

ATTACHMENT 3

Sec. 5.10 Stormwater

Proposed Changes: 1) Distinguish between Development and Redevelopment/Infill; 2) Replace “5,000 square feet or more of impervious surface” with “5,000 square feet or more of land disturbance” to match Beaufort County’s stormwater applicability requirements; 3) Addition of Redevelopment/Infill that would create 2,000 or more square feet of impervious surface as an activity that must comply with the stormwater provisions, 4) Replace “Development and/or Redevelopment” with “Land Disturbance” as it pertains to land disturbing activities associated with a Larger Common Plan of Development; 5) Replace “or create an increase in impervious surface in excess of 2,000 square feet” with “or accruing a total exceedance of 5,000 square feet of impervious surface” to create a threshold for triggering adherence to grading plan requirements, regardless of how many separate and distinct submittals there are for an individual lot; and, 6) Replace the word “Article” with “Section.”

Sec. 5.10.1 General provisions

A. Intent *(No Changes)*

B. Purpose *(No Changes)*

C. Applicability

~~Beginning with and subsequent to its effective date, this Article shall be applicable to:~~

~~1. The following activities, unless exempt pursuant to Section 5.10.1.C.2 below:~~

~~a. Development and/or Redevelopment that involves the creation, addition or replacement of 5,000 square feet or more of impervious surface or that involves other Land Disturbing activities of one acre or more.~~

~~b. Development and/or Redevelopment, regardless of size, that is part of a Larger Common Plan of Development, even though multiple, separate, and distinct Land Disturbing activities may take place at different times and on different schedules.~~

~~c. A Major Substantial Improvement of an existing property.~~

1. This Section shall apply to the following activities unless otherwise exempted by Sec. 5.10.1.C.2:

a. Any Development of 5,000 or more square feet of land disturbance;

b. Any Redevelopment/Infill that will result in an additional 2,000 or more square feet of impervious surface;

c. Any Land Disturbance, regardless of size, within a Larger Common Plan of Development where multiple, separate and distinct land disturbing activities may occur at different times and on different schedules; and,

d. A Major Substantial Improvement of an existing lot.

2. The following activities are exempt from this ~~Article~~ Section:

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- a. Any maintenance, alteration, renewal, or improvement as approved by the Town which does not alter existing drainage patterns, does not result in change or adverse impact on adjacent property, or create adverse environmental or water quality impacts, and does not increase the temperature, rate, quality, or volume or location of stormwater runoff discharge;
 - b. Projects that are exclusively for agricultural or silvicultural activities, not involving relocation of drainage canals, within areas zoned for these uses;
 - c. Redevelopment that constitutes the replacement of the original square footage of impervious cover and original acreage of other Development activity when the original Development is wholly or partially lost due to natural disaster or other acts of God occurring after September 14, 2021; and,
 - d. Work by governmental agencies or property owners required to mitigate emergency flooding conditions. If possible, emergency work should be approved by the duly appointed officials in charge of emergency preparedness or emergency relief. Property owners performing emergency work will be responsible for any damage or injury to persons or property caused by their unauthorized actions. Property owners will stabilize the site of the emergency work within 60 days, or as soon as reasonable, following the end of the emergency period.
3. Any illicit discharges.
 4. The provisions of this Article Section shall apply throughout the incorporated areas of the Town.

Sec. 5.10.3 Standards

A.-B. *(No Changes)*

C. Stormwater Surety

Financial sureties for the cost of stormwater facilities approved for the proposed Development shall be provided in accordance with the Town Stormwater Surety and stormwater permit issuance process in this Article Section 3.13.

D.-I. *(No Changes)*

J. Grading

Mass Grading and Clearing shall not be permitted. No land within the Town shall be cleared, disturbed, graded, excavated, except as follows:

- ~~1. It shall be unlawful to perform any Land Disturbance, or land disturbing activity, in excess of 5,000 square feet or create an increase in impervious surface in excess of 2,000 square feet unless a Grading Plan has been submitted to and approved by the Town of Bluffton as provided for herein.~~

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It shall be unlawful to perform any Land Disturbance, or land disturbing activity, of 5,000 or more square feet or accruing a total exceedance of 5,000 square feet of impervious surface without a Grading Plan approved by the Town of Bluffton.

2. A Grading Plans shall be filed with and become part of any Application that equals or exceeds the threshold limits provided above. Such plan shall be prepared in accordance with Article 3.
 3. Amendments to Grading Plans. Amendments, changes or modifications of a minor nature to a plan required as a result of field conditions arising during construction may be ordered or approved by the UDO Administrator.
 4. All Grading Plans shall follow the requirements set forth in Article 5 Design Standards.
 5. Soil erosion and sediment control measures shall, at a minimum, conform to the Standards for Soil Erosion and Sediment Control per the *Design Manual*.
- K. Fee-in-Lieu.** A fee-in-lieu may be approved by the UDO Administrator when none or only partial stormwater requirements, as defined in this ~~Article~~ Section and in the *Design Manual*, cannot be attained on the site ~~(due to impractical site characteristics or constraints)~~. A Maximum Extent Practicable analysis shall be required by the applicant for review by the UDO Administrator to make this determination.
- L. Waiver.** Individuals seeking a waiver from the requirements of this ~~Article~~ Section may submit to the UDO Administrator a request for a waiver in accordance with the *Design Manual*.