



Regular Town Council Meeting

Tuesday, October 08, 2024 at 5:00 PM

Theodore D. Washington Municipal Building, Henry "Emmett" McCracken Jr. Council Chambers,
20 Bridge Street, Bluffton, SC

AGENDA

This meeting can be viewed live on [BCTV](#), on Hargray Channel 9 and 113 or on Spectrum Channel 1304.

I. CALL TO ORDER

II. PLEDGE OF ALLEGIANCE

III. INVOCATION

IV. ADOPTION OF THE MINUTES

- [1.](#) Regular Meeting Minutes of 09/10/2024

V. PRESENTATIONS, CELEBRATIONS, AND RECOGNITIONS

1. National Medicine Abuse Awareness Month - Mayor Larry Toomer

VI. PUBLIC COMMENT

VII. COMMUNICATIONS FROM MAYOR AND COUNCIL

VIII. WORKSHOP AGENDA ITEMS

- [1.](#) Consideration and Direction of Amendments to the Town of Bluffton Code of Ordinances.
Kevin Icard, Director of Growth Management
 - a. SOLOCO Stormwater Design Manual
 - b. Chapter 6 Businesses and Business Regulations
 - i. Article III – Soliciting and Mobile Vending
 - ii. Article V – Short-Term Rental Units
- [2.](#) Proposed Amendments to the Town of Bluffton Code of Ordinances to include Regulations Addressing Abandoned and Moored Boats in the Town's Waterways. Heather Colin, Assistant Town Manager

IX. PUBLIC HEARING & FINAL READING

- [1.](#) Amendments to the Town of Bluffton's Municipal Code of Ordinances, Chapter 23, Unified Development Ordinance (UDO), Article 4 - Zoning Districts and Article 5 – Design Standards to Establish a Planned Unit Development District for Bluffton Village and Related Standards, and to Add Appendix A to Include the Master Plan, Building and Sign Standards from the Soon-to-

Expire Bluffton Village Development Agreement. Public Hearing and Final Reading - Kevin Icard, Director of Growth Management

X. FORMAL AGENDA ITEMS

- [1.](#) Consideration of an Ordinance Authorizing a Lease Agreement with Bright Beginnings Academy, LLC to Provide a Childcare Facility within a Town Owned Property. First Reading - Chris Forster, Assistant Town Manager
- [2.](#) Consideration of an Ordinance Amending the Town of Bluffton Fiscal Year 2025 Budget to Provide for the Expenditures of Certain Funds; and to Allocate Sources of Revenue for the Said Funds to Carryover Unspent Expenditures and Encumbrances from the FY2024 Budget to the FY2025 Budget. Second and Final Reading - Natalie Majorkiewicz, Director of Finance

XI. CONSENT AGENDA ITEMS

- [1.](#) Monthly Department Reports: Police, Finance and Administration, Human Resources, Municipal Court, Projects & Watershed Resilience, Public Services, Don Ryan Center for Innovation, and Growth Management
- [2.](#) Town Manager Monthly Report
- [3.](#) Consideration of a Resolution Authorizing Acceptance of Easement Donations from Property Owners Necessary to Complete the Pathway Pedestrian Safety Improvements Project. Constance Clarkson, Project Manager
4. Breast Cancer Awareness Month Proclamation - Mayor Larry Toomer
5. Cyber Security Awareness Month Proclamation - Mayor Larry Toomer
6. Community Planning Month Proclamation - Mayor Larry Toomer

XII. EXECUTIVE SESSION

XIII. ACTION FROM EXECUTIVE SESSION

XIV. ADJOURNMENT

NEXT MEETING DATE: Tuesday, November 12, 2024

“FOIA Compliance – Public notification of this meeting has been published and posted in compliance with the Freedom of Information Act and the Town of Bluffton policies.”

In accordance with the requirements of Title II of the Americans with Disabilities Act of 1990 ("ADA"), the Town of Bluffton will not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs, or activities. The Town of Bluffton Council Chambers are ADA compatible. Auditory accommodations are available. Any person requiring further accommodation should contact the Town of Bluffton ADA Coordinator at 843.706.4500 or adacoordinator@townofbluffton.com as soon as possible but no later than 48 hours before the scheduled event.

Executive Session – The public body may vote to go into executive session for any item identified for action on the agenda.

**Please note that each member of the public may speak at one public comment session and a form must be filled out and given to the Town Clerk. To submit a public comment online, please click here:*

<https://www.townofbluffton.sc.gov/FormCenter/Town-15/Public-Comment-60>

Public comment is limited to 3 minutes per speaker.

Regular Town Council Meeting

Theodore D. Washington Municipal Building, Henry “Emmett” McCracken Jr. Council Chambers, 20
Bridge Street, Bluffton, SC

September 10, 2024

This meeting can be viewed live on [BCTV](#), on Hargray Channel 9 and 113 or on Spectrum Channel 1304.

I. CALL TO ORDER

Mayor Toomer called the meeting to order at 5:00 PM.

II. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Larry Toomer.

III. INVOCATION

The Invocation was given by Mayor Pro-Tempore Wood.

IV. ADOPTION OF THE MINUTES

1. Regular Meeting Minutes of 08/13/2024

A motion was made by Mayor Pro-Tempore Wood; Seconded by Councilmember Frazier to approve the Regular Meeting Minutes of 08/13/2024 as submitted.

V. PRESENTATIONS, CELEBRATIONS, AND RECOGNITIONS

1. Ovarian Cancer Month Proclamation - Mayor Larry Toomer

Mayor Larry Toomer, on behalf of Town Council, honored Ovarian Cancer Awareness Month with the Proclamation and the display of teal ribbons on all town facilities for the month.

2. Suicide Prevention Awareness Month Proclamation - Mayor Larry Toomer

Mayor Larry Toomer, on behalf of Town Council, honored Suicide Prevention Awareness Month with a proclamation. Representatives Ashlyn Elrod and Kyra Pasqualone from “Teens for Healthy Youth” accepted the proclamation.

3. Special Recognition: Lt. Ryan Fazekas and Lt. Michelle Meyers - Chief Joe Babkiewicz, Bluffton Police Department

Bluffton Police Chief Joe Babkiewicz gave special recognition to: Lt. Ryan Fazekas has been selected to attend the 292nd session of the FBI National Academy. Three people from South Carolina law enforcement agencies are selected to attend each session. This 8-week leadership course is located in Quantico, Virginia and is acknowledged as one of the premier training courses for law enforcement leaders.

Chief Babkiewicz also recognized Lt. Michelle Meyers for being nominated for the International Association of Chiefs of Police “40 Under 40 Award.” This award is given out to 40 of the best law enforcement leaders from across the world who are under the age of 40 years old. Lt. Meyers is the second recipient from Bluffton Police Department to receive this prestigious award.

VI. PUBLIC COMMENT

Lynn Greeley 8 Wax Myrtle Ln - Ms. Greeley expressed her concerns of development, overdevelopment, preservation and the annexation request of the Grande Oaks Commons Land Use Tract.

Kim Hart 4 W. Chelsea - Ms. Hart spoke of her concerns regarding the annexation request of the Grande Oaks Commons Land Use Tract, wildlife and traffic.

Skip Hoagland 61 Sparwheel Ln - Spoke of corruption in local government, and the annexation request of the Grande Oaks Commons Land Use Tract.

Jordan Holloway 1060 S. Innovation Dr - Mr. Holloway expressed his concerns regarding the proposed location of the road connection into the Retreat at Grande Oaks. Concerns were shared regarding the burden to the POA associated with the cost of road maintenance expenses due to the Phase 5B realignment, the existing reduction in the existing street width and the limited financial resources of the 50-home subdivision.

Sharon Brown 163 Buck Island Rd - Ms. Brown spoke of injustices to people of color during traffic stops. She has requested a meeting to discuss police protocol in traffic stops, citizen request and educating the community and students of proper protocol and how to handle themselves.

