

## TOWN COUNCIL

### STAFF REPORT

#### Growth Management Department



<b>MEETING DATE:</b>	April 9, 2024
<b>PROJECT:</b>	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) – First Reading
<b>PROJECT MANAGER:</b>	Kevin P. Icard, AICP Director of Growth Management

**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 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. 5.4 (Wetlands) and Sec. 5.10 (Stormwater); and Article 9 – Definitions and Interpretation, Sec. 9.2 (Defined Terms).

**PLANNING COMMISSION RECOMMENDATION:** The Planning Commission recommended approval of the proposed text amendments with one change related to providing a reference date for the National Wetlands Inventory Map. See Attachment 2 for the proposed amendments.

Based on the Planning Commission's proposed recommendation, Town Staff has updated the text to reflect the proposed changes.

**BACKGROUND:** In May of 2023, the U.S. Supreme Court ruled that certain wetlands are not waters protected by the federal Clean Water Act. The decision removed long-standing federal safeguards to ensure that wetlands are not polluted, drained or filled, thus leaving state and local governments to determine how to address the regulatory void. At present, the South Carolina Department of Health and Environmental Control (SCDHEC) is drafting regulations to protect the waters of the state. Since it is not known when SCDHEC will adopt new regulations, it is proposed that a 25-foot riparian buffer be established adjacent to wetlands as a protective measure when land disturbance activity is

proposed on a wetland or adjacent to a wetland. The National Wetlands Inventory Map would be referenced to identify wetlands. All vegetation within the buffer would have to be retained, and no utilities could locate in the buffer unless the UDO Administrator rules that it is not feasible to locate the utility elsewhere. A definition of “wetlands” is also proposed.

**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.

UDO Text Amendment Procedure	Date	Complete
Step 1. Planning Commission Public Hearing and Recommendation	March 27, 2024	✓
Step 2. Town Council – 1st Reading	April 9, 2024	✗
Step 3. Town Council Meeting – Final Reading and Public Hearing	May 14, 2024	✗

**NEXT STEPS:**

**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 by the Applicant.

**ATTACHMENTS:**

1. Presentation
2. Proposed Ordinance (Amendments)
3. Suggested Motion