

**ORDINANCE NO. 2012-16**

**AN ORDINANCE PROVIDING FOR THE FOURTH AMENDMENT OF THE PALMETTO BLUFF DEVELOPMENT AGREEMENT TO INCREASE THE ALLOWED NUMBER OF RESIDENTIAL DWELLING UNITS FOR PALMETTO BLUFF FROM 2,920 RESIDENTIAL DWELLING UNITS TO 4,000 RESIDENTIAL DWELLING UNITS.**

**WHEREAS**, on November 23, 1998, the Town of Bluffton enacted Ordinance No. 1998-02 adopting the Palmetto Bluff Development Agreement and Ordinance No. 1998-11 adopting the Palmetto Bluff Concept Plan; and

**WHEREAS**, concurrent with the entering into the Development Agreement on November 23, 1998, the Town of Bluffton annexed the Palmetto Bluff Tract into the town's corporate boundaries and approved Planned Unit Development zoning; and

**WHEREAS**, the Town has previously approved three amendments to the Palmetto Bluff Development Agreement; and

**WHEREAS**, the First Amendment to the Palmetto Bluff Development Agreement transferred certain portions of property and development rights out of the Palmetto Bluff Concept Plan for the creation of the New Riverside Concept Plan, which resulted in the reduction of the total allowed residential dwelling units for Palmetto Bluff from 5,000 residential dwelling units to 2,920 residential dwelling units; and

**WHEREAS**, Palmetto Bluff has requested a Fourth Amendment to the Palmetto Bluff Development Agreement to transfer of up to 1,080 residential dwelling units from the New Riverside Concept Plan be transferred back into the Palmetto Bluff Development Agreement and Concept Plan resulting in a total of 4,000 allowed residential dwelling units for Palmetto Bluff; and

**WHEREAS**, the Town has determined that the changes contained in the requested a Fourth Amendment to the Palmetto Bluff Development Agreement will better ensure the health safety and public welfare of its citizens; and

**WHEREAS**, the Town has determined that said changes are consistent with the Town's Comprehensive Plan, as well as other Town adopted policies and practices to further the Town's planning goals;

**NOW, THEREFORE, BE IT ORDERED AND ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BLUFFTON, SOUTH CAROLINA**, in accordance with the foregoing, the Town hereby amends the Palmetto Bluff Development Agreement in the following particulars:

1. The Palmetto Bluff Development Agreement shall be amended in accordance with the

terms and conditions of the Fourth Amendment the Palmetto Bluff Development Agreement, attached hereto as Exhibit A.

2. In the event of any conflict between the terms and conditions of the Palmetto Bluff Development Agreement and this Fourth Amendment to the Palmetto Bluff Development Agreement, the terms and conditions of this Amendment to the Palmetto Bluff Development Agreement shall control and the Palmetto Bluff Development Agreement shall be deemed amended to that extent.
3. All other terms and conditions of the Palmetto Bluff Development Agreement dated November 23, 1998, as amended, not changed or otherwise modified herein are reaffirmed and remain unchanged.

DONE, RATIFIED AND ENACTED this Eleventh Day of December, 2012.

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

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Lisa Sulka, Mayor  
Town of Bluffton, South Carolina

ATTEST:

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Sandra Lunceford, Town Clerk  
Town of Bluffton, South Carolina

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

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Lisa Sulka, Mayor  
Town of Bluffton, South Carolina

ATTEST:

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Sandra Lunceford, Town Clerk  
Town of Bluffton, South Carolina

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

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Lisa Sulka, Mayor  
Town of Bluffton, South Carolina

ATTEST:

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Sandra Lunceford, Town Clerk  
Town of Bluffton, South Carolina