



**Amendments to the Town of Bluffton's Municipal Code of
Ordinances, Chapter 23 – Unified Development Ordinance,
Article 5 – Design Standards, Sec. 5.4 (Wetlands) and Sec. 5.10
(Stormwater); and Article 9 – Definitions and Interpretation, Sec.
9.2 (Defined Terms)**

PUBLIC HEARING

Presentation to Town Council
March 11, 2025
First Reading
Department of Growth Management
Kevin Icard, AICP

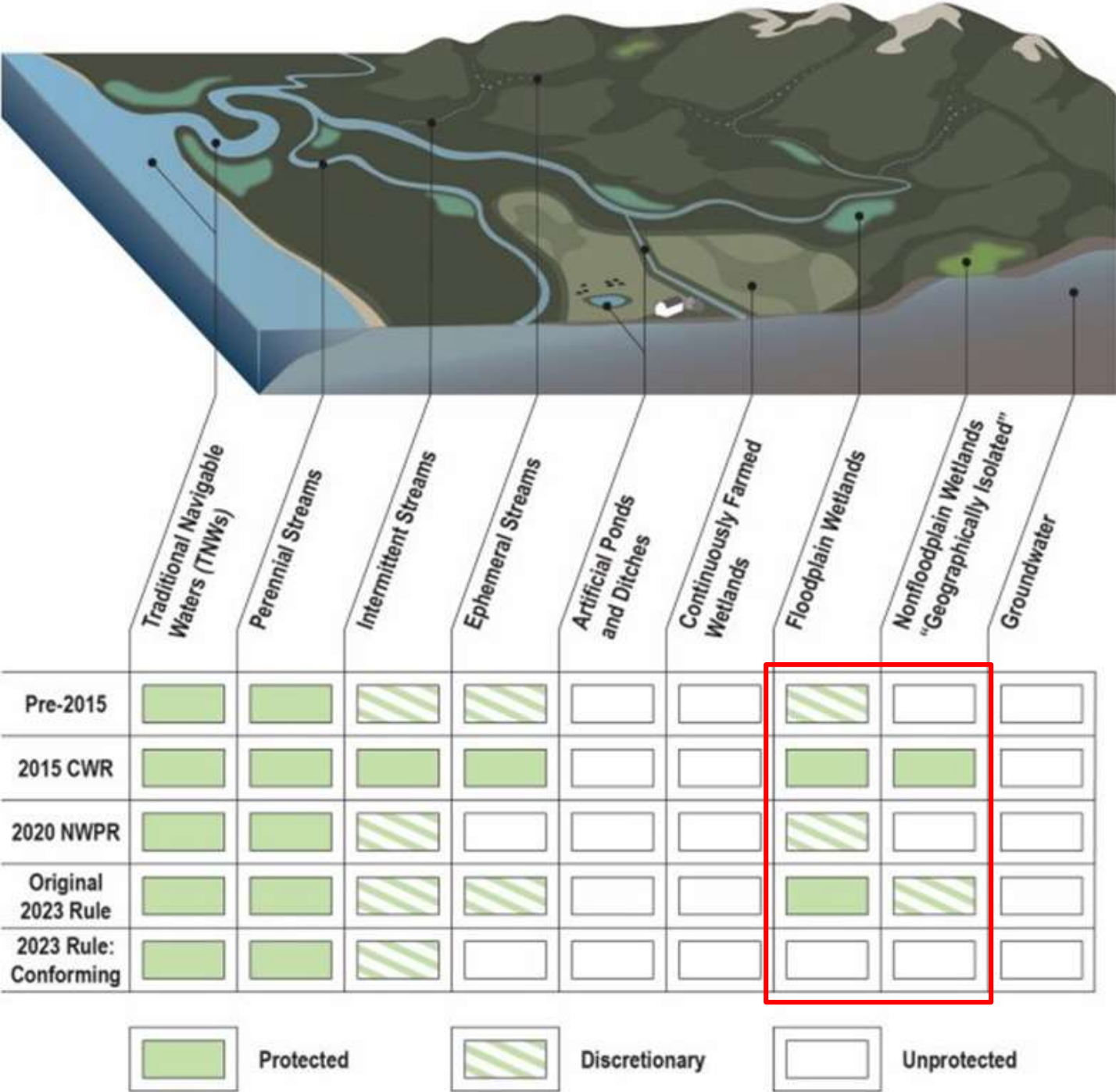
Background



- Certain wetlands within the scope of the Clean Water Act (CWA) are protected by the U.S. Environmental Protection Agency (EPA) and the U.S. Army Corps of Engineers (USACE) permitting authority.
- In May of 2023, the U.S. Supreme Court's decision in the case of *Sackett v. Environmental Protection Agency* ("*Sackett*") altered the regulatory landscape for millions of acres of wetlands that were previously covered by the CWA.
- Many wetlands that the USACE previously determined were jurisdictional are no longer entitled to federal protection leaving them vulnerable to development/impacts, unless they are protected by state or local law.

Background

- This figure shows wetland protection definitions through the different U.S. Supreme Court rulings through 2023's *Sackett* decision.
- Currently, wetland protection regulations in South Carolina are limited and the Town has no wetland protection ordinance.



Sulliván, M.P. (2023) US Supreme Court opinion harms watersheds. *Science*, 381(6656), 385. [10.1126/science.adj0227](https://doi.org/10.1126/science.adj0227)

Background



- Wetlands help to absorb and store stormwater, protect water quality, support habitat, and recharge the aquifer.
- Amendments are proposed to provide protection and conservation of existing wetlands and wetland buffers for stormwater management.
- To protect wetlands from being cleared, filled, drained and polluted, the proposed amendments are intended to address the regulatory void caused by the U.S. Supreme Court decision to limit federal protections of certain wetlands previously provided under the CWA.
- Revision to the definition of “wetlands” will ensure that any and all areas identified in a Wetland Delineation are viewed as wetlands and protected as such, regardless of whether such wetlands are considered jurisdictional or non-jurisdictional.

Overview of UDO Amendments



- **Sec. 5.4 (Wetlands):** Relocate current verbiage to 5.10 (Stormwater) and mark section 5.4 as “Reserved”.
- **Sec. 5.10 (Stormwater):** Revisions to include wetland and wetland buffer protection and conservation language as a stormwater design standard.
- **Sec. 9.2 (Defined Terms):** Definition of person, wetland delineation, and upland provided. Revision to current definition of wetlands.

Text Amendment Review Criteria



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

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.**

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.**

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

Text Amendment Review Criteria (Cont.)



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

The amendment has no relationship to this criterion.

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

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

Town Council Action



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

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

Next Steps



UDO Text Amendment Procedure	Date	Complete
Step 1. Planning Commission Public Hearing and Recommendation	February 26, 2025	✓
Step 2. Town Council – 1st Reading & Public Hearing	March 11, 2025	✓
Step 3. Town Council Meeting – Final Reading and Public Hearing	April 8, 2025	x



QUESTIONS & DISCUSSION

Suggested Motion



*“I move to **Approve** by Pending Ordinance Doctrine certain amendments to the Town of Bluffton Code of Ordinances Chapter 23 – Unified Development Ordinance, including Article 5 – Design Standards, Sec. 5.4 (Wetlands) and Sec. 5.10 (Stormwater); and Article 9 – Definitions and Interpretation, Sec. 9.2 (Defined Terms) as recommended by the Planning Commission.”*