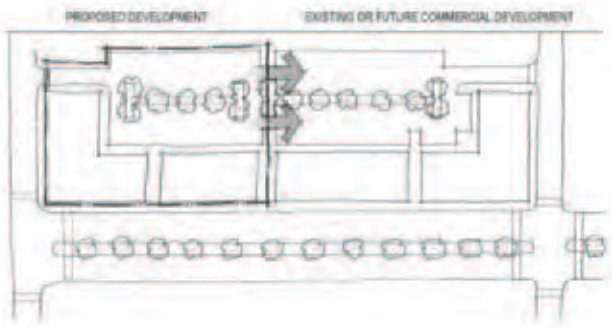
2. All subdivisions shall make dedications of necessary easements and rights-of-way and construct the improvements necessary to support the development of the subdivided land.

B. **Development access.**

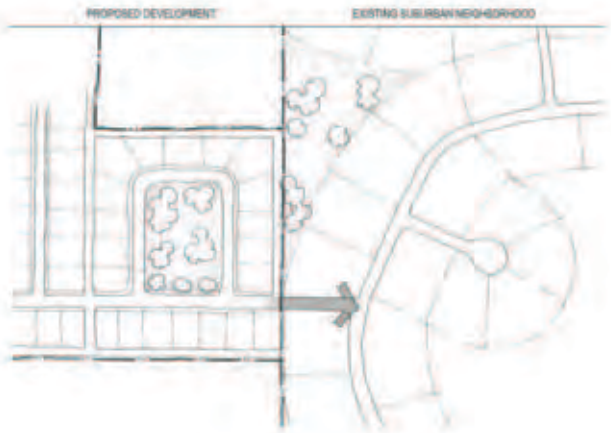
1. Unless it is determined by the UDO Administrator that secondary access is not feasible due to physical limitations, any development and each of its phases, if applicable, shall have a minimum of two points of vehicular ingress and egress from existing and surrounding streets. Temporary stub streets, designed in accordance with this article, connecting to a future phase of the subdivision may be permitted by the UDO Administrator.
2. In developments of land consisting of less than 10 residential lots this requirement may be waived or modified by the UDO Administrator.

C. **Connectivity**

1. Interconnected roadways. Roadways proposed within a new development shall be interconnected and shall connect with adjacent, external streets, to provide multiple routes for pedestrian and vehicle trips from, to, and



COMMERCIAL CONNECTIVITY



RESIDENTIAL CONNECTIVITY

within the development. Where a street connection is not practical, a non-motorized connection should be provided or planned at regular intervals.

2. Roadway extensions and stub roads.
   a. Where the development adjoins undeveloped property, roadways shall be extended to the adjacent property to provide access to the undeveloped property, as follows:
      (1) The stub road shall be constructed to the edge of the property without any restrictions or prohibitions preventing future extension of the stub road onto adjacent property.
      (2) In the case of stub roads extending to the boundary of the property, one stub road shall be required for every 1,500 feet of property perimeter where the property perimeter is not fronting an existing street. The UDO Administrator may waive this standard when connections are infeasible due to adjacent land uses, natural features,

topography, manmade features, or other physical factors.

(3) Where required by the UDO Administrator, a temporary connection to another roadway or a temporary turnaround shall be provided.

b. Where the development abuts protected, undeveloped property that will remain undeveloped, a stub road may not be required; however, access for non-motorized transportation may be required by the UDO Administrator.

3. Dead-end Roadways.
   a. Subdivision design shall not include dead-end roadways except where through streets cannot be provided because of existing development or an environmental feature requiring protection and/or preservation (e.g., a creek channel).
   b. The length of a dead-end roadway shall not exceed 750 feet, as measured from the center of the closest intersection to the center of the cul-de-sac bulb or other approved turnaround.
   c. Dead-end roadways shall provide a suitable turnaround designed to the satisfaction of the UDO Administrator.
   d. The length of a dead-end roadway shall not exceed 150 feet as measured from the face of curb or edge of pavement when no curb is present without the provision of a turnaround unless otherwise warranted for emergency access.

D. **Cul-De-Sacs.**

1. Cul-de-sacs shall only be permitted where all other street design alternatives, such as loop street or close street designs, are not feasible and one of the following two conditions exists:
   a. Where natural features such as wetlands exist.
   b. Where connection to an existing or planned street is blocked by an existing permanent structure or a protected open space area.
2. Cul-de-sacs shall include pedestrian connections to abutting streets wherever practicable.

5.7.4 Lot Layout and Design.

The arrangement, shape, and size of proposed parcels shall comply with this Section, and with any other provisions that apply to proposed subdivisions.

A. **Lot design standards.**

1. Buildable lots. Each proposed lot shall be determined by the review authority to be "buildable" because it contains at least one building site that can accommodate a structure in compliance with all applicable provisions of this Ordinance.
2. Islands and Strips of Land. No subdivision shall be approved which leaves unsubdivided islands, strips or parcels, or property unsuitable for subdividing, which is not either accepted by the Town of Bluffton or other appropriate entity for public use, or maintained as dedicated common area within the development.
3. Lot line orientation. Side lot lines shall be generally at right angles to the street on straight streets and shall be radial on curved streets.
4. Lot configuration. The layout of proposed lots and roadways shall be designed to use land efficiently and minimize site disturbance in terms of cuts and fills and the removal of vegetation.
5. Access. Every lot shall have access to a public or private roadway (access may be via a recorded cross or shared access easement). Subdivision design shall provide for safe and ready access for fire and other emergency equipment and for routes of escape to safely and efficiently handle evacuations.
6. Roadway frontage required.
   a. The frontage width shall be at least the minimum lot width required by the applicable Zoning District, except where a flag lot is approved in compliance with this Section.
   b. Through lots with roads along both the front and rear parcel lines shall be discouraged (an alley is not considered a roadway for the purposes of this Section.) Where through lots are created, a rear-yard landscaped buffer with a minimum width of 10 feet is required.
   c. For through lots as described herein, the UDO Administrator shall determine which frontage(s) shall be considered as the front lot line(s) for the purposes of compliance with the minimum applicable yard and setback requirements.

7. Flag lots. Flag lots may be approved only where the UDO Administrator first determines that unusual depth or other characteristic of a lot to be subdivided prevents one or more proposed lots from having a frontage width equal to the minimum lot width required by the applicable Zoning District.

5.7.5 Lot Orientation.

Each proposed development should be designed to provide maximum opportunities for energy conservation, including opportunities for passive or natural heating or cooling opportunities, as follows:

A. The roadways proposed in a development should be planned in a manner that allows the lot and building to take advantage of solar strategies and prevailing winds.

B. These recommendations should not be used in a way that forces irregular placement of building by shifting setbacks or non-perpendicular placement of buildings in relation to the roadway but rather through block and lot layout and building design in compliance with the provisions of this article.

5.7.6 Additional standards.

A. Pedestrian walkways away from roadway frontages.

1. The Town of Bluffton may require dedicated and improved pedestrian walkways in locations away from roadway frontages where necessary to provide safe and convenient pedestrian access.
2. Where walkways are required, the UDO Administrator shall specify the standards for their design and construction.

5.8 Lot and Building Standards

5.8.1 Intent

This Section sets forth regulations for lots and buildings, such as lot dimensions, lot coverage, building placement, and building height. The goal of this Section is the creation of a healthy and vital public realm. The standards also provide and protect more open, undeveloped land than would exist otherwise to absorb and filter rain water, reduce flooding and stormwater drainage needs, and lower the amount of pollution entering our watersheds.

5.8.2 Applicability

These standards are applicable to all development and redevelopment within the Town of Bluffton outside of the *Old Town Bluffton Historic District*.

5.8.3 Standards

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

Table 5.8.3.A
Lot Types by District

	Farm House Lot	Country House Lot	Estate House Lot	Large House Lot	Medium House Lot	Small House Lot	Duplex House Lot	Small Townhouse Lot *	Large Townhouse Lot*	Live/Work Lot	Small Multi-Family Lot	Medium Multi-Family Lot	Large Multi-Family Lot	Small Mixed-Use Lot	Medium Mixed-Use Lot	Large Mixed-Use Lot	Workplace Lot	Small Commercial Lot	Large Commercial Lot	Industrial Lot	Civic Lot
PR																					•
AG	•	•	•																		•
RMU	•	•	•	•	•									•				•			•
RG	•	•	•	•	•	•	•	•	•		•	•									•
NC				•	•	•	•	•	•	•	•	•		•	•			•			•
GM						•	•	•	•	•	•	•	•	•	•	•	•	•	•		•
LIT				•					•				•			•	•	•	•	•	•

Table 5.8.3.B
Lot Standards

Lot Type	Permitted in Districts	Lot Width/Building Width (if specified)	Building Setbacks**			Lot Coverage (max)	Height (min/ max in stories)
			Front	Rear***	Side***		
Farm House Lot	AG RMU RG	150 ft. min, no max	50 ft. min.	80 ft. min.	20 ft. min.	30%	1-3
Country House Lot	AG RMU RG	110 ft. min, 150 ft. max	40 ft. min.	50 ft. min.	15 ft. min.	40%	1-3
Estate House Lot	AG RMU RG	90 ft. min, 110 ft. max	30 ft. min.	40 ft. min.	15 ft. min.	50%	1-3
Large House Lot	RMU RG NC LI	70 ft. min., 90 ft. max	12 ft. min. 40 ft. max.	30 ft. min.	10 ft. min.	60%	1-3
Medium House Lot	RMU RG NC	50 ft. min., 70 ft. max.	12 ft. min. 30 ft. max.	30 ft. min.	8 ft. min.	60%	1-3
Small House Lot	RG NC GM	30 ft. min., 50 ft. max.	10 ft. min. 24 ft. max.	25 ft. min.	5 ft. min.	65%	1-3

Table 5.8.3.B
Lot Standards

Lot Type	Permitted in Districts	Lot Width/Building Width (if specified)	Building Setbacks**			Lot Coverage (max)	Height (min/ max in stories)
			Front	Rear***	Side***		
Duplex House Lot	RG NC GM	25 ft. min., 40 ft. max.	10 ft. min. 24 ft. max.	20 ft. min.	0 ft. min. 5 ft. min. total	65%	1-3
Small Townhouse Lot *	RG NC GM	16 ft. min., 24 ft. max.	0 ft. min. 12 ft. max.	10 ft. min.	0 ft. min.	80%	1-3
Large Townhouse Lot*	RG NC GM LI	24 ft. min., 40 ft. max.	0 ft. min. 20 ft. max.	10 ft. min.	0 ft. min.	70%	2-3
Live/Work Lot	NC GM	22 ft. min., 70 ft. max.	0 ft. min. 12 ft. max.	10 ft. min.	0 ft. min. 10 ft. min. total	80%	2-3
Small Multi-Family Lot	NC GM RG	60 ft. min., 80 ft. max.	10 ft. min. 20 ft. max.	10 ft. min.	0 ft. min. 6 ft. min. total	80%	1-2
Medium Multi-Family Lot	NC GM RG	80 ft. min., 120 ft. max.	10 ft. min. 25 ft. max.	20 ft. min.	5 ft. min.	75%	2-3
Large Multi-Family Lot	GM LI	120 ft. minimum, 600 ft. maximum, provided that no building may exceed 200 ft. in width	10 ft. min. 30 ft. max.	30 ft. min.	10 ft. min.	70%	2-4
Small Mixed-Use Lot	RMU NC GM	22 ft. minimum, 80 ft. maximum, provided that no building may exceed 80 ft. in width.	10 ft. min. 24 ft. max.	10 ft. min.	0 ft. min.	80%	1-2
Medium Mixed-Use Lot	NC GM	80 ft. minimum, 120 ft. maximum, provided that no building may exceed 120 ft. in width.	10 ft. min. 24 ft. max.	10 ft. min.	0 ft. min.	75%	2-3
Large Mixed-Use Lot	GM LI	120 ft. minimum, no maximum, provided that no building may exceed 200 ft. in width.	10 ft. min. 24 ft. max.	10 ft. min.	0 ft. min.	70%	2-4
Workplace Lot	GM LI	40 ft. minimum, no maximum, provided that no building may exceed 300 ft. in width.	10 ft. min. 24 ft. max.	10 ft. min.	0 ft. min.	80%	1-5

Table 5.8.3.B
Lot Standards

Lot Type	Permitted in Districts	Lot Width/Building Width (if specified)	Building Setbacks**			Lot Coverage (max)	Height (min/ max in stories)
			Front	Rear***	Side***		
Small Commercial Lot	RMU NC GM LI	16 ft. min., 200 ft. max.	10 ft. min.	20 ft. min.	5 ft. min.	80%	1-2
Large Commercial Lot	GM LI	200 ft. min., no max.	10 ft. min.	30 ft. min.	10 ft. min.	75%	1-5
Industrial Lot	LI	150 ft. min, no max.	30 ft. min	30 ft. min	20 ft. min.	60%	1-3
Civic Lot	All Non-HD Districts	50 ft. min., no max.	10 ft. min	10 ft. min	10 ft. min.	80%	1-5

Notes:

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

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

*** Detached accessory structures must be setback a minimum of 3 feet from the property line.

5.9 Transportation Network and Design

5.9.1 Intent

The intent of this Section is to provide an array of facilities and amenities recognized as contributing to:

A. Connectivity to reduce the number and length of vehicle trips;

B. Pedestrian and bicycle safety improvements;

C. Access management to reduce conflicts along streets with increased accident potential;

D. Access improvements, including compliance with the Americans with Disabilities Act;

E. Public transit facilities; and

F. Street amenities.

5.9.2 Applicability

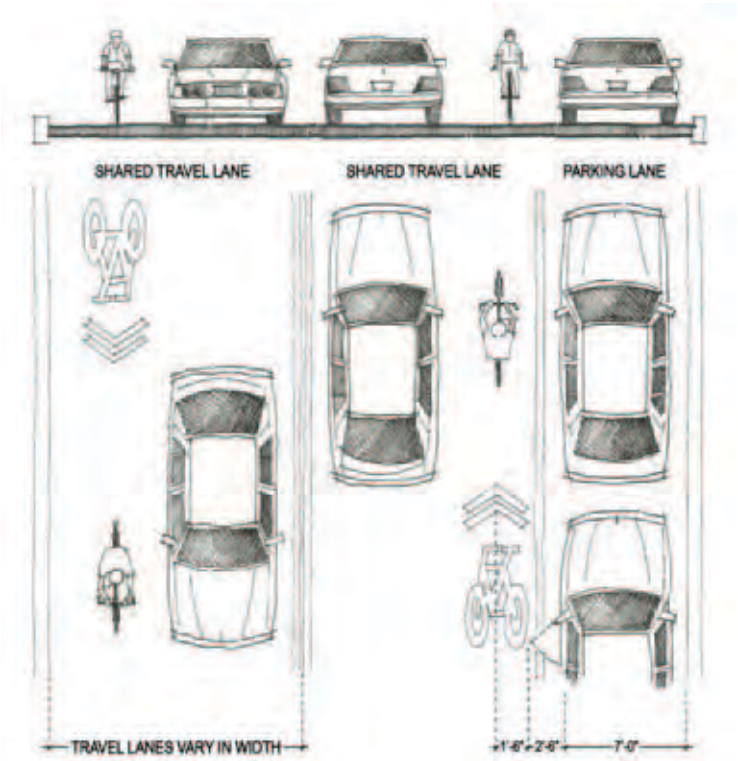
The transportation network standards within this section apply to all development and redevelopment within the Town of Bluffton.

5.9.3 Standards

A. Construction standards shall meet or exceed the South Carolina Department of Transportation (SCDOT) standards. Specifications shall meet the intent of SCDOT specifications. Alternative designs and or specifications may be approved by the UDO Administrator.

B. Transportation Analysis Standards.

1. A traffic assessment will be required for all development, including expansion at an existing site, to determine the impact of the proposed development on the transportation system. When it is determined through a traffic assessment that the proposed development may result in a potential safety hazard or in the need to improve adjacent roadways and/or intersections, the UDO Administrator may require a traffic impact analysis (TIA) to be submitted. A traffic assessment shall include, at a minimum, the following:

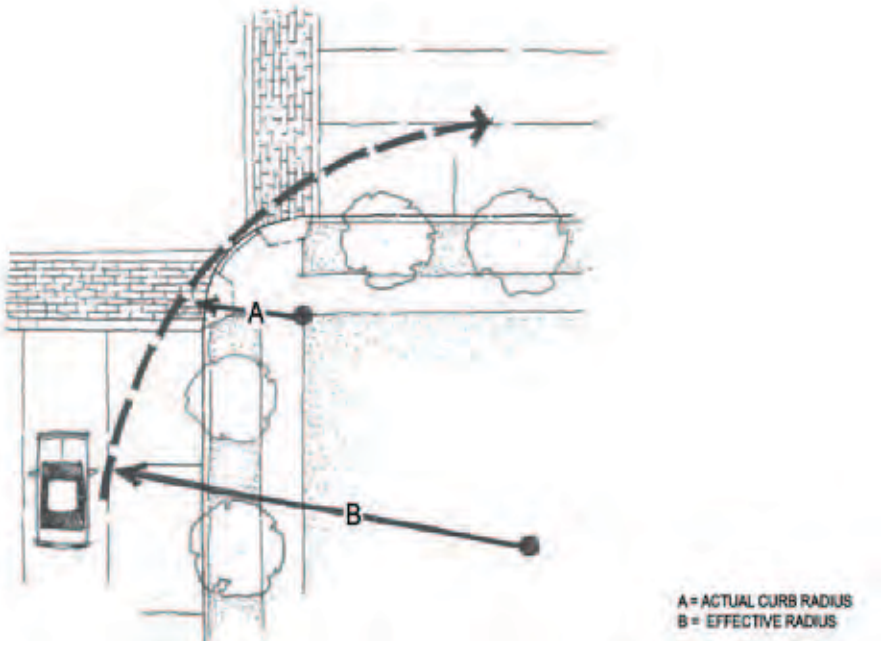


Sharrows

a. General Site Description. Describe the size of the proposed development site, the existing and proposed zoning, the proposed land use, the development proposal, and details of the surrounding existing and future land uses and roadway access.

b. Trip Generation. Calculate the Average Annual Daily Trips, morning peak hour traffic and afternoon peak hour traffic that could potentially be generated by full development of the proposed land use. The maximum density allowed by the zoning and proposed development should be used when calculating the number of potential generated trips. The Institute of Transportation Engineers (ITE) Trip Generation shall be used to determine the trip generation calculations.

c. Roadway Conditions and Access Potential. Classify the roadways surrounding the site as defined by the Beaufort County Functional



Classification Map. Calculate the existing and future roadway segment and intersection LOS using the methods described in the latest edition of the Highway Capacity Manual for two lane or multi-lane highways. Calculate the sight distance based on the approach speed on the adjacent road and procedures described in the American Association of State Highway and Transportation Officials (AASHTO) book *A Policy on Geometric Design of Highways and Streets* for both intersection sight distance and stopping sight distance.

d. Conclusions. Provide an engineering opinion of the ability of the surrounding street network to support the potential traffic generated by the proposed land use.

2. If required, a TIA shall be developed in accordance with SCDOT Access and Roadside Management Standards (ARMS).

3. The UDO Administrator may waive the requirement for providing a traffic assessment for those developments where the Applicant can demonstrate

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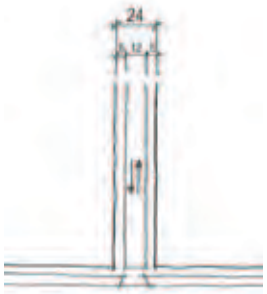
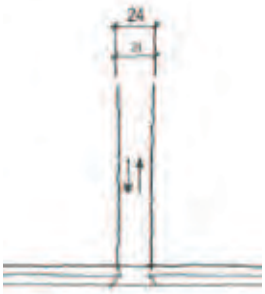
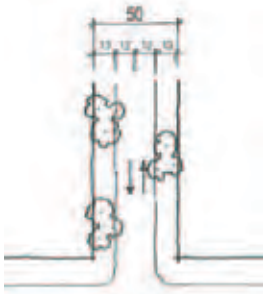
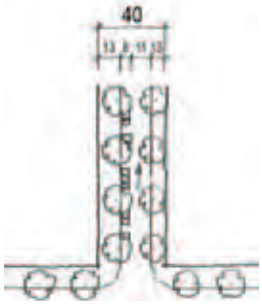
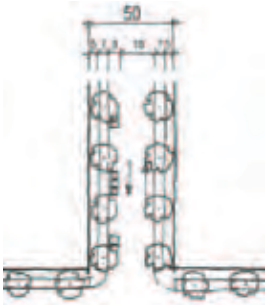
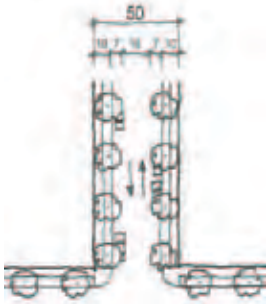
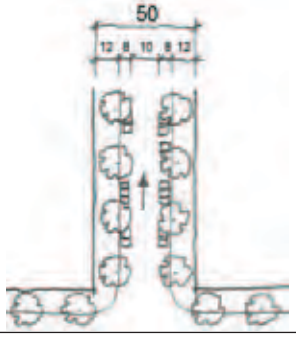
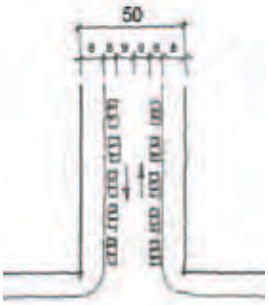
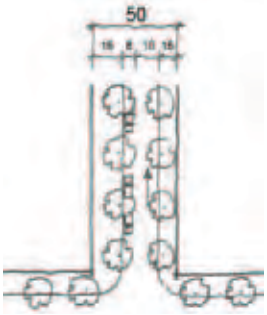
			
Roadway Type	Rear Lane	Rear Alley	Road
Zoning Districts	RG	NC, GM	PR, AG, RMU, RG
Right-of-Way width	24 ft.	24 ft.	50 ft.
Pavement Width	12 ft.	24 ft.	24 ft.
Min. Design Speed	10 MPH	10 MPH	40 MPH
Traffic Lanes	2 lanes	2 lanes	2 lanes
Parking Lanes	None	None	None
Curb Radius	Taper	Taper	30 feet
Walkway Type	None	None	Path optional
Planter Type	None	None	Continuous Swale
Curb Type	Inverted Crown	Inverted Crown	Swale

	ST-40-19	ST-50-26	ST-60-34
			
Roadway Type	Street	Street	Street
Zoning Districts	GM	NC, GM	RG, NC, GM
Right-of-Way width	40 ft.	50 ft.	60 ft.
Pavement Width	19 ft.	26 ft.	34 ft.
Min. Design Speed	25 MPH	25 MPH	25 MPH
Traffic Lanes	1 lane	2 lanes	2 lanes
Parking Lanes	One side @ 7 ft. marked	One side @ 8 ft. marked	Both sides @ 7 ft. marked
Curb Radius	30-35 ft.	30 ft.	30 feet
Walkway Type	13/8 ft. sidewalk	5 ft. sidewalk	6 ft. sidewalk
Planter Type	4x4" tree wall	7 ft. continuous planter	7 ft. continuous planter
Curb Type	Curb	Curb	Curb

	CS-50-26	ST-50-34	CS-50-22
			
Roadway Type	Commercial Street	Street	Commercial Street
Zoning Districts	NC, GM	RG, NC, GM	NC, GM
Right-of-Way width	55 ft.	50 ft.	50 ft.
Pavement Width	29 ft.	32 ft.	22 ft.
Min. Design Speed	25 MPH	25 MPH	425 MPH
Traffic Lanes	1 lane	2 lanes	1 lane
Parking Lanes	Both sides @ 7 ft. marked	Both sides @ 8 ft. marked	One side @ 8 ft. marked
Curb Radius	30 ft.	30 feet	30 feet
Walkway Type	13 ft. sidewalk	9 ft. sidewalk	10 ft. sidewalk
Planter Type	4x4" tree wall	None	8 ft. continuous planter
Curb Type	Curb	Curb	Curb

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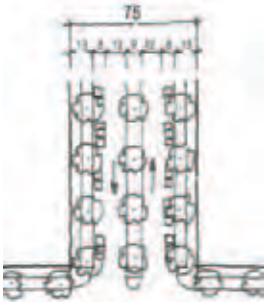
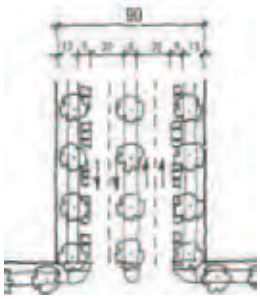
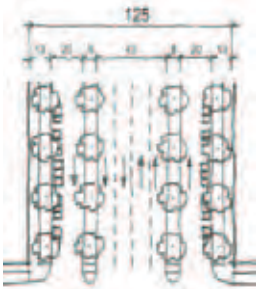
		
Roadway Type	Commercial Street	Avenue
Zoning Districts	NC, GM	RG, NC, GM
Right-of-Way width	80 ft.	75 ft.
Pavement Width	54 ft.	40 ft. total
Min. Design Speed	25 MPH	35 MPH
Traffic Lanes	2 lanes	2 lanes
Parking Lanes	Both sides angled or reverse angled @ 17 ft. marked	Both sides @ 8 ft. marked
Curb Radius	30 ft.	30 ft.
Walkway Type	13 ft. sidewalk	6 ft. sidewalk
Planter Type	4x4" tree wall	7 ft. continuous planter
Curb Type	Curb	Curb or Swale

	AV-90-56	BV-125-43
		
Roadway Type	Avenue	Boulevard
Zoning Districts	RG, NC, GM	NC, GM
Right-of-Way width	90 ft.	125 ft.
Pavement Width	56 ft. total	20 ft., 43 ft., 20 ft.
Min. Design Speed	40 MPH	40 MPH
Pedestrian Crossing Time	5.7 seconds 5-7 seconds at corners	5.7 seconds, 12.2 seconds, 5.7 seconds
Traffic Lanes	4 lanes	4 lanes and two one-way slip roads
Parking Lanes	Both sides @ 8 ft. marked	8 ft.
Curb Radius	30 feet	30 ft.
Walkway Type	6 ft. sidewalk	6 ft. sidewalk
Planter Type	7 ft. continuous planter	7 ft. continuous planter
Curb Type	Curb or Swale	Curb

the proposed use(s) will generate fewer than 50 trips during the peak hour of the traffic generator or the peak hour of the adjacent street, provided there are no readily apparent improvements necessary to the adjacent roadways or intersections or potential transportation safety hazards created by the development.

C. Roadways shall be designed in context with the desired form, intended quality of service for expected users (motorists, goods movement, pedestrians, bicyclist, transit users) and target vehicle speed that may change with the zoning districts which the roadway traverses. The Zoning Districts shall be considered when determining the roadway design.

D. Roadways shall be designed to balance safety, mobility, community goals and the environment. Roadways shall provide appropriate pedestrian and vehicle mobility options, shall provide appropriate locations for utilities, and shall be designed with the capacity to support adjacent planned future development.

E. The layout, arrangement, character, width, grade, and location of roadways may be required to conform to the general plan of the entire tract, to adjoining roadway systems, to the major roadway plans of the Town, and to the topography, natural features, and drainage systems to be provided.

F. Roadways shall be designed to accommodate existing, planned and future public transit.

G. Bicycle and Non-Motorized Vehicle Provisions: Roadway and community design shall provide an opportunity for non-motorized transportation via a network of sidewalks, pathways, routes, lanes, and/or trails. Non-motorized transportation networks shall be connected to existing or proposed regional networks wherever possible. Bike routes to be included in the roadway may be provided in dedicated and marked bike lanes or indicated with the use of sharrows (see figure below). Sharrows may be used on roadways with speeds no greater than 35 mph and Average Annual Daily Traffic (AADT) of 10,000 or less.

H. **Curb Radius Modifications & Intersection Sight Triangles**. The dimensions for curb radii standards in this article are provided to accommodate pedestrians as well as emergency and service vehicles. In general, smaller curb radii are promoted to narrow street crossing and reduce vehicle travel speed to improve the crossing condition for pedestrians. See the figure above which illustrates the difference between the curb radius and effective turning radius.

I. **Pedestrian Treatments at Intersections—Crosswalks**: Marked crosswalks shall be provided where sidewalks exist for stop-controlled and signalized intersections.

J. **Roadway Types and Design Assemblies**: Any development or redevelopment may include several roadway types depending on the Zoning District and land use. A choice of roadway types is provided below. An Applicant may also submit an alternate roadway type that may be approved by the UDO Administrator.

The following road designs apply to private roads and roads under the jurisdiction of the Town of Bluffton. These design standards should also be used for roads under the jurisdiction of Beaufort County or the South Carolina DOT to the extent practical, unless there is a conflict with the applicable published standards of the road agency.

5.9.4 Access Management Standards

A. **Intent**

1. The intent of this Section is to improve traffic operations; reduce potential for crashes; improve pedestrian and transit environments; and preserve the vehicular carrying capacity of roads through regulations on the number, spacing, placement and design of access points (driveways and intersections).
2. This Section is also intended to help ensure coordination between the Town of Bluffton and Beaufort County and the South Carolina Department of Transportation (SCDOT) for access to roads under their jurisdiction.

B. **Applicability**

1. Regulations. Regulations adopted by the applicable jurisdictions shall apply for sites along state or county roads. Where conflicts occur, the more restrictive regulations and standards shall apply.
2. Development Regulated. The standards of this section shall apply to development with frontage along arterial and collector roadways as noted below.

C. **Standards**

1. Compliance with Corridor Plan. Access shall generally be consistent with Access Management Plans and Corridor Plans adopted by the Town of Bluffton and the recommendations of any related plan.
2. Number of Driveways. The number of driveways shall be the fewest necessary to provide reasonable access to the site.
3. Intersection and Driveway Spacing. Spacing shall be governed by the SCDOT Access and Roadside Management Standards (ARMS).
4. Consideration of Adjacent Sites. Where the subject site adjoins land that may be developed or redeveloped in the future, the access shall be located to ensure the adjacent site(s) can also meet the access location standards in the future and a connection shall be provided between adjacent sites.
5. Access Design. Where practical given right-of-way constraints, driveways shall be designed with radii, tapers and other geometries as determined by the UDO Administrator in consideration to the disruption of through traffic and to provide a safe crossing environment.
6. Sight Distance. Driveways shall be located so as not to interfere with safe intersection sight distance as determined by American Association of State Highway and Transportation Officials (AASHTO) Green Book as amended.
7. Shared Driveways. Where possible access shall be provided via a shared driveway or service drive.
8. Restricted Turning Movement. Where driveways are proposed along a road segment defined as a high crash rate area, one that experiences significant traffic congestion/ delays, or where left-turn access is available through other means, driveway design may be required to include channelization or signage that prohibits certain turning movements.

5.10 Stormwater

5.10.1 General provisions

A. **Intent**

1. The May River and the surrounding receiving waters have been designated by the State of South Carolina as Outstanding Resource Waters. The use of the river's natural resources has historical and traditional significance to the area in general and to the Town of Bluffton in particular. It is in the public interest that the pristine condition of these areas be maintained and preserved for future generations. Uncontrolled stormwater runoff may have significant, adverse impact on the health, safety and general welfare of the Town and the quality of life of its citizens by transporting pollutants into receiving waters and by causing erosion and/or flooding. Development and redevelopment may alter the hydrologic response of local watersheds and increases stormwater runoff rates and volumes, flooding, soil erosion, stream channel erosion, non-point pollution, and sediment transport and deposition, as well as reducing groundwater recharge. These changes in stormwater runoff may contribute to increased quantities of water-borne pollutants and alterations in hydrology which are harmful to public health, safety, and welfare, as well as to the natural environment.
2. Point source pollution may have significant, adverse impact on the health, safety and general welfare of the Town and the quality of life of its citizens by transporting pollutants into receiving waters. The allowance of discharge pipes and outfalls for non-stormwater discharges, illegal dumping, and improper handling of accidental spills and intentional disposals increase the quantities of water-borne pollutants which are harmful to public health, safety, and welfare, as well as to the natural environment.
3. The effects of point and non-point source pollution, such as uncontrolled runoff, have shown evidence of degradation of the Town's receiving waters; thereby adversely affecting the unique qualities of the Town's receiving waters, its recreational opportunities and commercial, oystering, boating and fishing, the ecosystem's ability to naturally reproduce and thrive, and the general ability of the area to sustain its natural estuarine resources.
4. These deleterious effects can be managed and minimized by applying proper design and well-planned controls to manage stormwater runoff from development and redevelopment sites, manage existing natural features that maintain hydrology and provide water quality control, and eliminate potential sources of pollution to receiving waters. Public education regarding the cause and effect of these types of pollutions and the implementation of the controls and management policies is key to fundamentally changing public behavior.
5. This article is not in conflict with any development agreements to which the Town is a party and does not prevent the development set forth in any development agreement.
6. This article is essential to the public health, safety or welfare and shall apply to any development that is subject to a development agreement.
7. Laws of general application throughout the Town necessary to protect

health, safety and welfare are anticipated and are provided for in development agreements.

8. Substantial changes in developmental impacts have occurred since the time the development agreements were signed, which changes, if not addressed in this article would pose a threat to public health, safety or welfare.

B. **Purpose**

1. It is the purpose of this article to protect, maintain, and enhance the environment of the Town and the short and long-term public health, safety, and general welfare of the citizens of the Town by establishing requirements and procedures to control the potential adverse effects of increased stormwater runoff associated with both future development, re-development, and existing developed land. Proper management of stormwater runoff will minimize damage to public and private property, ensure a functional drainage system, reduce the effects of development on land and stream channel erosion, attain and maintain water quality standards, enhance the local environment associated with the drainage system, reduce local flooding, reduce pollutant loading to the maximum extent practicable and maintain to the extent practicable the pre-developed hydrologic characteristics of the area, and facilitate economic development while minimizing associated pollutant, flooding, and drainage impacts.
2. This article specifically authorizes and enables the Town at a minimum to:
   a. Prohibit Illicit Discharges to the Stormwater System and receiving waters.
   b. Define procedures for site plan review, inspection, and enforcement relative to stormwater management.
   c. Control the discharge of spills, dumping or disposal of materials other than stormwater to the Stormwater System and receiving waters.
   d. Address specific categories of non-stormwater discharges and similar other incidental non-stormwater discharges.
   e. Require temporary erosion and sediment controls to protect water quality to the maximum extent practicable during construction activities, in accordance with current state regulations.
   f. Define procedures for receipt and consideration of information submitted by the public.
   g. Address runoff, particularly volume, rate, and quality through the control and treatment of stormwater with stormwater management facilities and/or Best Management Practices (BMPs).
   h. Develop post-construction stormwater quality performance standards, through enforcement of minimum design standards for BMPs.
   i. Ensure effective long-term operation and maintenance of BMPs.
   j. Carry out all inspection, surveillance, monitoring, and enforcement procedures necessary to determine compliance and noncompliance with this article and stormwater permit (permit) conditions including the prohibition of Illicit Discharges to the Town's Stormwater System and the protection of water quality of the receiving waters.
3. The article requires prudent site planning, including special considerations

for the purposes of preserving natural drainage ways incorporating on-site stormwater detention and infiltration to minimize runoff from individual sites to receiving waters by use of effective runoff management, structural and non-structural BMPs, drainage structures, and stormwater facilities to maintain the pre-development hydrology of a development.