Joy Coe 5 Cottingham Rd - Ms. Coe was not able to attend. Mr. Eric Reba was permitted to speak on behalf of Ms. Coe. He had numerous questions for Council in relation to the annexation request of the Grande Oaks Commons Land Use Tract and recommended voting no for the construction of Phase 5B of the Bluffton Parkway.

Danny Thornberry 333 Green Leaf Way - Board President of Shell Hall - Mr. Thornberry has expressed opposition and voting no to the annexation of the Grande Oaks Commons Land Use Tract and Phase 5B of the Bluffton Parkway. Numerous questions were asked in relation to the preparation to the annexation, cost associated, notifications being made to community members and the studies conducted to provide proper information in the decision-making process.

Nancy York 33 Greenwood Dr - Ms. York expressed opposition of Phase 5B and of developer, Mr. John Reed.

Derrick Bolden 17 Ballfield Rd - Mr. Bolden discussed the Stanley Martin Development, located on Buck Island Road, using Ballfield Road as an access point to haul loads of dirt associated with the construction of the community. He had questions for council regarding the ownership of the road and who owns the road allowing the usage.

Frank Barbieri 71 Fording Court - Mr. Barbieri requested Council entertain the recommendation of revisiting the preexisting PUD's that were developed 20 +/- years ago to prevent falling behind on critical items such as coverage from Fire, Police, EMS and schools to ensuring the children are in proper learning environments.

VIII. COMMUNICATIONS FROM MAYOR AND COUNCIL

Mayor Pro-Tempore Wood - Councilman Wood made a brief statement to relay the concerns of Phase 5B. He advised the views are his and his alone, not that of Town Council. The information addressed was regarding the Penny Sales Tax Referendum dating back to 2006. Without discussing information with Town Council, the Beaufort County Council withdrew its support of 5B

for political reasons, in hopes it may help the 2024 referendum pass. There was to be a joint study conducted to determine if 5B was warranted. The county decided it was in their best interest to not know the answer to a study. The Town of Bluffton has engaged in a professional study of 5B to collect the information needed for its viability. When the study comes back, it will be shared openly with everyone in our town. The study is to be completed after the November election and to be completed by the end of the year.

Councilmember Frazier - Ms. Frazier thanked town staff for an amazing inaugural concert series. It was a great turn out and event. She went on to add an admonishment regarding an ongoing climate within the community abroad regarding government. She encourages all colleagues, community leaders and residents to lead with facts, foresight and everyone in mind not that of fear, hate or misinformation. All community members are welcomed at Town Council meetings and all other meetings and workshops held within the town. She praised town staff and the commissions for the time and work put into keeping information transparent.

Councilmember Burden- Ms. Burden expressed her gratitude for community members attending the meeting. She stated there is a misrepresentation of what is actually being discussed regarding 5B. Phase 5B is not being talked about at this meeting. The topic is being discussed is the 5B right-of-away donation that is already legally obligated by University Investments from a document from 2011. She has encouraged everyone to stay, listen to the presentation and be informed.

Councilmember Hamilton- Mr. Hamilton expressed his gratitude for the community coming out this evening to express their concerns. He apologized for the public being misinformed and not being corrected. He echoes the sentiments of Councilmember Wood referencing the study being conducted and the dissemination of the information. He encourages involvement to support the greater need of Bluffton. Mr. Hamilton has requested Stephen Steese and Heather Colin partner with Derrick Bolden to address and relay information to him regarding Ballfield Road.

Mayor Toomer- Mayor Toomer also expressed his gratitude for the community members coming out to attend the meeting. He encourages the participation and the need to hear the voices of the community the assist in doing a better job for the community.

VIII. FORMAL AGENDA ITEMS

1. Consideration of an Ordinance Authorizing an Economic Development Incentive Agreement Between the Town of Bluffton and Reed Commercial Partners. Second and Final Reading - Chris Forster, Assistant Town Manager

A. Raider Drive Commercial Flex Building of Approximately Ten Thousand (10,000) Square Feet.

A motion was made by Councilmember Frazier, Seconded by Councilmember Hamilton authorizing an Ordinance for an Economic Development Incentive Agreement between the Town of Bluffton and Reed Commercial Partners for the Raider Drive Commercial Flex Building of approximately ten thousand (10,000) square feet. Town Council unanimously approved this ordinance.

B. Parkway Offices at Hampton Lakes Consisting of Three (3) Buildings Totaling Approximately Twenty-Eight Thousand (28,000) Square Feet.

A motion was made by Councilmember Hamilton, Seconded by Councilmember Frazier authorizing an Ordinance for an Economic Development Incentive Agreement between the Town of Bluffton and Reed Commercial Partners for the Parkway Offices at Hampton Lakes Consisting of three (3) buildings totaling approximately twenty-eight thousand (28,000) square feet. Town Council unanimously approved this ordinance.

2. Consideration of Ordinances Related to Property Owned by Grande Oaks, LLC and University Investments, LLC Consisting of 65.592 Acres, More or Less, Located at Southwest Corner of the Buckwalter Parkway and Lake Point Drive Intersection and to the West of the Retreat at Grande Oaks, and Bearing Beaufort County Tax Map Nos. R600-029-000-0014-0000 (Portion) and R600-029-000-2410-0000. First Reading - Kevin Icard, Director of Growth Management

For the Following Applications:

- A. Consideration of an Amendment to the Town of Bluffton Comprehensive Plan "Blueprint Bluffton" to Amend the Said Property's Future Land Use Designation from Suburban Living to Neighborhood Center;

A motion made by Mayor Pro-Tempore Wood, Seconded by Councilmember Hamilton to approve the First Reading of the Ordinance for the Amendment of the Town of Bluffton Comprehensive Plan "Blueprint Bluffton" to Change Beaufort County Tax Map Nos. R600-029-000-2484-0000, R600-029-000-2486-0000, R600-029-000-0014-0000, and R600-029-000-2410-0000 Future Land Use Designation From Suburban Living to Neighborhood Center. Town Council unanimously approved this amendment.

- B. Consideration of 100% Annexation Request to Annex the Subject Properties into the Town of Bluffton Corporate Limits;

A motion made by Councilmember Hamilton, Seconded by Councilmember Frazier to approve the First Reading of the Ordinance for the Amendment of the Buckwalter Planned Unit Development Text to Incorporate Provisions for a New Land Use Tract to be Known as the Grande Oaks Commons Land Use Tract. Town Council unanimously approved this amendment.

- C. Consideration of a Text Amendment to the Buckwalter Planned Unit Development to Create a New Land Use Tract to be Known as the Grande Oaks Commons Land Use Tract;

A motion made by Councilmember Frazier, Seconded by Councilmember Hamilton to approve the First Reading of the Ordinance for the Annexation of the Grande Oaks property consisting of 65.592 Acres, More or Less, Located at Southwest Corner of the Buckwalter Parkway and Lake Point Drive Intersection and to the West of the Retreat at Grande Oaks, and Bearing Beaufort County Tax Map Nos. R600-029-000-2484-0000, R600-029-000-2486-0000, R600-029-000-0014-0000, and R600-029-000-2410-0000 into the Town of Bluffton Corporate Limits. Town Council unanimously approved the ordinance.

- D. Consideration of a Zoning Map Amendment to Rezone the Subject Properties to the Buckwalter Planned Unit Development District and Designate as the Grande Oaks Commons Land Use Tract;

A motion made by Councilmember Burden, Seconded by Councilmember Hamilton to approve the First Reading of the Ordinance for the Amendment of the Zoning Map Amendment for Approximately 65.592 Acres, More or Less, Located at Southwest Corner of the Buckwalter Parkway and Lake Point Drive Intersection and to the West of the Retreat at Grande Oaks, and Bearing Beaufort County Tax Map Nos. R600-029-000-2484-0000, R600-029-000-2486-0000, R600-029-000-0014-0000, and R600-029-000-2410-0000, as Buckwalter Planned Unit Development. Town Council unanimously approved this ordinance.

