

## TOWN COUNCIL

### STAFF REPORT

#### Department of Projects & Watershed Resilience



|                         |                                                                                                                                                                                                                                                                                                           |
|-------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>MEETING DATE:</b>    | August 11, 2026                                                                                                                                                                                                                                                                                           |
| <b>PROJECT:</b>         | Consideration of an Ordinance to Amend the Town of Bluffton's Municipal Code of Ordinances, Chapter 23 – Unified Development Ordinance, Article 5 – Design Standards, Sec. 5.10 (Stormwater); and Article 9 – Definitions and Interpretation, Sec. 9.2 (Defined Terms) – Public Hearing and Final Reading |
| <b>PROJECT MANAGER:</b> | Andrea Moreno, Watershed Division Manager                                                                                                                                                                                                                                                                 |

**INTRODUCTION:** As set forth in Section 3.5.2 of the Unified Development Ordinance (UDO), “an application for a 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.” These amendments were initiated by the UDO Administrator.

**REQUEST:** The UDO Administrator requests Town Council approval of certain text amendments to the Town of Bluffton's Municipal Code of Ordinances, Chapter 23, Unified Development Ordinance, Article 5 – Design Standards, Sec. 5.10 (Stormwater); and Article 9 – Definitions and Interpretation, Sec. 9.2 (Defined Terms).

**WATERSHED ACTION PLAN ADVISORY COMMITTEE RECOMMENDATION:** The Watershed Action Plan Advisory Committee recommended approval of the proposed text amendments as presented on 4/23/26. See **Attachment 1** for the proposed amendments.

**PLANNING COMMISSION RECOMMENDATION:** The Planning Commission recommended approval of the proposed text amendments as presented on 5/27/26.

**BACKGROUND:** In January of 2025, Town Council approved a Master Service Agreement (MSA) task authorization to McCormick Taylor Inc. and Center for Watershed Protection (“Consultants”) to develop Town Wetland and Resilience Ordinances to protect the health, welfare, and safety of our citizens and natural resources.

As part of this ongoing work and specific to wetland protections, the Consultants have been tasked with reviewing current Town policies, identifying and inventorying wetlands within the Town's

jurisdiction, developing a map of wetlands to be protected, and developing a Wetland Ordinance for the Town.

Concurrent, yet independent from the MSA work, Town Council adopted a wetland protection ordinance in June of 2025, requiring a 50 ft. undisturbed buffer around the perimeter of all wetlands and empowering staff for enforcement, filling gaps left by loosened federal rules after the U.S. Supreme Court's "*Sackett v. Environmental Protection Agency*" decision. This initiative made Bluffton the first municipality in South Carolina to enact such laws in response to federal changes.

This ordinance was adopted under the premise that it would act as an interim wetland ordinance and would be superseded by a comprehensive wetland ordinance that would incorporate the Consultant's recommendations and reliance upon a new, Town-owned, wetland mapping tool. Thus, staff are proposing amendments to the wetland protection ordinance to help ensure its defensibility and alignment with the Town's watershed and resilience goals. Associated definitions are also proposed.

Furthermore, information about wetlands must stay current to ensure the Town develops effective tools to manage land use pressures and respond to changes in federal wetland protections. Accurate wetlands data allows the Town to define its objectives, apply the latest technology and tools for wetland mapping, focus its protection efforts, and inform future projects, policies, programs, and partnerships.

The Town currently relies on the National Wetland Inventory (NWI), which is the primary source of mapped wetlands used across the country. However, within the Town, the NWI was last updated based on 2006 and 2011 imagery and does not often indicate the existence of small, isolated wetlands. While field delineation of wetland boundaries by a professional will be the ultimate determinant of where wetland and wetland buffers boundaries are located, the Town's wetland mapping tool, which is planned to go "live" with the adoption of these proposed amendments, allows for both the Town and the applicant to know in advance which areas of the site are most likely to have wetlands present and plan accordingly.