C. **Applicability**
Beginning with and subsequent to its effective date, this article shall be applicable to:

1. All Development and Redevelopment
2. Any illicit discharges.
3. The provisions of this article shall apply throughout the incorporated areas of the Town.

5.10.2 Stormwater Management Program

A. **Development of Program.** Stormwater Management Program (Program) shall be developed by the Town to administer and implement the regulations of this article shall be set out in the *Stormwater Design Manual*. The Program, as amended from time to time by the Town, is hereby adopted for the duration of this article as the official operational Program.

B. **Coordination with Other Agencies.** The UDO Administrator will coordinate the Town's activities with other federal, state, and local agencies, which manage and perform functions relating to the protection of receiving waters.

C. **Cooperation with Other Governments.** The Town may enter into agreements with other governmental and private entities to carry out the purposes of this article. These agreements may include, but are not limited to enforcement, resolution of disputes, cooperative monitoring, and cooperative management of stormwater systems and cooperative implementation of stormwater management programs. Nothing in this article or in this section shall be construed as limitation or repeal of any ordinances of these local governments or of the powers granted to these local governments by the South Carolina Constitution or statues, including, without limitation, the power to require additional or more stringent stormwater management requirements within their jurisdictional boundaries.

D. **Stormwater Design Manual**

1. Reference to a Design Manual. The UDO Administrator shall use the policy, criteria, and information, including technical specifications and standards, in the *Stormwater Design Manual* as the basis for decisions about stormwater plans and about the design, implementation and performance of structural and non-structural stormwater BMPs. At a minimum, the *Stormwater Design Manual* shall describe in detail how post-development stormwater hydrology will be controlled and managed, the design of all stormwater facilities and practices, and how the proposed project will meet the requirements of this article. The *Stormwater Design Manual* includes a list of acceptable stormwater treatment practices, including the specific design criteria for each stormwater practice.
2. Relationship of Design Manual to Other Laws and Regulations. If the specifications or guidelines of the *Design Manual* are more restrictive or apply a higher standard than other laws or regulations, that fact shall not prevent

application of the specifications or guidelines in the Design Manual.

5.10.3 Standards

A. **General Requirements**

1. All development, including single family lots not part of a larger common plan of development, in the Town shall meet the following General Requirements to the maximum extent practicable. Developments requiring the stormwater management plans for construction shall meet all Requirements of this article.
2. All development shall disconnect Impervious Surfaces with vegetative surfaces to the maximum extent practicable.
3. Stormwater runoff shall be controlled in a manner that:
   a. Promotes positive drainage from structures resulting from development.
   b. Includes the use of vegetated conveyances, such as swales and existing natural channels to promote infiltration.
   c. Promotes runoff velocities that maintain sheet flow condition to prevent erosion and promote infiltration.
   d. Limits its interaction with potential pollutant sources that may become water-borne and create non-point source pollution.
4. Natural vegetative buffers play an integral part in minimizing the volume of stormwater runoff by promoting infiltration and acting as a first line of treatment of water quality pollution. Development shall observe the buffer requirements of this article; or if applicable the relevant development agreement, concept plan, and/or approved master plan.

B. **Stormwater Design Requirements for Development**

1. Development shall control the post-development runoff discharge rate for the 2-, 10-, and 25-year, 24-hour design storm events to pre-development levels with structural BMPs.
2. All development and redevelopment, including highways, shall use site planning, design, construction, and maintenance strategies for the property to maintain or restore, to the maximum extent technically feasible, the pre-development hydrology of the property with regard to the temperature, rate, volume, and duration of flow.
3. Development that incorporates engineered stormwater collection, conveyance, and storage systems shall design the systems to design criteria established in the *Stormwater Design Manual*.

C. **Water Quality Requirements**

1. In areas of Hydrologic Soil Groups A and B, the development shall control and infiltrate the first one inch of stormwater runoff from the entire development or maintain the pre-development hydrology of the property for the Water Quality Design Storm Event, whichever is greater.
2. In areas of Hydrologic Soil Groups C and D only, the development shall maintain the pre-development hydrology of the property for the Water Quality Design Storm Event.
3. Undisturbed natural areas will not be required to demonstrate that such areas can retain the first one inch of runoff.

D. **BMP Requirements**

1. Effectiveness of infiltration practices is dependent on the site conditions. The *Stormwater Design Manual* outlines guidance for properly siting infiltration practices and shall be reviewed prior to the design phase.
2. The owners of all new developments that receive a permit from the Town shall be required to perform stormwater quality monitoring at their expense to ensure compliance with the provisions of this article and ensure that structural BMPs are operated as intended.
   a. Structural BMPs shall be monitored individually up to 36 months from final as-built inspection for water quality performance. This initial monitoring period shall provide the Town and owner or operator of the structural BMP with information to improve the performance of the structural BMP if failing to operate as intended.
   b. Monitoring test results from a DHEC Certified Laboratory of fecal coliform, turbidity, total phosphorus and total nitrogen will be required to be submitted to the Town each month from May to September and each November, January and March.
   c. At least half of the samples gathered will need to be taken within 24 hours of a rain event one-half inch or greater.
   d. If 20 percent or more of the samples fail to meet the water quality, then within 60 days of reporting of such a sample failure, the operator of the stormwater system shall submit to the Town Engineer a corrective action plan stipulating how compliance with the DHEC water quality standards will be met. Violations of any single test parameter shall constitute a failure for that sampling period.
3. Water quality standards will be initially established as the pre development pollutant loading levels. A determination of the pre development pollutant loading shall be provided to the UDO Administrator and the UDO Administrator shall determine if such information is sufficient to establish the pre development pollutant loading levels. In all cases, post development pollutant loading cannot exceed pre development levels.
4. All construction and implementation of erosion and sediment control BMPs shall comply with the requirements of the South Carolina Stormwater Management and Sediment Reduction Act.
5. Developments submitting monthly inspection reports in accordance with the State Sediment and Erosion Control Act shall submit copies of those reports to the Town for the duration of the construction phase. The Town reserves the right to perform other monitoring as it deems appropriate to determine compliance with the State Sediment and Erosion Control Act.

E. **Irrigation System**

Irrigation systems must first make use of all available surface stormwater runoff or other retained or detained stormwater as the water supply. No groundwater wells or use of potable water for irrigation of any kind will be permitted in developments or redevelopments unless it can be demonstrated that alternative sources of irrigation water will not exceed pre-development conditions. In addition, no irrigation systems shall be placed within fifty feet of a natural creek,

marsh, or estuary where soils and/or grade will allow such irrigation water to flow or migrate to such a natural creek, marsh, or estuary.

F. **Waiver.** Individuals seeking a waiver in connection with a Stormwater Plan may submit to the UDO Administrator a request for a waiver from the requirements of this article if exceptional circumstances applicable to a site exist such that adherence to the provisions of the article will result in unnecessary hardship and will not fulfill the intent of the article.

1. Request of Waiver at Staff Level. A written request for a waiver is required and shall state the specific waiver sought and the reasons, with supporting data, a waiver should be granted. The request shall include all information necessary to evaluate the proposed waiver. The applicant will address the three areas of consideration for waiver approval as follows:
   a. What exceptional circumstances to the site are evident?
   b. What unnecessary hardship is being caused?
   c. How will denial of the waiver be inconsistent with the intent of the article?
2. Review of Waivers. The UDO Administrator will conduct a review of the request and will issue a decision within 15 working days of receiving the request.

5.10.4 Maintenance

A. **General Requirements**

1. Function of BMPs as Intended. The owner of each structural BMP installed pursuant to this article shall maintain and operate it to preserve and continue its function in controlling stormwater quality and quantity at the degree or amount of function for which the structural BMP was designed.
2. Right of Town to Inspection. Every Structural BMP installed pursuant to this article shall be made accessible for adequate inspection by the Town.
3. Annual Maintenance Inspection and Report. The person responsible for maintenance of any structural BMP installed pursuant to this article shall submit to the UDO Administrator an inspection report from a registered South Carolina Professional Engineer or Landscape Architect. The inspection report, at a minimum, shall contain all of the following:
   a. The name and address of the land owner;
   b. The recorded book and page number of the lot of each structural BMP or a digital representation of the geographic location of each structural BMP;
   c. A statement that an inspection was made of all structural BMPs;
   d. The date the inspection was made;
   e. A statement that all inspected structural BMPs are performing properly and comply with the terms and conditions of the approved maintenance agreement required by this article;
   f. The original signature and seal of the engineer inspecting the structural BMPs; and
   g. Digital photographs of the structural BMPs and pertinent components integral to its operation, including but not limited to inlet/outlet control

structures, downstream receiving channel/area, embankments and spillways, safety features, and vegetation.

h. All inspection reports shall be on forms supplied by the UDO Administrator. An original inspection report shall be provided to the UDO Administrator beginning one year from the date of record drawings certification and each year thereafter on or before the date of the record drawings certification.

B. **Operation and Maintenance Agreement**

1. Prior to the conveyance or transfer of any lot or building site requiring a structural BMP pursuant to this article, the applicant or owner of the site must execute an operation and maintenance agreement. The operations and maintenance agreement must be approved by the UDO Administrator or his designee, and shall be binding on all subsequent owners of the site, portions of the site, and lots or parcels served by the structural BMP. Until the transference of all property, sites, or lots served by the structural BMP, the original owner or applicant shall have primary responsibility for carrying out the provisions of the maintenance agreement.
2. The operation and maintenance agreement shall:
   a. Require the owner or owners to maintain, repair and, if necessary, reconstruct the structural BMP,
   b. State the terms, conditions, and schedule of maintenance for the structural BMP.
   c. Grant to the Town a right of entry in the event that the UDO Administrator have reasons to believe it has become necessary to inspect, monitor, maintain, repair, or reconstruct the structural BMP; however, in no case shall the right of entry, of itself, confer an obligation on the Town to assume responsibility for the structural BMP.
   d. Allow the Town to recover from the property or home owner's association and its members any and all costs the Town expends to maintain or repair the structural BMPs or to correct any operational deficiencies. Failure to pay the Town all of its expended costs, after 45 days written notice, shall constitute a breach of the agreement. The Town shall thereafter be entitled to bring an action against the association and its members to pay, or foreclose upon the lien hereby authorized by the agreement against the property, or both, in case of a deficiency. Interest, collection costs, and attorney fees shall be added to the recovery.
   e. Provide a statement that this agreement shall not obligate the Town to maintain or repair any structural BMPs, and the Town shall not be liable to any person for the condition or operation of structural BMPs.
   f. Provide a statement that this agreement shall not in any way diminish, limit, or restrict the right of the Town to enforce any of its ordinances as authorized by law.
   g. Contain a provision indemnifying and holding harmless the Town for any costs and injuries arising from or related to the structural BMP, unless the Town has agreed in writing to assume the maintenance responsibility for the structural BMPs accepted dedication of all rights necessary to carry

out that maintenance.

h. Contain an attachment with the locations, dimensions, elevations, and characteristics of all structural BMPs detailed in the Stormwater Management Plan. The attachment shall include a north arrow, scale, boundary lines of the site, lot lines, existing and proposed roads and other information necessary to locate the structural BMPs.

3. Operation and Maintenance Agreement Recordation
Upon approval by the UDO Administrator or his designee, the operations and maintenance agreement shall be recorded with the county Register of Deeds to appear in the chain of title of all subsequent purchasers under generally accepted searching principles. A copy of the recorded operation and maintenance agreement shall be given to the UDO Administrator prior to issuance of the development permit

C. **Records of Installation and Maintenance Activities.** The owner of each structural BMP shall keep records of inspections, maintenance, and repairs for at least five years from the date of the record and shall submit the same upon reasonable request to the UDO Administrator.

D. **Nuisance.** The owner of each stormwater BMP shall maintain it so as not to create or result in a nuisance condition, such as but not limited to flooding, erosion, excessive algal growth, overgrown vegetation, mosquito breeding habitat, existence of unsightly debris, or impairments to public safety and health.

5.10.5 Illicit Discharges and Connections

A. **Illicit Discharges.** No person shall cause or allow the discharge, emission, disposal, pouring, or pumping directly or indirectly to any stormwater conveyance, receiving water, or upon the land in manner and amount that the substance is likely to reach a stormwater conveyance or the receiving waters, any liquid, solid, gas, or other substance, other than stormwater.

B. **Non-stormwater Discharges.** Non-stormwater discharges associated with the following activities are allowed provided that acceptable BMPs are followed:

1. Water line flushing;
2. Landscape irrigation;
3. Diverted stream flows;
4. Rising ground waters;
5. Uncontaminated ground water infiltration (as defined at 40 CFR 35.2005(20));
6. Uncontaminated pumped ground water;
7. Discharges from potable water sources;
8. Foundation drains;
9. Air conditioning condensation;
10. Reuse water;
11. Springs;
12. Water from crawl space pumps;
13. Footing drains;

14. Individual residential car washing;
15. Flows from riparian habitats and wetlands;
16. Dechlorinated swimming pool discharges;
17. Street wash water; and
18. Other non-stormwater discharges for which a valid NPDES discharge permit has been approved and issued by the State of South Carolina, and provided that any such discharges to the Town's Stormwater System shall be authorized by Town.
19. Prohibited substances include but are not limited to: oil, anti-freeze, chemicals, animal waste, paints, garbage, and litter.

C. **Illicit Connections.** Connections to a receiving water and/or stormwater conveyance system that allow the discharge of non-stormwater, other than the exclusions described in this section are unlawful. Prohibited connections include, but are not limited to floor drains, waste water from washing machines or sanitary sewers, wash water from commercial vehicle washing or steam cleaning, and waste water from septic systems. Where such connections exist in violation of this section and said connections were made prior to the adoption of this article or any other ordinance prohibiting such connections, the property owner or the person using said connection shall remove or correct the connection.

D. **Spills.** Spills or leaks of polluting substances released, discharged to, or having the potential to released or discharged to a receiving water or the stormwater conveyance system, shall be contained, controlled, collected, and properly disposed. All affected areas shall be restored to their preexisting condition. Persons in control of the polluting substances shall immediately report the release or discharge to persons owning the property on which the substances were released or discharged, shall within two hours of such an event shall notify the Bluffton Township Fire Department (who will also notify the UDO Administrator, and all required federal and state agencies of the release or discharge. Notification shall not relieve any person of any expenses related to the restoration, loss, damage, or any other liability which may be incurred as a result of said spill or leak, nor shall such notification relieve any person from other liability which may be imposed by State or other law.

E. **Nuisance.** Illicit discharges and illicit connections which exist within the Town limits are hereby found, deemed, and declared to be dangerous and prejudicial to the public health, and welfare, and are found, deemed, and declared to be public nuisances. Such public nuisances shall be abated in accordance with the procedures set forth in *Article 8, Penalties and Enforcement*.

5.10.6 Inspection

A. **Inspections.** The Town will maintain the right to inspect any and all Stormwater Systems within it jurisdiction as outlined below:

1. An Inspector designated by the UDO Administrator, bearing proper credentials and identification, may enter and inspect all properties for regular inspections, periodic investigations, monitoring, observation measurement, enforcement, sampling and testing, to ensure compliance with the provisions

of this article.

2. Upon refusal by any property owner to permit an inspector to enter or continue an inspection, the Inspector may terminate the inspection or confine the inspection to areas concerning which no objection is raised. The Inspector shall immediately report the refusal and the grounds to the UDO Administrator. The UDO Administrator will promptly seek the appropriate compulsory process.
3. In the event that the UDO Administrator or Inspector reasonably believes that discharges from the property into the Town's Stormwater System or receiving waters may cause an imminent and substantial threat to human health or the environment, the inspection may take place at any time after an initial attempt to notify the owner of the property or a representative on site. The Inspector shall present proper credentials upon reasonable request by the owner or representative. Inspection reports will be maintained in a permanent file at the offices of the Town.

5.11 Parking

5.11.1 Intent

The intent of this Section is:

A. To reduce the overall impervious surfaces associated with parking lots by providing compact, efficient parking standards;

B. Provide for adequate parking to encourage business opportunities; and

C. Provide for shared parking standards to reduce the overall impervious surfaces associated with parking lots.

5.11.2 Applicability

These provisions shall apply to all development and redevelopment in the Town of Bluffton.

5.11.3 Parking Space Calculations

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

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

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

Unless otherwise noted, the following parking space calculations define the maximum amount of parking allowed for specific uses:

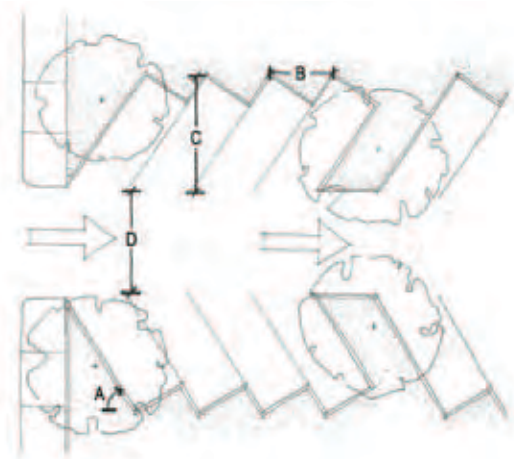
Table 5.11.3.C
Parking Spaces

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

5.11.4 Standards: Design Standards for Parking Areas and Parking Lots

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

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



Parking Dimensional Standards

Table 5.11.4.A.1
Parking Design Standards

A Parking Angle (degrees)	B Curb Length (feet)	C Stall Depth (feet)	D. Aisle Width	
			One-Way	Two-Way
30°	18'	16'	12'	20'
45°	12'	18'	14'	20'
60°	10'	19'	18'	22'
90°	9'	18'	20'	22' min – 24' max

2. Up to 25% of all Parking Areas may be designated for compact cars and/or golf carts.
3. Parallel parking spaces shall be 8-10 feet in width and 18-26 feet in length.
4. Wheel stops shall be provided in all parking facilities without curbing. The vehicle side of the wheel stop shall be no more than 18 inches from the end of the parking space.
5. Each parking bay shall be separated from other parking bays by a median. All medians shall be at least 12 feet wide.
6. Not more than 8 continuous parking spaces shall be allowed in a row of parking without separation by a landscape island. Each landscape island shall be at least 10 feet in width.
7. A landscape island of at least 12 feet in width shall be provided at the ends of each parking bay.

5.11.5 Off-Street Loading Requirements

A. Any commercial operation outside of the Old Town Bluffton Historic District receiving deliveries shall provide sufficient off-street space for the loading and unloading of vehicles. Loading berths and parking areas for waiting vehicles shall be designed in accordance with the needs of the proposed operations subject to the minimum standards indicated in the following schedule:

Table 5.11.5.A Loading Berths

Square Feet of Gross Floor Areas in Structure	Number of Berths or Parking Spaces
0 – 25,000	1
25,001 – 40,000	2
40,001 – 100,000	3
Each 90,000 over 100,000	1

B. All retail uses and office buildings with a total floor area of 20,000 square feet shall have one loading berth or waiting space for each 20,000 square feet of floor area; and

C. Off-street loading areas shall be designed so that vehicles can maneuver for loading and unloading entirely within the property lines of the premises.

5.11.6 Standards: Bicycle Parking

All retail services, food services, office, entertainment, recreation, civic, educational and public uses shall provide bike racks for bicycle parking at a rate of 1 bicycle for each 15 vehicular parking spaces required. Racks shall be located adjacent to primary access points of the principal use of the building. Shared bicycle parking may be allowed to reduce the number of bicycle parking up to 50 percent for uses within 500 feet of one another.

5.12 Lighting

5.12.1 Intent

It is the intent of this Section to protect the health, safety, and welfare of the public by recognizing that sites may need to be illuminated for safety, security, and visibility for occupants, users, pedestrians, and motorists. To do so, this Section provides standards for various forms of lighting that will:

A. Minimize light pollution;

B. Maintain safe nighttime environment;

C. Preserve the restful quality of nighttime by eliminating intrusive artificial light and lighting that unnecessarily contributes to "sky glow";

D. Reduce light trespass from light sources onto adjacent properties;

E. Conserve electrical energy; and

F. Curtail the degradation of the nighttime visual environment.

5.12.2 Applicability

The standards in this Section shall apply to any proposed exterior light source. The UDO Administrator shall review any building or site to determine compliance with the requirements under this Section. Whenever a person is required to obtain a Development Permit, Certificate of Appropriateness, Building Permit, or Electrical Permit for outdoor lighting from the Town of Bluffton, the Applicant shall submit sufficient information to enable the UDO Administrator to determine whether the proposed lighting will comply with this Section.

5.12.3 Standards

A. **General Standards**

1. Any parking area serving a non-residential use or is shared by three or more residential dwelling units shall meet the requirements set forth in this Section. These standards do not apply to shared private driveways.
2. Exterior architectural, display and decorative lighting visible from adjacent properties shall be generated from a concealed light source with low-level fixtures.
3. Any lighting fixture shall be of such design, so as to minimize the amount of ambient lighting perceptible from adjacent properties.
4. In no case shall any lighting impair the vision of motorists.
5. All interior lighting shall be so designed to prevent the light source or high levels of light from being visible from adjacent properties.
6. Entrances into developments from the highway may be lighted for traffic safety reasons, provided such lighting is approved by the agency maintaining the roadway is in conformance with the American Association of State Highway and Transportation Officials (AASHTO) Roadway Lighting Guide.
7. A combination of pole, building, ground, and sign mounted lighting, including accent lighting, can be used to meet the lighting requirements of this section.

B. **Light Fixtures**

1. Any light fixture shall be a cutoff luminaire whose source is completely concealed with opaque housing and shall not be visible from any street. This provision includes lights on mounted poles, as well as architectural display and decorative lighting visible from adjacent properties.
2. Fixtures shall be mounted in such a manner that the cone of light is not directed at any property line of the site.
3. Only incandescent, fluorescent, metal halide, LED, mercury vapor or color corrected high-pressure sodium light may be used. The same type of lighting must be utilized for all fixtures and light sources on the site.
4. Only white or off-white (light yellow tones) may be used for any light source.
5. Lighting poles may not exceed a height of 20 feet.

C. **Sign Illumination**

1. The brightness of an illuminated sign shall not exceed 30 foot-candles at any one point on the sign face. Illumination shall be by an externally located steady stationary light source, shielded and directed solely at the sign. Light sources to illuminate signs shall neither be visible from any street right-of-way nor cause glare hazardous to pedestrians or vehicle drivers or so as to create a nuisance to adjacent properties.
2. Spotlighting of signs shall be restricted to not more than one shielded light fixture per side for sign faces up to 40 square feet and not more than two shielded light fixtures per side for larger sign faces.
3. No face lit sign or light boxes are permitted where light projects through the face of the sign. Signs shall not have light-reflecting or translucent backgrounds.
4. Colored lamps are not permitted.
5. Backlighting of signs text and graphics using halo glow or illumination behind opaque channel lettering or logos shall be permitted provided the sign text and graphics are opaque and the rear surface is not reflective. Only internally illuminated signs are permitted where reverse channel letters are used with a light source projected to the rear of the sign to permit a halo effect.
6. Exterior lighting shall be designed and arranged so as to minimize glare and reflection. Lighting shall be low-intensity, shielded from adjacent parcels.

D. **Illumination Levels**

1. All site lighting shall be designed so that the level of illumination measured in footcandles (fc) at any one point meets the standards below. The UDO Administrator shall have the discretion to allow limited flexibility as to variations in the illumination levels, if the proposed levels deviate from the following standards.

Table 5.12.3.D.1 Illumination Levels

Location or Type of Lighting	Minimum Level (FC)	Average Level (FC)	Maximum Level (FC)
Landscape and decorative	0.0	0.50	5.0
Commercial parking areas	0.6	2.40	10.0
Multifamily residential parking areas	0.2	1.50	10.0
Canopy Area Lighting	2.0	12.0	20.0
Areas for display of outdoor merchandise	1.0	5.0	15.0
Walkways and streets	0.2	1.0	10.0

5.13 Signs

5.13.1 Intent

The intent of this Section is to:

A. Encourage the effective use of signs as a means of communication in the Town of Bluffton;

B. Maintain and enhance the aesthetic environment and the Town's ability to attract sources of economic development and growth;

C. Improve pedestrian and traffic safety; and

D. Minimize the possible adverse effect of signs on nearby public and private property.

5.13.2 Applicability

A. A sign may be erected, placed, established, painted, or maintained in the Town only in conformance with the requirements of this Section.

B. The effect of this UDO as more specifically set forth herein, is:

1. To allow a variety of types of signs in commercial and industrial zones, and a limited variety of signs in other zones, subject to the standards and the permit procedures of this UDO;
2. To allow certain signs that are small, unobtrusive, and incidental to the principal use of the respective lots on which they are located, subject to the substantive requirements of this UDO, but without a requirement for permits; and
3. To prohibit all signs not expressly permitted in this Ordinance.

5.13.3 Permissible Signs

A. The area and quantity of any freestanding sign for which a permit is required should conform to the following requirements. Planned Unit Developments (PUD), which because of their composition may qualify for more than one category, may apply the appropriate category to the various individual portions of the Planned Unit Development. The total number of signs for any individual development may not exceed the total number allowed as noted below:

Table 5.15.3.A Signs

Type of Development	Quantity of Signs Allowed	Maximum Area per Sign	Maximum Faces per Sign	Maximum Area per Face
Residential 501 or more Units	One per Entrance	240 SF	4 Faces	80 SF
Residential 300 to 500 Units	One per Entrance	80 SF	4 Faces	40 SF
Residential 299 or less Units	One per Entrance	80 SF	4 Faces	40 SF
Non-residential 100,000+ SF	Four Signs Maximum	240 SF	4 Faces	80 SF
Non-residential 40,000 to 100,000 SF	Three Signs Maximum	240 SF	4 Faces	80 SF
Non-residential 2,500 to 40,000 SF	Two Signs Maximum	160 SF	4 Faces	40 SF
Non-residential Up to 2,5000 SF	One Sign Allowed	40 SF	2 Faces	40 SF

B. The maximum height of any freestanding sign above the average grade elevation of the nearest public way or within a 20 foot radius of the sign shall not exceed the following:
   1. Eight feet where the sign face does not exceed 40 square feet;
   2. Ten feet where the sign face does not exceed 60 square feet; and
   3. 12 feet where the sign face exceeds 60 square feet.

C. The bottom edge of the sign shall not exceed three feet in height from the lowest grade elevation at the base of the sign.

D. The maximum width of any freestanding sign shall not exceed the following:
   1. 15 feet where the sign face does not exceed 40 square feet;
   2. 20 feet where the sign face does not exceed 60 square feet; and
   3. 25 feet where the sign face exceeds 60 square feet.

E. The maximum depth of any freestanding sign shall not exceed 25 percent of the width.

F. The area of a sign structure for any freestanding sign is limited to the same number of square feet as the sign face that it supports.

G. Freestanding signs shall be separated by a distance of no less than 200 foot intervals along each street frontage of the premises. In the event that a street frontage of less than 200 feet exists for any premises, only one sign shall be permitted along that frontage, notwithstanding that a greater number of signs may appear to be permitted by this Section.

H. In lieu of a freestanding sign, a development may use signs on entrance structures such as fences or walls. The number of sign faces is limited to two per entrance, on either side of the entrance, and confined to the entrance area.

The distance between sign faces shall not exceed 100 feet. Such signs are subject to the size limitations of this Section.

I. Changeable copy signs are allowed for schools, churches, gas stations, and public agencies, provided that the letters are hand-change only and not electronic. The changeable copy portion of the sign cannot exceed 30% of the sign area.

5.13.4 Wall Signs

A. The total area of wall signs shall not occupy more than ten percent of the area of the wall upon which they are placed with the maximum size of any one sign limited to 40 square feet.

B. No more than two signs may be placed on any one façade of any one building except that shopping centers shall be permitted two signs per tenant space, per tenant façade, provided only one such tenant sign per tenant façade is visible from any street right-of-way. Such tenant signs shall only be permitted in lieu of building signs.

C. Wall signs must be contained within any single wall panel, window, door, or other architectural component upon which they are placed.

D. Tenant façade signs must be located on the façade of the tenant space being identified.

5.13.5 Directory Signs

A. Shall be permitted where a particular site includes more than one tenant;

B. May contain logos or business names with arrows or other directional information but shall not contain any commercial message;

C. May be free-standing or affixed to an exterior wall; and

D. Shall be consistent with the architectural style and colors of the principal structures.

5.13.6 Sign Materials

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

A. Wood: painted, stained, or natural;

B. Metal: copper, brass, galvanized steel, or aluminum;

C. Stucco, Tabby, Stone, or Brick; or

D. Any other material that is finished or painted and looks like painted wood.

5.13.7 Prohibited Signs

A. Off-premise signs, except special event signs;

B. A sign which contains any flashing or animated lights, gives the appearance of animation or movement, or contains a message board which utilizes individual bulbs or electronic means to produce the message, excluding time and temperature signs;

C. Any sign that projects above the peak of a roof, or above the top of an awning or canopy on which it is erected;

D. Any sign which exhibits statements, words, or pictures of an obscene or pornographic nature;

E. Any sign which emits a sound, odor, or visible matter;

F. Any sign which obstructs free ingress/egress from a door, window, fire escape, or other exit way;

G. Any sign and or sign structure which obstructs the view of, may be confused with, or purports to be a governmental or traffic direction/safety sign;

H. Signs using the words "stop," "danger," or any other word, phrase, symbol, or character in a manner that might reasonably mislead, confuse, or distract a vehicle driver;

I. Except as otherwise provided, no sign whether temporary or permanent, except by a public agency or with the approval of the Town and upon issuance of an Encroachment Permit, is permitted within any street right-of-way;

J. Signs painted on, or attached to trees, rocks, or other natural features, telephone, or utility poles;

K. No sign of any kind shall be erected or displayed in any salt marsh areas or on any land subject to periodic inundation by tidal salt water;

L. Abandoned, hazardous, or dilapidated signs;

M. Portable signs, except as provided for in this section;

N. Attention-getting devices, including searchlights, spinners, streamers, balloons and similar devices, fluttering signs, pennants, ribbons, balloons, and other aerial devices;

O. Internally illuminated signs, neon signs, or signs which contain a visible light source; and

P. Vehicle signs.

5.13.8 Exempt Signs

The following signs are exempt from the regulations of this Ordinance, provided they are not located within the public right-of-way without an encroachment agreement:

A. Nameplates of four square feet or less;

B. Residence signs or street address numbers, not exceeding 4 square feet in size;

C. Signs located on property within those portions of PUD Districts where vehicular access by the general public is restricted by a security gate staffed 24 hours each day by a security guard and where such signs are not visible from any public street, beach, or navigable waterway;

D. Signs directing and guiding traffic and parking on private property which do not exceed 1.5 square feet in area and bear no advertising matter;

E. Projecting signs displaying the name of the business and having an area of two square feet or less when located under a pedestrian canopy;

F. Buses, taxicabs, and similar common carrier vehicles which are licensed or certified by a public body or agency;

G. Signs used for bona fide navigational aids;

H. Historic Plaques;

I. Traffic, directional, warning, or informational signs authorized by any public agency;

J. Flags and insignia of the United States or the State of South Carolina which are five feet by eight feet or smaller, with a maximum flagpole height of 30 feet when displayed in connection with a commercial use. Government buildings are exempt from the size and height limitations. Official flags limited to three per establishment; and

K. Official notices issued by any court, public agency, or public office, including signs erected on behalf of, or pursuant to, the authorization of a governmental body, including legal notices, identification and informational signs, and traffic, directional, or regulatory signs.

5.13.9 Setbacks from right-of-way

A. All freestanding signs shall be set back at least 10 feet from the public right-of-way.

B. Signs shall not be located within the vision clearance triangle at street intersections.

5.13.10 Temporary Signs

A. Temporary signs announcing a sale, promotion, civic, philanthropic, educational, religious, or other special event shall require the issuance of a Temporary Sign Permit. The permit shall state the length of time any such sign may be displayed and all such signs shall meet the following requirements.

1. Signs shall not exceed 16 square feet in area per sign face, 32 square feet in total sign area, and 6 feet in height if free-standing;
2. Signs shall be affixed at all corners to the structure on which the sign is attached;
3. No more than one temporary sign shall be permitted at any time;
4. No temporary sign shall be illuminated; and
5. Any tenant space or lot, if a single occupant, may display temporary signs, in aggregate, for up to 30 days in any 12 month period.

B. **Sandwich Board Signs**

1. One sandwich board sign may be permitted per tenant space or lot if a single occupant during business hours;
2. Sign must not exceed 6 square feet in area per sign face, 12 square feet in total sign area, and 4 feet in height;
3. In addition to being located on private property, such sign may be located on any common property associated with the private property for which the sign serves;
4. Sign shall not be placed in any highway or roadside buffer.
5. Sign must be located in a manner that maintains a minimum of 36 inches of unobstructed sidewalk clearance and does not impede pedestrian traffic; and
6. Sign must be located in a manner that does not impede vehicular traffic or parking, including safety sight lines at intersections.

C. The following signs shall be allowed without a permit provided the restrictions for the type of sign are met.

1. Political Signs:
   a. Political signs shall not be located on public property or in public rights-of-way., and must be confined wholly to placement on private property, with permission of the property owner;
   b. Signs shall not be erected earlier than 60 days prior to the election or referendum to which they apply;
   c. Signs shall be removed within five days after the election or referendum to which they apply. Signs for candidates in a runoff election may be maintained until the final election to which the signs apply; and
   d. Signs shall not exceed six square feet in area per sign face, 12 square feet in total sign area, and shall not exceed a height of four feet.

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

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

5.13.11 Automotive Service Station/Convenience Market Signs

The following sign standards apply to automotive service station and convenience markets:

A. **Gasoline Pump Signs.** Signs on gasoline pumps must be an integral part of the pump structure.

B. **Product or Service Advertising**

1. No more than four product/service advertisements shall be allowed.
2. Signs must be grouped on one sign structure per street frontage.
3. Individual product/service advertisements shall not exceed four square feet in size.
4. None of the allowable signs on the same structure shall be duplicates.

5.13.12 Planned Unit Development: Off-premise Directional Signs

A. Planned Unit Developments may erect freestanding off-premise directional signs on property within the boundaries of the Planned Unit Development for the purpose of directing vehicular traffic to destinations within the development.