- E. Consideration of an Amendment to the Buckwalter Planned Unit Development Concept Plan for the Subject Properties to Add Provisions Including but not Limited to their Incorporation into the Buckwalter Planned Unit Development District, Designation as the Grande Oaks Commons Land Use Tract, and Add 32 Acres of General Commercial Development Rights; and

A motion made by Councilmember Burden, Seconded by Councilmember Hamilton to approve with conditions the First Reading of the Ordinance for the Amendment to the Buckwalter Development Agreement to add the following provisions:

Add detailed language to the 13th Amendment document for the following:

Transfer of additional commercial development rights into the Grande Oaks Commons Land Use Tract is prohibited. Town council unanimously approved the ordinance with conditions.

- F. Consideration of an Amendment to the Buckwalter Development Agreement for the Subject Properties to Add Provisions Including but not Limited to their Incorporation into the Buckwalter Planned Unit Development District, Designation as the Grande Oaks Commons Land Use Tract, and Add 32 Acres of General Commercial Development Rights.

A motion was made by Councilmember Hamilton, Seconded by Mayor Pro-tempore Wood to approve with conditions the First Reading of the Ordinance for the Amendment to the Buckwalter Development Agreement to add the following provisions:

Town Council unanimously approved the ordinance with conditions.

3. Amendments to the Town of Bluffton's Municipal Code of Ordinances, Chapter 23, Unified Development Ordinance (UDO), Article 4 - Zoning Districts and Article 5 – Design Standards to Establish a Planned Unit Development District for Bluffton Village and Related Standards, and to Add Appendix A to Include the Master Plan, Building and Sign Standards from the Soon-to-Expire Bluffton Village Development Agreement. First Reading - Kevin Icard, Director of Growth Management

A motion made by Mayor Pro-Tempore Wood, Seconded by Councilmember Burden to approve the following amendments to the Town of Bluffton Code of Ordinances Chapter 23 - Unified Development Ordinance, article 5 - Design Standards to Establish a Planned Unit Development District for Bluffton Village and Related District Standards from the Soon-to-Expire Bluffton Village Development Agreement.

Town council unanimously approved the amendments.

4. Approval to Authorize an Agreement with Flock Safety for Phase I of the New Camera Purchase and Integration Plan (Fiscal Impact \$163,550.00 and Annual Recurring Costs \$74,500.00). Chief Joe Babkiewicz, Bluffton Police Department

A motion made by Council Member Burden, Seconded by Mayor Pro-Tempore Wood to approve authorizing the Town Manager to enter into a contract with Flock Safety for Phase 1 of the new camera purchase and integration plan for a fiscal impact of \$163,550.00 and annual recurring costs of \$74,500.00.

Town Council approved the agreement in a 4-1 vote. Councilmember Frazier abstained.

5. Consideration of an Ordinance Amending the Town of Bluffton Fiscal Year 2025 Budget to Provide for the Expenditures of Certain Funds; and to Allocate Sources of Revenue for the Said Funds to Carryover Unspent Expenditures and Encumbrances from the FY2024 Budget to the FY2025 Budget. First Reading - Natalie Majorkiewicz, Director of Finance

A motion made by Mayor Pro-Tempore Wood, Seconded by Councilmember Hamilton to approve the First Reading of an Ordinance Amending the Town of Bluffton Fiscal Year 2025 Budget to Provide for the Expenditures of Certain Funds; commit additional funds to the Capital Asset Reserve Fund; and to Allocate Sources of Revenue for the Said Funds to Carryover Unspent Expenditures and Encumbrances from the FY2024 Budget to the FY2025 Budget.

Town Council unanimously approved the first reading of the ordinance.

6. Consideration of Accommodations Tax Advisory Committee Funding Recommendations for Quarter Ending June 30, 2024. Natalie Majorkiewicz, Director of Finance
- A. Arts & Seafood Festival requesting \$80,000
 - B. Coastal Conservation Association requesting \$10,000
 - C. Boys & Girls Club of the Lowcountry requesting \$23,500
 - D. Historic Bluffton Foundation requesting \$40,000
 - E. Historic Bluffton Foundation requesting \$5,000

The following motions were made for the Consideration of Accommodations Tax Advisory Committee Funding Recommendations for Quarter Ending June 30, 2024.

- A. Historic Bluffton Arts & Seafood Festival Inc.: \$80,000

A motion made by Councilmember Frazier, Seconded by Councilmember Hamilton to grant Historic Bluffton Arts and Seafood Festival Inc. \$80,000 in support of the Historic Bluffton Arts and Seafood Festival as presented in the Staff Report breakdown for advertising and promotion of tourism, municipality services, public facilities, and tourist transportation expenses.

Town Council unanimously approved the funding request for the Historic Bluffton Arts and Seafood Festival. Mayor Toomer recused himself front his item.

- B. Coastal Conservation Association Requesting \$10,000

A motion made by Councilmember Burden, Seconded by Councilmember Frazier to grant the Coastal Conservation Association \$10,000 in support of the 2024 Celebrating Conservation Weekend in Bluffton project as presented in the Staff Report breakdown for advertising and promotion expenses.

Town Council unanimously approved the funding request for the Coastal Conservation Association.

C. Boys & Girls Club of the Lowcountry requesting \$23,500

A motion made by Councilmember Hamilton, Seconded by Councilmember Burden to grant the Boys & Girls Club of the Lowcountry \$23,500 in support of the Bike Bluffton event for 2024 as presented in the Staff Report breakdown for advertising and promotion expenses.

Town Council unanimously approved the funding request for the Bluffton Boys & Girls Club of the Lowcountry.

D. Historic Bluffton Foundation requesting \$40,000

A motion made by Mayor Pro-Tempore Wood, Seconded by Councilmember Hamilton to grant Historic Bluffton Foundation \$40,000 for fiscal year 2025 quarterly applications from October 1, 2024 through December 21, 2024 for Welcome Center services.

Town Council unanimously approved the \$40,000 for the Historic Bluffton Foundation.

E. Historic Bluffton Foundation requesting \$5,000

A motion made by Mayor Pro-Tempore Wood, Seconded by Councilmember Burden to grant Historic Bluffton Foundation \$3,200 the Luke Peeples Music Celebration project as presented in the Staff Report breakdown for eligible expenses.

Town Council in a vote of 4-0, approved the \$3,200 of the \$5,000 request for the Historic Bluffton Foundation. Councilmember Hamilton abstained.

IX. CONSENT AGENDA ITEMS

A motion made by Mayor Pro-Tempore Wood, Seconded by Councilmember Frazier to approve the Consent Agenda as submitted.

Town Council unanimously approved the consent agenda as presented.

1. Monthly Department Reports: Police, Finance and Administration, Human Resources, Municipal Court, Projects & Watershed Resilience, Public Services, Don Ryan Center for Innovation, and Growth Management
2. Town Manager Monthly Report
3. Presentation of the Hilton Head Island Bluffton Chamber of Commerce FY2024 Quarterly Report. Ariana Pernice, Hilton Head Island Bluffton Chamber of Commerce
4. Consideration of an Ordinance and Ratification to Approve an Amendment to Ordinance No. 2023-11 Repositioning the Non-Exclusive Easement Over a Portion of Parcel R610 028 000 1006 0000 for Dominion Energy's System Improvement Project. Second and Final Reading – Kimberly Washok-Jones, Director of Projects and Watershed Resilience

- 5. Approval of Public Art Committee Recommendation to Award the Palmetto Breeze Bus Wrap Commission to Lindsey Spears with a Fiscal Impact of \$2,850. Chris Forster, Assistant Town Manager
- 6. Consideration to Approve a Resolution for Execution of an Extension of a Memorandum of Understanding between the Town of Bluffton and Beaufort Jasper Water and Sewer Authority Addressing Projects and Capacity Fee Credits. Chris Forster, Assistant Town Manager

X. EXECUTIVE SESSION

A motion from Councilmember Hamilton, Seconded by Mayor Pro -Tempore Wood to enter executive session for the item listed below.