**KEY CHANGES TO WETLAND ORDINANCE:** The following are a list of proposed key changes to the wetland ordinance:

- Scrivener's errors;
- Addition of reference to Southern Lowcountry Stormwater Design Manual for any terms not explicitly defined in Section 9.2;
- Inclusion of watershed resilience-related language;
  - **MEANING** – as the Town moves forward with its creation of a Resilience Ordinance and Resilience Plan, inclusion of resilience-related language within the Stormwater Ordinance helps to tee up implementation of this forthcoming effort.
- Reference to a Town wetland map to aid applicants in wetland and wetland buffer identification;
- Addition of clarifying language regarding authority of UDO Administrator;

- **MEANING** – discretion of UDO Administrator to exempt activities from the Wetland Ordinance or require additional measures prior to allowing an exception must utilize Town policies and guidelines and be documented in writing.
- Revisions to exemptions and exceptions;
  - US Army Corps of Engineers (USACE) exception.  
**MEANING** – USACE permits to impact jurisdictional wetlands require an accompanying approved jurisdictional determination. Once the impacts to a jurisdictional wetland have been made, any remaining wetland on the property is subject to the Town’s Wetland Ordinance, including, but not limited to, the requirement of a 50 ft. undisturbed wetland buffer.
  - Prohibition of motorized vehicles along multi-purpose pathways in wetlands and wetland buffers, except for ADA-compliant motorized wheelchairs, or vehicles used for a public purpose, including but not limited to, safety, maintenance or repair of publicly owned facilities or other infrastructure.
  - Inclusion of a stipulation that although stormwater management facilities and utility lines may be located within the wetland buffer, land disturbance must be minimized to the Maximum Extent Practicable (MEP).
  - Inclusion of allowed activities within a wetland itself, including, but not limited to, construction and maintenance of public boardwalks, multi-use pathways, and water-dependent development such as docks, boat ramps, etc.  
**NOTE** – Following feedback from Planning Commission Workshop held on 4/22/26, specific language about the multi-use pathways being pervious to the Maximum Extent Practicable has been added.
- Assurances of protection to guarantee future wetland protections; and
- Revisions and Additions to Definitions.
  - Heavy Machinery (new)  
**MEANING** – clarifies what constitutes heavy machinery and, therefore, which activities may be exempt from Sec. 5.10 (Stormwater).
  - Wetland Buffer (new)
  - Wetland Delineation (revision)  
**NOTE** – Following feedback from Planning Commission Workshop on 4/22/26 and WAPAC review on 4/23/26, additional language specifying who can provide a wetland delineation has been added.

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

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

**Finding.** The proposed amendments are consistent with Comprehensive Plan policies for stormwater management.

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

**Finding.** The proposed amendments support best-planning practices for stormwater management.

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

**Finding.** The proposed amendments support the general welfare of the Town and its residents.

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

**Finding.** The proposed amendments have no relationship to this criterion.

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

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

#### **NEXT STEPS:**

| UDO Text Amendment Procedure                                    | Tentative Dates            | Complete |
|-----------------------------------------------------------------|----------------------------|----------|
| Step 1. Town Council - Workshop                                 | January 27, 2026           | ✓        |
| Step 2. Public Comment Period                                   | February 2 – March 2, 2026 | ✓        |
| Step 3. Consultant Review Period                                | March 9 – March 23, 2026   | ✓        |
| Step 4. Planning Commission Workshop                            | April 22, 2026             | ✓        |
| Step 5. Watershed Action Plan Advisory Committee Meeting        | April 23, 2026             | ✓        |
| Step 6. Planning Commission Public Hearing and Recommendation   | May 27, 2026               | ✓        |
| Step 7. Town Council – First Reading                            | June 9, 2026               | ✓        |
| Step 8. Town Council Meeting – Public Hearing and Final Reading | August 11, 2026            | ✓        |

**TOWN COUNCIL ACTIONS:** As granted by the powers and duties set forth in Sec. 2.2.6.C.4 of the UDO, Town Council has the authority to take the following actions with respect to this application:

1. Approval of the application as submitted;

2. Approval of the application with amendments; or
3. Denial of the application as submitted.

**ATTACHMENTS:**

1. Proposed Ordinance (Amendments)
2. Proposed Motion