B. Off-premise directional signs which are viewed from any public street shall meet the following requirements:

1. Copy shall be limited to the name of the development and qualified facilities, the direction vehicles must turn, and the distance to the turn. Graphics shall be limited to a logo and directional arrow;
2. Such signs must be located within one mile of the intersection where vehicles must turn to reach the development. No more than two doubled-sided signs shall be placed in any one direction from such intersection with no more than three double-sided signs for any one development; and
3. No single sign face can exceed greater than 40 square feet. Sign height, width, depth, and structure shall meet the requirements of this Section.

C. Off-premise directional signs which are viewed from private streets internal to the development shall meet the following requirements:

1. Such signs shall be limited to 20 square feet of sign face;
2. Such signs must be located within 200 feet of an intersection with no more than one double-sided sign viewed from any one direction; and
3. Copy for such signs shall list only destinations with directional arrows.

5.13.13 Planned Unit Development: Off-premise Identification Signs

A Planned Unit Development (PUD) whose primary entrance (right-of-way or easement) is located on a public street but is not within the boundary of the PUD, shall be allowed one off-premise identification sign. The sign shall be located within the right-of-way or easement for the entrance road and shall be solely for identifying the entrance to the PUD. Such sign shall be subject to the standards of this Section.

5.13.14 Master Sign Plan

A master sign plan design shall be required for all PUDs, commercial or major subdivisions, office complexes and shopping centers. These systems shall be reviewed for materials, shapes, sizes, compatibility with architecture, and establishment of unity of design for the development. New individual signs and changes to existing individual signs shall be reviewed for conformance with such sign systems.

5.14 Highway Corridor Overlay District

5.14.1 Intent

The intent of reviewing projects within the Town of Bluffton's Highway Corridor Overlay (HCO) District is to establish continuity of development within the District. In addition, design review will promote the following:

A. Protection of architectural and historical heritage of the Town of Bluffton;
B. Enhancement of the cultural image;
C. Stabilization or strengthening of property values;
D. Attraction of new residents, businesses, and tourists;
E. Sense of place and character;
F. Community unity;
G. Climate for attracting investment; and
H. Protection of open space.

Corridor review offers protection and guidelines for the unique, special and desired character of development within and along certain highways in the Town of Bluffton. The HCO District shall overlay other Zoning District classifications which shall be referred to as the base zoning.

5.14.2 Applicability

All proposed development lying within the designated Highway Corridor Overlay District as defined in this Ordinance shall be subject to the additional standards and review measures pertaining to this Section. To the extent that this Section is silent where other land development regulations govern, they shall apply.

5.14.3 Architectural Design Guidelines

The design of all applicable structures including habitable structures, walls, fences, light fixtures and accessory and appurtenant structures shall be unobtrusive and of a design, material and color that blend harmoniously with the natural surroundings, and the scale of neighboring architecture, complying with the intent of this Section. Innovative, high quality design and development is strongly encouraged to enhance property values and long-term economic assets.

A. **General Principles**

1. Architectural styles should be reflective of or compatible with architectural styles that exemplify the unique character of the Lowcountry region.
2. Multi-unit developments shall utilize a consistent or stylistically compatible palette of scale, forms, colors, materials, and textures.

B. **Exterior materials and architectural elements.**

1. Roofs. Roof overhangs and pitched roofs shall be incorporated into all building designs. Wood shingles, slate shingles, multilayered asphalt shingles, metal (raised seam, galvanized metal, corrugated metal, metal tile, etc.), or tiles are permitted.
   Not permitted:
   (1) Partial (less than three sides) mansard roofs.

(2) Flat roofs (including a minimum pitch less than 4:12) without a pediment.

(3) Long, unarticulated roofs.

2. Sides of buildings and structures. Wood clapboard, wood board and batten, wood shingle siding, brick, stucco, tabby, natural stone, and artificial siding material which resembles an approved material are permitted.
Not permitted:

   (1) Long, unarticulated, blank facades.

   (2) Plywood, cinder block, unfinished poured concrete, concrete block (except faced block retaining walls), plastic or vinyl not closely resembling an approved material, and metal buildings without exterior skin.

   (3) Highly reflective glass or materials as the predominant material or visible texture.

3. Colors. Predominant color design shall be compatible with Lowcountry or coastal vernacular palette which include traditional historic colors, earth tones (greens, tans, light browns and terracotta), grays, pale primary and secondary colors (with less than 50 percent color value), white and cream tones, and oxblood red. Accent color design (i.e., black, dark blue, grays, and other dark primary colors) may be used on a limited basis as part of an architectural motif, at the discretion of the UDO Administrator.
Not permitted:

   (1) High contrast colors and colors incompatible with the corridor and

   (2) Primary colors.

4. Accessory uses. The design of accessory buildings and structures, if permitted within the applicable Zoning District, shall reflect and coordinate with the general style of architecture inherent in the primary structure for the proposed development. Covered porches, canopies, awnings, trellises, gazebos, street/pedestrian furniture and open wood fences are encouraged.
Not permitted:

   (1) Unscreened chainlink or woven metal fences;

   (2) Internally illuminated and/or neon lighted exterior architectural or structural element(s) visible from the highway;

   (3) Exterior storage unless completely hidden from view; and

   (4) Exterior display of merchandise except for landscape structures, plant materials and agricultural products.

5.14.4 Drive-Thru Facilities

Drive-thru service windows must be located on the façade that is opposite the primary or secondary street and designed in a manner to be integral in massing and design as the principal structure for which it serves.

5.15 Old Town Bluffton Historic District

5.15.1 Intent

A. This Section has been prepared to provide guidance and consistency for standards for all properties located within the Old Town Bluffton Historic District and to identify desirable goals and objectives as identified by the Town of Bluffton in the *Old Town Master Plan*. The *Old Town Master Plan* is intended to provide a blueprint for future infill development in the Old Town Bluffton Historic District that reflects the eclectic character of the area and a sustainable pattern of settlement.

B. The Plan identifies key opportunity parcels for infill development, redevelopment, conservation, and preservation. Through the charrette process, the community and design team arrived at a series of basic urban design and policy principles to guide appropriate infill development in Old Town. Shaped by input from Bluffton citizens during the charrette, the "First Principles" embody the citizenry's vision for the future of Old Town. The principles summarize the results of the public planning process and promote responsible growth, planning, and development.

C. This Section is intended to be user-friendly and informative for the residents of the Town and the members of the HPC. It is not by any means intended to discourage creativity or force the replication of historic models. Rather, it is to set forth a framework in which the diversity that has always characterized Bluffton can continue to grow. This Section recognizes that some building types help to perpetuate the character that makes Bluffton distinctive—these are encouraged.

D. Other building types are damaging to that character and are specifically discouraged. Through history, patterns of building placement, street elevation, compositional principles, materials, and applications have established a broad but clear set of collective responses. This Section identifies a set of relatively simple principles in order to maintain this quality of environment that has made Bluffton so desirable and to encourage infill to follow this desired pattern.

E. This Section defines guidelines for design and materials similar to that used on structures within the Old Town. The purpose of the Old Town Bluffton Historic District is to promote the educational, cultural, and general welfare of the public through the preservation, protection, and enhancement of the old, historic, and/or architecturally-worthy structures and areas of the Town; and to maintain such structures as visible reminders of the history and cultural heritage of the Town.

5.15.2 Applicability

A. Except as otherwise noted in Section 5.15.2.E, this Section applies to all properties zoned with a HD (Historic District) designated Zoning District. The Old Town Bluffton Historic District is the historic core of the Town and the area was granted National Historic Register District designation in 1996. Traditional urban design conventions have been applied to create a palette of Zoning Districts and thoroughfare types that form the framework for the Old Town District.

B. In the case of conflict between the standards set forth in the Old Town District and any other local land development regulation, these standards shall apply. To the extent that this Section is silent where other land development regulations

govern, they shall apply.

C. The images contained in this Section are meant to demonstrate the character intended for the Old Town Bluffton Historic District, but are for illustrative purposes only. The accompanying text and numbers are rules that govern permitted development.

D. With respect to existing buildings within the Old Town Bluffton Historic District, in the event that the building undergoes either structural or cosmetic modifications, repairs after damages, or additions, which effect the exterior appearance of the structure, the property will be subject to the standards set forth by this Section.

E. Existing manufactured homes may be replaced within the HD zoning districts and be exempt from the Architectural Standards of Section 5.15.6. provided the following:

1. The replacement manufactured home shall be owner occupied, and the owner must be the owner, either whole or in part, of the property upon which the unit is placed;
2. A permit to replace the existing manufactured home shall be issued prior to its removal from the property;
3. The placement of the unit shall meet all prescribed lot standards for the Additional Building Type found in Section 5.15.5. within the underlying HD district as well as any other applicable site design standards of Article 5; and,
4. The structure shall meet the building criteria found in Section 5.15.8.P. "Manufactured Homes".

5.15.3 Regulating Districts

A. Great neighborhoods have a wide cross section of uses that vary in intensity from center to edge. The center of a neighborhood is usually developed in a mixed-use manner with more intense uses than the general and edge areas. This delicate gradient from center to edge provides visual variety as well as a variety of housing and commercial options. The Old Town Bluffton Historic District is divided into five designated Zoning Districts, as shown below. The Zoning Districts reflect the character of the streets in the various places within the Old Town Bluffton Historic District. The Zoning Districts are as follows:

1. Neighborhood Core Historic District (NC-HD);
2. Neighborhood Center Historic District (NCE-HD);
3. Neighborhood General Historic District (NG-HD);
4. Neighborhood Conservation Historic District (NCV-HD); and
5. Riverfront Edge Historic District (RV-HD).

B. The development regulations for properties within each of the Zoning Districts are described in this Section. When two or more parcels in different Zoning Districts are aggregated into one parcel, the new, consolidated parcel will be designated into one Zoning District. When parcels are combined, the greatest percentage of a designated Zoning District covering the assembled parcels shall apply to the new, consolidated parcel. All properties shall be regulated by one Zoning District; a parcel cannot be regulated by two or more Zoning Districts.

5.15.4 Urban Standards

A. The Urban Standards establish the physical and functional relationships between buildings. The standards set forth rules related to building placement (build-to zones, setbacks, lot width, street frontage), building type, uses, and height. There are permitted building types designated for each of the Zoning Districts. Detailed descriptions of these types are can be found in this Section, but it is ultimately the responsibility of the UDO Administrator to determine building-type appropriateness on a case-by-case basis. All new buildings in the Old Town Bluffton Historic District must meet the criteria of a designated building type outlined in this Section, and therefore must follow the prescribed Urban Standards set forth for that type, within the respective Zoning Districts. The Urban Standards contain regulations for properties in the Old Town Bluffton Historic District, based upon the following Zoning Districts:

1. Neighborhood Core Historic District (NC-HD);
2. Neighborhood Center Historic District (NCE-HD);
3. Neighborhood General Historic District (NG-HD);
4. Neighborhood Conservation Historic District (NCV-HD); and
5. Riverfront Edge Historic District (RV-HD).

5.15.5 General Standards

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

A. Neighborhood Core Historic District (NC-HD)

NC-HD Precedent Imagery

The red lines indicate the locations of required shopfront buildings (Main Street Building, Commercial Cottage, or Live-Work Sideyard). In addition to shopfront buildings, civic structures are allowed within these areas.

NC-HD Regulating Plan

Neighborhood Core Building Type Requirements:	**Front Build-to Zone**	**Lot Width**	**Frontage Requirement**	**Rear Setback** *(from rear property line)*	**Side Setback** *(from side property lines)*	**Height** *(in stories)*
Main Street Building	0'-10'	30'-100'	70% - 90%	25'	5'	2-3
Commercial Cottage	5'-15'	30'-75'	40% - 70%	25'	8'	1-1.5
Live-Work Sideyard	0'-5'	35'-65'	50% - 75%	25'	5'	2-2.5
Duplex	5'-15'	55'-70'	N/A	25'	5'	2-3
Triplex		70'-100'				
Mansion Apartment House	5'-15'	60'-80'	N/A	25'	5'	2-2.5
Civic Building	5'-25'	N/A	N/A	N/A	5'	2.5
Carriage House	One Carriage House may be built per primary structure and may have a maximum footprint of 800 sq. ft. Carriage Houses must be located behind the primary structure see *5.15.8.F* for a full description of this type.			5'	5'	1-2
Additional Building Types						
As approved by the Town Architect, additional building types may be allowed in the Neighborhood Core Transect Zone. Building types not specifically listed shall be regulated by the following general requirements:	0'-25'	30'-100'	to be determined by UDO Admin.	25'	5'	2 - 3

B. Neighborhood Center Historic District (NCE-HD)

NCE-HD Precedent Imagery

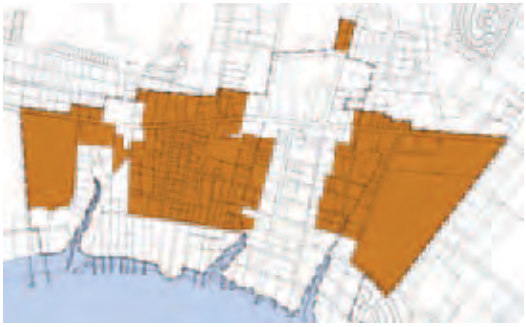
The red lines indicate the locations of required shopfront buildings (Main Street Building, Commercial Cottage, or Live-Work Sideyard). In addition to store-front buildings, civic structures are allowed within these areas.

NCE-HD Regulating Plan

Neighborhood Core Building Type Requirements:	**Front Build-to Zone**	**Lot Width**	**Frontage Requirement**	**Rear Setback** *(from rear property line)*	**Side Setback** *(from side property lines)*	**Height** *(in stories)*
Main Street Building	0'-10'	40'-80'	75% - 90%	25'	8'	2-2.5
Commercial Cottage	5'-20'	30'-60'	50% - 70%	25'	8'	1-1.5
Live-Work Sideyard	0'-5'	40'-60'	40% - 75%	25'	5'	1.5-2.5
Duplex	10'-20'	55'-70'	N/A	25'	8'	1.5-2.5
Triplex		70'-100'				
Mansion Apartment House	10'-20'	60'-80'	N/A	25'	10'	2-2.5
Carriage House	One Carriage House may be built per primary structure and may have a maximum footprint of 800 sq. ft. Carriage Houses must be located behind the primary structure. See *5.15.8.F* for a full description of this type.			5'	5'	1-2
Cottage	5'-15'	30'-60'	N/A	25'	5'	1-1.5
Village House	5'-15'	40'-60'	N/A	25'	5'	2-2.5
Sideyard House	5'-10'	40'-65'	N/A	25'	8'	2-2.5
Vernacular House	10'-20'	60'-80'	N/A	25'	10'	1.5
Civic Building	5'-25'	N/A	N/A	N/A	5'	2
Additional Building Types						
As approved by the Town Architect, additional building types may be allowed in the Neighborhood Center Transect Zone. Building types not specifically listed shall be regulated by the following general requirements:	0'-25'	30'-100'	to be determined by UDO Admin.	25'	5'	1-2.5

C. Neighborhood General Historic District (NG-HD)

1. Mandatory Mixed Use: The Neighborhood General zone shall be primarily residential in nature. All commercial development within this zone must maintain a predominantly residential character, as determined by the UDO Administrator.
2. A waiver of the mandatory residential component may be granted by the UDO Administrator for commercial properties with direct frontage on SC Highway 46 or Bruin Road.



NG-HD Regulating Plan

NG-HD Precedent Imagery

Neighborhood General Building Type Requirements:

		Front Build-to Zone	Lot Width	Frontage Requirement	Rear Setback *(from rear property line)*	Side Setback *(from side property lines)*	Height *(in stories)*
Carriage House	One Carriage House may be built per primary structure and may have a maximum footprint of 800 sq. ft. Carriage Houses must be located behind the primary structure. See *5.15.8.F* for a full description of this type.				5'	5'	1-2
Bungalow Court		10'-20' (for foremost bungalow)	60'-100'	N/A	25'	15'	1-1.5
Cottage		10'-20'	40'-60'	N/A	25'	10'	1-1.5
Village House		10'-15'	50'-65'	N/A	30'	15'	2-2.5
Sideyard House		10'-15'	40'-65'	N/A	30'	5'	2
Vernacular House		10'-20'	60'-100'	N/A	30'	15'	1.5
Center Hall House		15'-25'	70'-100'	N/A	30'	15'	2-2.5
Civic Building		10'-35'	N/A	N/A	N/A	10'	2
Additional Building Types							
As approved by the Town Architect, additional building types may be allowed in the Neighborhood General Transect Zone. Building types not specifically listed shall be regulated by the following general requirements:		10'-20'	40'-100'	N/A	25'	10'	1 - 2.5

D. Neighborhood Conservation Historic District (NCV-HD)

NCV-HD Precedent Imagery

NCV-HD Regulating Plan

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

E. Riverfront Edge Historic District (RV-HD)

In the Riverfront Edge Transect Zone, the river shall be the focus of each lot abutting it and therefore acts as the "front" of the lot.

RV-HD Precedent Imagery

RV-HD Regulating Plan

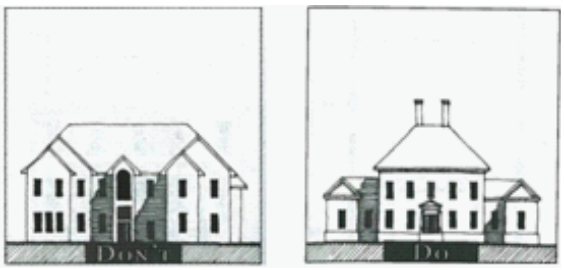
Riverfront Edge Building Type Requirements:	**Riverfront Build-to Zone**	**Lot Width**	**Frontage Requirement**	**Rear Setback** *(from streetside property line)*	**Side Setback** *(from side property lines)*	**Height** *(in stories)*
Carriage House	Two Carriage Houses may be built per primary structure and may have a maximum footprint of 800 sq. ft. each. They must be placed between the primary structure and the street.			5'	10'	1-2
Cottage	≥150' Perpendicular to, and in a horizontal plane from, the OCRM line	≥60'	N/A	20'	10'	1-1.5
Vernacular House		≥75'	N/A	20'	20'	1.5
Center Hall House		≥75'	N/A	20'	20'	2-2.5
River House		≥75'	N/A	20'	20'	1.5
Civic Building	15'-50'	N/A	N/A	N/A	15'	1.5
Additional Building Types						
As approved by the Town Architect, additional building types may be allowed in the Riverfront Edge Transect Zone. Building types not specifically listed shall be regulated by the following general requirements:	≥150' Perpendicular to, and in a horizontal plane from, the OCRM line	≥60'	N/A	20'	20'	1 - 2.5

F. General Standards

1. Building Heights
   a. Building heights and widths shall be visually similar to those in the neighboring vicinity.
   b. Building heights are regulated by the number of stories, based on the designated Zoning Districts.
   c. Residential structures shall have a first finished floor height raised a minimum of three (3) feet above average adjacent sidewalk grade. The first finished floor height can be elevated as much as five (5) feet above average adjacent sidewalk grade without counting the undercroft as a story.
   d. Each story above the first story in commercial and residential buildings shall be a minimum of eight (8) feet and a maximum of twelve (12) feet high from floor to ceiling. Floors more than twelve (12) feet, as measured from floor to ceiling, will count as additional floors.
   e. A half story is a finished living floor which is contained wholly or predominantly within the roof of a structure and is subject to the regulations of the local building code.
   f. Appurtenances may extend above the building height limits, but may not exceed 50' above the adjacent grade level.

2. Building Form, Massing, and Scale
   a. Building mass shall consist of a simple composition of basic building forms that follow a clear hierarchy.

Do not clump everything equally under one enormous roof. Many [building forms] with a confusing assembly of gables show the guest at first glance neither the entry nor the principal rooms of the house. All buildings should pass the First Glance Test.

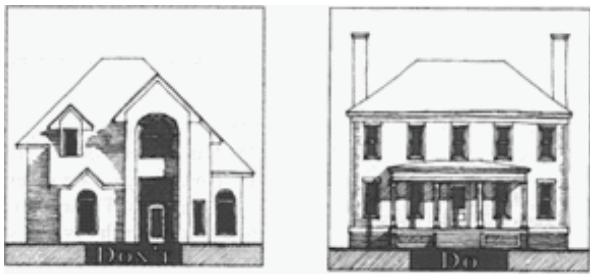


Do mass a house so that it passes the First Glance Test. Massing of a house should clearly show two things at first glance: the location of the main body of the house and the location of the entry for people, which ought to be more important and more noble than the car entry.

Source: Traditional Construction Patterns, p.62-63

   b. Rooflines shall be simple, utilizing gables, hips, and sheds, or combinations of these basic forms. Roofs shall correspond to the major massing of the building; roof forms that overwhelm the mass of the primary building form and complicated rooflines are to be avoided.

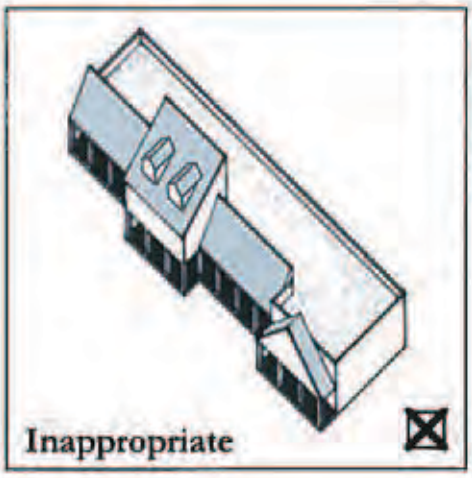
Do not use complicated forms. Too many gables, dormers, and roof breaks are not appropriate and can unnecessarily increase costs.



Do keep massing simple. Composing a house of one or a few simple boxes can save costs for more appropriate architectural elements like proper porch detailing, back porches, garden walls, frontage fences, pergolas, and a number of other items.

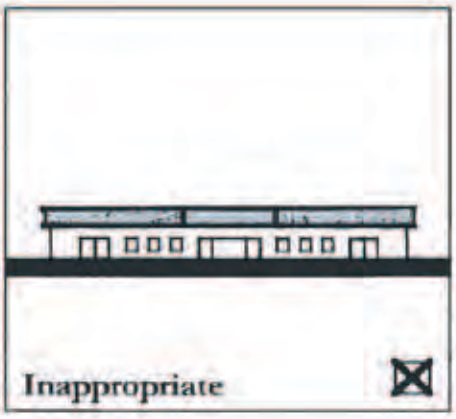
Source: Traditional Construction Patterns, p. 60-61

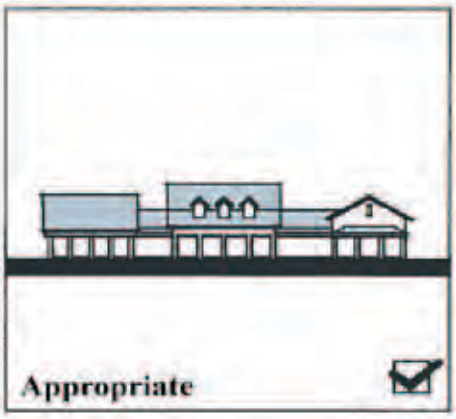
c. Incorporate elements that give the building perceptible scale. Large buildings in particular shall be designed to reduce their perceived height and mass by dividing the building into smaller scale components.



Roof forms should always respond to building forms.

d. Long unarticulated masses shall be avoided. As an example, simple offsets of the primary façade can articulate the overall building massing and help reduce the perception of mass and scale.

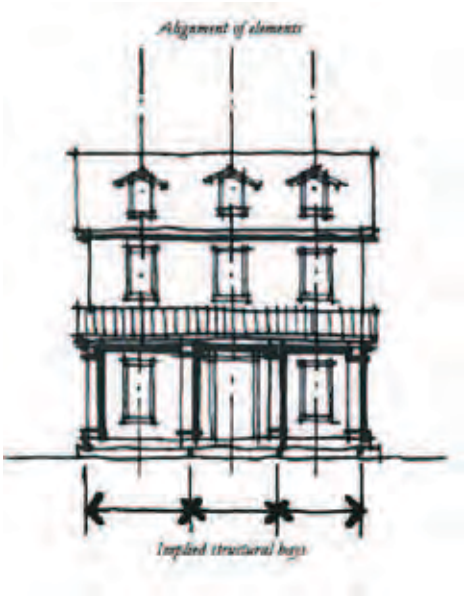




Long expanses of unarticulated masses should be avoided. Combinations of massing can help reduce the perception of scale.

3. Architectural Elements and Projections
   a. Buildings shall incorporate interruptions and variety into the wall plane to create interest and variety in the streetscape while still maintaining a consistent architectural style and connection to its surroundings. Examples include but are not limited to offsets, recessed entrances, arcades, awnings and canopies, bay windows, roof overhangs, expression lines, shadow lines, porches and balconies.

4. Building Composition (Proportion, Alignment, Rhythm, and Spacing)
   a. Overall building proportions and Individual building features shall have a proportional relationship with one another. For example, features such as porches, cornices, windows and doors must be proportional to other features of the building as well as the overall building form.
   b. Additions, connective wings, and outbuildings shall be secondary to the primary building form.
   c. Building elements and the spaces between them shall be organized into a logical sequential manner.
   d. Horizontal rhythm should be established by the organization of the building facade into horizontal bands which provides human scale and proportion to the facade.
   e. Vertical rhythms should be established in the façade through alignment of windows, openings, pilasters, and columns.



5. Building Orientation
   a. The front principal façade of all buildings must be built parallel to the street that it faces.
   b. When a shopfront building abuts more than one street (i.e. occurs at a corner), it shall maintain at least 50% street frontage along its secondary street, in addition to the requirement for its primary street frontage.
6. Exceptions from Build-to Lines. Exceptions to Build-to Lines may be granted by the UDO Administrator where existing significant natural features are present, to preserve protected trees and to preserve the integrity of neighboring historic resources. Exceptions may also be granted to accommodate outdoor design features such as dining areas, open-air markets and public art features.
7. Garden Structures. Garden structures are small accessory buildings which may contain storage space, trash receptacles, or other garden uses.

Structures such as sheds, fences, pergolas, and gazebos are considered to be garden structures. Garden structures shall not be greater than 120 square feet in footprint, shall not exceed 1 story in height, and must comply with the architectural standards.

8. Drive-thrus. Drive-thrus shall not be permitted in the Old Town Bluffton Historic District.
9. Franchise Design. The quality of Bluffton's unique environment should not be eroded by inappropriate franchise designs and signage. It has been demonstrated in design conscious communities around the world that franchises can maintain their identity while working in a distinct context. The UDO Administrator and the HPC will evaluate franchise design proposals based on conformance with this Section.
10. Corner Radii and Clear Zones. Corner curb radii shall be between 9 feet and 15 feet. Fairly tight turning radii shorten pedestrian crossings and inhibit reckless drivers from turning corners at high speeds. To allow for emergency vehicles (e.g. fire trucks) to turn corners, a 25 foot radius Clear Zone shall be established free of all vertical obstructions such as telephone poles, sign poles, fire hydrants, electrical boxes, or newspaper boxes, etc.
11. Large Footprint Buildings
    a. Large footprint buildings can only be located in the Neighborhood Core Historic District Zoning District.
    b. Buildings may be one story in height, but shall be at least 24 feet in height. This may be accomplished with Liner Buildings or higher ceiling heights and/ or parapets.
    c. To encourage use by pedestrians and decrease the need for solely auto-oriented patronage, Large Footprint Buildings must reinforce the character of the Old Town Bluffton Historic District and shall therefore front the buildings to the sidewalks, providing windows and doors at frequent intervals. Operable doorways should occur on an average of every 50 feet for the whole length of the street frontage.
    d. Building footprints shall not be larger than a single block. Floor area of buildings shall not cantilever over public rights-of-way.
    e. Loading docks, service areas and trash disposal facilities shall not face streets, parks, squares, waterways, or significant pedestrian spaces.

5.15.6 Architectural Standards

A. A primary goal of this Section is authenticity. The standards encourage Bluffton vernacular architecture and construction which is straightforward and functional, and which draws its ornament and variety from the traditional assembly of genuine materials. The UDO Administrator shall have authority to approve substitute materials for those listed as options under the Architectural Standards. As an additional reference for architectural standards, refer to *Traditional Construction Patterns,* by Stephen Mouzon (McGraw Hill, 2004).

B. The images contained in this Section are meant to demonstrate the character intended for the Old Town Bluffton Historic District, but are for illustrative purposes only. The accompanying text and dimensional requirements are rules that govern permitted development.

C. **Special Building Elements & Appurtenances**:

1. These rules apply if any of the following special elements are included in a building design:
   a. *Awnings/ Marquees*
   b. *Balconies*
   c. *Colonnades/Arcades*
   d. *Cupolas/Small Footprint Towers*
   e. *Porches*
   f. *Stoops*
   g. *Dormers*
   h. *Chimneys*
2. Building fronts for commercial and mixed-use structures shall have at least one of the following:
   a. Arcade
   b. Colonnade
   c. Marquee
   d. Porch
   e. Awning
3. Residential structures shall have a front porch or a stoop.

D. **Architectural Elements:** Contains general requirements, permitted finish materials and configurations for the following:

1. Building Walls
2. Columns, Arches, Piers, Railings & Balustrades
3. Windows & Doors
4. Roofing & Gutters
5. Garden Walls, Fences & Hedges
6. Opacity & Façades
7. Shutters
8. Corners & Water Tables
9. Skirting & Underpinning
10. Cornice, Soffit & Frieze
11. Sign Guidelines

E. **Special Building Elements and Appurtenances**.

1. Awnings/ Marquees

a. Depth = 5 ft. minimum.

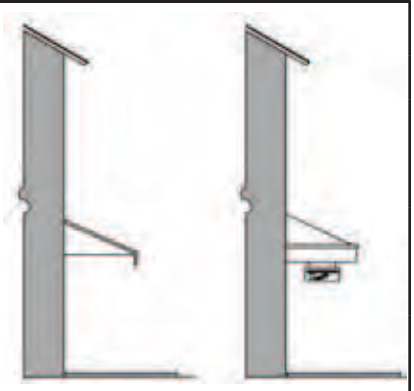
b. Height = 8 ft. minimum clear.

c. Length = 25% to 100% of Building Front (For commercial and mixed-use buildings within the Neighborhood Core and Neighborhood General only).

d. The above requirements apply to first-floor awnings. There are no minimum requirements for awnings above the first floor.

e. Marquees and Awnings shall occur forward of the Build-to Zone.

f. Awnings shall be made of fabric or metal. High-gloss or plasticized fabrics are prohibited.



Awnings/Marquees Precedent Imagery

2. Balconies

a. Depth = 2 ft. minimum for upper floor balconies.

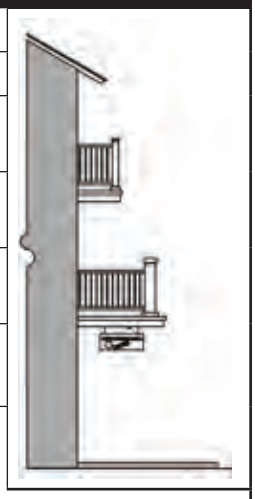
b. Height = 10 ft. minimum clear.

c. Length = 25% to 100% of Building Front. (for all building types in all zones, except single-family residences)

d. Balconies may occur forward of the Build-to Zone, but shall not encroach within the right-of-way.

e. Balconies may have roofs, but are required to be open, un-air-conditioned parts of the buildings.

f. On corners, balconies may wrap around the side of the building facing the side street.



Balconies Precedent Imagery

3. Colonnades/Arcades

a. Depth = 8 ft. min. from the build-to line to the inside column face. 18" from outside column face to curb.

b. Height = 10 ft. minimum clearance on ground floor. 8 ft. minimum fin. floor to ceiling on upper floors

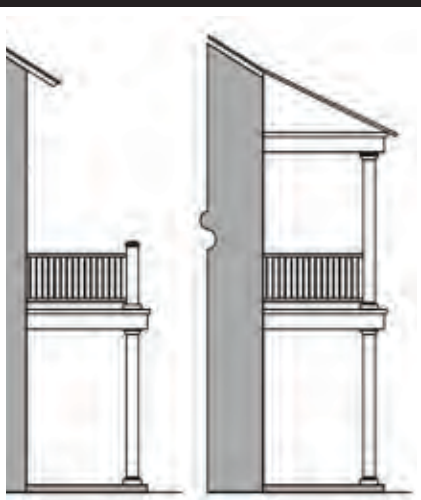
c. Length = 75-100% of Building Front. (for commercial and mixed-use buildings only)

d. Open multi-story verandas, awnings, and balconies shall be permitted above the colonnade.

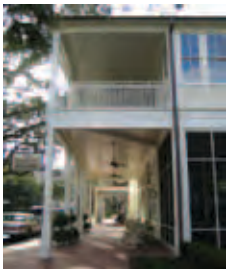
e. Colonnades shall only be constructed where the minimum depth can be obtained.

f. Colonnades may occur forward of the Build-to Zone, but shall not encroach within the right-of-way.

g. On corners, colonnades may wrap around the side of the building facing the side street.



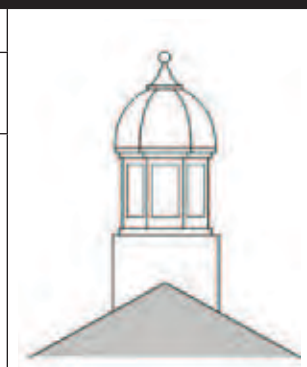
Colonnades/Arcades Precedent Imagery



4. Cupolas/Small Footprint Towers

a. Plan Area= 20' x 20' Maximum Footprint

b. Height= Cupolas and tower may extend a maximum of 15 feet above the Zoning District height limit.



Cupolas/Small Footprint Towers Precedent Imagery

5. Porches

a. Depth = 6 ft. minimum.

b. Length = 25% to 100% of Building Front.
= 25% to 100% of Building Side for wrap-around porches.

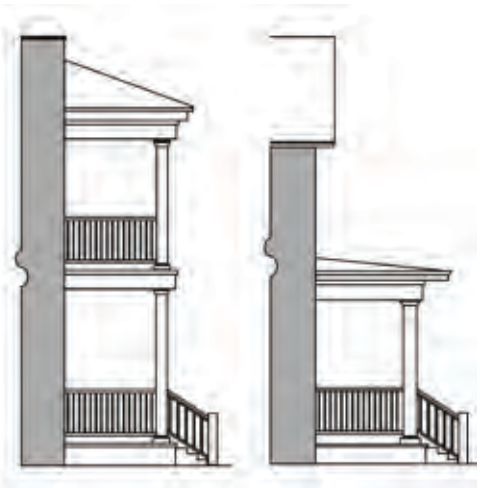
c. Height = 30" min. from grade to top of stairs; 96" maximum

d. Overhang = 2 ft. minimum.

e. Porches may have multi-story verandas and/or balconies above.

f. Front porches may occur forward of the Build-to Zone, but shall not extend into the right-of-way.

g. Porches may be screened; however, if screened, all architectural expression (columns, railings, pickets, etc.) must occur on the outside of the screen (facing the street or public space).



