



**Amendments to the Town of Bluffton Code of Ordinances,
Chapter 23 – Unified Development Ordinance, Amendments to
the Town of Bluffton’s Municipal Code of Ordinances, Chapter
23, Unified Development Ordinance, Sec. 5.4 (Wetlands),
Sec. 5.10 (Stormwater) and Sec. 9.2 (Defined Terms).**

**Presentation to Town Council
April 9, 2024
First Reading
Department of Growth Management
Kevin Icard, AICP**

Background



- **Purpose of Amendments:** To establish a 25-foot buffer adjacent to wetlands.
- To protect wetlands from pollution, filling and draining, the proposed amendments are intended to address the regulatory void caused by the U.S. Supreme Court (SCOTUS) decision to limit federal protections of certain wetlands previously provided under the Clean Water Act (CWA).
- SCOTUS ruled that waters regulated by the CWA must have a “continuous surface connection” to lakes and rivers that affect interstate commerce. Intermittent and ephemeral streams may not be protected as they are not "relatively permanent, standing or continuously flowing bodies of water."
- Addition of a definition of “wetlands” will ensure that areas where there is a “prevalence of vegetation typically adapted for life in saturated soil conditions” are protected.

Overview of UDO Amendments



- **Sec. 5.4 (Wetlands):** Provide a cross-reference to Sec. 5.10 (Stormwater)
- **Sec. 5.10.7 (Stormwater, Buffer):** New section to require a 25-foot minimum undisturbed buffer adjacent to wetlands boundary (may be greater if required by OCRM).
- **Sec. 9.2 (Defined Terms):** Definition of wetlands provided.

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.

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.**

Complies.

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	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	x

Motion – Without Amendments



*“I move to **Approve** the 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 with staff revisions.”*



QUESTIONS & DISCUSSION