

TOWN COUNCIL

STAFF REPORT

Projects and Watershed Resilience Department



MEETING DATE:	January 27, 2026
PROJECT:	Discussion of a Proposed Ordinance to Amend the Town of Bluffton 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)
PROJECT MANAGER:	Andrea Moreno Watershed Division Manager

REQUEST: To provide direction on the 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).

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 health, life, and safety of our citizens and natural resources.

As part of this ongoing work, the Consultants have been tasked with the following:

1. Review current Town policies;
2. Identify and inventory wetlands within the Town's jurisdiction;
3. Develop a map of wetlands to be protected;
4. Develop a Wetland Ordinance for the Town;
5. Apply comprehensive drainage study results to map resiliency zones;
6. Identify primary conveyance systems; and,
7. Develop a Resilience Ordinance for the Town.

Concurrent, yet independent from the MSA work, Town Council adopted a wetland protection ordinance in June of 2025, requiring a 50ft. 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This ordinance was adopted under the premise that it would act as an interim wetland ordinance and would be superseded by a comprehensive wetland ordinance that would incorporate the Consultant's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 (**Attachment #1**). 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 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 likely to have wetlands present and plan accordingly.

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

- Scrivener's errors;
- 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;
- Revisions to exemptions and exceptions;
 - US Army Corps of Engineers (USACE) exception.
MEANING – 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, with the exception of 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, no disturbance is permitted closer than 10 ft. to the edge of the wetland.
- 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.
- Assurances of protection to guarantee future wetland protections; and
- Revisions and Additions to Definitions.
 - Heavy Machinery (new)
 - Wetland Buffer (new)
 - Wetland Delineation (revision)

CONSIDERATIONS: Below is a list of items for your considerations, should you choose to move forward.

- a. Consideration of revisions to exemptions and exceptions.
- b. Consideration of assurances of protection.
- c. Consideration of Town wetland mapping tool.

If so, Staff will move forward with amendments to UDO Sec. 5.10 and 9.2. Below is a tentative timeline:

- a. Public Comment Period – February 2, 2026 – March 2, 2026
- b. Consultants Review – March 9, 2026 – March 23, 2026
- c. Planning Commission Workshop – April 22, 2026
- d. Watershed Action Plan Advisory Committee Meeting – April 23, 2026
- e. Planning Commission Meeting – May 27, 2026
- f. Town Council 1st Reading – June 9, 2026
- g. Town Council 2nd and Final Reading – July 14, 2026

ATTACHMENTS:

1. Proposed Ordinance (Amendments)