Porches Precedent Imagery

6. Stoops

a. Depth = 4 ft. minimum

b. Length = 10% to 25% of Building Front. (length does not include stairs)

c. Height = 30" minimum from grade to top of stairs.

d. Stoops are permitted and may occur forward of the Build-to Zone, but shall not extend into the right-of-way.

e. Stoop stairs may run to the front or to the side.

f. Sidewalks shall have clear access for pedestrians.

g. Stoops may be covered or uncovered.

Stoops Precedent Imagery

7. Dormers

a. Dormers provide light, egress and ventilation to upper-story spaces within the roofline. The use of dormers is commonly found in Bluffton and is strongly encouraged as both a functional and decorative element.

b. Dormers may take on a variety of forms. Most commonly they will have gabled, hipped, or shed roofs, with either open rafters or closed soffits.

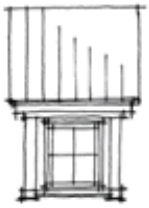
c. It is important to consider the size and proportion of overhang, as well as the width and height of the dormer in relationship to the scale of the structure.

d. Dormers may be used for ventilation of roof volumes with louvers in place of windows.

e. Windows or vents shall occupy the majority of the dormer's surface area.

f. Dormers may be set over the main wall plane, set back within the roof mass, or be partially engaged within an exterior wall.

g. Dormer centerlines shall align with the building elements below (centered between columns or directly above windows).



Dormers Precedent Imagery

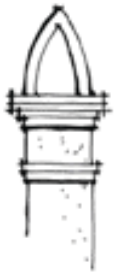
8. Chimneys

a. Chimneys are a central element for a structure, and have long provided opportunities for decorative detailing.

b. Exterior chimneys shall be finished in brick, tabby, or stucco.

c. Chimney caps provide the opportunity for a wide variety of details.

d. In keeping with masonry building technology, metal spark arrestors, exposed metal flues, or pre-fabricated chimney caps are not permitted.



Chimneys Precedent Imagery

F. **Architectural Elements**

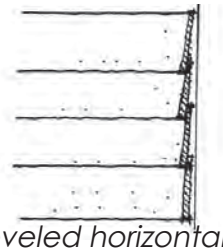
1. The lists of permitted materials and configurations come from the study of traditional buildings found in and around Bluffton and throughout the Lowcountry. They have been selected for their appropriateness to the visual environment and climate.
2. General Requirements: The following shall be located in rear yards or sideyards not facing side streets:
   a. Window and Wall Air Conditioners;
   b. Electrical Utility Meters;
   c. Air Conditioning Compressors;
   d. Irrigation and pool pumps; and
   e. Non-Residential Waste Receptacles.
3. The following shall be located in the rear yards only:
   a. Antennas;
   b. Permanent Barbecues;
   c. Satellite dishes;
   d. Clotheslines.
4. The following are prohibited:
   a. Undersized shutters (the shutter or shutters must be sized so as to equal the width that would be required to cover the window opening.);
   b. Shutters made of plastic, vinyl, aluminum, polystyrene, and metal;
   c. Inoperable shutters;
   d. Reflective and/or bronze-tint glass;
   e. Plastic or PVC roof tiles;
   f. Backlit awnings;
   g. Glossy-finish awnings;
   h. Exposed cell phone towers;
   i. Fences made of chain link, barbed wire, vinyl, plain wire mesh, or coated chain link;
   j. Fake-grained materials; and
   k. Internally lit/neon signs.

G. Building Walls

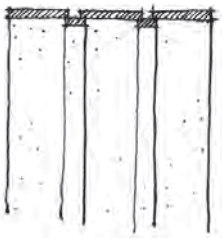
1. General Requirements (required for all buildings)
   a. Exposed foundation walls (below the first floor elevation) shall be; Brick done in bond patterns that match historic patterns in the district; Painted brick; Tabby stucco (mixed shell size only); and Stucco over block or concrete (sand-finished or steel trowel only).
   b. All Chimneys shall be made of brick; stucco, and natural or manufactured stone.

2. Required for all buildings except attached and detached single family houses:
   a. An expression line shall delineate the division between the first story and the second story. A cornice shall delineate the tops of the façades. Expression lines shall either be moldings extending a minimum of 2 inches, or jogs in the surface plane of the building wall greater than 2 inches. Cornices shall extend a minimum of 10 inches from the building wall.

3. Permitted Finish Materials:
   a. Wood (termite resistant, 50-year siding product).
   b. Cement fiber siding (50-year siding product).
   c. Concrete masonry units with stucco (C.B.S.).
   d. Reinforced concrete with stucco.
   e. Shingle.
   f. Vertical board and batten.
   g. E.I.F.S., Fiberglass (as cornice material), and composite materials: must be located out of reach of pedestrians and must visually appear to have a hand-troweled finish.
   h. Wherever possible, green building materials shall be used in the construction of building walls, including recycled-content sheathing, siding composed of reclaimed or recycled material, salvaged masonry brick or block, and locally-produced stone or brick.



Beveled horizontal wood siding



Wood board and batten

H. Columns, Arches, Piers, Railings, Balustrades

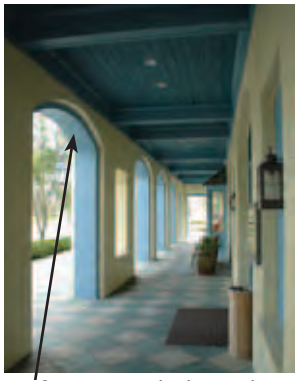
1. General Requirements:
   a. Column spacing: Columns and porch posts shall be spaced no farther apart than they are tall. Piers shall be place directly below the columns or posts which they support. Column Proportions shall be consistent with those found in the American Vignola: A Guide to the Making of Classical Architecture, by William Ware.

2. Permitted Finish Materials:
   a. Columns: Wood (termite resistant), painted or natural, Cast Iron, Concrete with smooth finish, Brick, Stone.
   b. Arches, Lintels, and Sills: Concrete Masonry Units with Stucco (C.B.S.), Reinforced Concrete with Stucco, Brick, Stone.
   c. Piers: Concrete Masonry Units with Stucco (C.B.S.), Reinforced Concrete with Stucco, Brick, Stone.
   d. Railings & Balusters: Wood (termite resistant), painted or natural Wrought Iron.

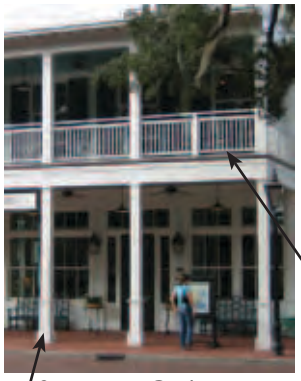
3. Permitted Configurations:
   a. Columns: Square, 6" minimum, with or without capitals and bases; Round, 6" minimum outer diameter, with or without capitals and bases; Classical orders.
   b. Arches: Semi-circular & Segmental.
   c. Piers: 8" minimum dimension.
   d. Porches: Top Rail: 2-3/4". Minimum diameter; Balusters: 4" o.c. spacing minimum, 5" o.c. spacing maximum.

Square Column

Brick Pier



Segmental Arch

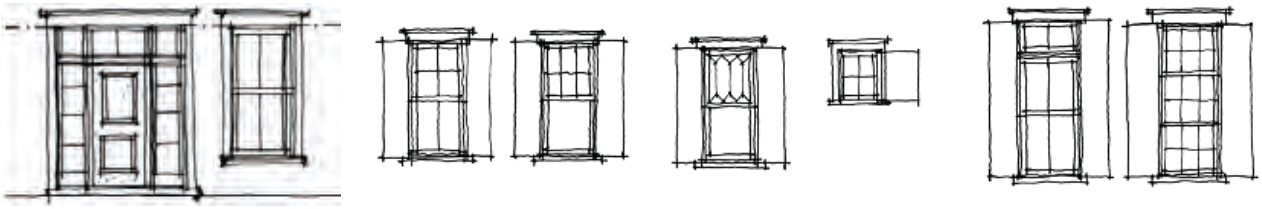


Square Columns

Cast Iron Railing or Wooden Balusters

I. Windows and Doors

1. General Requirements:
   a. The primary entrance to all buildings shall be located on the exterior wall facing the frontage street.
   b. Window openings shall be oriented vertically.
   c. Masonry Construction: A header and sill is required for all windows that are not located in a shopfront.
   d. The following accessories are permitted: Shutters, Wooden Window Boxes, Muntins and Mullions, Fabric or Metal Awnings (no backlighting; no glossy-finish fabrics).
   e. Dormer windows are encouraged.
2. Permitted Finish Materials:
   a. Windows & Shopfronts: Wood, Aluminum, Copper, Steel, Vinyl, Clad Wood.
   b. Doors: Wood or Metal.
3. Permitted Configurations:
   a. Windows: Rectangular, Square, Transom, Sidelite.
   b. Window Operations: Single- and Double-Hung, Casement, Industrial, Fixed Frame (36 square feet max.).
   c. Door Operations: Casement, French.



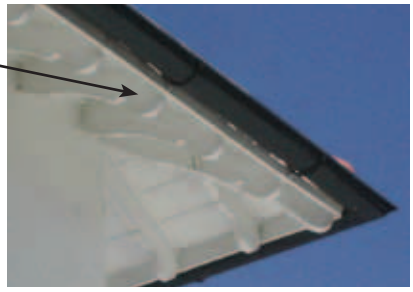
J. Roofs and Gutters

1. General Requirements:
   a. Permitted Roof Types: gabled, hipped, & shed. Flat roofs shall be concealed on all sides with parapets. Applied mansard roofs are not permitted.
   b. Downspouts are to match gutters in material and finish.

2. Permitted Finish Materials:
   a. Metal: Galvanized, Copper, Aluminum, Zinc-Alum.
   b. Shingles: Metal or Asphalt "dimensional" type, Slate, Composite Slate
   c. Gutters: Copper, Galvanized Steel, Aluminum (14-18 gauge)
   d. Use recycled-content, 30- or 40-year roofing material.

3. Permitted Configurations:
   a. Metal: Standing Seam or 5-V Crimp 24" maximum spacing, panel ends exposed at overhang
   b. Shingles: Square, Rectangular, Fish Scale, Diamond
   c. Gutters: Rectangular section, Square section, Half-round section

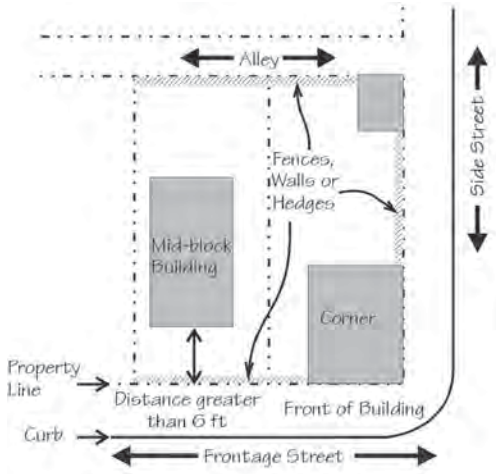
exposed rafter tails



downspouts match gutters

K. Garden Walls, Fences, and Hedges

1. General Guidelines: Fences, garden walls, or hedges are recommended along all un-built rights-of-way which abut streets and rear lanes as shown in the diagram below. Fences, garden walls, or hedges are encouraged along Side Yards (behind the front plane of the primary structure), and Rear Yards. Fences, garden walls and hedges shall be minimum 25% opaque. When fences, garden walls, or hedges occur, they must follow the below requirements.



2. Height
   a. Front Yard (in front of the primary structure): minimum height of 24 inches, maximum height of 42 inches. Pillars and posts shall extend farther.
   b. Rear Yards and Side Yards (behind the front plane of the primary structure): minimum height of 36 inches, maximum height 6 feet.

3. Permitted Finish Materials:
   a. Wood (termite resistant).
   b. Wrought Iron.
   c. Brick (A cap protects the tops of all brick elements exposed to the weather such as garden walls and freestanding piers. Caps are generally comprised of brick, but may also be comprised of stone, cast stone, terra cotta, concrete, or slate. The edges of caps shall be rectangular or more ornate. Caps shall project past the edge of the brick element below a minimum of 1/2in.).
   d. Stone.
   e. Concrete Masonry Units with Stucco (C.B.S. – if primary structure is masonry).
   f. Reinforced Concrete with Stucco (if primary structure is masonry).
   g. Wood posts with "Hog wire" infill and a board rail on top.

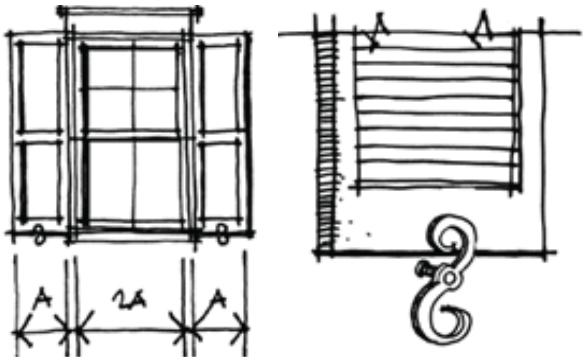
4. Permitted Configurations:
   a. Wood: Picket fences with corner posts and rail fences.
   b. Wrought Iron: Vertical, 5/8" minimum dimension, 4" to 6" spacing.
   c. Brick.
   d. Stone.
   e. Stucco: with texture and color to match building walls.

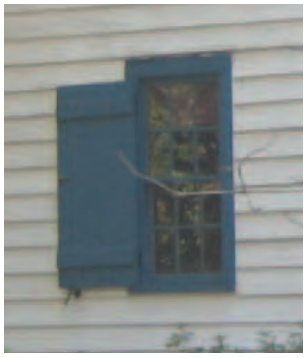
L Opacity and Facades

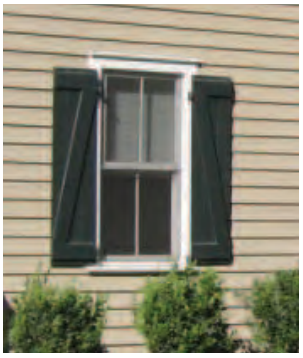
1. General Guidelines: Each floor of any building façade facing a park, square or street shall contain transparent windows covering from 20% to 70% of the wall area.
2. Retail shopfront areas only: In order to provide clear views of merchandise in stores and to provide natural surveillance of exterior street spaces, the ground-floor along the building frontage shall have untinted transparent shopfront windows and / or doors covering no less than 75% of the wall area. Low emissivity glass with high visual light transmittance shall be permitted. Bottoms of the shopfront windows shall be between 1 and 3 feet above sidewalk grade. Shopfronts shall remain unshuttered at night and shall provide clear views of interior spaces lit from within. Doors or entrances for public access shall be provided at intervals no greater than 50 feet, unless otherwise approved by the UDO Administrator.

M. Shutters

1. Shutters are an important vernacular element. They provide privacy, yet allow breezes to pass through the house. They shade windows from sun, and protect them from rain while at the same time providing a decorative visual element.
   a. Shutters are encouraged, and when used, must be sized to match openings.
   b. Shutters shall be hinged and operable.
   c. Single-hinged, double-hinged, or Bermuda-type shutters are acceptable.
   d. Shutters may be louvered, paneled, board and batten, or plank construction used with shutter dog of typical "S" design.
   e. Shutters shall be constructed of a durable wood.





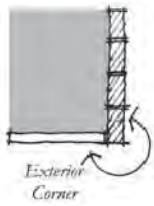


N. Corners and Water Tables Corners

1. Corners and water tables should follow precedent found in the local vernacular. Corner boards shall project beyond siding material;
2. Corner board trim shall be mitered, rabbeted, or butt jointed (butt face to be on side of wall);
3. Corner boards shall be beaded or have ¼ round inset trim mold;
4. Corners may have pilasters with an appropriate cap detail;
5. Corners may have 5/4" back-banding; and
6. Quoins of any type, Aluminum or vinyl corners or skirting and corner trim that is out of proportion to the vertical height of the wall are not permitted.
7. Water Table
   a. Water table should be 2x stock with a bevel (any exposed flashing must be copper or match color of water table);
   b. Water table trim should extend beyond any skirt trim; and
   c. Skirt boards shall be furred out to sit just beyond face of foundation wall (after finish foundation material is applied, i.e. brick, stucco).

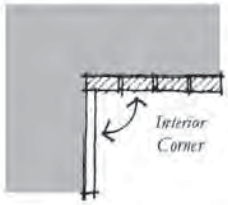
Not Acceptable

Change of material in same plane



Not Acceptable

Change of material at exterior corner

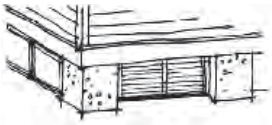


Acceptable

Change of material at interior corner

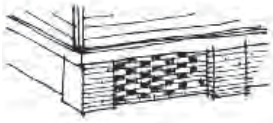
O. Skirting & Underpinning

1. The following are permitted materials for skirting and underpinning: Brick lattice, vertical or horizontal pattern wood lattice or fencing referred to as "pig-board" and louvered vents.



Raised tabby foundation with horizontal infill panels

Raised brick foundation with vertical 1x6 louvers

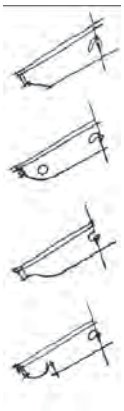


Raised brick foundation with open bond brick infill panels

P. Cornice, Soffit, and Frieze

The cornice, soffit and frieze follow precedent with large overhangs to provide shade and protect building surfaces from weather. The following details shall be considered in design:

1. The size of the overhang, detailing and depth of the cornice, soffit, and frieze should be in proportion with the design of the structure.
2. Open cornices with exposed rafter tails are a common detail to Bluffton and are finished with a simple 5/4" fascia board.
3. Rafter tails may be cut into a variety of decorative profiles.
4. Enclosed cornices should be finished with crown and bed moldings.
5. Soffits should be finished with beaded or v-groove tongue & groove.
6. The soffit, on an enclosed cornice, should be trimmed with a small crown or bed & cove mold at the frieze.
7. Simple brackets that support overhanging eaves can be found within the Bluffton vernacular.
8. Frieze boards should project beyond the siding material.
9. When exposed rafters are used, it is important that vented blocking be provided between the rafters. Continuous venting in enclosed soffits with aluminum vents is permitted on new construction, but it is recommended that it be less than 3" wide and is disguised in the soffit to the extent feasible.
10. Rough sawn wood, plywood and aluminum are not permitted materials for soffit or cornice detailing.



End-cut details for exposed rafters

Exposed rafter tails with 1x4 band board

Boxed soffit with crown molding over 1x8 fascia

Enclosed rafters with 1x4 over 1x8 fascia

Q. Sign Guidelines

1. General Requirements:
   a. All signs shall be subject to review by the UDO Administrator for consistency and harmony with the character of the Old Town Bluffton Historic District. The UDO Administrator shall use the graphics in this section as non-binding guidelines, to make a determination of appropriateness on a case-by-case basis.
   b. Wall signs shall be flat against the façade, or mounted projecting from the façade.
   c. Free standing monument signs shall be placed at least five feet from the right of way.
   d. Signs shall be externally lit from the front.
   e. All signs shall be permanently mounted.
   f. No off premise signs shall be permitted.
   g. Temporary signs announcing a sale, promotion, civic, philanthropic, educational, religious, or other special event must meet the following requirements:
      (1) Any tenant space or lot, if a single occupant, may display temporary signs, in aggregate, for up to 30 days in any 12 month period;
      (2) Must not exceed 6 square feet in area per sign face, 12 square feet in total sign area, and 4 feet in height if free-standing ;
      (3) Signs shall be affixed at all corners to the structure on which the sign is attached.
      (4) No more than one temporary sign shall be permitted at any time; and
      (5) No temporary sign shall be illuminated.
   h. One sandwich board sign may be permitted per tenant space or lot if a single occupant during business hours and must meet the following requirements:
      (1) Must not exceed 6 square feet in area per sign face, 12 square feet in total sign area, and 4 feet in height;
      (2) In addition to being located on private property, such sign may be located on any common property associated with the private property for which the sign serves;
      (3) Must be located in a manner that maintains a minimum of 36 inches of unobstructed sidewalk clearance; and
      (4) Must be located in a manner that does not impede vehicular traffic or parking, including safety sight lines at intersections.

2. Finish Materials:
   a. Wood: painted or natural
   b. Metal: copper, brass, galvanized steel, or aluminum
   c. Painted Canvas
   d. Paint/engraved directly on façade surface
   e. MDU or other recycled material finished to resemble wood.

3. Configurations:
   a. Maximum gross area of wall signs on a given façade shall not exceed 10% of the façade area, with maximum size of any one sign limited to 25 square feet.
   b. Maximum area of any single freestanding sign shall not exceed 5 square feet per side and 5 feet in height. Freestanding on-premise signs along SC Highway 46 and Bruin Road shall not exceed 25 square feet and 8 feet in height

      *Signs shall maintain a minimum clear height above sidewalks of 8 feet.
   c. All other sign types shall not exceed 5 square feet per side.
   d. No more than 2 signs may be displayed per address.
   e. Freestanding signs shall be mounted either parallel or perpendicular to the right-of-way.

Signs mounted projecting from the façade:

Signs mounted flat against the façade:

5.15.7 Parking

A. **Intent.** The intent of these parking regulations is to encourage a balance between compact pedestrian oriented development and necessary car storage. The goal is to construct neither more nor less parking than is needed. The parking requirements and regulations are subject to review and adjustment by the UDO Administrator.

B. **Applicability.** In addition to the parking requirements found in Section 5.15.7 Parking within the Old Town Bluffton Historic District, the provisions found in Section 5.11.4 Standards: Design Standards for Parking Areas and Parking Lots

and in Section 5.11.6 Standards: Bicycle Parking shall apply to all development in the Old Town Bluffton Historic District.

C. **Parking Requirements**

1. The minimum parking count requirement shall be in accordance with the following parking standard in Table 5.15.7.C.1.a:

	Table 5.15.7.C.1.a Parking Spaces
Use	**Parking Standard**
Residential	2 spaces per dwelling unit 1 space per accessory dwelling unit
Lodging	1 space per room for rent plus 2 spaces per 1000 sf of ancillary office use
Office	2 spaces per 1000 sf
Health/Human Care	2 spaces per 1000 sf
Commercial Services	2 spaces per 1000 sf
Restaurants	6 spaces per 1000 sf
Restaurant – Carry Out Only	2 spaces per 1000 sf
Civic/Institutional	2 spaces per 1000 sf
Religious Assembly	1 space per 6 seats
School	1 space per instructor
Recreation/Entertainment	Number of spaces shown to be necessary and reasonable by data submitted by the Applicant and as approved by the UDO Administrator

2. Credit shall be given for on-street parking spaces located within the public or private right-of-way that are directly in front of or adjacent to a property (except for restaurant uses).
When an on-street parking space is shared between two properties, the following methods shall determine how that parking space will be allocated.

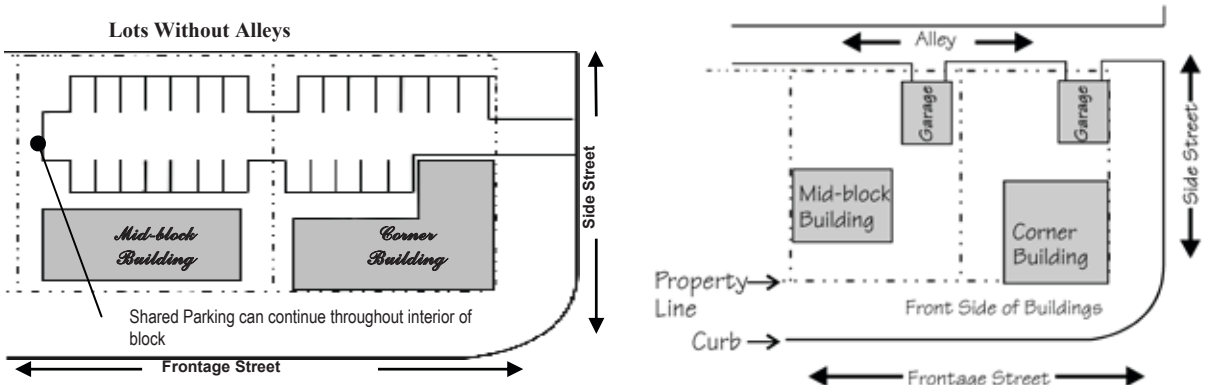
   a. If the on-street parking space is demarcated, project the property line or, in the absence of a property line separating the subject building or use from the adjacent building, use a line determined by the midpoint between the closest points of the subject and adjacent buildings or uses, perpendicular to the to the edge of parking pavement. From this point measure the distance along the pavement edge to each parking space marking. The use or parcel having the majority of this distance may count the space towards the required parking.

   b. If the on-street parking space is not demarcated, project the property line or, in the absence of a property line separating the subject building or use from the adjacent building, use a line determined by the midpoint between the closest points of the subject and adjacent buildings or uses, perpendicular to the to the edge of parking pavement. From this point measure the total distance along the pavement edge between each property line or adjacent building or use. For parallel parking divide the

total distance by twenty-two (22) feet and for angled parking divide the total distance by nine (9) feet. Round the resulting value down to the nearest whole number.

D. **Off-Street Surface Parking Lot Placement**

1. Wherever possible, parking lots shall be located behind buildings, such that buildings separate parking areas from the street. In no case shall parking be located in front of a building. In the absence of a building or along secondary frontages, off-street surface parking lots shall be set back a minimum of 10 feet from property lines along public rights-of-way, excluding rear lanes. Outbuildings serving as garages facing rear lanes shall be permitted within this setback along the rear lane.
2. In order to provide a horizontal and vertical visual buffer softening the public view, the setback between any public right-of-way and an off-street parking area shall contain a combination of landscaping, including a variety of trees and shrubs capable of providing year round screening, and architectural features such as, but not limited to, garden walls, fences and columns designed in accordance with the Old Town Bluffton Historic District Architectural Standards. The visual buffer shall be a minimum of 42 inches in height and should have a minimum 50% opacity. Shrubs shall be projected to reach their required height and opacity within one year of installation.
3. The buffer between any public right-of-way and an off-street parking area shall contain pedestrian amenities such as, but not limited to, benches, fountains, are or other features to create visual interest and continuity in the streetscape.
4. In accordance with the Old Town Master Plan, public and private stand-alone parking lots shall not be located on corner lots at the following intersections:
   a. Calhoun Street and any cross street;
   b. May River Road and any cross street;
   c. Bruin Road and any cross street;
   d. Bridge Street and any cross street; and
   e. Bluffton Road and any cross street.

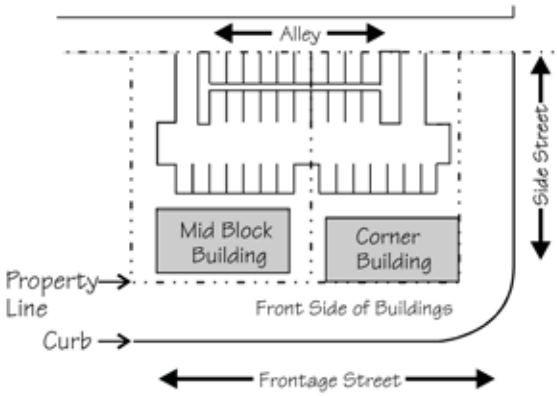


Access to Off-Street Parking

5. The perimeter of off-street parking not adjacent to a public right-of-way shall include a landscape buffer a minimum of 5 feet in width, be a minimum of 42 inches in height, and contain vegetative material to visually screen the parking area from adjacent properties.

E. **Access to Off-Street Parking**

1. Rear lanes, service lanes, or secondary frontages where present, shall be the primary source of access to off-street parking. When rear lanes, service lanes, or secondary frontages are not present, parking shall be accessed by a single width driveway placed at the side of the lot, adjacent to the neighboring property line and a demonstrated effort made to obtain a cross access easement allowing for shared access between adjoining properties.
2. Access between parking lots across property lines is also strongly encouraged.
3. Pedestrian connectivity must be provided from the parking lot to the building which the parking serves or in the case of public parking to the nearest public pathway.



Access to Off-Street Parking

F. **Public Parking Structure**

1. Public parking structures shall comply with the applicable setback for Civic Buildings and reserve room for Liner Buildings between parking structures and the lot frontage. The Liner Building shall be no less than 20 feet in depth. Liner Buildings may be detached from or attached to parking structures. A Liner Building is only required along the first story of a public parking structure.

G. **Shared Parking**

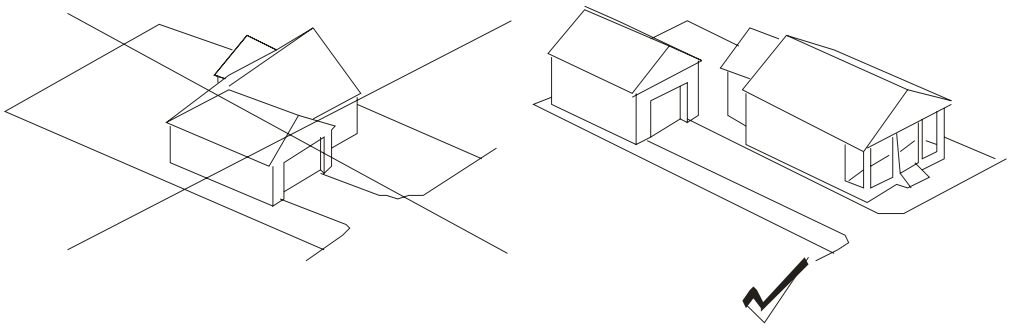
1. An efficient method for handling parking in the Old Town Bluffton Historic District is through the coordinated use of shared parking. Businesses and churches may be able to use certain parking spaces during the day while these same spaces are then used by residents at night. Shared parking works in a mixed-use, park-once, pedestrian-friendly environment, all of which are key elements in the *Old Town Master Plan*. Development proposals in the Old Town Bluffton Historic District should include shared parking strategies to minimize surface parking.
2. Shared parking may be applied when land uses have different parking demand patterns and are able to use the same parking spaces/areas throughout the day (except for restaurant uses). Shared parking is most

effective when these land uses have significantly different peak parking characteristics that vary by time of day, day of week, and/or season of the year. In these situations, shared parking strategies will result in fewer total parking spaces needed when compared to the total number of spaces needed for each land use or business separately. Land uses often used in specific shared parking arrangements include office, restaurants, retail, colleges, churches, cinemas, and special event situations. Shared parking is often inherent in mixed-use developments, which include one or more businesses that are complementary, ancillary, or support other activities. General parking lots and/or on-street parking that is available for patrons of nearby businesses/commercial districts is another form of shared parking.

3. The UDO Administrator shall evaluate all shared parking applications to ensure that parking is handled appropriately in Old Town. As determined by the UDO Administrator, the shared parking lot shall be a reasonable and accessible distance from the uses for which it will serve. The approval of a shared parking application by the UDO Administrator is conditioned upon the Shared Parking Easement required by Section 5(f) herein being recorded with the Office of the Register of Deeds for Beaufort County, South Carolina, within thirty (30) days of the Administrator's written approval of any plan.
4. Factors evaluated to establish shared parking arrangements should include operating hours, seasonal/daily peaks in parking demand, the sites orientation, location of access driveways, transit service, accessibility to other nearby parking areas, pedestrian connections, distance to parking area, availability of parking spaces, cooperation of adjacent owners). The minimum number of parking spaces for a mixed use development or where shared parking strategies are proposed shall be determined by a study prepared by the applicant following the procedures of the Urban Land Institute Shared Parking Report.
5. The shared parking plan submitted by the applicant shall include one or more of the following:
   a. Site plan of parking spaces intended for shared parking and their proximity to land uses that they will serve.
   b. A signage plan that directs drivers to the most convenient parking areas for each particular use or group of uses (if such distinctions can be made).
   c. A pedestrian circulation plan that shows connections and walkways between parking areas and land uses. These paths should be as direct and short as possible.
   d. A safety and security plan that addresses lighting and maintenance of the parking areas.
   e. Any additional applicable information, as requested by town staff.

H. **Garages**

1. Garage doors shall be positioned no closer to streets, squares or parks than 20 feet behind the principal plane of the building frontage. Garage doors shall not exceed 12 feet in width. Where space permits, garage doors shall face the side or the rear, not the front.
2. Driveways shall be a maximum of 10 feet wide in front of the principal plane of the building.



Garage Location

5.15.8 Building Types

A. Main Street Building

General: Detached Mixed Use Building.

Size Range: 2,000 – 8,000 sq. ft.

Maximum Footprint (not including porches): 3,500 sq. ft.

Height: 2 - 3 stories.

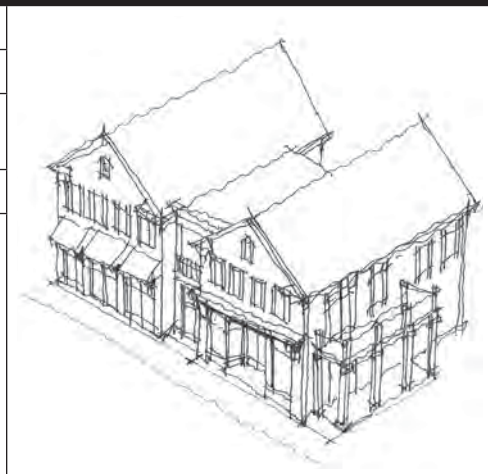
Notes:

A shopfront building.

Retail/office space on ground floor.

Office/living space on upper levels.

Must have an arcade, colonnade, marquee or awning along the front façade (arcades/colonnades are preferred).



CORE	CENTER	GENERAL	CONSERVE	RIVER EDGE
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Main Street Building Precedent Imagery

*Precedent images are for illustrative purposes only, with no regulatory effect. They are provided as examples, and shall not imply that every element in the photograph is permitted.

B. Commercial Cottage

General: Detached Mixed Use Building.

Size Range: 600 – 1,800 sq. ft.

Maximum Footprint (not including porches): 1,500 sq. ft.

Height: 1 – 1.5 stories.

Notes:

A shopfront building.

Similar to the historic Peeples' Store on Calhoun Street.

May contain a living unit in the attic story.

Typically 18' - 30' wide, but may vary.

CORE	CENTER	GENERAL	CONSERVE	RIVER EDGE
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Commercial Cottage Precedent Imagery

*Precedent images are for illustrative purposes only, with no regulatory effect. They are provided as examples, and shall not imply that every element in the photograph is permitted.

C. Live-Work Sideyard

General: Detached Mixed Use Building.