- 1. Legal Advice Pertaining to an Appeal of a Decision Made by the Historic Preservation Commission (Pursuant to SC Freedom of Information Act 30-4-70 [a][2])

A motion made by Councilmember Hamilton, Seconded by Mayor Pro-Tempore Wood to enter executive session.

XI. ACTION FROM EXECUTIVE SESSION

Mayor Pro-Tempore Wood, Seconded by Councilmember Hamilton to approve 113 Bridge Street: Mediation Settlement Offer.

Town Council, in a vote of 3-0, approved the mediated settlement reached August 16th for Ms. Kellie Kenny related to 113 Bridge Street/Certificate of Appropriateness. Councilmember Bridgette Frazier abstained, and Councilmember Emily Burden recused herself from this vote.

XII. ADJOURNMENT

A motion made by Councilmember Frazier, Seconded by Councilmember Burden to adjourn at 8:03PM.

NEXT MEETING DATE: Tuesday, October 8, 2024

Marcia Hunter, Town Clerk
Town of Bluffton, SC

Larry Toomer, Mayor
Town of Bluffton, SC

TOWN COUNCIL



STAFF REPORT
Growth Management Department

MEETING DATE:	October 8, 2024
PROJECT:	Consideration and Direction of Amendments to the Town of Bluffton Code of Ordinances: a. SOLOCO Stormwater Design Manual b. Chapter 6 Businesses and Business Regulations i. Article III – Soliciting and Mobile Vending ii. Article V – Short-Term Rental Units
PROJECT MANAGER:	Kevin Icard, AICP Director of Growth Management

REQUEST: To provide direction on the following items.

1. Amendments to various sections of the Southern Lowcountry (SoLoCo) Stormwater Design Manual.
2. Chapter 6 Businesses and Business Regulations.
 - a. Amendments to the Mobile Vending Ordinance; and
 - b. Amendments to the Short-Term Rental Ordinance.

BACKGROUND:

1. **SoLoCo Stormwater Design Manual Amendments** – The Southern Lowcountry Regional Board (SoLoCo) prioritized the need for a uniform set of stormwater standards and design guidelines to meet the goal of protecting the region’s sensitive environment, residents’ quality of life, and future economic development opportunities.

SoLoCo municipalities along with Center for Watershed Protection and McCormick Taylor received local stakeholder input from the project’s outset and garnered feedback from the professional design community during statewide, regional, and national presentations. The resulting [Southern Lowcountry Stormwater Design Manual](#), adopted by Bluffton Town Council in September of 2021, accomplished the following:

- a. Regional collaboration for consistent, effective management of stormwater at the watershed scale;
- b. Allows for “Special Watershed Protection Area” designations and requirements;
- c. Establishes post-construction criteria for volume control (quantity and quality) and design standards;
- d. Provides enforcement for current design through life of the development; and
- e. Incorporating green infrastructure/low impact development, protecting existing natural areas and incorporating open space in new development and providing water quality and quantity credit for thirteen (13) Best Management Practices (BMPs).

In April of 2024, Town Council unanimously voted to adopt [Unified Development Ordinance “UDO” Amendments to the Stormwater regulations](#), outlined in Chapter 5.10 of the UDO. These UDO

Amendments changed the stormwater applicability criteria unit of measure from impervious surface to land disturbance to align with Beaufort County standards and created a distinction between Development and Redevelopment with regard to area of land disturbance. These UDO Amendments were made in anticipation of changes to the Stormwater Design Manual.

Staff are proposing the following amendments to the Manual to align with UDO language and Beaufort County stormwater standards.

- a. Provide clarifications on implementation of stormwater practices,
 - b. Enhance enforcement capabilities for post-construction maintenance of pre-MS4 communities, and
 - c. Promote the use of Better Site Design principles through credits towards meeting stormwater retention volume requirements.
 - d. Multiple housekeeping edits that do not change regulatory requirements.
2. **Chapter 6, Article III, Mobile Vending Ordinance Amendments** – Update permit year to coincide with business license year and text updates.
- a. In 2017, the Town of Bluffton adopted mobile vending requirements in Chapter 6 – Businesses and Business Regulations, Article III – Soliciting and Mobile Vending. In 2021, amended its Business License Ordinance as required by the State of South Carolina per Act 176 that became effective January 1, 2022. One item of the Act was requiring all business licenses have an annual license beginning on May 1st of each year. [Soliciting and Mobile Vending Ordinance](#)
 - i. Sec. 6-78 – Approvals, fees, and taxes (a) *“All approvals for mobile vending units will be issued annually based on the calendar year.”* The business license year from May 1st to April 30th has created confusion for business owners and added verifications for compliance for staff.
 - b. The South Carolina Department of Health and Environmental Control (DHEC) transitioned its retail food program and milk and dairy lab to the South Carolina Department of Agriculture on July 1, 2024.
 - c. Delinquent permit fees currently not in Article.
3. **Chapter 6, Article V, Short Term Rental Ordinance Amendments** – Similarly, the standardization of business licenses in 2020, the current [Short Term Rental Ordinance](#) is on a calendar year cycle.
- a. The business license year from May 1st to April 30th has created confusion for business owners and added verifications for compliance for staff.
 - b. Delinquent permit fees currently not in Article.

CONSIDERATIONS: Items for Town Council consideration include, but are not limited to the following:

1. **SoLoCo Stormwater Design Manual Amendments** - Below is a list of items for your consideration, should you choose to move forward with amending the Manual.
 - a. Consider providing clarifications on implementation of stormwater practices?
 - b. Consider enhanced enforcement capabilities for post-construction maintenance of pre-MS4 communities?

- c. Consider promoting the use of Better Site Design principles through credits towards meeting stormwater retention volume requirements?
- d. Miscellaneous edits that do not change the regulatory requirements?

If so, Staff will move forward with amendments to the Southern Lowcountry Stormwater Design Manual. The design manual was adopted as a Resolution. Below is a tentative timeline:

- a. Town Council Workshop – October 8, 2024
- b. Watershed Action Plan Advisory Committee (WAPAC) Recommendation – October 24, 2024
- c. Town Council Adoption by Resolution – December 10, 2024

2. **Mobile Vending Ordinance Amendments** – Below is a list of items for your consideration, should you choose to move forward.

- a. Consideration of coinciding the mobile vending permit year to align with the business license year of 05/01-04/30.
- b. Consideration of updating Department of Health and Environmental Control to SC Department of Agriculture.
- c. Consideration of school functions deemed as “public” locations requiring written property permission.
- d. Consideration of removing current verbiage under Sec 6-83 – Fire Safety to: An annual fire and life safety inspection shall be completed and approved prior to the issuance of a business license. All mobile vending shall be in compliance with the South Carolina Fire Code and all applicable rules and regulations.
- e. Consideration of adding a violations and penalties section.

If so, Staff will move forward with amendments to the Mobile Vending Ordinance. Below is a tentative timeline:

- a. Town Council Workshop – October 8, 2024
- b. Town Council 1st Reading – November 12, 2024
- c. Town Council 2nd Reading – December 10, 2024

3. **Short Term Rental Ordinance Amendments** – Below are two items that staff has for your consideration, should you choose to move forward.

- a. Consideration of coinciding the short-term rental permit year to align with the business license year of 05/01-04/30.
- b. Consideration of adding a violations and penalties section.

