

ORDINANCE NO. 2017 – 12

TOWN OF BLUFFTON, SOUTH CAROLINA

AN ORDINANCE AMENDING TOWN OF BLUFFTON'S MUNICIPAL CODE OF ORDINANCES, CHAPTER 23, ARTICLE 4 ZONING DISTRICTS OF THE UNIFIED DEVELOPMENT ORDINANCE TO REVISE CONDITIONAL USE STANDARDS FOR RETAIL BUSINESSES AND ARTICLE 9 DEFINITIONS TO INCLUDE A DEFINITION FOR AN ICERY

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

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

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

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

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

WHEREAS, the Unified Development Ordinance, Article 4, Zoning Districts provides the current regulations pertaining to land uses allowed by district; and,

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

WHEREAS, the Planning Commission held a Public Hearing to consider the proposed amendments and made a recommendation on September 27, 2017; and,

WHEREAS, the Town of Bluffton Town Council desires to amend Article 4 Zoning Districts, and Article 9 Definitions and Interpretation as it relates to retail businesses,

specifically to include an accessory use described as an Icery. A definition of Icery will be included in Article 9 Definitions.

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

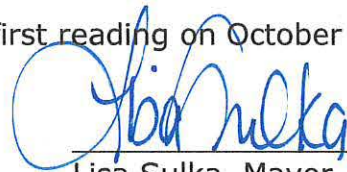
SECTION 1. AMENDMENT. The Town of Bluffton hereby amends the Code Ordinances for the Town Of Bluffton, South Carolina, Chapter 23, Unified Development Ordinance by adopting and incorporating an amendment to revising UDO Table 4.3 Uses By District changing Retail Businesses from permitted to conditional use in Neighborhood Conservation Historic District (NCV-HD), Neighborhood General Historic District (NG-HD), Neighborhood Center Historic District (NCE-HD) and Neighborhood Core Historic District (NC-HD) zoning districts. The conditional use will reference Section 4.4.2 Commercial Services, Section 4.4.2.G for Conditional Accessory Uses and Section 9.4.3 Commercial Services define Retail Business, clarify which zoning districts may have an Icery as a conditional accessory use, and create a definition of "Icery" as shown in Exhibit A, which is attached and incorporated hereto.

SECTION 2. REPEAL OF CONFLICTING ORDINANCES. All ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 3. ORDINANCE IN FULL FORCE AND EFFECT. This entire Ordinance shall take full force and effect upon adoption.

DONE, RATIFIED AND ENACTED this 14th day of November, 2017.

This Ordinance was read and passed at first reading on October 10, 2017.

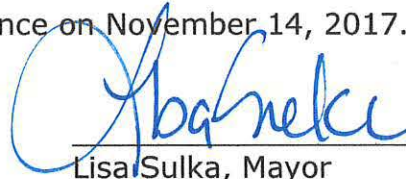


Lisa Sulka, Mayor
Town of Bluffton



Kimberly Chapman, Town Clerk
Town of Bluffton

A public hearing was held on this Ordinance on November 14, 2017.

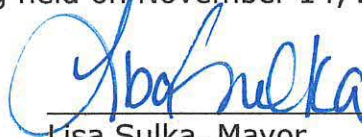


Lisa Sulka, Mayor
Town of Bluffton

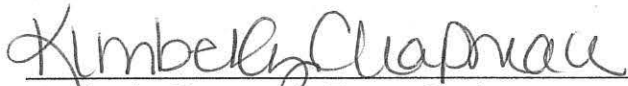


Kimberly Chapman, Town Clerk
Town of Bluffton

This Ordinance was passed at final reading held on November 14, 2017.



Lisa Sulka, Mayor
Town of Bluffton



Kimberly Chapman, Town Clerk
Town of Bluffton

4.4 Conditional Use Standards

4.4.2 Commercial Services

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.

9.4 Description of Uses of Land and Buildings

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.

- 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.
- 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.
- 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.
- 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.
- 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.

EXHIBIT A

- 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.**