Size Range: 1,800 – 3,200 sq. ft.

Maximum Footprint (not including porches): 1,500 sq. ft.

Height: 1.5 – 2.5 stories.

Notes:

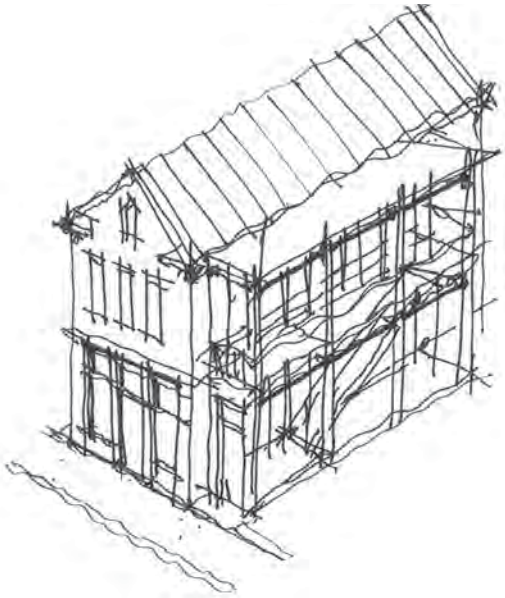
A shopfront building.

A retail or office space on the ground floor, with one dwelling unit above.

Must have a single/double story side porch or arcade.

Building tends to be positioned with the non-porch side close to the adjacent side property line, creating a "side yard" which the porch faces onto.

Typically 24' - 40', including the side porch.



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Live-Work Sideyard Precedent Imagery

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D. Duplex/Triplex

General: Two or Three Attached Single Family Residences.

Size Range: 800 – 2,800 sq. ft. (per unit).

Maximum Footprint (not including porches): 1,000 sq. ft. (per unit).

Height: 1.5 – 2.5 stories.

Notes:

Each unit must have own separate, forward (street).

Facing entrance.

Units shall be arranged with fronts parallel to the street.

Units shall all be constructed simultaneously and be of the same architectural character.

Units may be rentals or condominiums.

Units share one single lot.

One carriage house is allowed per unit.

Triplex may be 3 full stories if raised up on a full height basement.

Each unit is typically 15' - 30' wide.

CORE	CENTER	GENERAL	CONSERVE	RIVER EDGE
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*Precedent images are for illustrative purposes only, with no regulatory effect. They are provided as examples, and shall not imply that every element in the photograph is permitted.

Duplex/Triplex Precedent Imagery

E. Mansion Apartment House

General: Detached Multi-Family Building (4-6 units).

Size Range: 1,800 – 4,500 sq. ft. (per unit).

Maximum Footprint (not including porches): 2,000 sq. ft.

Height: 2 – 2.5 stories.

Notes:

Building may contain 4-6 units.

Has the appearance of a large home.

Must have one primary entrance.

Shall have a shared front porch.

Units may be rentals or condominiums.

Building is typically center hall in format.

One carriage house is allowed on the same lot.

Typically 40' - 60' wide.

CORE	CENTER	GENERAL	CONSERVE	RIVER EDGE
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Mansion Apartment House Precedent Imagery

*Precedent images are for illustrative purposes only, with no regulatory effect. They are provided as examples, and shall not imply that every element in the photograph is permitted.

F. Carriage House

General: Detached Accessory Structure.

Size Range: 250 – 1,200 sq. ft. (per unit).

Maximum Footprint (not including porches): 800 sq. ft.

Height: 1 – 2 stories.

Notes:

Must be an accessory structure.

Only one permitted per lot, unless otherwise noted.

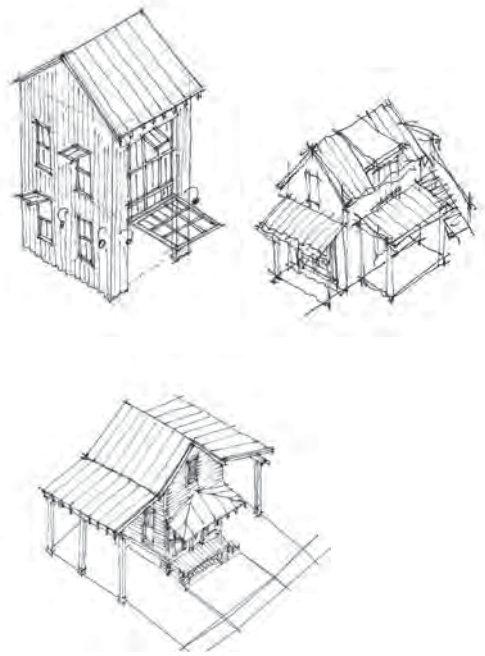
May be used as a garage, living unit or home business (or combination).

May function as a small-scale shop, studio or workshop.

Garages are limited to 2 cars, with maximum garage door widths of 12' each.

Must be of same general character as primary structure.

Must be placed behind the primary structure and towards the back of the lot



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Carriage House Precedent Imagery

*Precedent images are for illustrative purposes only, with no regulatory effect. They are provided as examples, and shall not imply that every element in the photograph is permitted.

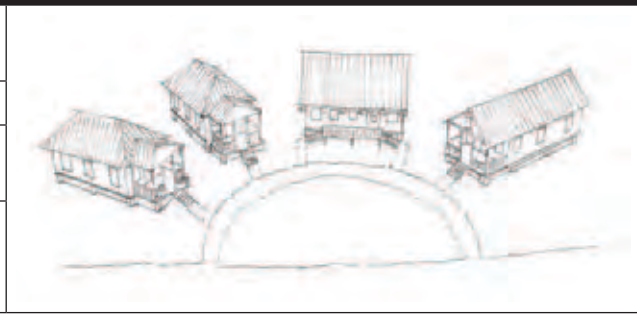
G. Bungalow Court

General: Detached Clustered Single Family Residences.

Size Range: 400 – 900 sq. ft.

Maximum Footprint (not including porches): 700 sq. ft.

Height: 1 – 1.5 stories.



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Notes:

Units must face each other or an adjacent public ROW.

Court must contain a center green or common space.

All units share one lot (condominiums).

Bungalows shall be accessed by pedestrian paths.

Parking and driveways must be located behind units and along adjacent property lines - may be communal parking.

Carriage houses are not allowed.

Schemes for courts in which any of the bungalows face the back of adjacent buildings or turn their back on an adjacent street shall not be permitted.

Bungalow Court Precedent Imagery.

*Precedent images are for illustrative purposes only, with no regulatory effect. They are provided as examples, and shall not imply that every element in the photograph is permitted.

H. Cottage

General: Detached Single Family Residence.

Size Range: 700 – 1,500 sq. ft.

Maximum Footprint (not including porches): 900 sq. ft.

Height: 1 – 1.5 stories.

Notes:

Almost always has a front porch.

Typically 18' - 28' wide.

Typically positioned close to one of the adjacent side property lines.

CORE	CENTER	GENERAL	CONSERVE	RIVER EDGE
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Cottage Precedent Imagery

*Precedent images are for illustrative purposes only, with no regulatory effect. They are provided as examples, and shall not imply that every element in the photograph is permitted.

I. Village House

General: Detached Single Family Residence.

Size Range: 1,200 – 2,400 sq. ft.

Maximum Footprint (not including porches): 1,100 sq. ft.

Height: 2 – 2.5 stories.

Notes:

Almost always has a front porch.

Shall be narrower along the street front than it is deep.

Typically positioned close to one of the adjacent side property lines.

Principal mass of the building typically has a forward facing gable.

Typically 20' - 30' wide.

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Village House Precedent Imagery

*Precedent images are for illustrative purposes only, with no regulatory effect. They are provided as examples, and shall not imply that every element in the photograph is permitted.

J. Sideyard House

General: Detached Single Family Residence.

Size Range: 1,200 – 2,800 sq. ft.

Maximum Footprint (not including porches): 1,200 sq. ft.

Height: 2 – 2.5 stories.

Notes:

Positioned with narrow side facing the street and a full-length side porch.

House tends to be positioned with the non-porch side close to the adjacent side property line, creating a "side yard" onto which the porch faces.

Typically 24' - 35' wide, including the side porch.

CORE	CENTER	GENERAL	CONSERVE	RIVER EDGE
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Sideyard House Precedent Imagery

*Precedent images are for illustrative purposes only, with no regulatory effect. They are provided as examples, and shall not imply that every element in the photograph is permitted.

K. Vernacular House

General: Detached Single Family Residence.

Size Range: 1,600 – 2,800 sq. ft.

Maximum Footprint (not including porches): 1,800 sq. ft.

Height: 1.5 stories.

Notes:

Similar to the Heyward House and Seabrook House.

Must have a full-length front porch.

May have dormers.

May have side or rear wings, which are secondary to the main mass of the structure.

Typically 38' - 50' wide.

Gables always occur on the sides of the house, i.e., the roof ridge shall run parallel to the front façade of the house.

CORE	CENTER	GENERAL	CONSERVE	RIVER EDGE
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Vernacular House Precedent Imagery.

*Precedent images are for illustrative purposes only, with no regulatory effect. They are provided as examples, and shall not imply that every element in the photograph is permitted.

L. Center Hall House

General: Detached Single Family Residence.

Size Range: 2,000 – 5,500 sq. ft.

Maximum Footprint (not including porches): 2,000 sq. ft.

Height: 2 - 2.5 stories.

Notes:

Similar to Seven Oaks and Guerrard's Bluff.

May have a single or double height front porch.

May have side or rear wings, which are secondary to the main mass of the building.

Typically 40' - 55' wide.

CORE	CENTER	GENERAL	CONSERVE	RIVER EDGE
	●	●	●	●

Center Hall House Precedent Imagery.

*Precedent images are for illustrative purposes only, with no regulatory effect. They are provided as examples, and shall not imply that every element in the photograph is permitted.

M. River House

General: Detached Single Family Residence.

Size Range: 2,000 – 4,800 sq. ft.

Maximum Footprint (not including porches): 2,000 sq. ft.

Height: 2 - 2.5 stories.

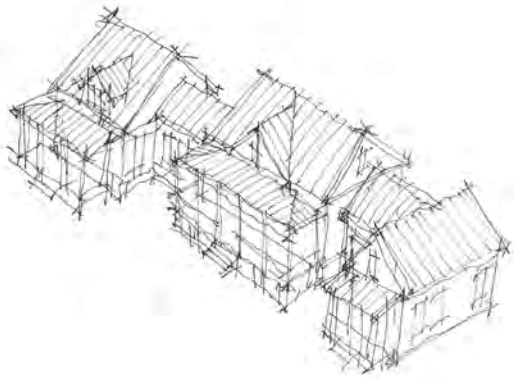
Notes:

Similar to Pritchard House.

Typically has a porch on both the street and river sides.

Large, central mass like the Vernacular House, but with smaller wings extending out from one or both sides.

Typically 60' - 90' wide.



CORE
CENTER
GENERAL
CONSERVE
RIVER EDGE ●

River House Precedent Imagery

*Precedent images are for illustrative purposes only, with no regulatory effect. They are provided as examples, and shall not imply that every element in the photograph is permitted.

N. Civic Building

CORE
●
CENTER
●
GENERAL
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CONSERVE
RIVER EDGE

1. Civic buildings contain uses of special public importance. Civic buildings include, but are not limited to, municipal buildings, churches, libraries, schools, recreation facilities, and places of assembly. Civic buildings do not include retail buildings, residential buildings, or privately owned office buildings. Civic buildings should be monumental and should help to enhance the public realm, rather than take away from it. The buildings should evoke a civic character and be carefully designed to reflect the architectural character of Bluffton and the Lowcountry. The design of civic buildings shall be subject to review and approval by the UDO Administrator and the Historic Preservation Commission.
2. Civic buildings are reviewed on a case-by case basis. Although intended uses will be a significant determinant of form, there are several common design principals inherent to civic buildings. These principals affect their relationship to private buildings and to their setting as a whole.
3. Placement
   a. Civic buildings should be oriented toward the public realm (streets, squares and plazas) in a very deliberate way.
   b. Placement of buildings and primary architectural elements at the termination of public vistas can provide an appropriate level of visual importance.
   c. Building entrances should always take access from the most prominent façade(s). Avoid entrances that take access from the rear or are visually concealed.
   d. Placement of civic buildings, depending upon program and site, can often benefit from being set back from the adjacent build-to lines of private development. This allows the scale of the building to have more visual emphasis and can create a public space in the foreground. The amount of this setback should be carefully determined based on the urban design objectives of the particular site.
   e. The primary massing of civic buildings should be symmetrical in form. The appearance of a balanced design increases the level of formality which is appropriate to the public use.
   f. Massing of civic buildings, although often larger as a whole, should be divided into visually distinct sections. Massing divisions should provide visual order to the building and create vertical proportions within individual elements.
4. Scale/Height
   a. The scale of civic buildings should be larger than corresponding buildings

in order to be more prominent and visible across greater distances.

b. Floor-to-ceiling heights and architectural details should be proportionately larger than those of private buildings that exist or are anticipated within adjacent blocks.

c. Prominent roof forms and additive elements such as cupolas can visually extend the height of the building.

5. Materials/Details

a. It is of great importance that civic buildings be made of durable, high quality materials. The use of long-lasting materials is an expression of confidence in the future of the Town.

b. Civic buildings should be made of masonry, including brick, stone, and cast concrete. In some cases wood construction is appropriate and should be executed with the highest quality framing and cladding materials. Stucco should be avoided as a material that lacks scale and texture. If used, stucco should be traditional, have integral pigment, and be scored to define human-scaled dimensions on the façade.

c. Building details should be designed at two scales. At the larger scale, details should be robust to read from a distance. Closer to the building, the details of the lower levels should have another measure of refinement that can only be seen at the up-close, pedestrian scale.

Civic Building Precedent Imagery.

The following are examples of civic buildings which demonstrate the general architectural and urban character intended by these standards.

*Precedent images are for illustrative purposes only, with no regulatory effect. They are provided as examples, and shall not imply that every element in the photograph is permitted.

O. Church Buildings

CORE	CENTER	GENERAL	CONSERVE	RIVER EDGE
●	●	●	●	●

1. Church buildings contain uses of special public importance. Church buildings include, but are not limited to, churches, synagogues, other facilities used for prayer, contemplation by persons of similar beliefs or conducting formal religious services on a regular basis and places of religious assembly.
2. Church buildings should be significant and should help to enhance the public realm, rather than take away from it. The buildings should be carefully designed to reflect the architectural character of Bluffton and the Lowcountry. The design of church buildings shall be subject to review and approval by the UDO Administrator and Historic Preservation Commission.
3. Church buildings are reviewed on a case by case basis. Although intended uses will be a significant determinant of form, there are several common design principles inherent to church buildings. These principles affect their relationship to private buildings and to their setting as a whole.
4. Placement
   a. Church buildings should be oriented toward the public realm (streets, squares and plazas) in a very deliberate way.
   b. Placement of buildings and primary architectural elements at the termination of public vistas can provide an appropriate level of visual importance.
   c. Building entrances should always take access from the most prominent façade(s). Avoid entrances that take access from the rear or are visually concealed.
   d. Placement of church buildings, depending on program and site, can often benefit from being set back from the adjacent build-to lines of private development. This allows the scale of the building to have more visual emphasis and can create a public space in the fore ground. The amount of this setback should be carefully determined based on the urban design objectives of the particular site.
   e. The primary massing of church buildings should be symmetrical in form. The appearance of a balanced design increases the level of formality which is appropriate to the use.
   f. Massing of church buildings, although often larger as a whole, should be divided into visually distinct sections. Massing divisions should provide visual order to the building and create vertical proportions within individual elements.
5. Scale/Height
   a. The scale of church buildings should be larger than corresponding buildings in order to be more prominent and visible across greater distances.
   b. Floor to ceiling heights and architectural details should be proportionately

larger than those of private buildings that exist or are anticipated within adjacent blocks.

c. Prominent roof forms and additive elements such as cupolas can visually extend the height of the building.

6. Materials/Details
   a. It is of great importance that church buildings be made of durable, high quality materials. The use of long-lasting materials is an expression of confidence in the future of the Town.
   b. Church buildings should be made of masonry, including brick, stone, and cast concrete. In some cases wood construction is appropriate and should be executed with the highest quality framing and cladding materials. Stucco should be avoided as a material that lacks scale and texture. If used, stuccor should be traditional, have integral pigment, and be scored to define human scaled dimensions on the façade.
   c. Building details should be designed at two scales. At the larger scale, details should be robust to read from a distance. Closer to the building, the details of the lower levels should have another measure of refinement that can only be seen at the up-close, pedestrian scale.
   d. Decorative and artistic features or materials of a more formal or religious design, for example stained glass windows, should be permitted.

Church Building Precedent Imagery.

The following are examples of church buildings which demonstrate the general architectural and urban character intended by these standards.

*Precedent images are for illustrative purposes only, with no regulatory effect. They are provided as examples, and shall not imply that every element in the photograph is permitted.

P. Manufactured Homes (for replacement only, see Section 5.15.2.E. for applicability)

CORE	CENTER	GENERAL	CONSERVE	RIVER EDGE
●	●	●	●	●

1. Except as noted in this Section, the replacement of existing manufactured homes located in the HD zoning districts are exempt from the architectural standards of Section 5.15.6.

2. Placement
   a. Placement of the manufactured home shall be in accordance to the lot standards prescribed for the Additional Building Type of the applicable zoning district.
   b. Location of the primary entrance shall be located on the exterior wall facing the frontage street except in those cases where the existing lot configuration and required setbacks prohibit this orientation.
   c. Service yards and utilities shall be located in the rear or side yard and fully screened from view.

3. Porches/Stoops
   a. Design of porches and stoops shall be subject to Section 5.15.6.E.5 – Section 5.15.6.E.6.
   b. Design of any associated railings, columns, or balustrades shall be subject to Section 5.15.6.H.

4. Foundation Piers/Skirting & Underpinning
   a. Each manufactured home must be set on an appropriate foundation.
   b. Design of any exposed foundation walls or foundation piers shall be subject to Section 5.15.6.H.
   c. All hauling mechanisms, such as hitches, shall be removed prior to occupancy.
   d. The entire perimeter area between the bottom of the structure and the ground of each manufactured home shall be skirted or underpinned and shall use the manufacturer's skirting material or other allowed material prescribed in Section 5.15.6.O.

5. Building Walls
   a. Building walls may be clad in vinyl or aluminum siding (smooth, horizontal preferred) or a permitted finish material in accordance with Section 5.15.6.G.

6. Roof
   a. Roofing material and configurations shall be in accordance with Section 5.15.6.J.

7. Shutters
   a. Shutters are encouraged, and when used should be sized to match opening and situated as would be an operable shutter.

Article 6

Sustainable Development Incentives

6

6.1 Introduction and the Growth Framework Map

6.1.1 Intent

The Town strives to provide a sustainable, environmentally conscious, and business friendly community. In this regard, the intent of this article is to provide applicants options and incentives to integrate sustainable growth principles for neighborhood development and building construction, as well as promote workforce/affordable housing goals.

A portion of this Section is facilitated through the use of a *Growth Framework Map* which sets forth a land use vision that assumes that growth should be sustainable as stated in the Town of Bluffton *Comprehensive Plan*. The *Growth Framework Map* is structured to suggest patterns of growth into "place types" that are intended to result in a growth pattern that respects the Town's natural resources, historic fabric, diverse housing, access to nature, mixed-use activity centers, street network and neighborhood structure. Place types are made up of centers and edges with varying degrees of residential and non-residential intensity. Centers consist of locations where a range of uses and density establishes context and character. Edges are either natural (such as a wetland, lake, or coastal marsh) or man-made such as a highway, parkway, or utility easements.

The Town of Bluffton recognizes that a growth framework is necessary to prepare for a more compact and sustainable future. The Town further recognizes that certain areas are best suited for a more intense land development scenario while other areas are more suited for a lower intensity of land use. To effectively and efficiently provide public services, attract desired investment, protect property values, and protect key natural resources, this growth framework is vital as the Town of Bluffton increases in population.

6.1.2 Applicability

This article shall apply to all development or redevelopment located within a Place Type as designated on the *Growth Framework Map*, as adopted herein, and/or located within an already existing neighborhood as defined in the Town's *Comprehensive Plan*. Each application shall be judged on its own merit and the request for approval of Sustainable Development Incentives defined herein, shall be made at the time the applicable application is submitted.

The *Growth Framework Map* shall serve as a guiding document to facilitate preferred growth scenarios and is composed of the following Place Types:

A. **Rural Crossroads:** Located at the intersection of two or more rural roads, the Rural Crossroads provide a small amount of locally serving retail in a rural context. Generally, rural crossroads should have a distinct boundary from nearby agricultural uses or the natural environment;

B. **Hamlet:** Located in less urbanized areas, Hamlets typically exist at the edge of rural and developed areas. A Hamlet is made up on a single center with a small retail area and is surrounded by sparsely developed residential areas and rural businesses. The retail area and surrounding residential area of the hamlet transitions into agricultural areas or natural settings;

C. **Village:** Located in highly developed areas or those areas to be developed, a Village consists of a single center surrounded by compact, complete and connected neighborhoods providing support for a mixed-use area with moderate intensity. The mixed-use development occurs at the intersection of larger neighborhoods and along corridor connecting multiple neighborhoods; and

D. **Town Center:** Located in the most intensely developed areas or those areas to be intensely developed, Town Centers consist of compact, complete, and highly connected neighborhoods that support a larger, most intense mixed-use development condition. Buildings within the Town Center are usually larger, attached, and may be up to five stories in height.

6.1.3 Approval Authority

Sustainable Development Incentives, as described herein, shall be determined and approved by Town Council, unless approval authority is delegated to Town Manager through Town Council Resolution.

6.1.4 Calculation of Fee(s), Refund(s), Waiver(s)

Sustainable Development Incentives shall be calculated as described in this article using the Master Fee Schedule and/or applicable Development Agreement in effect at the time the application requesting Sustainable Development Incentives is determined complete by the UDO Administrator. Refund(s), as described in this article, refer to fees paid by the applicant for the application requested prior to approval of incentives. Waiver(s), as described in this article, refer to future fees applicable to the application that the approval authority has determined are no longer due as part of the overall approved incentives.

6.2 Design Parameters

The following land use scenarios and development characteristics shall apply to development and/or redevelopment within the place type designations as illustrated on the *Growth Framework Map*. Further, as applicable per the below Table, *Article 4, Zoning Districts* shall serve as a baseline for implementation.

Table 6.2: Design Parameters

	Rural Crossroads	Hamlet	Village	Town Center
Activity Mix	Retail, Service, Agricultural, Community/Civic Use	Retail, Service, Residential, Agricultural, Community/Civic Use	Retail, Service, Residential, Community/Civic Use	Retail, Service, Residential, Community/Civic Use
Mix of Uses	Horizontal Mixed Use	Horizontal Mixed Use	Horizontal and Vertical Mixed Use	Horizontal and Vertical Mixed Use
Character of Buildings	Detached Residential, Agricultural Buildings, Other Detached Buildings	Detached Residential, Agricultural Buildings, Other Detached Buildings	Attached and Detached Residential Buildings, Attached and Detached Non-Residential Buildings	Mostly Attached Buildings
Place Type Scale	Size: 0.5-5 acres	Size: 6-80 acres	Size: 160+ acres	Size: 200+ acres
Zoning District Allocation	0-10% AG 20-50% RG 30-80% RMU	0-20% RMU 20-50% RG 30-70% NC	10-30% RG, NG-HD 20-60% NC, NCE-HD 10-30% GM	5-10% RG, NG-HD 30-70% NC, NCE-HD 30-70% GM

6.3 Sustainable Neighborhood Design

6.3.1 Intent

The intent of this Section is to incentivize sustainable neighborhood design and development through the implementation of Smart Growth Principles within in the Town of Bluffton.

6.3.2 Applicability

This Section shall apply to applicable applications for development and/or redevelopment within the Place Types identified on the *Growth Framework Map*. The application shall meet the criteria identified herein.

6.3.3 Standards

In order to meet the minimum threshold for qualification for incentives as described in *Section 6.3.4*, a development and/or redevelopment project must score a minimum of 15 out of a total of 20 points from the following criteria:

A. **Redevelopment Site (Total 3 Points)**

1. Redevelopment Site: Reuse of previously developed site results in a reduction of more than 15% of impervious surface coverage (1 points).
2. Historic Buildings: Preservation, renovation and / or adaptive reuse of a structure that meets criteria for Town of Bluffton Historic Sites Inventory (1 point)
3. Infill Development: Small infill development that meets all of the following requirements (1 point):
   a. Project is located within an area of Bluffton with existing infrastructure and utilities;
   b. Project is not part of five or more contiguous vacant lots in a subdivision;
   c. Project's residential density is in accordance with the base zoning specifications, and is at a gross density not less than four units per gross acre; and
   d. Project does not exceed two thousand five hundred (2,750) square feet in any residential unit, excluding space allocated to porches, carports, garages, and other accessory structures.

B. **Compact, Complete, and Connected Development (Total 3 Points)**

1. Diversity of Uses Planned within an Integrated Access System: Diversification of land use that meets all of the following requirements (1 point):
   a. Diversity of non-residential land use types (retail, office, institutional, civic) in addition to residential; and
   b. Diversity of residential building types.
2. Pedestrian System: A connected pedestrian system that meets all of the following requirements (1 point):
   a. Dedicated off-street paths / trail system and/or bikeways are provided in addition to required sidewalks to abutting neighborhoods; and
   b. Provision of pedestrian amenities such as street trees, wider sidewalks, pedestrian-scale lighting, special paving, benches, etc.

3. Lowcountry Architecture Vernacular: All proposed structures meet the Old Town architectural requirements of *Article 5, Design Standards* (1 point).

C. **Environmental Sustainability (Total 6 Points)**

1. Dedicated Stream Restoration or Wetland Creation or Restoration: Restoration or creation of a dedicated stream or wetland (1 point).
2. Native Plants: Utilize at least 80% of native plants (1 point).
3. Tree Mitigation: Provide tree replanting plan that provides 120% of minimum required plantings. If property cannot sustainably support the tree planting a fee in lieu shall be paid into the Town of Bluffton Tree Bank as prescribed in *Article 5, Design Standards* (1 point).
4. Save Trees above 20 inches Minimum Caliper: Protect 50% of all hardwood trees 20 inches minimum caliper DBH (1 point).
5. Exceed Minimum Riparian Buffer Requirements: Provide an additional 25 feet of dedicated buffer in excess of minimum requirements provided in *Article 5, Design Standards*. (1 point).
6. Exceed Minimum Wetland Buffer Requirements: Provide an additional 25 feet of dedicated wetland buffer in excess of minimum standards as defined by the South Carolina Department of Health and Environmental Control – Office of Critical Resource Management (1 point).

D. **Water Conservation / Efficiency / Management (Total 3 Points)**

1. Installation of Greywater System: Provide a greywater system (1 point).
2. Rainwater Harvesting System: Provide a rainwater harvesting system that meet all of the following requirements (1 point):
   a. Collect and make use of water runoff from minimum 50% of roof area; and
   b. Provide storage system and monitoring device and maintenance / management program.
3. Water-Permeable Walkways: Provide water-permeable walkways that meet all of the following requirements (1 point):
   a. Use water-permeable materials in 50% or more of pathways; and
   b. Provide maintenance program.

E. **Energy Efficiency (Total 3 Points)**

1. Light Pollution Reduction: install sensors or timers on all exterior site lighting fixtures including signage (1 point).
2. Solar Orientation: Orient at least 50% of structures in a manner to make available solar strategies (1 point)
3. Reduce Heat-Island Effect of Paving: Use light-colored or high albedo materials and/or porous paving with a minimum Solar Reflective Index of 0.6 or over for at least 50% of the site hardscape (1 point).

F. **Operations and Maintenance Education (Total 2 Points)**

1. Home Owner Association (HOA) Documents: Require sustainability of green site features and long-term maintenance requirements in HOA documents as recorded with the Office of the Register of Deeds of Beaufort County. (1

point).

2. Maintenance Manual for Owner / HOA / Manager: Provide a manual that includes information on how to maintain the green features of the site, including paving materials, landscaping maintenance, stormwater management maintenance, and encourages additional green activities such as recycling, gardening, etc. This Manual shall be recorded with the Office of the Register of Deeds of Beaufort County. (1 point)

6.3.4 Incentives

A. Upon Town of Bluffton approval, any new development and/or redevelopment application is eligible for the incentives described herein. Incentives may be provided for the following application and/or development agreement fee types:

1. Master Plan Application;
2. Development Plan Application;
3. Subdivision Plan Application;
4. Development Agreement Application; and
5. Development Agreement Fees:
   a. Interim Development Agreement Fee; and/or
   b. Boat Ramp Repair Fund Fee.

B. As applicable, the Town of Bluffton may issue an application and/or development agreement fee reduction for the application types identified in Section 6.3.4.A, based upon the following schedule:

1. 15-19 points: Town of Bluffton shall provide a 25% fee reduction; or
2. 20 points: Town of Bluffton may provide a 50% fee reduction.

6.4 Sustainable Building Design

6.4.1 Intent

The intent of this Section is to incentivize sustainable building design and construction through the implementation of Smart Growth principles within the Town of Bluffton.

6.4.2 Applicability

This Section shall apply to applicable applications for building construction that is located within a place type or existing neighborhood as designated on the *Growth Framework Map* or specified in the Town's *Comprehensive Plan*. The application shall meet the criteria identified herein.

6.4.3 Standards

The most recent standards of the United States Green Building Council Leadership in Energy and Environmental Design (LEED) program LEED program or other similar national or state program as approved by the UDO Administrator for buildings shall serve as the standards of this Section.

6.4.4 Incentives

Upon Town of Bluffton approval, any habitable building demonstrating LEED or similarly approved certification may be eligible for a Building Permit/Plan Check rebate based

upon the following schedule, except that any third party plan check review fees shall be exempt from this Section:

A. LEED Certified or similar rating: Town of Bluffton shall provide a 20% fee rebate;

B. LEED Silver Certified or similar rating: Town of Bluffton may provide a 30% fee rebate;

C. LEED Gold Certified or similar rating: Town of Bluffton may provide a 40% fee rebate; or

D. LEED Platinum Certified or similar rating: Town of Bluffton may provide a 50% fee rebate.

6.5 Workforce/Affordable Housing

6.5.1 Intent

The intent of this Section is to implement the Town's Workforce/Affordable Housing Goals as identified in the *Comprehensive Plan* by providing incentives that will result in the provision of housing that is affordable to low and moderate-income families.

6.5.2 Applicability

This Section shall apply to applicable applications for the development of workforce/affordable housing units that are located within a place type and/or existing neighborhood as designated on the *Growth Framework Map* specified in the Town's *Comprehensive Plan*, or having an approved Neighborhood Plan. The application shall meet the criteria identified herein.

6.5.3 Standards

A. **General Standards.**

1. The development must contain residential uses, of which at least 20% of the total number of dwelling units shall qualify as workforce/affordable housing pursuant to this section. A mixture of housing types as well as uses is encouraged to be integrated throughout the development.
2. If market rate units are included in the project, workforce/affordable housing units shall be mixed with and not clustered together or segregated in any way from the market-rate units.
3. If the Development Plan contains a phasing plan, the phasing plan shall provide for the development of a proportion of the workforce/affordable housing units equal to the market rate units being developed as part of the phase. No phasing plan shall provide that the affordable housing units built are the last units in the project.
4. The exterior appearance of the affordable housing units in the project shall be made similar to the market-rate units by the provision of exterior building materials and finishes substantially the same in type and quality.

B. **Specific Standards.**

1. Prior to the submittal of the applicable application for incentive described in *Section 6.5.4*, a workforce/affordable housing plan must be submitted to the Town of Bluffton for approval. The plan shall contain, at a minimum, the following information:

a. A general description of the entire development, including whether the development will contain owner-occupied or rental units, or both;

b. The total number and type of market-rate units and workforce/affordable housing units in the development;

c. The number of bedrooms in each market-rate unit and each workforce/affordable unit;

d. The square footage of each market-rate unit and each workforce/affordable housing unit;

e. The location within any multi-family residential structure and any single-family residential development of each workforce/affordable housing unit;

f. The proposed ownership of workforce/affordable housing units shall be described in detail; and

g. Any commitment by local, state, or federal entity shall be identified.

2. The provisions of this Ordinance shall apply to the development and use of the property.

3. All workforce/affordable housing units shall be marketed to the public in the same manner as the market-rate units.

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% 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.

b. **Eligibility determination process.** Prospective buyers of new workforce/affordable housing units shall be screened and determined eligible by an individual or agency approved by the Town of Bluffton to make such eligibility determinations prior to closing. Prior to closing on a new workforce/affordable housing unit, the approved individual or agency determining eligibility shall submit an affidavit to the Town of Bluffton that sets forth the sale price and verifies the unit will be occupied by persons qualified pursuant to the requirements of this Section, in addition to any other information deemed appropriate and necessary by the UDO Administrator.

c. **Maximum housing cost.** The monthly mortgage payments shall include principal, interest, property taxes, homeowner insurance, private mortgage insurance, maintenance costs, and condominium or homeowners association fees, and shall total no more than 35% of the buyer's gross monthly household income.

d. **Closing costs and related fees.** The buyer of a workforce/affordable housing unit shall not pay more in closing costs than is reasonable and customary as approved by the Town of Bluffton. Buyer and seller, in

accordance with their contractual obligations, shall pay reasonable and customary real estate commissions. It is reasonable and customary that the seller pays a commission to his/her real estate broker, who then shares the commission with the cooperating real estate broker representing the buyer.

e. **Term of affordability.** Resale of workforce/affordable housing units shall be limited by deed restriction to the original sales price, adjusted for inflation, and to a purchaser eligible, as described above, for a period of not less than thirty (30) years after issuance of the certificate of occupancy. The increase permitted for inflation shall be based upon the increase in the Consumer Price Index (CPI). The deed restrictions shall include but not be limited to the following:

(1) A copy of such executed deed restrictions shall be submitted to the Town of Bluffton for approval prior to issuance of a Certificate of Occupancy for any portion of the development.

(2) The deed restrictions shall require notice to the Town of Bluffton of any conveyance of the workforce/affordable housing unit, and verification by an individual or agency approved by the Town of Bluffton to make such eligibility determinations that the purchaser is qualified pursuant to the requirements of this section. Prior to closing on a resale workforce/affordable housing unit, the approved individual or agency determining eligibility shall submit an affidavit to the Town of Bluffton that sets forth the sale price, verifies the purchase price is in accordance with permitted inflationary adjustments, and verifies the unit will be occupied by persons qualified pursuant to the requirements of this Section, in addition to any other information deemed appropriate and necessary by the UDO Administrator.

f. **Increase in household income during occupancy.** Should a household's income increase to an amount above 120% of the Area Median Income while occupying a workforce/affordable housing unit, the household shall not be required to vacate the unit.

g. **Vacation of housing unit.** Upon vacating the premises, the unit shall be sold, or made publically available for sale, to a qualifying household pursuant to the requirements of this Section.