If so, Staff will move forward with amendments to the Short-Term Rental Ordinance. Below is a tentative timeline:

- a. Town Council Workshop – October 8, 2024
- b. Town Council 1st Reading – November 12, 2024
- c. Town Council 2nd Reading – December 10, 2024

ATTACHMENTS:

1. Workshop Presentation
2. SOLOCO Edits Redline
3. Chapter 6 Article III & V Edits Redline



Consideration and Direction of Amendments to the Town of Bluffton Code of Ordinances:

- a. SOLOCO Stormwater Design Manual***
- b. Chapter 6 Businesses and Business Regulations***
 - i. Article III – Soliciting and Mobile Vending***
 - ii. Article V – Short-Term Rental Units***

October 8, 2024
Department of Growth Management
Kevin Icard, AICP

Workshop Topics



1. **Southern Lowcountry Stormwater Design Manual Amendments:**
 1. Provide clarifications on implementation of stormwater practices,
 2. Enhance enforcement capabilities for post-construction maintenance of pre-MS4 communities, and
 3. Promote the use of Better Site Design principles through credits towards meeting stormwater retention volume requirements.
 4. Misc. edits

2. **Chapter 6, Article III, Mobile Vending Ordinance Amendments:**
 1. Align Mobile Vending Permit with Business License Calendar (5/1 - 4/30)
 2. Update language to SC Dept. of Agriculture
 3. Consider requiring written permission as public locations for school functions
 4. Consider removing language regarding Fire Safety
 5. Consider adding violations and penalties

3. **Chapter 6, Article V, Short Term Rental Ordinance Amendments:**
 1. Align Short Term Rental Permit with Business License Calendar (5/1 - 4/30)
 2. Consider adding violations and penalties

SOLOCO Design Manual



Does Town Council want to move forward with the following proposed amendments to the Southern Lowcountry Stormwater Design Manual?

- a. Consider providing clarifications on implementation of stormwater practices?
- b. Consider enhanced enforcement capabilities for post-construction maintenance of pre-MS4 communities?
- c. Consider promoting the use of Better Site Design principles through credits towards meeting stormwater retention volume requirements?
- d. Miscellaneous edits that do not change the regulatory requirements?

SOLOCO Design Manual



If so, the process and timeline is:

Stormwater Design Manual Text Amendment Procedure	Date	Complete
Step 1. Town Council Workshop	October 8, 2024	✓
Step 2. Watershed Action Plan Advisory Committee Recommendation	October 24, 2024	✓
Step 3. Town Council – Adoption by Resolution	December 10, 2024	✓

Mobile Vending Ordinance



Does Town Council want to move forward with the following proposed amendments to the Mobile Vending Ordinance?

- a. Consideration of coinciding the mobile vending permit year to align with the business license year of 05/01-04/30.
- b. Consideration of updating Department of Health and Environmental Control to SC Department of Agriculture.
- c. Consideration of school functions deemed as “public” locations requiring written property permission.
- d. Consideration of removing current verbiage under Sec 6-83 – Fire Safety to: An annual fire and life safety inspection shall be completed and approved prior to the issuance of a business license. All mobile vending shall be in compliance with the South Carolina Fire Code and all applicable rules and regulations.
- e. Consideration of adding a violations and penalties section.

Mobile Vending Ordinance



If so, the process and timeline is:

Mobile Vending Ordinance Amendments	Date	Complete
Step 1. Town Council – Workshop	October 8, 2024	✓
Step 2. Town Council – 1 st Reading	November 12, 2024	✓
Step 3. Town Council – 2 nd and Final Reading	December 10, 2024	✓

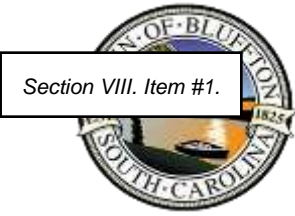
Short Term Rental Ordinance



Does Town Council want to move forward with the following proposed amendments to the Short-Term Rental Ordinance?

- a. Consideration of coinciding the short-term rental permit year to align with the business license year of 05/01-04/30.
- b. Consideration of adding a violations and penalties section.

Short Term Rental Ordinance



If so, the process and timeline is:

Short Term Rental Ordinance Amendments	Date	Complete
Step 1. Town Council – Workshop	October 8, 2024	✓
Step 2. Town Council – 1 st Reading	November 12, 2024	✓
Step 3. Town Council – 2 nd and Final Reading	December 10, 2024	✓



QUESTIONS & DISCUSSION

Chapter 1. Introduction, Background, Purpose, and Administration

1.1 Introduction

Upon passage of the Southern Lowcountry Stormwater Post-Construction Ordinance (Ordinance) as amended and adopted by the Town of Bluffton within the Unified Development Ordinance (UDO), The Town of Bluffton will follow the design and permitting requirements of the *Southern Lowcountry Stormwater Design Manual (Design Manual)*. The UDO directs residents, land developers, redevelopment, and government permit applicants to submit details and plans that comply with this Manual. It is the intent of the Ordinance that all proposed development, redevelopment, and major substantial improvements shall provide post-developed condition stormwater quantity control and stormwater quality control for the stormwater retention volume (SWRv) for Watershed Protection Areas and/or Special Watershed Protection Areas. In the following chapters, Better Site Design (BSD) practices, green infrastructure/low-impact development practices (GI/LID), and stormwater best management practices (BMPs) are described in detail to support the stormwater retention requirements. Through in-line and off-line application of these practices, the cumulative impact is reduction of the stormwater runoff and the on-site retention ~~on-site~~ of design storms.

This Manual and the design criteria presented within represent good engineering practice and should be used in the preparation of stormwater management plans. The criteria are intended to establish requirements, minimum standards, and methods for a sound planning, design, and review process. It is intended to guide the stormwater design review of proposed work done by developers, private parties, and governmental agencies.

1.2 Background

The U.S. Environmental Protection Agency (EPA) recommends that the Phase II Small Municipal Separate Storm Sewer System (MS4) permit require the permittee to adopt a planning process that identifies the municipality's program goals (e.g., minimize water quality impacts resulting from post-construction runoff from new development and redevelopment), implementation strategies (e.g., adopt a combination of structural and/or non-structural BMPs), operation and maintenance policies and procedures, and enforcement procedures. In developing the program, EPA states that the permit should also require the permittee to assess existing ordinances, policies, programs and studies that address stormwater runoff quality. These policy assessments should include the following:

- Policies and ordinances that:
 - provide requirements and standards to direct growth to identified areas,
 - protect sensitive areas such as wetlands and riparian areas,
 - maintain and/or increase open space (including a dedicated funding source for open space acquisition),
 - provide buffers along sensitive water bodies,
 - minimize impervious surfaces, and
 - minimize disturbance of soils and vegetation;
- Policies or ordinances that encourage infill development in higher density urban areas and areas with existing infrastructure;

- Education programs for developers and the public about project designs that minimize water quality impacts; and
- Measures such as minimization of percent impervious area after development and minimization of directly connected impervious areas (81 Federal Register 237).

[A complete summary of federal and state stormwater regulations can be found in Appendix N of this Manual.](#)

1.3 Purpose

This Manual's purpose is to provide a framework for designing a stormwater management system to:

- Improve water quality through runoff reduction to the maximum extent practicable (MEP);
- Prevent downstream stream bank and channel erosion;
- Reduce downstream overbank flooding; and
- Safely pass or reduce the runoff from extreme storm events.

This Manual presents a unified approach for sizing stormwater best management practices (BMPs) in the Southern Lowcountry to meet pollutant removal goals, reduce peak discharges, and pass extreme floods. Additionally, it follows a watershed approach for their size and specification. Based on the site's watershed, stormwater design criteria specific to each must be met for development permit approval.

