

*October 10, 2017*

*Town Council*

*Retail Business - Zoning Text Amendment*

*First Reading*



# *Request*

The Unified Development Ordinance (UDO) Administrator requests that Town Council approve the following application:

**ZONE-08-17-11232.** A request by the Unified Development Ordinance Administrator for consideration of revisions to the Town of Bluffton's Municipal Code of Ordinances, Chapter 23, Unified Development Ordinance, 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 and Interpretation.



# *Background - Timeline*

- July 2014, Town Council provided guidance at a workshop on proposed amendments to the UDO, which would modify the land use requirements within the Old Town Bluffton Historic District. One proposed amendment included various options that would limit the impact of restaurants with outdoor and late-night activities on predominately-residential areas.
- January 2015, a second Town Council workshop agenda item discussed amending multiple sections of the UDO, including Article 4 Zoning Districts, which would establish 'Outdoor Patios and Cafes' as a conditionally permitted use and set minimum requirements for the use.
- May 2015, Town Council adopted a UDO Text Amendment that revised Restaurant Use to be conditional in all permitted zoning districts. One of the conditions is that all properties containing a restaurant use must have frontage on Calhoun Street within the Neighborhood Center – HD zoning district.
- February 2016, the owners of 7 Lawton Street (Mameem & Maudie) proposed a UDO Text Amendment to allow restaurants along side streets in the Neighborhood General - Historic District. In March 2016, Town Council denied the application to allow restaurants along side streets in the Historic District. The goal of the owners of Mameem & Maudie was to allow their retail business to sell coffee, tea, scoopable ice cream, shaved ice and comparable items, however, the business was classified as a restaurant, which is not allowed at this location per Section 4.4.2.E Restaurants of the UDO.
- In June 2017, the owners of 7 Lawton Street (Mameem & Maudie) requested a Variance from the Board of Zoning Appeals to authorize the sale of coffee, tea, scoopable ice cream, shaved ice, and comparable items prepared on site. The Board of Zoning Appeals determined that the request was for a deviation in Article 4 Zoning Districts to allow for a use that is not listed, and they were not empowered with the authority to grant the variance request.



# *Proposed Amendments*

- **Article 4 Zoning Districts, Table 4.3 Uses by Districts –**  
Condition Retail Business 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 to reference Section 4.4.2.G for Conditional Accessory Uses.
- **Article 4 Zoning Districts, Section 4.4.2 Commercial Services, G. Retail Businesses –**  
Describing how a Retail Business may have an Icery as a conditional accessory use. Explaining that no more than twenty-five (25%) percent of the Retail Business' heated square footage.
- **Article 9 Definitions and Interpretations, Section 9.4.3 Commercial Services, M. Icery –**  
Defining what is classified as an Icery and conditions that are associated with the business. 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.



# Proposed Changes

Table 4.3 Uses by District

	Rural Mixed Use (RMU)	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 (NCSV-HD)	Neighborhood General Historic District (NG-HD)	Neighborhood Center Historic District (NCE-HD)	Neighborhood Core Historic District (NC-HD)
<b>Residential</b>												
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
<b>Agriculture/Conservation</b>												
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	-	-	-	-
<b>Commercial Services</b>												
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



# Proposed Changes

## 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.

- 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.



# *Planning Commission Recommendation*

**Planning Commission, at their September 27, 2017 Public Hearing, found that the requirements of Section 3.5.3 of the Unified Development ordinance are met and recommend approval to Town Council 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 Iceery.**



## *Review Criteria & Analysis:*

- 1. Consistency with the Comprehensive Plan;**
- 2. Consistency with demographic changes, prevailing economic trends, and/or newly recognized best planning practices;**
- 3. Enhancement to the health, safety and welfare of the Town of Bluffton;**
- 4. Considers the impact on the provision of public services**





# *Town Council Actions:*

Town Council has the authority to take the following actions with respect to the recommendation of the application:

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



# Next Steps:

UDO Text Amendment Procedure	Date	Step Completed
Step 1. Public Notification	August 28, 2017	✓
Step 2. Planning Commission Public Hearing and Recommendation	September 27, 2017	✓
Step 3. Town Council – 1st Reading	October 10, 2017	✓
Step 4. Town Council Meeting – Final Reading and Public Hearing	November 14, 2017	



# QUESTIONS



# *Recommended Motion*

## Recommended Motion

Consideration of Ordinance Revising the Town of Bluffton's Municipal Code of Ordinances, Chapter 23, Unified Development Ordinance, Article 4 – Zoning Districts, Section 4.3 Uses by District and Article 9 – Definitions and Interpretations to add a definition and description for an 'Icery' as an accessory use to retail establishments– First Reading

***“I move to approve the First Reading of an Ordinance revising UDO Table 4.3 Uses by District, Section 4.4.2 Commercial Services 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.”***