5. Renter-occupied workforce/affordable housing shall meet the following criteria:

a. **Eligibility.** Rental of workforce/affordable housing units is limited to individuals and families earning no more than 80% of the Area Median Income 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 renter's primary residence for the duration of the lease.

b. **Eligibility determination process.** Prospective renters of workforce/affordable housing units shall be screened and determined eligible by an individual or agency approved by the Town of Bluffton to make such eligibility determinations prior to closing. Prior to executing a lease on a new workforce/affordable housing unit, the approved individual or

agency determining eligibility shall submit an affidavit to the Town of Bluffton that sets forth the lease price and verifies the unit will be occupied by persons qualified pursuant to the requirements of this Section, in addition to any other information deemed appropriate and necessary by the UDO Administrator.

c. **Rent levels.** The maximum rent level for workforce/affordable housing units is based on the schedule of Fair Market Rents for Beaufort County, as published annually by the U.S. Department of Housing and Urban Development.

d. **Lease terms.** A minimum lease term of six months is required for all workforce/affordable housing units so as to avoid short-term rentals.

e. **Term of affordability.** Rental workforce housing units shall be limited by deed restriction to remain affordable, as defined herein, for a period of not less than thirty (30) years after issuance of the certificate of occupancy.

(1) A copy of such executed deed restrictions shall be submitted to the Town of Bluffton for approval prior to issuance of a Certificate of Occupancy for any portion of the development.

(2) The deed restrictions shall require notice to the Town of Bluffton of any lease renewal or new rental contract for the workforce/affordable housing unit, and verification by an individual or agency approved by the Town of Bluffton to make such eligibility determinations that the tenant is qualified pursuant to the requirements of this section. Prior to execution of a new or renewal lease on a workforce/affordable housing unit, the approved individual or agency determining eligibility shall submit an affidavit to the Town of Bluffton that sets forth the lease price, verifies the lease price is in accordance with the applicable Fair Market Rent, and verifies the unit will be occupied by persons qualified pursuant to the requirements of this Section, in addition to any other information deemed appropriate and necessary by the UDO Administrator.

f. **Increase in household income during occupancy.** Should a household's income increase to an amount above 80% of the median family income while occupying a rental workforce/affordable housing unit, the household shall not be required to vacate the unit immediately. The tenant may renew the lease for one additional term, not to exceed one year. Upon vacating the premises, the rental unit shall be rented or made available for rent to a qualifying household pursuant to the requirements of this Section.

6. Deed restrictions are required to achieve the following:

a. Standard deed restrictions for all workforce/affordable housing units produced pursuant to the requirements of this Section are required and subject to approval by the Town of Bluffton.

b. Such restrictions shall include, at a minimum, the following elements in conformance with this Section:

(1) Duration.

(2) Occupancy requirement and restrictions against leasing/subleasing.

(3) Restriction on resale.

(4) Requirement to notify the Town of Bluffton in the case of conveyance, lease renewal, or establishment of a new rental contract.

6.5.4 Incentives

A. **Upon Town of Bluffton approval, any workforce/affordable housing development application is eligible for the incentives described herein.** Incentives may be provided for the following application and/or development agreement fee types:

1. Master Plan Application;
2. Development Plan Application;
3. Subdivision Plan Application;
4. Building Permit Application;
5. Development Agreement Fees:
   a. Interim Development Agreement Fee; and/or
   b. Boat Ramp Repair Fund Fee.

B. **Application/Permit Fee Reduction.** As applicable, the Town of Bluffton may issue an application and/or development agreement fee rebate for the application types identified in Section 6.5.4.A, based upon the following schedule:

1. 20%-30% of total project dwelling units are determined to be workforce/affordable housing units: Town of Bluffton shall provide a 25% fee reduction for all applicable applications. The Building Permit Application and Development Agreement Fee rebates shall be limited to those dwelling units that qualify as workforce/affordable.

C. **Density Bonus.** Any development providing workforce/affordable housing within a Zoning District that explicitly provides for a permitted base density shall receive a density bonus as provided below:

Table 6.5.4: Density Bonus Incentive

Percentage of Workforce/Affordable Housing Units	Density Bonus
Minimum 25%	25%
26-50%	50%
51-75%	75%
76+%	100%

1. All market-rate units shall be provided on site, except that, in a development undertaken in phases, stages, or otherwise developed in distinct sections, such units may be located in other phases, stages, or section, subject to the terms of the Development Plan.
2. Design guidelines. The project shall at a minimum meet the applicable design requirements in Article 5. The UDO Administrator shall review the project and determine if additional community features such as but not limited to additional open space, parking, lighting, streetscape elements

(bike racks, street trees, sidewalks, multi-use paths), buffer plantings, tree preservation and architectural enhancements are appropriate based upon the ultimate density of the project.

6.6 Development Agreement Transfer of Development Rights

6.6.1 Intent

The intent of this section is to provide incentives for those properties within the Town of Bluffton and under the purview of a Development Agreement to develop or redevelop in a manner that is in accordance with this Unified Development Ordinance, the *Growth Framework Map*, and the Town of Bluffton *Comprehensive Plan*.

6.6.2 Applicability

This Section shall apply to all development or redevelopment of property that is under the purview of a Development Agreement in the Town of Bluffton and within the Place Types identified on the *Growth Framework Map*. The application shall meet the criteria identified herein.

6.6.3 Standards

In order to qualify for the incentives described herein, development or redevelopment of property that is under the purview of a development agreement in the Town of Bluffton shall utilize the Town of Bluffton's Transfer of Development Rights Program and/or transfer of Assignment of Rights and Assumptions within the purview of the respective Development Agreement to facilitate growth within the respective place type as illustrated on the *Growth Framework Map*.

6.6.4 Incentives

A. Upon Town of Bluffton approval, any Development Agreement Transfer of Development Rights proposal is eligible for the incentives described in herein. Incentives may be provided for both the sending zone and receiving zone for the following application and development agreement fee types:

1. Development Agreement Application;
2. Concept Plan Application;
3. Master Plan Application;
4. Development Plan Application;
5. Subdivision Plan Application;
6. Building Permit/Plan Check Application;
7. Transfer of Development Rights Application; and/or
8. Development Agreement Fees:
   a. Interim Development Agreement Fee; and/or
   b. Boat Ramp Repair Fund Fee.

B. The Town of Bluffton may issue application and/or Development Agreement fee reductions for the applications and/or development agreement fees identified in *Section 6.6.4.A* which are determined by the Town of Bluffton to comply with this Unified Development Ordinance, the *Growth Framework Map*, and the Town of Bluffton *Comprehensive Plan*.

Article 7
Nonconformities

7

7.1 Purpose

The zoning regulations and development standards established by this Ordinance are designed to guide the future use and development of land within the Town by, among other things, encouraging controlled site development and appropriate groupings of compatible and related uses, thereby promoting and protecting the public health, safety, and general welfare. The continued existence of nonconformities is frequently inconsistent with the purposes of currently established zoning and land development regulations and can adversely affect orderly development and the value of nearby properties; thus, the gradual elimination or lessening of nonconformities is generally desirable.

Concurrently, however, the Town Council recognizes that a substantial portion of the character and ambiance of the Town which should be preserved is a result of development that occurred prior to the zoning and land development regulations established by this Ordinance.

This article provides for the removal and termination of illegal nonconformities and the regulation of legal nonconforming uses, structures, sites, and signs, and specifies those circumstances and conditions under which legal nonconformities are permitted to continue or expand.

7.2 Applicability

7.2.1 Legal Nonconformities

Legal nonconformities are those nonconformities that were properly permitted and legally established at the time of establishment but no longer comply with applicable zoning and land development regulations.

This article shall apply to uses, structures, sites, and signs that became nonconforming by the initial adoption of this Ordinance, an amendment to this Ordinance, or the revision to the territory subject to the jurisdiction of the Town.

Legal nonconformities are allowed to continue, subject to the regulations of this article.

7.2.2 Illegal Nonconformities

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

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

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

7.3 Burden of Proof

The burden of establishing a legal nonconformity shall, in all cases, be upon

the owner of such nonconformity and not upon the Town or any other person. Upon application to the UDO Administrator, any property owner may seek a determination by the UDO Administrator of the character of any nonconformity.

7.4 Repairs and Maintenance

7.4.1 Repairs and Normal Maintenance

Repairs and normal maintenance required to keep nonconforming structures and site improvements in a safe condition are permitted, provided that no alterations may be made to nonconforming structures and site improvements except those allowed by this article or those required by law or ordinance.

7.4.2 Public Safety

This article shall not be construed as to prevent strengthening or repair of a structure in compliance with the order of a public official whose duties include protecting the public safety.

7.5 Nonconforming Uses

7.5.1 Continuation of Nonconforming Uses

Uses of land and buildings that lawfully existed prior to the adoption or amendment of this Ordinance, but do not comply with the provisions of this Ordinance may be continued as legal nonconforming uses subject to the following:

A. A nonconforming use may not be enlarged, expanded, or extended to occupy a greater area of land or floor area than was occupied on the effective date of this Ordinance, and no additional nonconforming accessory use or structure may be established on the site of a nonconforming use.

B. A nonconforming use may not be moved or relocated, in whole or in part, to any other portion of the parcel on which it is located, or to any other building located thereon, nor to any other lot or parcel, unless such use will be in conformance with the use regulations of the district into which it is moved.

C. A nonconforming use may not be changed to another nonconforming use absent a written determination by the UDO Administrator that the extent of the nonconforming nature of the new use is no greater than the nonconforming nature of the existing use, provided the size of the use, or gross floor area of the building in which it is located, is not expanded.

D. A nonconforming use which has been changed to a conforming use shall not thereafter be changed to a nonconforming use.

E. A nonconforming use located within a building or structure which is damaged or destroyed to the extent of 50% or less of the replacement cost value of the building or structure immediately prior to the damaging occurrence, the associated nonconforming use may be restored or re-established provided that a building permit for such reconstruction or restoration is applied for under applicable building codes within two years from the date of the damaging occurrence, provided that the nonconforming use is not changed and the size of the building or structure is not increased. A nonconforming use located within a building or structure which is damaged or destroyed to the extent of more than 50% of the replacement cost value of the building or structure immediately prior to the damaging

occurrence, the associated nonconforming use may not be restored or re-established. The replacement cost value of the building or structure immediately prior to the damaging occurrence may be determined by an appraisal prepared by an appraiser licensed by the State of South Carolina undertaken and submitted to the Town as the owner's expense, exclusive of the market value of land. Any such appraisal may be challenged by the UDO Administrator on the basis of a similar appraisal obtained by the Town at its expense. The UDO Administrator shall notify the owner of the building or structure of his intent to obtain another appraisal within fifteen days of receipt of the owner's appraisal.

F. A nonconforming use located within a building or structure which is physically removed or relocated from its specific site location shall not be reestablished or replaced on the parcel or tract.

7.5.2 Abandonment of Nonconforming Uses

A. If a legal nonconforming use is abandoned for a period of one year, such use may not be re-established, and any use on the applicable parcel shall thereafter conform to the uses permitted in the district in which it is located.

B. The UDO Administrator shall have the authority to determine if a legal nonconforming use has been abandoned for a period of one year or more. In making such a determination, the UDO Administrator shall consider all of the facts and circumstances regarding the nonconforming use, including, but not limited to the following:

1. If steps have been taken by the property owner to resume the nonconforming use;
2. If utility services such as water, gas, and electricity, to the property have been disconnected;
3. If equipment or fixtures which are necessary for the operation of the nonconforming use have been removed from the property;
4. If structures on the property have fallen into disrepair, as defined by the Town of Bluffton Building Ordinance;
5. If signs advertising the nonconforming use have been removed from the property;
6. If any applicable Town business licenses for the nonconforming use have expired or have not been renewed;
7. If activities generally associated with the nonconforming use are no longer observed on the property; and
8. Other actions which, in the opinion of the UDO Administrator, demonstrate an intention on the part of the owner to abandon the nonconforming use.

7.5.3 Accessory Nonconforming Use

A legal nonconforming use that is accessory to a principal legal nonconforming use shall not be allowed to continue after the abandonment of the principal use unless all new uses conform to all provisions of this Ordinance.

7.5.4 Single Family Dwelling Unit Exception

Any structure containing only a nonconforming single-family attached or detached dwelling unit use which is damaged or destroyed may be rebuilt, restored, or

repaired for single-family or duplex dwelling unit use consistent with the requirements of applicable building codes. If any such dwelling unit is located within a legal nonconforming structure, then such rebuilding, restoration, or repair shall be permitted upon a determination by the UDO Administrator that the applicant has made a reasonable effort to eliminate the nonconformities and to bring the site more into conformance with the provisions of this Ordinance.

7.6 Nonconforming Structures

7.6.1 Nonconforming Structures

Structures that lawfully existed prior to the adoption or amendment of this Ordinance, but do not comply with the provisions of this Ordinance, may be continued as legal nonconforming structures, subject to the following:

A. Repairs, improvements, modernization, alteration, or rehabilitation of nonconforming structures shall be permitted, provided that the extent of any nonconformity is not increased, or the structure is brought into conformance with the regulations of this Ordinance. A nonconforming structure that is altered or modified so as to eliminate, remove, or reduce any or all of its nonconforming characteristics shall not be allowed to re-establish previous nonconformities, or increase the extent of nonconformity unless otherwise permitted by this article.

B. A nonconforming building or structure which is damaged or destroyed to the extent of 50% or less of the replacement cost value of the building or structure immediately prior to the damaging occurrence may be reconstructed or restored within the same footprint as the original building or structure, provided that a building permit for such reconstruction or restoration is applied for under applicable building codes within two (2) years of the damaging occurrence. A nonconforming building or structure which is damaged or destroyed to the extent of more than 50% of the replacement cost value of the building or structure immediately prior to the damaging occurrence shall not be reconstructed or restored except in full conformance with the provisions of this Ordinance. The replacement cost value of the building or structure immediately prior to the damaging occurrence may be determined by an appraisal prepared by an appraiser licensed by the State of South Carolina undertaken and submitted to the Town as the owner's expense, exclusive of the market value of land. Any such appraisal may be challenged by the UDO Administrator on the basis of a similar appraisal obtained by the Town at its expense. The UDO Administrator shall notify the owner of the building or structure of his intent to obtain another appraisal within fifteen days of receipt of the owner's appraisal.

C. Nothing in this section shall be construed or enforced so as to deprive the owner of a condominium unit or apartment in a horizontal property regime from reconstructing or restoring his unit or apartment if the members of the regime vote for and fully fund, through insurance or otherwise, the total restoration of the project. The Town may require a surety to insure full performance of the restoration project when regime insurance is not sufficient to fully cover the costs of reconstruction or restoration.

D. Nothing in this section shall be construed or enforced to prevent strengthening or restoring to a safe condition any building or structure or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order

of such official.

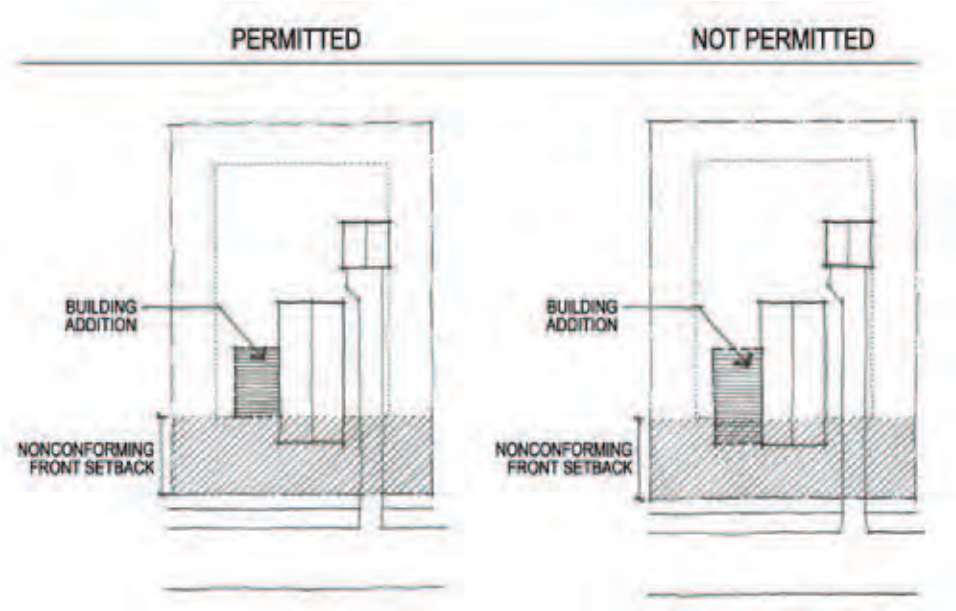
7.6.2 Nonconforming Façade Design

The façade of a building with a façade design that does not conform to the design standards of *Article 5, Design Standards* may be repaired or improved; provided, however, if any other building expansion or renovation is proposed, such expansion or renovation shall result in greater façade design conformance with the design standards of *Article 5, Design Standards*, as determined by the UDO Administrator.

7.6.3 Expansion of Nonconforming Structures

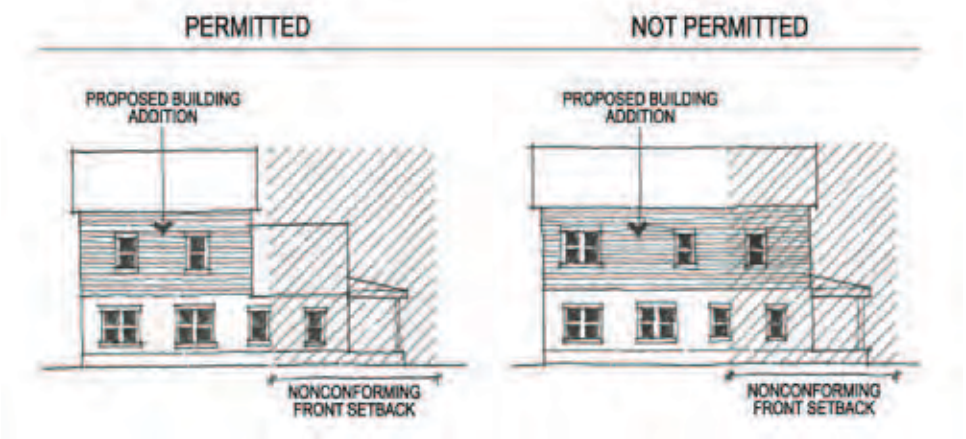
A. A legal nonconforming building may be enlarged or altered, provided the area of expansion is within required setbacks and all other site dimensional requirements (setbacks, height, maximum lot coverage, etc.) are met. (See Example in Figure 7-1: a building with a nonconforming front yard setback may be expanded in the rear if the rear yard setback remains conforming and maximum lot coverage is not exceeded).

Figure 7-1, Area Expansions to Nonconforming Buildings



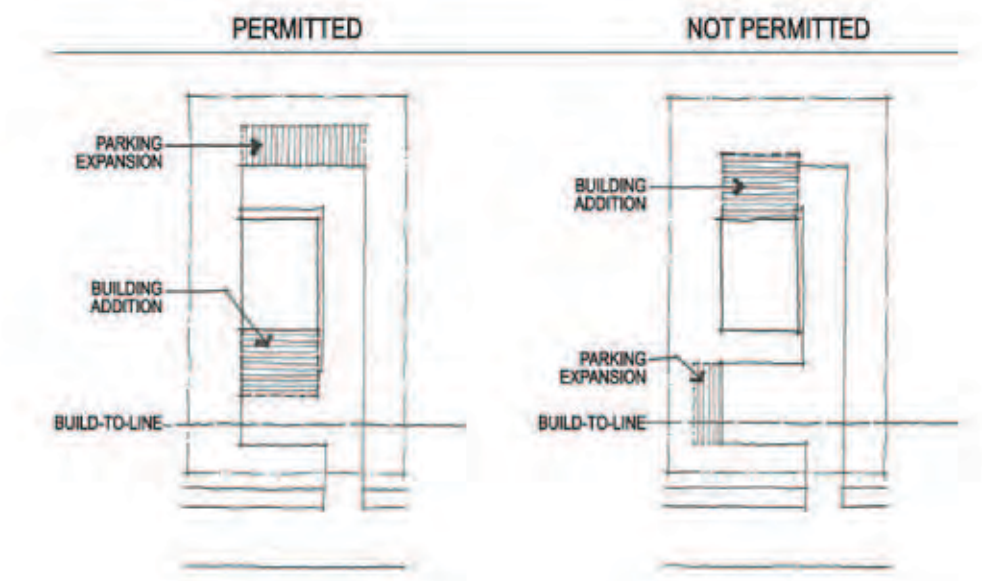
B. Additional height above a nonconforming portion of a nonconforming building shall not be permitted (See Example in Figure 7-2).

Figure 7-2, Height Expansions to Nonconforming Buildings



C. Where a building is nonconforming by virtue of being set back further than the maximum front setback line/ build-to zone requirements of *Article 5, Design Standards*, additions to the building shall be permitted if the addition will bring the building closer to the maximum front setback line/ build-to zone (See Example in Figure 7-3).

Figure 7-3, Front Yard Extensions to Nonconforming Buildings



7.7 Nonconforming Sites

7.7.1 Nonconforming Sites

Sites with improvements that lawfully existed prior to the adoption or amendment of this Ordinance, but do not comply with the provisions of this Ordinance, may be

continued as legal nonconforming sites. The Town may permit further improvements and site modifications to a nonconforming sites containing conforming uses and structures. This section is intended to foster gradual increased conformance and ultimately compliance with the site standards related to landscaping, parking, lighting, and other site improvements for nonconforming sites in proportion to the amount of expansion or improvement proposed. New site improvements or expansions to existing site improvements may be permitted by the UDO Administrator during development application review without a complete upgrade of all nonconforming site elements upon a determination by the UDO Administrator that such site improvements are reasonable. In making such a determination, the UDO Administrator shall consider the all of the facts and circumstances regarding the nonconforming site improvements, including, but not limited to the following:

A. The applicant has proposed reasonable site improvements on the overall site in relation to the scale and construction cost of the building improvements or expansion;

B. The applicant has addressed safety related site issues on the overall site;

C. The site improvements or expansion will not increase noncompliance with site requirements;

D. Driveways that do not conform to the access standards of this Ordinance shall be eliminated, provided that the minimum reasonable access shall be maintained;

E. If re-occupancy of an existing building or structure is proposed, or if any expansion of an existing building, parking lot, or site is proposed, then non-motorized pathways shall be installed along the site frontage where required by this Ordinance or fee in-lieu paid;

F. Parking areas that do not conform to the required number of spaces, location, setback, lighting, or other requirement of this Ordinance shall be brought into compliance proportionate to the amount of expansion proposed on the site;

G. Sites that are do not conform to the landscaping requirements of this Ordinance shall be brought into compliance proportionate to the amount of expansion proposed on the site;

H. Required screening walls for waste receptacles, fencing of outdoor storage, and screening from adjacent residential uses shall be provided; and/or

I. If any expansion to a building or parking lot located on a nonconforming site is proposed, then stormwater management improvements shall be provided as required by this Ordinance, to the maximum extent practical.

7.8 Nonconforming Lots

Lots of record that lawfully existed prior to the adoption or amendment of this Ordinance, but do not comply with the provisions of this Ordinance, may be developed for uses allowed in the applicable zoning district, subject to the following:

A. The lot must be an existing lot-of-record, created prior to the adoption or amendment of this Ordinance that made the lot nonconforming.

B. Location and development of the site shall conform to all other applicable requirements, such as yard setbacks, minimum floor area and maximum height

requirements for the applicable zoning district.

7.9 Nonconforming Sites Resulting from Right-Of-Way Dedication or Acquisition

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

A. The building, structure, or parking lot or other site improvement was in conformance with applicable front yard setback requirements prior to the dedication or acquisition of the additional road right-of-way;

B. The building, structure, or parking lot or other site improvement expansion will not reduce the remaining depth of the front yard setback; and

C. All other applicable requirements of this Ordinance are met and all necessary approvals and permits are obtained.

7.10 Nonconforming Signs

7.10.1 Nonconforming Signs

Signs that lawfully existed prior to the adoption or amendment of this Ordinance, but do not comply with the provisions of this Ordinance, may continue to be operated and maintained, subject to the following:

A. A nonconforming sign shall not be changed or replaced with another nonconforming sign; however, this provision shall not prohibit a change in copy or graphics on the sign face of a nonconforming sign;

B. A nonconforming sign shall not be structurally altered so as to extend its useful life, expanded, or relocated, except in compliance with this section; and

C. A nonconforming sign shall not be re-established or reconstructed after damage or destruction of more than 50% of the replacement value of the same type sign at the time of such damage or destruction.

7.10.2 Continuance

Other than as provided for in this section, this section shall not prevent the repair or restoration to a safe condition of any part of a nonconforming sign or sign structure, or normal maintenance operations performed on a nonconforming sign or sign structure.

7.10.3 Signs Made Nonconforming Due to Condemnation

When a sign is located on property which is acquired by eminent domain by the Town, Beaufort County, or the State of South Carolina for road right-of-way, one of the following standards shall apply:

A. A sign which is not located in, and does not overhang the new right-of-way, may

remain in place, subject to the provisions of *Section 7.10.1*;

B. If a sign located within the right-of-way of a state or federal highway must be relocated out of the new right-of-way, it shall, at a minimum, comply with applicable standards for such relocation; and

C. If a sign located within the right-of-way of a Town or County owned road must be relocated out of the new right-of-way, it shall comply with the setbacks for such sign established in this section.

Article 8

Penalties and Enforcement

8

8.1 Intent

This article is intended to provide for enforcement of the provisions of this Ordinance, and remedies, and penalties for violations of this Ordinance.

8.2 Applicability

A. No activity regulated by this Ordinance shall be undertaken by any person or entity, including, without limitation, any public or private agency or authority, unless such activity is in full conformance with the provisions of this Ordinance.

B. No activity requiring any permit or approval issued pursuant to the provisions of this Ordinance shall be undertaken unless such permit or approval is first issued or granted by the Town Council, the UDO Administrator, or other Town board or commission, as applicable, and then only in full conformance with such permit or approval, including any conditions attached thereto. It is unlawful to construct, reconstruct, alter, demolish, change the use of, or occupy any land, building, or other structure within the Town without first obtaining the appropriate permit or permit approval. No permit or approval may be issued or approved unless the requirements of this Ordinance adopted are complied with.

C. Except as otherwise provided for in SC Code Section 6-29-540, no new street, structure, utility, square, park, or other public way, grounds, or open space or public buildings for any use, whether publicly or privately owned, may be constructed or authorized in the Town until the location, character, and extent of it have been submitted to the Planning Commission for review and comment as to the compatibility of the proposal with the Town's *Comprehensive Plan*.

D. No official of the Town or Beaufort County shall issue any permit for the use of any land, building, or structure, or the construction, conversion, demolition, enlargement, movement, or structural alteration of a building or structure, including, without limitation, any building, plumbing, or electrical permit, without the approval of the UDO Administrator.

E. No subdivision plat or other land development plan regulated by this Ordinance may be filed or recorded in the Office of the Register of Deeds for Beaufort County, South Carolina, and no building permit may be issued until the plat or plan bears the stamp of approval and is properly signed by the UDO Administrator.

8.3 Violations

A violation of any provision of this Ordinance is a misdemeanor. As applicable, any of the following shall be a violation of this Ordinance:

A. It is unlawful to commence or continue any activity regulated by this Ordinance which is not in full conformance with the provisions of this Ordinance, or which is not in full conformance with the provisions of any permit or approval, including any conditions attached thereto, issued pursuant to this Ordinance.

B. It is unlawful to construct, reconstruct, alter, demolish, change the use of, or occupy any land, building, or other structure without first obtaining the appropriate permit or permit approval. No permit may be issued or approved unless the requirements of this chapter or any ordinance adopted pursuant to it are complied with.

C. It is unlawful for any officials to issue any permit for the use of any land, building, or structure, or the construction, conversion, demolition, enlargement, movement, or structural alteration of a building or structure without the approval of the UDO Administrator.

D. It is unlawful to submit for filing or to record a subdivision plat or other land development plan without proper approval as required by this Ordinance.

E. It is unlawful for any person or entity to transfer title to any lots in a subdivision or parts of a development unless the subdivision or Development Plan has been approved by the Planning Commission or the UDO Administrator, as applicable, and the approved plan or plat has been duly recorded with the Office of the Register of Deeds for Beaufort County.

F. It is unlawful for any agency, public or private, to modify, install, or provide any streets or public utility services to any development unless a Development Plan approval has been issued.

G. It is unlawful for any agency, public or private, to sell or supply any water, gas, electricity, sewer, telecommunications, or other utility services within any development unless a valid Development Permit for such development has been approved under the provisions of this Ordinance.

H. It is unlawful to use any land or portion thereof other than as specifically designated on an approved land development plan or as otherwise required by this Ordinance.

I. It is unlawful to remove, deface, obscure, or obstruct any notice required to be posted or otherwise given pursuant to this Ordinance.

J. It is unlawful to violate any lawful order issued or given by the UDO Administrator under this Ordinance.

K. It is unlawful to continue any violation of this Ordinance after notice of such violation by the UDO Administrator, with each day of continued violation considered a separate offense.

8.4 Enforcement Responsibility; Complaints

A. The UDO Administrator is responsible for the enforcement of this Ordinance. The UDO Administrator has the authority to enter onto any premises or into any structure subject to this Ordinance for the purpose of enforcing this Ordinance or investigating any complaint of violation of this Ordinance.

B. If the UDO Administrator shall find or determine that any of the provisions of this Ordinance are being or have been violated, he shall notify in writing the property owner and any other person or entity responsible for such violations, setting forth the nature of the violation and order the action necessary to correct such violation.

C. Whenever a violation of this Ordinance occurs or is alleged to have occurred, any person may file a signed written complaint with the UDO Administrator, which shall state fully the causes and basis thereof.

D. The UDO Administrator shall properly record any complaint, immediately investigate to determine the validity of the charge, and take such appropriate and reasonable action as may be necessary to assure compliance with this

Ordinance.

E. No provision of this article shall prevent the Town from taking such lawful action as is necessary to prevent or remedy any violation of this Ordinance.

8.5 Enforcement Actions by the Town

The UDO Administrator, on behalf of the Town, may take any one or more of the following actions as a remedy for any violation of this Ordinance:

A. Withholding of any building permits or any approvals or permits required by this Ordinance.

B. Issuance of stop work orders against any work undertaken by any person or entity not having a proper building permit or other permit or approval required by this Ordinance.

C. Institution of injunction, mandamus, or other appropriate action or proceeding to prevent the unlawful erection, construction, reconstruction, alteration, conversion, maintenance, or use, or to correct or abate the violation, or to prevent the occupancy, of any building, structure, or land.

D. Prosecution of the violation as a misdemeanor. Any person convicted of a violation of this Ordinance shall pay such penalties as the court may decide, as prescribed by South Carolina law, not to exceed $500.00 or 30 days imprisonment for each violation. Each day during which any violation shall continue shall constitute a separate offense. Upon conviction, in addition to other prescribed enforcement actions and remedies in this section, the Planning Commission shall not consider any application for Development Plan approval and subsequent issuance of a Development Permit for the subject project for a period of 90 days from the date of determination of violation.

E. Any other remedies allowed by law.

8.6 Enforcement Actions by Others

A. An adjacent or neighboring property owner who would be specially damaged by a violation of this Ordinance may in addition to other remedies, institute injunction, mandamus, or other appropriate action or proceeding to prevent the unlawful erection, construction, reconstruction, alteration, conversion, maintenance, or use, or to correct or abate the violation, or to prevent the occupancy, of any building, structure, or land.

B. Any violation of the provisions of this Ordinance dealing with subdivision of land shall cause any transfer, sale, or agreement for sale of any lot, part, tract, parcel, building site, or structure, subject to rescission at the purchaser's option

8.7 Contempt and Penalty

In case of contempt by a party, witness, or other person before the Board of Zoning Appeals, the Board may certify such fact to the Circuit Court for Beaufort County and the judge of the court, in open court or in chambers, after hearing, may impose a penalty as authorized by law.

8.8 Signs

A. In addition to other available remedies, the UDO Administrator shall have the authority to physically remove and impound any prohibited or illegal sign or sign structure. Any prohibited sign as defined in *Article 5, Design Standards* is subject to removal and impoundment without notice to the owner. Any illegal sign or sign structure is subject to removal and impoundment upon written notice to the owner if required remedial action has not been taken by the owner within the specified timeframe.

B. The owner of an impounded sign or sign structure may recover the sign or sign structure upon the payment to the Town of $50.00 for each sign or sign structure plus the costs of removal. The UDO Administrator shall have authority to dispose of any impounded sign or sign structure without compensation to the owner if such sign or sign structure is not claimed within 10 days from the date of impoundment.

8.9 Tree Protection and Replacement

8.9.1 Tree Replacement

A. In cases of removal or destruction of trees in violation of this Ordinance, in addition to any other remedies available to the Town for such violation, the Town shall require mitigation by one or more of the following options in accordance with Table 8.1 Tree Replacement and Fines for Violations, below, as determined by the UDO Administrator:

1. Planting of replacement trees on site;
2. Planting of replacement trees on Town Mitigation Sites; and
3. Payment of an additional fine to the Town, which shall be allocated to the Tree Fund.

B. No more than 15% of any one species shall be permitted for replacement trees. Replacement tree species must be indigenous or native and comply with the Town Landscape Ordinance.

Table 8-1 Tree Replacement and Fines for Violations

Diameter of Tree Removed (inches DBH)	Number of Replacement	Caliper of Replacement (inches)	Fine
4 through 6	2 for One	2	Current nursery market value for required replacement plus associated costs of installation and maintenance.
7 through 12	3 for One	4	Same as Above
13 through 20	4 for One	6	Same as Above
21 or greater	4 for One	8	Same as Above

8.9.2 Permit Suspension

Any development plan, building permit, or Certificate of Occupancy shall be suspended until required replacement trees are replanted.

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Article 9
Definitions and Interpretation

9

9.1 General Interpretation

9.1.1 Rules of Construction.

Unless the context clearly indicates otherwise, the following rules of construction shall apply to this Ordinance:

A. All words shall have the customary dictionary meaning, unless specifically defined in these regulations;

B. The present tense includes the future tense and the future tense includes the present tense;

C. The singular includes the plural and the plural includes the singular;

D. Lists of examples prefaced by "including the following," "such as," or other similar preface shall not be construed as exclusive and shall not preclude an interpretation of the list including other similar and non-mentioned examples;

E. A reference to an administrative official shall refer to that official and his or her designee;

F. The term "building," "structure," or "premises," or any similar term, shall be interpreted to include any part of the building, structure, premises or other similar term unless otherwise stated; and/or

G. All references to other local, state, or federal government regulations or guiding documents in these regulations refer to the most current version and citation for those regulations or documents, where such versions are consistent with the purposes, intent, and objectives of this Ordinance.