[For a comprehensive list of terms and definitions utilized throughout this Manual, refer to Appendix L – Glossary.](#)

1.4 Applicability and Exemptions

1.4.1 Applicability

Design criteria in this Manual are applicable to any new development or redevelopment activity that meets one or more of the following criteria, or is a major substantial improvement, unless exempt pursuant to Section 1.4.2 below:

1. Any development that involves the creation of 5,000 square feet **or more** of impervious surface ~~or that involves other land disturbing activities of one acre or more.~~
2. **Any** Redevelopment/**Infill** that **will result in an additional** ~~involves the creation, addition, or replacement of 52,000 square feet or more of impervious surface or that involves other land disturbing activities of one acre or more.~~
3. ~~New development or redevelopment~~ **Any Land Disturbance**, regardless of size, that is part of a larger common plan of development **that meets criteria 1 or 2 above**, even though multiple, separate, and distinct land disturbing activities may take place at different times and on different schedules.
4. A major substantial improvement of an existing property, which is defined as a renovation or addition to a structure that meets both of the following cost and size thresholds: a) construction costs for the building renovation/addition are greater than or equal to 50% of the pre-project assessed value of the structure as developed using current Building Valuation Data of the International Code Council, and b) project size where the combined footprint of structure(s)

exceeding the cost threshold and any land disturbance is greater than or equal to 5,000 square feet.

~~The design criteria are applicable for infill development of platted lots, whether they are new development or redevelopment sites if the work involves creation, addition or replacement of 5,000 square feet or more of impervious surface or that involves other land disturbing activities of acre or more.~~

1.4.2 Exemptions

The following activities are exempt from the permitting requirements of this Manual:

1. Any maintenance, alteration, renewal, or improvement as approved by the Town of Bluffton which does not alter existing drainage patterns, does not result in changes or adverse impacts on adjacent properties, or create adverse environmental or water quality impacts, and does not increase the temperature, rate, quality, volume, or location of stormwater runoff discharge.
2. Projects that are exclusively for agricultural or silvicultural activities within areas zoned for these agricultural and silvicultural uses;
3. Agricultural activity not involving relocation of drainage canals;
4. Projects within an LCP where the impervious surface was included as part of a larger approved stormwater management system, meeting current stormwater design standards, that addresses required retention for the specific lot.
5. Redevelopment that constitutes the replacement of the original square footage of impervious cover and original acreage of other land development activity when the original development is wholly or partially lost due to natural disaster or other acts of God occurring after ~~date of adoption~~ September 14, 2021; and,
6. Work by 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.
7. Town of Bluffton Capital Improvement Projects will consider the requirements of the ~~Design~~ Manual during project design implementation and incorporation into the project scope of work but are exempt.

1.5 Administration

1.5.1 Approval Requirements

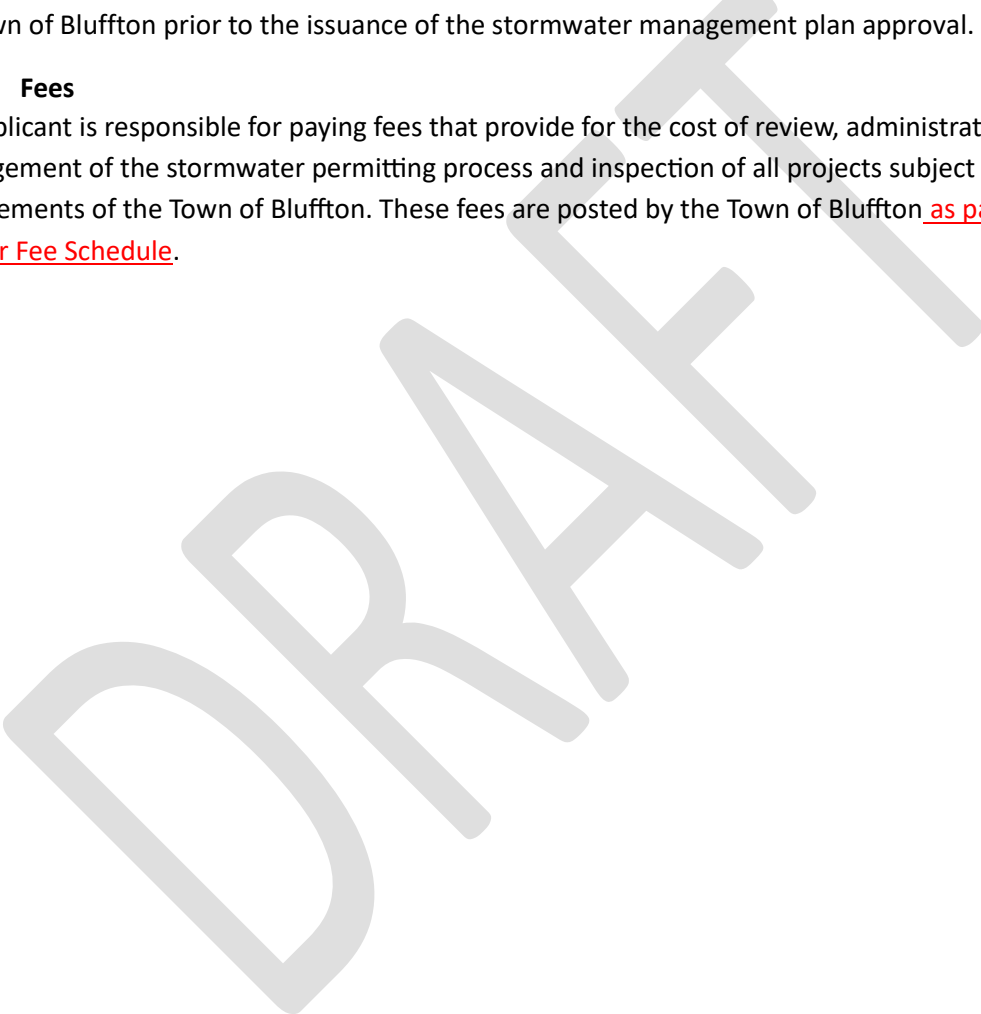
Before the Town of Bluffton may issue a stormwater permit for any project requiring stormwater management, the Town of Bluffton must approve a Stormwater Management Plan (SWMP) meeting the requirements of the Southern Lowcountry Stormwater Ordinance and receive all fees required by the Town of Bluffton for site and building development plans.

A complete SWMP submittal includes a completed engineer's certification statement, a submittal checklist, plans and design that are signed and sealed by a registered professional engineer licensed in

South Carolina. Erosion and sediment control for sites below the thresholds set forth by South Carolina Department of Health and Environmental Control ~~Services~~ (SCDHEC ~~DES~~) National Pollutant Discharge Elimination System (NPDES) General Permit for Stormwater Discharges from Construction Activities (SCR100000) must obtain permit coverage under this stormwater permit. All construction stormwater permit applications above the SCDHEC ~~DES~~ thresholds are reviewed by the ~~DHEC~~ ~~DES~~ Office of Coastal Resources Management (OCRM), or the reviews are delegated to the Town of Bluffton to determine compliance with the requirements of ~~SCDHEC's~~ SCDES's NPDES General Permit for Stormwater Discharges from Construction Activities (SCR100000) ~~thresholds~~ and of the Construction Stormwater Pollution Prevention Plan (C-SWPPP). These permit applications must be approved, issued, and provided to Town of Bluffton prior to the issuance of the stormwater management plan approval.

1.5.2 Fees

An applicant is responsible for paying fees that provide for the cost of review, administration, and management of the stormwater permitting process and inspection of all projects subject to the requirements of the Town of Bluffton. These fees are posted by the Town of Bluffton as part of the Master Fee Schedule.



Chapter 2. Design, Review, & Permitting Process

2.1 Satisfying the Stormwater Management, Site Planning, & Design Criteria

2.1.1 Overview

This chapter presents a comprehensive set of site planning and design and post-construction criteria that must be applied to the Maximum Extent Practicable (MEP) to new development and redevelopment activities occurring within the Southern Lowcountry region. Satisfying these criteria promotes the systematic development of acceptable stormwater management plans, and a successful integration of natural resource protection and stormwater management through the site planning and design process (Example, Figure 2.1). Application of Better Site Design (BSD) principals within the jurisdictional limits of The Town of Bluffton shall be to the Maximum Extent Practicable MEP. In the event of a conflict between requirements between ~~among~~ Better Site Design BSD principals and the Unified Development Ordinance (UDO), the requirements of the Unified Development Ordinance UDO shall prevail and have precedence.

Through the consideration and implementation of ~~Better Site Design~~ BSD principals to the MEP, as described in detail below, the integration of natural resource protection and stormwater management can be achieved by:

- Identifying and protecting valuable natural resources;
- Limiting land disturbance, new impervious cover, and disturbed pervious cover; and
- Reducing and managing post-construction stormwater runoff rates, volumes, and pollutant loads.

This approach involves the consideration and -use of two distinct, but complementary, groups of natural resource protection and stormwater management techniques:

- Green Infrastructure (GI) Practices: Natural resource protection and stormwater management practices and techniques (i.e., better site planning and design techniques, low impact development (LID) practices) that can be used to help prevent increases in post-construction stormwater runoff rates, volumes, and pollutant loads.
- Stormwater Management Practices: Stormwater management practices (e.g., wet ponds, swales) that can be used to manage post-construction stormwater runoff rates, volumes, and pollutant loads.

Natural resource protection and stormwater management techniques help control and minimize the negative impacts of the land development process while retaining and, perhaps, even enhancing a developer's vision for a development site. When applied during the site planning and design process, they can be used to create more natural and aesthetically pleasing development projects and create more cost-effective post-construction stormwater management systems (ARC, 2001). The consideration and use of these techniques, particularly the green infrastructure GI practices, can even reduce overall development costs while maintaining or increasing the resale value of a development project (MacMullan and Reich, 2007; US EPA, 2007; Winer-Skonovd et al., 2006).

2.1.2 Better Site Design in the Planning Process

Better Site Design (BSD) refers to planning land development using certain principles to minimize stormwater impacts. Integral to ~~low impact development~~ LID design, proper consideration and application of BSD principles can allow for smaller required stormwater BMP storage and retention volumes, and can help provide significant reductions in post-construction peak flows and pollutant loads. These principles include reduction/restoration of impervious cover, conservation of natural cover areas, stream restoration, and integration of both structural and non-structural stormwater management within site design. The principles of ~~Better Site Design~~ BSD are referenced in the sections below.

Fundamental to the consideration and application of ~~Better Site Design~~ BSD is the correlation between impervious surface area in a watershed and negative impacts on receiving water resources. On a national level, the Impervious Cover Model (ICM) estimates stream quality based on percentage of impervious cover (Schueler and Fraley-McNeal, 2009). This model demonstrates that streams follow a continuous gradient of degradation in response to increasing impervious cover in a watershed. Local studies have supported this paradigm, and report that changes in the rate and volume of stormwater runoff were primary causes of ecological impairment in headwater tidal creeks, such as those found in Beaufort and Jasper Counties. These studies have shown that physical and chemical characteristics such as altered hydrography, increased salinity variance, increased chemical contaminants, and increased fecal coliform loadings of tidal creeks were negatively impacted with as little as 10 to 20% impervious cover. When impervious cover exceeded 30% of the watershed, measurable impacts to living resources were observed, indicating the ecological processes in the creek ecosystems were impaired (Holland et al., 2004).

Such findings are of consequence to Beaufort and Jasper Counties. Increasing pressure for development in response to population growth, and land development practices of the Lowcountry result in significant tree removal and loss of vegetative cover from land grading and storm pond construction and increases in impervious surfaces. According to the NOAA C-CAP Land Cover Analysis (<https://coast.noaa.gov/ccapatlas/>), from 1996 to 2010, the percent net increase in impervious surface area was 60% for Beaufort County and 59% for Jasper County. Table 2. 1. Summary of land cover changes in Southern Lowcountry from 1996 to 2010. below summarizes the findings of this NOAA report. Although the percentage of total wetlands lost is relatively low for both counties, the actual wetland types have been converted from palustrine forested wetlands to palustrine scrub/shrub and palustrine emergent wetlands, which may alter ecosystem processes and hydrology in these areas.

Table 2.1. Summary of land cover changes in Southern Lowcountry from 1996 to 2010.

Land Cover %	Beaufort County ¹			Jasper County ¹		
	1996	2010	% Change	1996	2010	% Change
Development	3.87	6.16	+59.12	1.62	2.52	+55.15
Forested Area	25.28	21.5	-14.98	62.50	48.37	-22.60
Wetlands	33.85	33.20	-1.93	45.24	44.74	-1.11

¹ Percent of County under each land cover type.

Given the rapid growth the Southern Lowcountry experienced in the past 20 years, the goals of ~~Better Sign Design~~ **BSD** should resonate with those charged with managing stormwater and its release into the area watersheds. Succinctly, the goals of ~~Better Sign Design~~ **BSD** include the following:

- Preventing stormwater impacts rather than mitigating them;
- Managing stormwater (quantity and quality) as close to the point of origin as possible and minimizing collection and conveyance;
- Utilizing simple, nonstructural methods for stormwater management that are lower cost and lower maintenance than structural controls;
- Creating a multifunctional landscape; and
- Using hydrology as a framework for site design.

The Center for Watershed Protection’s Better Site Design Handbook outlines 22 model development principles for site design that act to reduce impervious cover, conserve open space, prevent stormwater pollution, and reduce the overall cost of development (CWP, 2017). The principles can provide notable reductions in post-construction stormwater runoff rates, volumes and pollutant loads (ARC, 2001). ~~Better Sign Design~~ **BSD** across the country is implemented through review of existing planning and development codes, and as well as streets, parking and stormwater engineering criteria. Within the context of a stormwater management document and this Southern Lowcountry Stormwater Design Manual -(Manual), the ~~Better Sign Design~~ **BSD** techniques of greatest application include protection of existing natural areas, incorporation of open space into new development, effective sediment and erosion control practices, and stormwater management that mimics natural systems. The following sections identify ~~Better Sign Design~~ **BSD** techniques to be considered and applied to the MEP to the Southern Lowcountry Watershed Protection Areas and Special Watershed Protection Areas to help mitigate the effects of development to the watersheds. Therefore, the conservation principles below are part of an overall watershed approach to stormwater management and will complement the Watershed Protection Area approach in this Manual. Their application is subject to Town of Bluffton requirements and/or standards.

2.1.3 Natural Resources Inventory

The first step to conserve natural resources is properly documenting existing assets. An up-to-date natural resources inventory map can provide geospatial information for water resources, soils, sensitive natural resource areas, critical habitats, and other unique resources (Ellis et al., 2014).

An application for new development requires a natural resources inventory prior to the start of any land disturbing activities. A natural resources inventory prepared by a qualified person shall be used to identify and map the most critical natural resources identified on the property that would be best to preserve, such as those listed in Table 2.2, as they exist predevelopment. Qualified persons include individuals with a working knowledge of hydrology, wetlands, plant taxonomy, and field survey methods. Qualified individuals include but are not limited to licensed foresters, professional wetland scientists, and geographic information professionals. A thorough assessment and narrative of the

natural resources, both terrestrial and aquatic, found on a development site shall be submitted in the preliminary development application package and should represent and describe the efforts taken to preserve the most critical natural resources identified on the property and the most critical natural resources directly impacted by the proposed development.