9.1.2 Graphics, Commentary, and Notes.

Graphics and commentary associated with graphics used in this Ordinance are to aid interpretation of the text, unless otherwise specifically stated. In the event of a conflict or ambiguity between a graphic or commentary and the text, the text shall control. Notes to tables shall apply only to the particular provision footnoted, or to the entire table if it is not specifically footnoted to an item in the table, and not as generally applicable rules.

9.1.3 Intent, Applicability, and Standards.

This Ordinance is developed under a hierarchy of guidance all developed in relationship to the *Comprehensive Plan*. The hierarchy is generally organized as follows, ranging from the most general to the most specific:

A. Intent: refers to the general intent of a chapter section or sub-section in this Ordinance;

B. Applicability: refers to the applicability of a chapter, section, or sub-section in this Ordinance to certain anticipated development circumstances or land areas; and

C. Standards: refers to the desired end physical result of standards in a chapter, section or sub-section of this Ordinance.

This hierarchy should be used to guide consistent interpretation of the Ordinance, and to guide all discretionary approvals or relief authorized under this Ordinance. For example, all standards that include Design Objectives should be interpreted consistent with the Design Objectives or outcomes specified in those objectives, provided in furthers the overall intent or applicability of the Section or Article, and

further provided that such an interpretation is consistent with the Purposes of this Ordinance.

9.1.4 Computations of Time.

The time in which an act is to be done shall be computed by excluding the first day and including the last day. If a deadline or required date of action falls on a Saturday, Sunday, or holiday observed by the Town, the deadline or required date of action shall be the next day that is not a Saturday, Sunday, or holiday observed by the Town. References to days are calendar days unless otherwise stated.

9.1.5 Conflicts.

In case of a conflict between these regulations or any part of these regulations, and any part of any other existing or future adopted ordinance of the Town or applicable regional, state, or federal regulations, the more restrictive provision shall apply. In determining which regulation is "more restrictive" the UDO Administrator shall determine which one most closely follows the policies of the *Comprehensive Plan*, and the Purposes, Intent, and Design Objectives of this Ordinance.

9.2 Defined Terms

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

100 Year Flood: The flood or level of floodwater measured from mean sea level that has a one percent chance of being equaled or exceeded in any given year.

Access: The right and/or ability of pedestrians and vehicles to enter and leave property.

Accessory Use: A subordinate use of a building, outbuilding, structure, or lot customarily incidental to a principal use located within the same lot.

Addition (to an existing building): Any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load-bearing wall other than a firewall. Any walled and roofed addition that is connected by a firewall or is separated by an independent perimeter load-bearing wall shall be considered new constructions.

Affordable Housing: Housing affordable to low and moderate-income families (those earning up to 80% 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).

Alleé: A passage or walkway formed by two rows of trees whose canopies typically grow together.

Appurtenances: Architectural features not used for human occupancy, consisting of spires, belfries, cupolas or dormers; parapet walls, and cornices without windows; chimneys, ventilators, skylights, and antennas.

Arcade: A colonnade composed of counterthrusting arches.

As-built/Record Drawings: A set of drawings prepared by and certified by a South Carolina registered professional engineer, landscape architect, or registered surveyor that accurately represents the actual final configuration of the stormwater and other related infrastructure constructed in a development.

Awning: An architectural projection that provides weather protection or decoration and is wholly supported by the building to which it is attached. An awning is comprised of a lightweight, rigid skeleton structure over which a covering is attached.

Balcony: An exterior floor projecting from and supported by a structure supported by a cantilever or brackets, not by vertical columns or piers.

Baluster: A short vertical member used to support a railing or coping.

Balustrade: A railing together with its supporting balusters or posts, often used at the front of a parapet.

Base flood: The flood having a one percent chance of being equaled or exceeded in any given year.

Basement: That portion of a building having its floor sub grade (below ground level) on all sides.

Best Management Practices: Stormwater management practices, either structural, non-structural or natural that has been demonstrated to effectively control movement of pollutants, prevent degradation of soil and water resources, and that are compatible with the planned land use.

Bicycle Facilities: A general term denoting improvements and provisions made by public agencies to accommodate or encourage bicycling, including parking and storage facilities, and shared roadways not specifically designated for bicycle use.

Bicycle Lane or Bike Lane: A portion of a roadway, which has been designated by striping, signing, and pavement markings for the preferential or exclusive use of bicyclists.

Bicycle Path or Bike Path: See Pathway.

Block: A combination of building lots, the perimeter of which abuts streets/thoroughfares.

Buffers: A piece of land of specific width, permanently set aside by the owner and his assignees, and planted in trees and/or shrubs of density sufficient to provide contiguous properties with a measure of privacy and help filter stormwater runoff. Landscaping may be used in combination with structures (walls, fences, screens, etc.), which serve to minimize or eliminate conflicts between contiguous uses of land.

Build-to Line: The precise horizontal distance from a lot boundary line or a street right-of-way that the building shall be built to, in order to create a uniform line of buildings along the street/thoroughfare. The foremost principal façade of a building or its front porch/arcade must be constructed at this zone. See 9.3.A for interpretation of this standard.

Build-to Zone: A range of allowable distances from a street right-of-way that the building shall be built to, in order to create a moderately uniform line of buildings along the

street. The foremost principal façade of a building or its front porch/arcade must be constructed within this zone.

Building: Any structure used or intended for supporting or sheltering any use or occupancy. Each portion of a building separated from other portions by a firewall shall be considered as a separate building.

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

Building Frontage: The side of a building that faces the frontage street.

Building Height: The vertical distance from grade plane to the average height of the highest roof structure, not including architectural elements such as but not limited to cupolas and weather vanes. See *9.3.B* for interpretation of this standard.

Certificate of Appropriateness: The document issued by the Town of Bluffton Historic Preservation Commission or the Planning Commission, certifying that the proposed actions by the Applicant are found acceptable in terms of design criteria relating to the individual property.

Clean Water Act: The Federal Water Pollution Control Act, as amended, codified at 33 U.S.C §1251 et. seq.

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

Colonnade: A roofed structure, extending over the sidewalk, open to the street except for supporting columns or piers.

Commercial Message: Any sign wording, logo, or other representation that, directly or indirectly, names, advertises, or calls attention to a business, product, service, or other commercial activity.

Conditional Uses: Uses permitted within the underlying transect zone subject to the provided conditions as set forth in *Article 4, Zoning Districts*.

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

Cornice: Projecting horizontal decorative molding.

Critical Line: Line that is defined by South Carolina Office of Ocean and Coastal Resource Management at the date of application and determines their jurisdiction.

Cupola: A domelike structure surmounting a roof or dome often used as a lookout or to admit light and air.

Curb Radius: The curved edge of street paving at an intersection, measured at the inside travel edge of the travel lane.

DBH or dbh: Diameter at breast height, the standard distance of 54 inches above natural soil grade for measuring tree trunk diameter.

Density: A measurement of intensity defined as the number of dwelling units or rooms per net acre of land or the square feet of gross floor area for nonresidential purposes, as applicable.

Department: The Department of Growth Management or any duly authorized representatives thereof as designated by the Town Manager.

Detention: The collection and storage of surface water for subsequent controlled discharge at a rate that is less than the rate of inflow.

Development: The performance of any building or mining operation; the making of any material; change in the use of any structure or land; or the division of land into two or more parcels. The following specific activities or uses shall be categorized as Development:

A. A material change in type of use of a structure or land which would tangibly affect the area's natural environment, drainage, transportation patterns, public health, or economic values;

B. A building operation involving construction, reconstruction, or alteration of the size of a structure which would result in a tangible effect on the area's natural environment, transportation patterns, public health, or economic values;

C. A material increase in the intensity of land use, such as an increase in the number of businesses, manufacturing establishments, offices, or dwelling units in a structure or on land; when such increase would tangibly affect the area's natural environment, transportation patterns, public health, or economic values;

D. Subdivision of a parcel or tract of land into two or more lots, parcels, or pieces for the purpose of sale or transfer of title;

E. Commencement of any mining operation on a parcel of land;

F. In connection with the use of land, the making of any material, change in noise levels, thermal conditions, or emissions of waste materials;

G. Alteration of a shore, bank, or flood plain of a seacoast, river, stream, lake, or other natural water body;

H. Reestablishment of a use which has been abandoned for one year; and

I. Construction of major electrical and telephone utility lines over three-fourths of a mile in length and involving tree removal, construction of any utility line substation, or construction of any utility line crossing wetlands.

The following operations or uses do not constitute development for the purpose of this Ordinance:

A. The construction of any public street or other public way, grounds, buildings,

structures, or facilities. Such public project Development Plans are submitted and reviewed for approval under a separate administrative procedure;

B. Work for the maintenance, renewal, improvement, or alteration, of any structure, if the work affects only the interior or the color of the structure, or decoration of the exterior of the structure;

C. The use of any structure or land devoted to dwelling uses for any purposes customarily incidental to enjoyment of the dwelling;

D. The use of any land for the purpose of growing plants, crops, trees, or for other agricultural purposes;

E. A transfer of title to land not involving the division of land into parcels;

F. The division of land into parcels of five acres or more where no improvements are involved;

G. The division of land into parcels for conveyance to other persons through the provisions of a will or similar document and in the settlement of an intestate's estate;

H. The division of land into lots for the purpose of sale or transfer to members of one's own immediate family, where no new street is involved, is exempt from the standard submission and review procedures;

I. The combination or recombination of portions of previously platted lots where the total number of lots is not increased and the resultant lots are equal to the standards of the governing authority;

J. The recordation of a plat of land or property for purposes other than the sale or transfer of title to land including:

1. The creation or termination of mortgages, leases, easements, or liens;
2. Lot line corrections on existing recorded properties;
3. The creation, termination, or amendment of private covenants or restrictions on land;
4. Property trades or swaps between immediately adjacent landowners not resulting in the creation of new parcels of record; and
5. Division of land for the purpose of sale or transfer to an immediately adjacent landowner for the sole purpose of enlarging the adjacent landowner's property and not resulting in the creation of new parcels.

Disconnected Impervious Areas or Disconnected Impervious Surfaces: Those non-contiguous impervious areas or impervious surfaces which produce stormwater runoff that discharges through or across a pervious area or surface (i.e. vegetated cover), of sufficient width to reduce or eliminate pollutants associated with stormwater runoff, prior to discharge to the Stormwater System.

Discharge Rate: The rate at which stormwater leaves a development.

District: The term applied to various geographical areas of the Town of Bluffton for purposes of interpreting the provisions of this Ordinance. The Districts are designated with the use of symbols on the Official *Zoning Map*. Regulations controlling land use in the various Districts within the Town are set forth in *Article 4, Zoning Districts*. The terms "district" and "zoning district" are synonymous and are used interchangeably

throughout this Ordinance.

Easement: An interest in land of another that entitles the holder to a specified limited use.

Existing Grade: The existing or natural elevation of the land prior to any land altering activity.

Expression Line: A horizontal line, the full width of a façade, expressed by a material change or by a continuous projection not less than two inches nor more than one foot deep.

Façade: The elevation of a building parallel to a frontage line.

Family: One to no more than five (5) persons who are related by blood, marriage or adoption and living together as a single household unit in a dwelling unit.

Fence: A structure constructed of posts, rails, wire, and, in some cases, barrier panels, used to define a boundary or as a means of protection, confinement, or visual obstruction.

Flag: Any fabric, banner, or bunting containing distinctive colors, patterns, or symbols, used as a symbol of a government, political subdivision, or other entity.

Flood Hazard District: That area assigned by the Federal Flood Insurance Administration of Official Flood Hazard Area Maps, subject to a one percent or greater chance of flooding in any given year.

Flood: A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters, or the unusual and rapid accumulation of runoff of surface waters from any source.

Floodplain: Any land area susceptible to flooding.

Floor-Area Ratio: Ratio of gross floor area of building on a lot by the area of the lot.

Freeholder: Any person eighteen years of age, or older, and any firm or corporation, who or which owns legal title to a present possessory interest in real estate equal to a life estate or greater (expressly excluding leaseholds, easements, equitable interests, inchoate rights, dower rights, and future interests) and who owns, at the date of the petition or of the referendum, at least an undivided one-tenth interest in a single tract and whose name appears on the county tax records as an owner of real estate.

Frontage: The side of a lot that abuts a street; the front lot line. See *9.3.D.1* for interpretation of this standard.

Frontage Line: The property line or lines of a lot that coincide with a right-of-way.

Frontage Street: The public right-of-way that serves as primary access to a property.

Garden Wall: A freestanding wall along the property line dividing private areas from streets, rear lanes, or adjacent lots.

Grade: The slope expressed in terms of vertical drop per horizontal distance of land, streets, embankment, etc.

Gross Acre: All land under title or ownership and recorded with the property deed.

Habitable Space: Building space whose use involves human presence. Habitable space excludes parking garages, self-service storage facilities and display windows separated from retail activity.

Hedge or Hedgerow: A line of closely spaced shrubs or trees that are planted and trained in such a way as to form a barrier or to mark the boundary of an area.

Historic Structure: Any structure that is;(a) Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register: (b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district: (c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior (see note at end); or (d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either: (see note at end) a. By an approved state program as determined by the Secretary of the Interior, or b. Directly by the Secretary of the Interior in states without approved programs.

Home Occupation: Any 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.

Household: A household constitutes the number of people, up to five (5), living in the home regardless of marital status.

Illicit Connection: A connection to the Town's Stormwater System or receiving water which results in a discharge that is not composed entirely of stormwater runoff and has a detrimental effect on the Stormwater System or receiving water except those granted coverage by an active NPDES permit.

Illicit Discharge: Any activity, which results in a discharge to the Town's Stormwater System or receiving waters that is not composed entirely of stormwater except (a) discharge pursuant to an NPDES permit and (b) other allowable discharges as defined and exempted in this Ordinance.

Impervious Surface: A surface, which has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water. It includes, but is not limited to, surfaces such as compacted clay, as well as most conventionally surfaced streets, roofs, sidewalks, parking lots, patios, swimming pool decks, and other similar structures.

Improper Disposal: Any disposal through an Illicit Discharge, including, but not limited to the disposal of used oil and toxic materials resulting from the improper management of such substances.

Improvement: The construction of buildings and the establishment of basic services and amenities associated with the development activity including, but not limited

to, streets and sidewalks, parking areas, landscaping, water and sewer systems, drainage system, property markers and monuments, and recreation facilities.

Land Disturbance or Land Disturbing Activity: The use of land by any person that results in a change in the natural vegetated cover or topography, including clearing that may contribute to or alters the quantity and/or quality of stormwater runoff.

Liner Building: A building built in front of a parking structure or large footprint building to conceal large expanses of blank wall area and to face the street space with a façade that has doors and windows. The building lines the block face while concealing a parking structure or large footprint building behind to create a pedestrian oriented environment and to promote an active streetscape.

Lintel: A horizontal beam that supports the weight of the wall above a window or door.

Local Fire Official: The duly appointed or employed Fire Chief of a County, Municipality, Public Service District, Special Tax District, Fire Protection Service Agency, or department or other designated individual.

Lot: An area designated as a separate and distinct parcel of land on a legally recorded subdivision plat or legally recorded deed as recorded with the Office of the Beaufort County Register of Deeds. The term "Lot of Record," a used throughout this Ordinance is interchangeable. See 9.3.D for interpretation of this standard.

Lot of Record: A lot that existed and was described and defined as part of the public land record prior to the date of adoption of this Ordinance.

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.

Maintenance: Any action necessary to preserve stormwater management facilities in proper working condition, in order to serve the intended purposes set forth in this article and to prevent structural failure of such facilities.

Marquee: A permanently roofed architectural projection whose sides are vertical; are intended for the display of signs and is supported entirely from an exterior wall of a building.

Material: As contained herein, shall be construed to mean objective, substantive, tangible, and consequential.

Maximum Extent Technically Feasible: The same as defined in the United States Environmental Protection Agency's (EPA) "Technical Guidance on Implementing the Stormwater Runoff Requirements for Federal Projects under Section 438 of the Energy Independence and Security Act" published in December 2009.

MS4: Municipal Separate Storm Sewer System.

Mullions: Strips of wood or metal that separate and hold in place the panes of a window.

Nonconforming Use: A use of land, building, or structure lawfully existing at the time this Ordinance or subsequent amendment hereto became effective, which does not conform to the use requirements of the District in which it is located.

NPDES: National Pollutant Discharge Elimination System (see "Clean Water Act.")

Nuisance: Any activity which is judged by the Town Council or the appropriate agency thereto to emit noise, vibration, smoke, gas, fumes, odor, dust, fire hazard, dangerous radiation, or other injurious or obnoxious conditions beyond the premises of such activity, or which poses a documented threat to water or wetlands within the Town limits of Bluffton.

Off-Site: Describing a location or an area of land which is not on site; outside the lot or parcel that is the subject of a given land use application.

On-Site: On or within the area contained in the Development Permit Application, or within other areas which, pursuant to this Ordinance, may be included in defining the site's said referenced purpose.

Open Space: Land area not covered by buildings, parking areas, or other accessory structures. Open space does not include utility easements, street rights-of-way, drainage ditches, and other similar areas.

Outfall: The point where a stormwater system discharges.

Owner: An owner of a legal or equitable interest in real property including the heirs, devisees, successors, assigns, and personal representatives of the owner. "Landowner" may include a person holding a valid option to purchase real property pursuant to a contract with the owner to act as his agent or representative for purposes of submittal.

Parapet: A low guarding wall at the edge of a roof, terrace, or balcony.

Pathway: A bikeway physically separated from motorized vehicular traffic by an open space or barrier and either within the highway right-of-way or within an independent right-of-way. Shared use paths may also be used by pedestrians, skaters, wheelchair users, joggers, and other non-motorized users.

Permanent Structure: A structure that is built and designed for long-term use and not including a tent, mobile unit, trailer, recreational vehicle, or other temporary shelter.

Pollutant: Those man-made or naturally occurring constituents that when introduced to a specific environment creates a deleterious effect. Typical pollutants found in stormwater include but are not limited to sediment (suspended and dissolved), nutrients (nitrogen and phosphorus), oxygen demanding organic matter, heavy metals (iron, lead, manganese, etc.), bacteria and other pathogens, oil and grease, household hazardous waste (insecticide, pesticide, solvents, paints, etc.) and Polycyclic Aromatic Hydrocarbons (PAHs).

Primary Entrance: The entrance to a structure that is located along the frontage street.

Principal Façade (For purposes of placing buildings along build-to lines or build-to zones): The front plane of a building not including stoops, porches, or other attached architectural features.

Porch: A roofed area, attached at the ground floor level or first floor level, and to the front of a building, open except for railings and support columns.

Property: See "*Real Property*."

Proportion: The comparative, proper or harmonious relation of one part to another or to the whole with respect to magnitude, quantity, or degree.

Public Parking: A parking facility available to the general public for parking motor vehicles, including parking lots or structures. Except those designated to meet the Americans with Disabilities Act requirements, no more than 20% of the total parking spaces shall be reserved for private or restricted use at any given time.

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

Real Property: All real property that is subject to the land use and development ordinances or regulations of a local governing body, and includes the earth, water, and air, above, below, or on the surface, and includes improvements or structures customarily regarded as a part of real property.

Receiving Waters: All natural water bodies, including oceans, salt and freshwater marsh areas, lakes, rivers, streams, ponds, wetlands, and groundwater which are located within the jurisdictional boundaries of Town. Stormwater management ponds, man-made wetlands, ditches, and swales constructed for the sole purpose of controlling and treating stormwater are not considered Receiving Waters.

Regulation: Any regulation, rule or requirement and promulgated by the Town pursuant to this article.

Retention: The collection and storage of runoff without subsequent discharge to surface waters.

Right-of-Way: A parcel of land to be used as a street, alley, crosswalk, drainage, or for other public purposes.

Roadway/ Street: A strip of land or way subject to vehicular traffic (as well as pedestrian traffic) that provides direct or indirect access to property, including, but not limited to, alleys, avenues, boulevards, courts, drives, highways, lanes, places, roads, terraces, trails, or other thoroughfares.

Roadway/ Street, Private: A right-of-way, which has not been dedicated or publicly accepted by the Town, County, or State.

Roadway/ Street, Public: A dedicated public right-of-way, which affords means of access to abutting property and which has been accepted for maintenance by the Town, County, or State Highway Department. For the purposes of these regulations, the term "street" or "streets" shall also mean avenues, boulevards, roads, lanes, and other public ways.

Setback: An area measured inward from the property line, right-of-way line or a specified line defining the limits within which no structure or other improvements not otherwise authorized in this Ordinance shall be located. See 9.3.D.4 for interpretation of this standard.

Shared Parking: A system of parking, typically applied to buildings of differing uses that each have peak parking demands at different times within a 24 hour period, thereby allowing some parking spaces to be shared.

Sharrows: Lanes that are shared by both cars and bicycle. The lanes have special arrow markings within to help alert cars to take caution and allow cyclists to safely travel in these lanes when striping is not possible.

Shopfront: Building frontage for the ground floor usually associated with retail uses. Building types which typically have shopfronts are main street, commercial cottage, or live-work sideyard buildings.

Sign: Any device for visual communication that is used for the purpose of bringing the subject thereof to the attention of the public.

Sign, Animated: Any sign that uses movement or change of lighting to depict action or create a special effect or scene.

Sign, Banner: Any sign of lightweight fabric or similar material that is permanently mounted to a pole or a structure by a frame at one or more edges. National flags, State or municipal flags, or the official flag of any institution or business shall not be considered banners.

Sign, Canopy: Any sign that is part of or attached to an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area. A marquee is not a canopy.

Sign, Changeable Copy: A sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged without altering the face or the surface of the sign. A sign on which the message changes more than five times per day shall be considered an animated sign and not a changeable copy sign for the purposes of this Ordinance. A sign on which the only copy that changes is an indication of time or temperature shall be considered a "time and temperature" portion of a sign and not a changeable copy sign for purposes of this Ordinance.

Sign, Freestanding/ Monument: Any sign supported by structures or supports that are placed on, or anchored in, the ground and that are independent from any building or other structure.

Sign, Incidental: A sign, generally informational, that has a purpose secondary to the use of the zone lot on which it is located, such as "no parking," "entrance," "loading only," "telephone," and other similar detectives. No sign with a commercial message shall be considered incidental.

Sign, Nonconforming: Any sign that does not conform to the requirements of this Ordinance.

Sign, Portable: Any sign not permanently attached to the ground or other permanent

structure, or a sign designated to be transported, including, but not limited to, signs designed to be transported by means of wheels; balloons used as signs; and umbrellas used for advertising.

Sign, Projecting: Any sign affixed to a building or wall in such a manner that its leading edge extends more than six (6) inches beyond the surface of such building or wall.

Sign, Residential: Any sign located in a district zoned for residential uses that contains no commercial message except advertising for goods or services legally offered on the premises where the sign is located, if offering such service at such location conforms with all requirements of this Ordinance.

Sign, Roof, Integral: Any sign erected or constructed as an integral or essentially integral part of a normal roof structure of any design, such that no part of the sign extends vertically above the highest portion of the roof and such that no part of the sign is separated from the rest of the roof by a space of more than six.

Sign, Roof: Any sign erected and constructed wholly on and over the roof of a building, supported by the roof structure, and extending vertically above the highest portion of the roof.

Sign, Suspended: A sign that is suspended from the underside of a horizontal plane surface and is supported by such surface.

Sign, Temporary: Any sign that is used only temporarily and is not permanently mounted.

Sign, Vehicle: Any sign that is attached or affixed to a vehicle for the advertisement of business. This shall not apply to vehicles used in the daily operation of the business.

Sign, Wall: Any sign attached parallel to, but within six inches of, a wall, painted on the wall surface of, or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building, and which displays only one sign surface.

Sign, Window: Any sign, pictures, symbol, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale, or service that is placed inside a window or upon the windowpanes or glass and is visible from the exterior of the window.

Silviculture: The cultivation of forested trees, forestry.

Special Exception: An exception issued by the Board of Zoning Appeals authorizing a particular use in a specified location within a Zoning district, upon demonstrating that such use complies with all the conditions and standards specified by the Zoning and Land Development Regulations.

Stoop: A small platform and / or entrance stairway at a house door, commonly covered by a secondary roof or awning.

Stormwater: Stormwater runoff, precipitation runoff, and surface runoff.

Stormwater Management Plan or SWMP: The set of drawings and other documents that comprise all of the information and specifications for the programs, drainage systems, structures, BMPs, concepts, and techniques for the control of stormwater.

Stormwater Management: The collection, conveyance, storage, treatment and disposal of stormwater runoff in a manner to meet the objectives of this article and its terms, including, but not limited to measures that control the increased volume and rate of stormwater runoff and water quality impacts caused by manmade changes to the land.

Stormwater System: The conveyance or system of conveyances (including roads with drainage systems, highways, right-of-way, private streets, catch basins, curbs, gutters, ditches, man-made channels, storm drains, detention ponds, and other stormwater facilities) which is (a) owned or operated by private entities; (b) designed or used for collecting or conveying stormwater; (c) not a combined sewer system and (d) not part of a Publicly Owned Treatment Works (POTW).

Streetwall: The vertical surface of a building or structure that faces public open space.

Street Frontage: The percentage of lot width over which the principal building plane extends. If a lot occurs at a corner, the street frontage shall be measured along the primary side (i.e.- along the street on which the property maintains its address).

Structural BMP: A device designed and constructed to reduce pollutant loading through measures including reducing the volume of surface stormwater runoff, biological uptake of pollutants, and filtering of pollutants. Structural BMPs include but are not limited to detention basins, retention basin, bioswales, and infiltration basins.

Structure, Alteration: Any change to the supporting members of a structure, including foundations, bearing walls or partitions, columns, beams, girders, or any structural change in the roof or in the exterior walls.

Structure: Anything constructed, erected, or established including, but not limited to the following: A. Buildings; B. Signs; C. Seawalls; D. Mobile homes; E. Fences; F. Screen enclosures; and G. Patio walls.

Subdivision: All divisions of a tract or parcel of land into two or more lots, building sites, or other divisions for the purpose, whether immediate or future, of sale, lease, or building development, and includes all division of land involving a new street or change in existing streets, and includes re-subdivision which would involve the further division or relocation of lot lines of any lot or lots within a subdivision previously made and approved or recorded according to law; or, the alteration of any streets or the establishment of any new streets within any subdivision previously made and approved or recorded according to law, and includes combinations of lots of record.

Total Impervious Surface: All impervious surfaces on a site regardless if it is directly connected to each other, and that is not constructed using permeable pavement technology.

Tree: Any self-supporting, woody perennial plant, which can grow to at least a diameter of eight inches or more, measured three feet up from the base, which normally attains a height of at least ten feet at maturity, and usually has one main stem or trunk and many branches.

Tree, Hardwood: Any tree not classified as a conifer or palm.

Tree, Large: A tree that typically grows to reach a width and/or height of over 50 feet at maturity.

Tree, Medium: A tree that typically grows to reach a width and/or height of between 25 and 50 feet at maturity.

Tree, Small: A tree that typically grows to reach a width and/or height of no more than 25 feet at maturity.

Tree protection zone (TPZ): A more or less cylindrical area surrounding a tree that includes the critical root zone and extends up to the top of the tallest branch and out from the trunk a minimum radius of 1.5 feet for each inch of trunk dbh or 10 feet, whichever is greater. This area includes the trunk, crown, and that portion of the tree's roots within the critical root zone. For a group of trees, it includes the area within the group and extending out to the critical root zones of the trees located along the entire perimeter of the group.

Turret: A small tower or tower- shaped projection on a building.

Undercroft: The area beneath the first finished floor of a structure and above the ground plane; an unfinished and unclimatized space.

Use: The purpose or activity for which the land or building thereon is designed, arranged, or intended for which it is occupied and maintained.

Variance: A departure from the strict terms or expressed provisions of this Title where such departure will not be contrary to the public interest and where, owing to conditions peculiar to the property and not as a result of any action on the part of the property owner, a literal enforcement of this Title would result in unnecessary and undue hardship; and such variance is consistent with Section 6.29.800 of the Code of Laws of South Carolina, Title 6, Chapter 29.

Vegetation: All plant growth, including trees, shrubs, vines, annuals, perennials, mosses, and grasses.

Vernacular Architecture: A style of architecture exemplifying the most common building techniques based on the forms and materials of a particular historical period, region, or group of people.

Volume: The quantity of water that is generated by rainfall and other sources within a development.

Waiver: The modification of the minimum stormwater management requirements contained in *Article 5, Design Standards* and the *Stormwater Design Manual* for specific circumstances where strict adherence of the requirements would result in unnecessary hardship and not fulfill the intent of this Ordinance.

Water Quality: Those characteristics of stormwater runoff that relate to the physical, chemical, biological, or radiological integrity of water.

Water Quality Design Storm Event: The amount of rainfall that occurs with the 95% storm event utilizing historic rainfall data collected at the Savannah Airport. 1.95 inches of rainfall during a 24-hour duration storm event has been identified as the 95% storm event.

Water Quantity: Those characteristics of stormwater runoff that relate to the rate and volume of the stormwater runoff.

Workforce Housing: Housing affordable to low and moderate-income families (those earning up to 120% 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).

9.3 Interpretation of Dimensional Standards

Dimensional standards in these regulations shall be interpreted according to the following rules and guidance:

A. **Build-to Line.** The line specified as a distance from the right-of-way line, easement, or other public or private access way if the context so indicates, at which a building shall be located.

When expressed as a single point (i.e. 5 feet) the building shall be located within an accuracy of one foot of that point. When expressed as a range (i.e. 0 to 10 feet) the building shall be located at any point in that range. When setbacks are expressed as a range (i.e. 15 to 25 foot setback) that shall be interpreted as a build-to range

B. **Building Height.** Where building height is expressed in feet, the interpretation of this section shall apply (See "Story" in this section where building height is expressed in stories). The vertical distance measured from the average elevation of the finished lot grade at the front building line to:

1. The highest point of the roof deck in the case of a flat roof;
2. The deck line of a mansard roof;
3. The average height between the plate and ridge of a gable, hip, or gambrel roof.
4. The height limitations generally shall not apply to church spires, belfries, cupolas, domes, chimneys, smokestacks, flagpoles, water towers, or other minor common building accessories not intended for human occupancy, unless specifically indicated in this Ordinance.

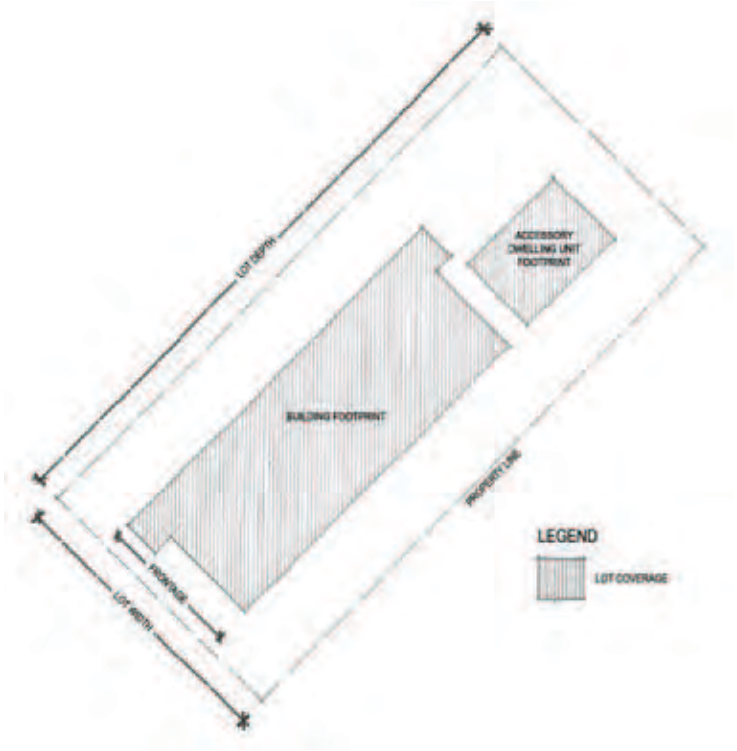
Figure 9-1. Building Height.

C. **Fractions**. When calculations result in fractions, the results shall have two significant figures and any fractional result shall be rounded up to the next consecutive whole number.

D. **Lot**. The following shall be used in interpreting lot dimensional standards:

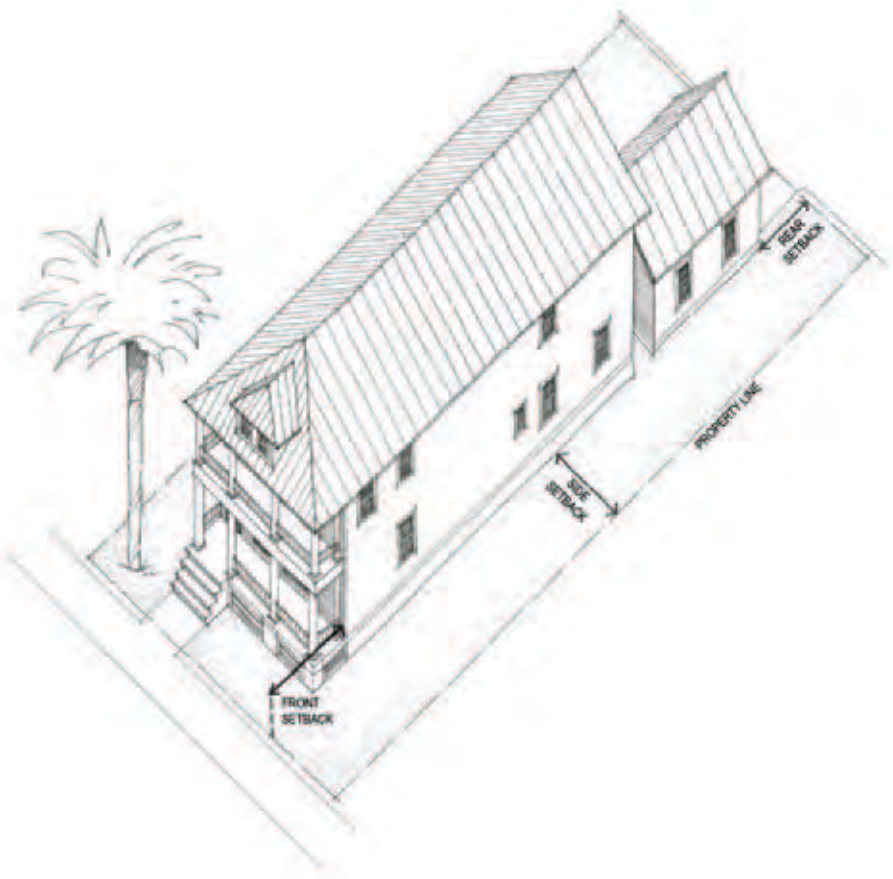
1. Frontage. The area between a building façade and the vehicular lanes, inclusive of its built and planted components.
2. Lot coverage. The portion of the lot covered by any structure or constructed element that impedes infiltration of stormwater into the ground or disrupts vegetated surfaces. For purposes of lot coverage standards, structures or constructed elements that allow some infiltration, such as decks, patios and driveways, porous pavers or concrete, or other elements that disturb ground cover shall be counted towards the total surface coverage unless they demonstrate they are a functional and integral part of a stormwater system and best management practice in *Article 5, Design Standards*.

Figure 9-2. Lot Coverage



3. Lot width. The horizontal distance between the side lot lines, measured at right angles to the lot depth and measured parallel to the front lot line. Where a minimum lot width is specified, it shall be applied at all points in the building envelope of a lot.
4. Setback line. The distance from the property line to the nearest part of the applicable building, structure, or sign, measured perpendicularly to the property line. In cases where setback lines are listed as a range indicating a minimum and a maximum setback, the range shall be interpreted as a build-to range at or within such distance a building line must be established. Building appurtenances (steps, porches/stoops, eaves, bays) attached and projecting from the foundation or building are not restricted by the setback requirement, except in no case will these appurtenances extend within 3 feet of adjacent properties, or into easements or rights-of-way unless specifically provided in this Ordinance.

Figure 9-3. Setbacks.



E. **Story.** Where building height is expressed as a "story(ies)," the interpretation in this section shall apply. Please see Figure 9-1, Building Height. "Story" shall be interpreted as follows:

1. A story is the portion of a building included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling next above it.
2. Stories shall begin at the first floor level that is between three feet above finished grade and four feet below grade.
3. The minimum story shall be 8.5 feet and the maximum story shall be 14 feet, except that the height of the first story may be as high as 20 feet for all non-residential buildings that are 2 stories or more.
4. Exception: Where ground floor manufacturing uses, or warehouse merchandise is allowed in the zoning district, buildings for those uses shall have no limit on the first story and the maximum building height expressed in feet shall control.
5. Half-story. A space under a sloping roof that has the line of intersection of the roof and the exterior wall supporting the roof not more than 3 feet above the floor level, and in which space the possible floor area with head room of 5 feet or more occupies between 30 and 70 percent of the total floor area of

the story directly beneath.

9.4 Description of Uses of Land and Buildings

This section contains general descriptions associated with the uses of land and buildings. It is organized according to categories of uses and specific types of uses within each category. These categories and types correspond to the *Use Table* in Article 4, Zoning Districts. Where a use appears to meet two or more descriptions or where a use is not described, the UDO Administrator shall make a determination, as described in *Article 4, Zoning Districts*.

9.4.1 Residential Uses

The residential use category is for buildings or portions of buildings are used for a dwelling unit. Certain types of residential uses within this category may have building types that have more than one dwelling unit per building. Certain types of residential uses may be more refined within specific zoning districts, where lot or building type standards may produce different typologies.

A. **Accessory Dwelling Unit/Dependency Unit:** A second dwelling unit in a separate accessory structure on the same lot as the main dwelling, for use as a complete, independent living facility.

B. **Dwelling, Multi-family:** A building containing multiple dwelling units, including residential condominiums and apartments.

C. **Dwelling, Single-Family Detached:** A one family detached dwelling designed for or occupied by one family.

D. **Dwelling, Single-Family Attached:** Two or more dwelling units attached by a common wall or roof, but wherein each unit is located on a separate lot of record.

E. **Dwelling Unit:** A single unit providing complete independent living facilities for one Family or Household including permanent provisions for living, sleeping, eating, cooking, and sanitation.

F. **Manufactured Home:** A structure, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or when erected on site, is 320 or more square feet and which is built on a permanent chassis and designed to be used as a dwelling, with or without a permanent foundation, when connected to the required utilities, and all systems, appliances, accessories, and furnishings sold with the home, including, among other things, the plumbing, heating, air conditioning and electrical systems, as defined in S.C. Code 40-29-20(9).

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

9.4.2 Agriculture/Conservation Uses

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

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

B. **Animal Hospital:** An establishment that is used for the practice of veterinary medicine.

C. **Commercial Stables:** Housing for horses owned and used by someone other than the occupant or owner of the residence and including related shows, lessons, clinics and similar activities.

D. **Conservation:** The protection and management of land, vegetation, water bodies, topography, hydrology or other physical element in a natural or undisturbed manner for beneficial aesthetic, ecological or recreation functions. Any accessory buildings are limited to minimal provisions for caretakers or maintenance, or other low-impact facilities to accommodate limited natural recreation purposes. Examples include wildlife refuges or nature preserves.

E. **Farm:** Any tract or real property which is principally used to raise, harvest or store crops, feed, breed or manage livestock, or to produce plants, trees, fowl or other animals, including agriculture operations useful to man, including the preparation of the products raised thereon, for man's use and disposed of by marketing or other means, including agriculture.

F. **Horse Riding School:** An enclosed or unenclosed building or portion of a building used exclusively for the equestrian riding activities by the building owner, guests, or employees.

G. **Horse Training Facility:** An enclosed or unenclosed building or portion of a building used exclusively for the equestrian training activities by the building owner, guests, or employees

H. **Kennel:** A facility that provides boarding for three or more dogs, cats, or other household pets for a fee, and may include grooming, breeding, training, or selling of animals.

I. **Natural Resource Management and Harvesting:** The growth, management and harvesting of natural materials for use as raw materials in a non-invasive, non-extractive manner, where the land and all associated operations allow the natural conditions, including vegetation, water bodies, topography, hydrology or other physical elements to maintain the predominant aesthetic and ecological functions of the land area. Any accessory buildings, structures or facilities are limited to low-impact facilities that reinforce the overall natural condition of the land area, and only those necessary to accommodate minimal management of the site. Examples include a tree farm, fish hatchery, or similar natural resource management activities.

J. **Private dock or boathouse:** A privately-owned and maintained structure for which valid State and/or Federal permits have been obtained, for the use of boating operations and fishing

K. **Seafood/Shellfish Packaging/Processing:** Activities which include the purchase, monitoring, bottom preparation, planting, sale, possession, harvest, production, breeding, transportation, and processing of shellfish in State waters on or in an area used for shellfish cultivation.

L. **Veterinary Clinic:** An establishment offering veterinary services and hospitals for animals.

9.4.3 Commercial Services

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

A. **Adult Entertainment/Adult-Oriented Business:** A business involving an adult arcade, adult bookstore or adult video store, adult cabaret, adult motion picture theater, sexually-oriented escort agency, nude model studio or sexual encounter center.

B. **Car Wash:** A commercial establishment primarily engaged in the washing of automobiles, motorcycles, and pick-up and panel trucks, as well as boats and other motorized vehicles.

C. **Fueling/Convenience Store:** Retail facility selling gas/convenience items with no repair bays, no towing, no vehicle body or engine repair or exterior overnight storage permitted with this use.

D. **Motor Vehicle Sales and Service:** A commercial business that includes the sale and service of automobiles, trucks, recreational vehicles, boats, campers, tractors, and other motorized vehicles including storage and incidental maintenance and repair.

E. **Motor Vehicle Service Station:** Buildings and premises on any parcel or lot where gasoline, oils and greases, batteries, tires, and automobile accessories may be supplied and dispensed at retail (or in connection with a private operation) where no part of the premises is used for the storage of dismantled or wrecked vehicle parts, and permitting the sale of cold drinks and packaged goods as accessory only to the principle operation.

F. **Office / Service:** A business or institution that primarily provides employment, administrative management, personal service or professional service operations, where products or services are of the nature that require occasional on-premise interactions with the clients, customers or patrons. Examples include doctors' office, accountants or lawyers, architects and engineers, travel agent, personal care data processing centers, research facilities or similar office environments.

G. **Outdoor Sales:** The temporary sale of goods that are not located within an enclosed building. The display of merchandise on a sidewalk or an exterior private area of a site associated with an otherwise permitted Commercial use that does not meet the limitations of Limited or Seasonal Outdoor Sales, and which may require areas to be designed and dedicated for display when part of the permanent operations of an interior retail business. This also includes uses where the primary business is generated by merchandise displayed permanently outside.

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

I. **Restaurant:** Establishment where food and beverage are prepared, served, and

consumed primarily within the principal building.

J. **Retail Business:** Business, structure or activity involving the sale of goods or merchandise, from a fixed location, for direct consumption by the purchaser.

K. **Tattoo Facility/Parlor:** Any room, space, location, area, structure, or business, or any part of any of these places where tattooing is practiced or where the business of tattooing is conducted and which is licensed by the Department (SC DHEC) as a tattoo facility.

L. **Outdoor Patio and Café:** An outdoor space used for food or beverage service or entertainment purposes.

M. **Icery:** A Retail Business that is primarily engaged in the sale of non-food or beverage related goods or merchandise but that sells coffee, tea, non-alcoholic beverages, pastries, confections, ice cream, gelato, shaved ice and/or frozen refreshments intended for direct consumption by the purchaser that are served, but not cooked or substantially prepared, on the premises of the establishment. An icery is only permitted as a Conditional Accessory Use to a Retail Business.

9.4.4 Lodging

A. **Bed & Breakfast:** A dwelling, where the proprietor resides on site, may be involved in the rental of six (6) rooms or less to overnight guests and offering breakfast meals only to said guests, provided a parking place be provided for each room offered for rent.

B. **Hotel:** A building or portion thereof, or a group of buildings, which provides sleeping accommodations, with or without meal service, for transients on a daily or weekly basis, whether such establishment is designated as a hotel, inn, automobile court, motel, motor inn, motor lodge, tourist cabin, tourist court, or tourist home

C. **Inn:** A structure where the rental of seven (7) to twelve (12) rooms may be offered for overnight occupation provided a parking place be provided on site for each room for rent.

D. **Lodging:** Facility or structure used for the rental of sleeping quarters for overnight guests. Available for daily and weekly renting of bedrooms. The area allocated for food service shall be calculated and provided with parking according to retail use.

9.4.5 Office

A. **Home Occupation:** Any use of principal or accessory buildings clearly incidental and secondary to their uses for residential purposes and which does not change the character of the building and site.

B. **Professional Office:** Building and/or office for government, professional business, or general purposes; B. Offices for general administrative functions including operations management, sales and marketing, clerical service, personnel management, accounting/finance, data processing, and design/engineering; Offices for business use including, but not limited to: insurance, real estate, travel, advertising agencies, and business consulting; Offices for professional use including, but not limited to: accounting, architecture, engineering, surveying, law, medicine, chiropractic, and dentistry; and Offices for governmental or institutional purposes.

9.4.6 Health/ Human Care

A. **Child Care Center:** A facility which regularly receives 13 or more children for day care more than two days per week.

B. **Family Day Care Home:** An occupied residence where child day care is regularly provided for no more than six children, including children living in the home and children received for day care who are related to the resident care giver. Provided, however, that an occupied residence in which child day care is regularly provided only for a child or children related to the resident care giver, or only for the child or children of one unrelated family, or only for a combination of such children is not a family day care home.

C. **Group Day Care Home:** A facility, generally within a dwelling unit, which regularly provides child day care for at least seven but no more than 12 children, including the children of the caregiver, younger than ten years old living in the home and children who are related to the resident caregiver.

D. **Hospital:** A licensed facility primarily providing in-patient medical, surgical, or psychiatric care for a period exceeding 24 hours. Hospital facilities may also include out-patient services and the following types of accessory activities: out-patient diagnostic and treatment centers, rehabilitation facilities, offices, laboratories, teaching facilities, meeting areas, cafeterias, maintenance, and parking facilities. This definition includes General Hospitals, Specialized Hospitals, Chronic Hospitals, Psychiatric and Substance Abuse Hospitals or Hospices. (See S.C. Department of Health and Environmental Control Regulation 61-16, Standards for Licensing—Hospital and General Infirmaries, and Regulation 61-78, Standards for Licensing—Hospices.)

E. **Medical Office and Clinic:** A health care facility in which a doctor, dentist, psychiatrist, psychologist, counselor, physician's assistant, nurse practitioner, or similar licensed medical provider treats or counsels patients. Also including birthing centers and ambulatory surgical centers.

F. **Nursing Home:** Any institution or facility defined as such for licensing purposes under law or pursuant to regulations for nursing homes promulgated by the South Carolina Department of Health and Environmental Control, whether proprietary or nonprofit, including, but not limited to, nursing homes owned or administered by the State or political subdivision thereof.

9.4.7 Recreation/ Entertainment

A. **Campgrounds and Recreational Vehicle Parks:** Grounds designed for multiple individual sites for temporary overnight lodging where lodgers bring their own facilities, including tents and recreational vehicles. Campgrounds and Recreational Vehicle Parks may include accessory buildings for recreation or accommodations for guest, but generally include few buildings or permanent structures.

B. **Recreation Facility:** A commercial use where facilities for sports, entertainment, or similar recreation opportunities for participants of spectators are offered as a business. Examples of uses include driving ranges, athletic complexes, or other similar businesses.

C. **Recreational Vehicle:** A vehicle which is: a. built on a single chassis; b. 400 square feet or less when measured at the largest horizontal projection; c.

Designed to be self-propelled or permanently towable by a light duty truck; and d. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

D. **Theater:** An establishment devoted showing of motion pictures or live performances. Does not include any uses that fall under the definition of adult entertainment.

9.4.8 Civic/ Institutional

The Civic Use category includes uses serving a public interest to enhance the daily community life landowners, businesses and residents. They offer recreation, education, social, and cultural and other quality-of-life services, and are typically run by government, not-for-profit, religious, or similar community-oriented organizations. Civic uses typically are on grounds or in buildings designed to be a focal point or gathering place for surrounding areas.

A. **Cemetery:** Land dedicated for the burial and memorializing of diseased humans, including associated structures such as chapels and or mausoleums, art and statuary, and gardens. A cemetery may be a principle use or accessory to religious assembly uses.

B. **Club, Lodge, Union Hall, or Social Center:** A meeting, recreational, or social facility of a private or nonprofit organization primarily for use by members or guests.

C. **Conference or Exhibition Center:** A building or complex of buildings that is used as a conference center and includes auditorium, meeting rooms, exhibition space, and banquet facilities.

D. **Government Building:** Structure used primarily for public, governmental organizations including offices, library, post office, museum, and other similar uses.

E. **Civic Use:** A government owned or operated building, structure, or land used for public purpose.

F. **Institutional Use:** A non-profit religious or public use such as a church, library, museum, public hospital or the like.

G. **Parks:** A tract of land designated and used by the public for passive or active recreation and equipped for the conduct of sports or leisure time activities.

H. **Religious Assembly:** A church, synagogue, temple, or other facility that is used for prayer, contemplation by persons of similar beliefs or conducting formal religious services on a regular basis. Secondary uses clearly incidental to the primary Church use such as the Church operating day care, elder care, conducting group meetings, and the like shall be considered a permitted use.

I. **School:** An education facility that provides regular daily classroom, lab or other similar learning environments for students, including activities, facilities and grounds accessory to education, including pre-, primary, secondary, vocational, and higher education institutions. Schools are broken into different scales of use based on context and the type of buildings permitted in the specific zoning district.

J. **Utilities:** Centralized facilities and equipment necessary to manage and operate support infrastructure in surrounding areas. Examples include utility substations, pump stations, fire or police stations, water tower, or similar public infrastructure.

9.4.9 Industrial

A. **Artisan Workshop:** Space used for painting, sculpting, drawing, or other artistic purpose in order to create artwork that will be sold to the public.

B. **Concrete and Asphalt Plant:** A commercial use involving the manufacturing and storage of concrete, cement, brick plaster, gypsum, lime, mortar, asphalt, tar, or other paving or plastering materials.

C. **Contractor's Office:** An office used as a base of operations for construction activities that also can include outdoor storage of equipment and materials.

D. **Junk and Salvage Operations:** A commercial use that involves the collection, storage, sale, and/or stripping of vehicles, boats, and other items, which are typically stored outdoors.

E. **Light Assembly/ Fabrication:** A commercial use that includes processing, packaging, and assembly of parts not produced on site.

F. **Manufacturing:** A commercial use that includes the production of goods from raw materials on site.

G. **Mini-warehouses or Self-service Storage Facilities:** A commercial use offering separate storage units for short- or long-term rental, where personal items of the general public may be stored and accessed independently.

H. **Research and Laboratory:** An office or facility that is used for research, testing, or other scientific purposes which does not have day-to-day interaction with the general public.

I. **Solid Waste Transfer Facility/ Recycling Center:** A facility for the general public to drop-off household goods and waste that will be transferred to a landfill site or recycling plant.

J. **Telecommunication Towers:** A tower, pole, or similar structure designed to support telecommunications antennae which is operated for commercial purposes or by a commercial entity. This does not include private, home-use television reception antennae, satellite dishes, or communication towers for amateur radio operation licensed by the Federal Communications Commission.

K. **Warehouse or Distribution Operation:** A commercial facility used for receipt, temporary storage, and redistribution of goods according to the customer orders as they are received.

9.5 Interpretation of Maps and Boundaries

A. **Zoning Maps.** The boundaries of the Zoning District given in this Ordinance are shown on a map entitled Official *Zoning Map*, Town of Bluffton, which, together with all explanatory matter, is adopted by reference as part of this Ordinance. The Official *Zoning Map* shall be located in the Town of Bluffton Town Hall. Where uncertainty exists with respect to any of the boundaries of a zoning district as shown on the Official *Zoning Map*, the following rules shall apply:

1. Where district boundaries are indicated as approximately following the centerlines of streets or highways or railroad right-of-way lines or the lines extended, they shall be construed to be the boundaries.

2. Where district boundaries are indicated as approximately following the corporate limit line of the Town, the corporate limit line shall be construed to be the boundaries.
3. Where district boundaries are indicated as approximately following property lines or the lines extended, the property lines or the lines extended shall be construed to be the boundaries.
4. Where district boundaries are indicated as approximately following the centerline of streambeds or riverbeds, the centerlines shall be construed to be the boundaries.
5. Where any of the right-of-way, corporate limit, property line or stream and river beds change, the zoning district shall similarly change to reflect such adjustment to the extent is does not reflect a substantial change and the change is not associated with a specific zoning designation.

B. **Old Town Bluffton Historic District.** The area designated as the Old Town Bluffton Historic District is comprised of the following Zoning Districts:

1. Neighborhood Core Historic District (NC-HD);
2. Neighborhood Center Historic District (NCE-HD);
3. Neighborhood General Historic District (NG-HD);
4. Neighborhood Conservation Historic District (NCV-HD);
5. Riverfront Edge Historic District (RV-HD).

C. **Planning Maps.** Where these regulations refer to the *Comprehensive Plan*, land use categories, future land use maps, or *growth framework map*, this shall include maps and data associated with the officially adopted plans and maps of the Town:

1. The maps are a general framework and guide for decision-making, and do not pre-determine any specific use of land or buildings, or application of any zoning category. Except that regulating plans done to the specificity of district and block scale plans may determine regulations governing building types and land uses as provided in the Districts of this Ordinance.
2. The maps shall be interpreted consistent with the concepts, policies, principles and strategies in the plans, including descriptions, location criteria, checklists and other elements and data supporting the plan.
3. Specific area plans, whether adopted by the Town or proposed by private parties in accordance with these regulations, may be interpreted as an amendment or further refinement of the future land use map provided that plan is determined by the Planning Commission to be consistent with the *Comprehensive Plan* and *growth framework map*.
4. Future zoning decisions shall be in accordance with these plans, when used as general guidance, and shall be consistent with the purposes, intent and design objectives of this Ordinance.

9.6 Resources, Guides, Manuals and Industry Standards

A. Resources, guides and industry standards that are recognized as reputable authority in the planning, urban design, transportation, urban forestry, or other applicable profession, may be used as a supplement to interpreting this

Ordinance. Any use of such resources, guides and industry standards shall be subject to the approval of the UDO Administrator upon a determination that the content is consistent with the *Comprehensive Plan* and the purposes, intent, and design objectives of this Ordinance. Best practices published by such professional organizations as the American Planning Association (APA), Congress for the New Urbanism (CNU), Institute of Transportation Engineers (ITE), and the Urban Land Institute (ULI) may also be used.

B. Design guidelines addressing any specific site or building design issues for public or private property may be prepared by Growth Management Department, and may be used as a supplement to interpreting this Ordinance. Any use of design guidelines shall be subject to the approval of the UDO Administrator upon a determination that the content is consistent with the *Comprehensive Plan* and the purposes, intent, and design objectives of this Ordinance. The UDO Administrator may elect to require approval by the Planning Commission, Town Council, or other public review body prior to its use. Any design guidelines approved by the UDO Administrator shall be maintained by the UDO Administrator and at least one copy shall be kept on file with the Growth Management Department.

C. These materials shall only be used to aid in the interpretation and application of these regulations, and shall not be used to modify, contradict, or in any way change the standards and requirements of these regulations.

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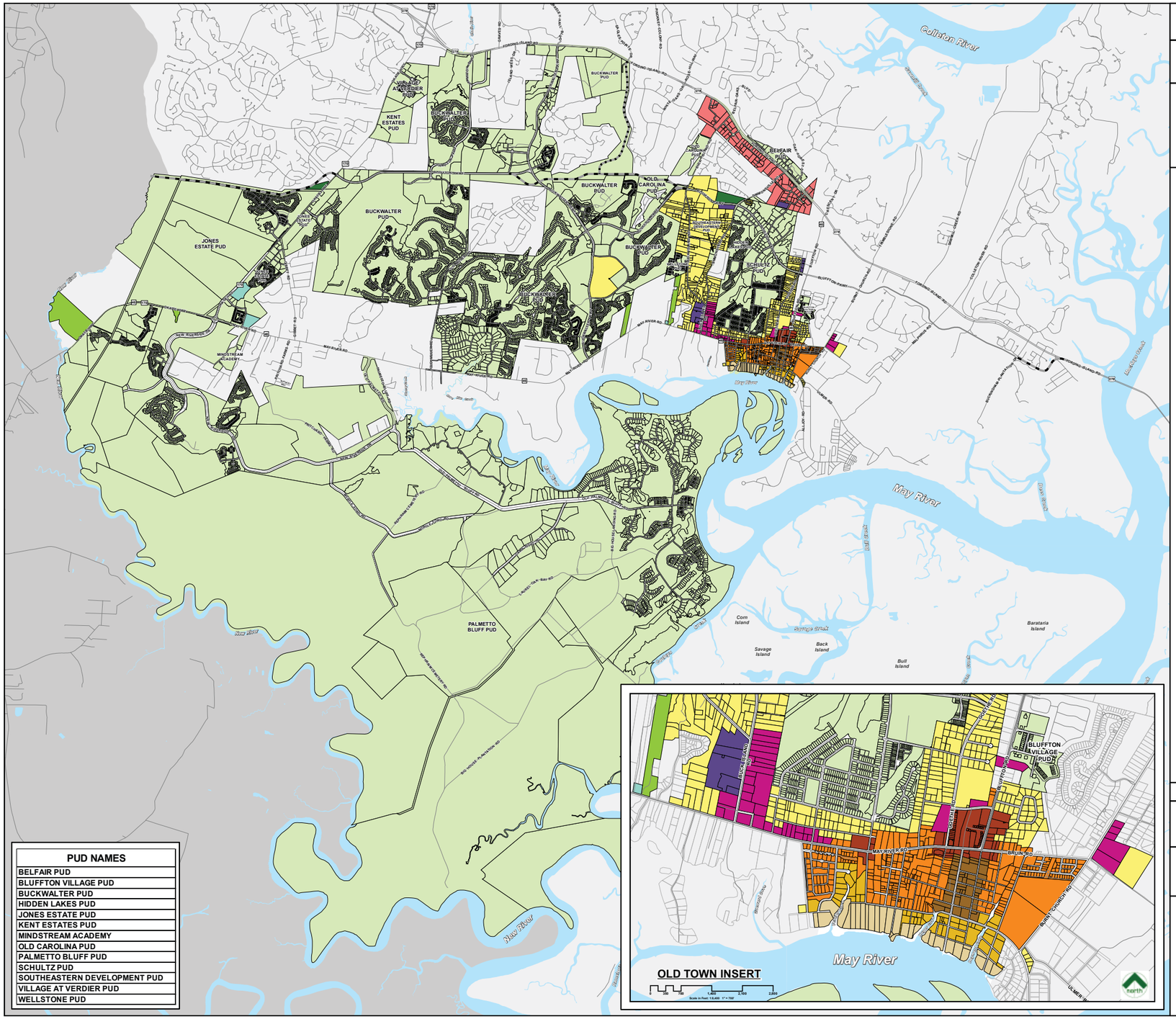
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May River
New River
Cornfield Creek
Corn Island
Savage Island
Back Island
Bull Island
Barataria Island
Lucy Creek
Buckwalter Creek
Jones Creek
Mill Creek
Pinckney Creek
Bluffton Creek
Kent Creek
Mill Creek
Pinckney Creek
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Cornfield Creek
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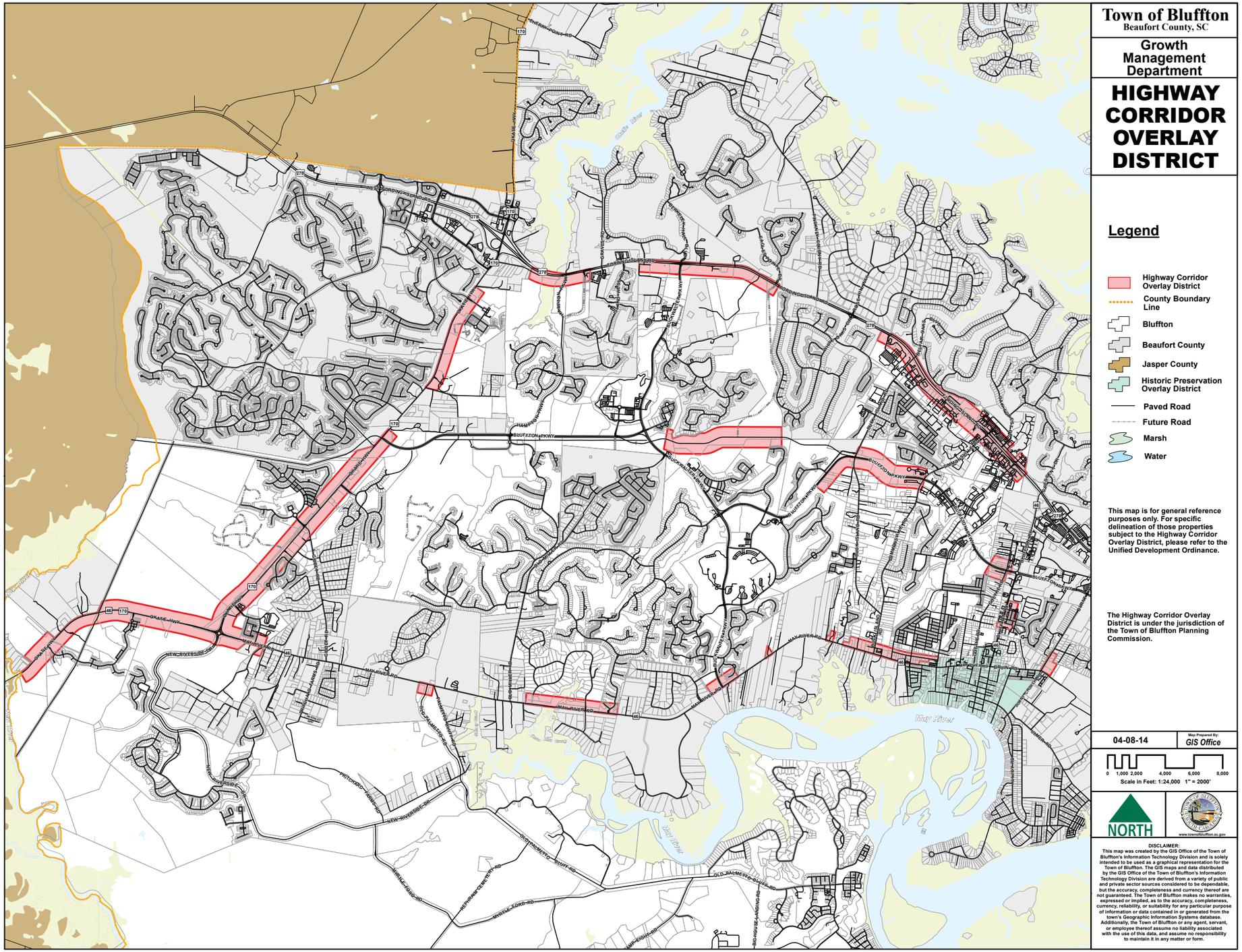
Bluff Creek
Bluff


Town of Bluffton
Beaufort County, SC
Growth Management Department
HIGHWAY CORRIDOR OVERLAY DISTRICT
Legend
Highway Corridor Overlay District
County Boundary Line
Bluffton
Beaufort County
Jasper County
Historic Preservation Overlay District
Paved Road
Future Road
Marsh
Water
This map is for general reference purposes only. For specific delineation of those properties subject to the Highway Corridor Overlay District, please refer to the Unified Development Ordinance.
The Highway Corridor Overlay District is under the jurisdiction of the Town of Bluffton Planning Commission.
04-08-14
Map Prepared By:
GIS Office
0 1,000 2,000 4,000 6,000 8,000
Scale in Feet: 1:24,000 1" = 2000'
NORTH
www.townofbluffton.sc.gov
DISCLAIMER:
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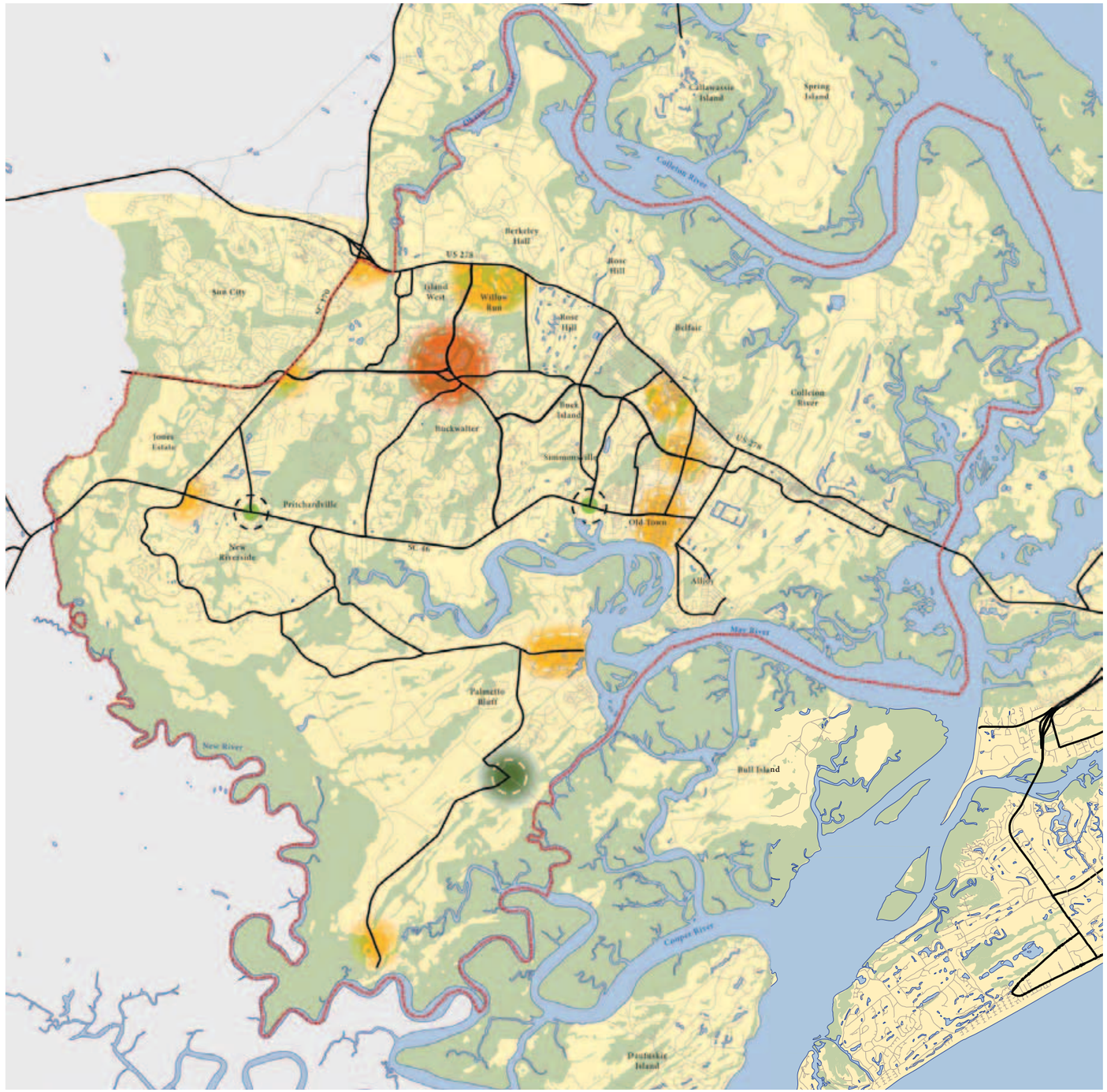
May River
Jones River
Okatie River
HARRY HAMPTON HWY
BLUFFTON PKWY
BLACKWATER PKWY
OKATIE HWY
OKATIE PKWY
OKATIE BLVD
OKATIE RIVER RD
MAY RIVER RD
NEW RIVERSIDE DR
PRITCHARD LANDING RD
OLD PALMETTO BLUFF RD
BIG HOUSE LANDING RD
MAY RIVER RD
BLUFFTON RD
BUCKWALTER PKWY
BLUFFTON PKWY
BLUFFTON OAKS BLVD
HAMPTON LAKE DR
BUCKWALTER PLACE BLVD
BUCKWALTER RD
BUCKWALTER CROSSING
BUCKWALTER PLACE BLVD
BUCKWALTER RD
BLUFFTON RD



Town of Bluffton

Beaufort County, SC

GROWTH MANAGEMENT DEPARTMENT

GROWTH FRAMEWORK

Map Legend

- Water
- Municipality or Community Plan Boundary
- Marsh/Wetlands
- Town Center Place Type Assembly
- Village Place Type Assembly
- Hamlet Place Type Assembly
- Rural Crossroad Place Type Assembly
- Future Town of Bluffton Annexation
- Land Outside Beaufort County

north

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Click here for larger scale map. It will open in a separate window.