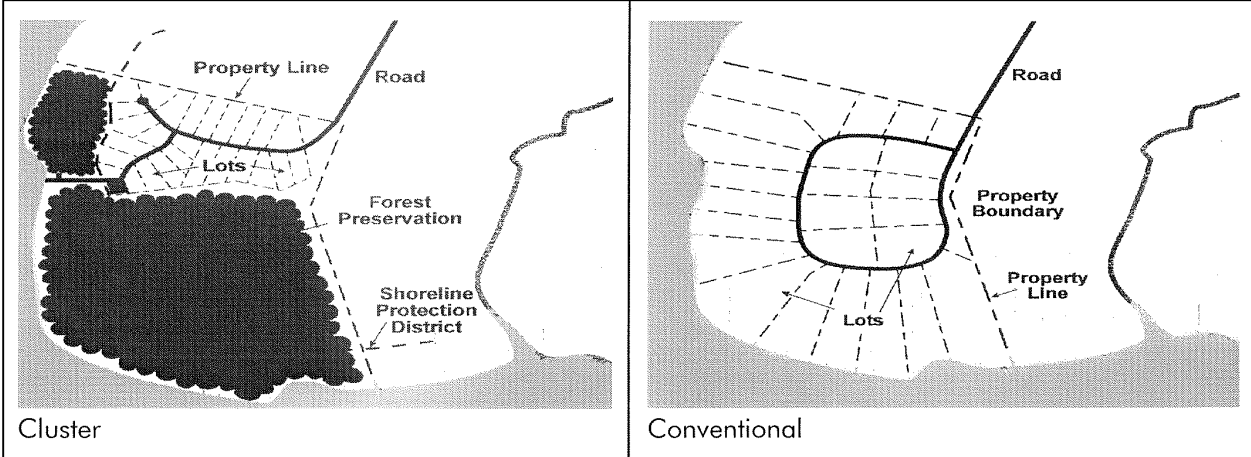
Table 2.2. Resources to be identified and mapped during the Natural Resources Inventory.

Resource Group	Resource Type
General Resources	<ul style="list-style-type: none"> • Topography • Natural Drainage Divides • Natural Drainage Patterns • Natural Drainage Features (e.g., Swales, Basins, Depressional Areas) • Soils • Erodible Soils • Steep Slopes (e.g., Areas with Slopes Greater Than 15%) • Trees and Other Existing Vegetation
Freshwater Resources	<ul style="list-style-type: none"> • Rivers • Perennial and Intermittent Streams • Freshwater Wetlands
Estuarine Resources	<ul style="list-style-type: none"> • Tidal Rivers and Streams • Tidal Creeks • Coastal Marshlands • Tidal Flats • Scrub-Shrub Wetlands
Marine Resources	<ul style="list-style-type: none"> • Near Coastal Waters • Beaches
Groundwater Resources	<ul style="list-style-type: none"> • Groundwater Recharge Areas • Wellhead Protection Areas
Terrestrial Resources	<ul style="list-style-type: none"> • Dunes • Maritime Forests • Marsh Hammocks • Evergreen Hammocks • Canebrakes • Bottomland Hardwood Forests • Beech-Magnolia Forests • Pine Flatwoods • Longleaf Pine-Wiregrass Savannas • Longleaf Pine-Scrub Oak Woodlands
Other Resources	<ul style="list-style-type: none"> • Shellfish Harvesting Areas • Floodplains • Aquatic Buffers • Other High Priority Habitat Areas as described by South Carolina Department of Natural Resources

2.1.4 Conservation Development

Conservation development, also known as open space development or cluster development, is a site planning and design technique used to concentrate structures and impervious surfaces in a small portion of a development site, leaving room for larger conservation areas and managed open spaces

elsewhere on the site (Example, Figure 2.1). Alternative lot designs are typically used to “cluster” structures and other impervious surfaces within these conservation developments.



Example, Figure 2.1. Conservation (i.e., cluster) development versus conventional development.

Conservation development projects provide a host of environmental benefits that are typically more difficult to achieve with conventional site design techniques. They provide for better natural resource protection on development sites and inherently limit increases in site imperviousness, sometimes by as much as 40 to 60 percent (CWP, 1998). Reduced site imperviousness results in reduced post-construction stormwater runoff rates, volumes and pollutant loads, which helps better protect both on-site and downstream aquatic resources from the negative impacts of the land development process. Reduced stormwater runoff rates, volumes and pollutant loads also help reduce the size of and need for storm drain systems and stormwater management practices on development sites.

As a number of recent studies have shown (MacMullan and Reich, 2007; US EPA, 2007; Winer-Skonovd et al., 2006), conservation development projects can also be significantly less expensive to build than more conventional development projects. Most of the cost savings can be attributed to the reduced amount of infrastructure (e.g., roads, sidewalks, post-construction stormwater management practices) needed on these development projects. And while these projects are frequently less expensive to build, developers often find that the lots located within conservation developments command higher prices and sell more quickly than those located within more conventional developments (ARC, 2001).

Table 2.3 provides suggestions for ~~Better Site Design~~ **BSD** techniques that will help protect valuable resources such as buffers, trees, wetlands, and open space.

Table 2.3. Better Site Design principles for conservation.

Principle	Description
Vegetated Buffer System	Create a variable width, naturally vegetated buffer system along all streams that also encompasses critical environmental features such as the 100-year floodplain, steep slopes, and freshwater wetlands. <i>Recommended buffer widths are included in Table 3.2-4 in Ellis et al., 2014</i>
Buffer Maintenance	The riparian buffer should be preserved or restored with native vegetation that can be maintained through delineation, plan review, construction, and occupancy stages of development.
Clearing and Grading	Clearing and grading of forests and native vegetation should be limited to the minimum amount needed for lot construction, allow access, and provide fire protection. A fixed portion of any community open space should be managed as protected green space in a consolidated manner.
Tree Conservation	Conserve trees and other vegetation at each site by planting additional vegetation, clustering tree areas, and promoting the use of native plants. Wherever practical, manage community open space, street rights-of-way, parking lot islands, and other landscaped areas to promote natural vegetation.
Land Conservation	Open space development should be encouraged to promote conservation of stream buffers, forests, meadows, and other areas of environmental value. In addition, off-site mitigation consistent with locally-adopted watershed plans should be encouraged.
Stormwater Outfalls	New stormwater outfalls should not discharge unmanaged into jurisdictional wetlands, sole-source aquifers, or sensitive areas.

2.1.5 Residential Streets & Parking Lots

Up to 65% of the total impervious cover in a watershed can be attributed to streets, parking lots, and driveways (CWP, 1998). Table 2.4 describes Better Site Design (BSD) principles related to techniques to be considered to reduce the impervious surfaces associated with these hardscapes.

Table 2.4. Better Site Design principles for streets and parking to meet Town of Bluffton requirements.

Principle	Description
Street Width	Design residential streets for the minimum required pavement width needed to support travel lanes; on-street parking; and emergency, maintenance, and service vehicles.
Street Length	Reduce the total length of residential streets by examining alternative street layouts to determine the best option for increasing the number of homes per unit length.
Right-of-Way Width	Wherever possible, residential street right-of-way widths should reflect the minimum required to accommodate the travel-way, the sidewalk, and vegetated open channels. Utilities and storm drains should be located within the pavement section of the right-of-way wherever feasible.

Cul-de-sacs	Minimize the number of residential cul-de-sacs and incorporate landscaped areas to reduce their impervious cover. The radius of cul-de-sacs should be the minimum required to accommodate emergency and maintenance vehicles. Alternative turnarounds should be considered.
Vegetated Open Channels	Where density, topography, soils, and slope permit, vegetated open channels should be used in the street right-of-way to convey and treat stormwater runoff.
Parking Ratios	The required parking ratio governing a particular land use or activity should be enforced as both a maximum and a minimum in order to curb excess parking space construction. Existing parking ratios should be reviewed for conformance, taking into account local and national experience to see if lower ratio is warranted and feasible.
Parking Lots	Reduce the overall imperviousness associated with parking lots by providing compact car spaces, minimizing stall dimensions, incorporating efficient parking lanes, and using pervious materials in spillover parking areas.
Structured Parking	Utilize structured (e.g., parking garage) and shared parking to reduce impervious surface area.
Parking Lot Runoff	Wherever possible, provide stormwater treatment for parking lot runoff using bioretention areas, filter strips, and/or other practices that can be integrated into required landscaping areas and traffic islands.

2.1.6 Lot Development Principles to Meet Requirements

Development of lots follows similar guidelines for reducing impervious cover and protecting natural areas, such as open space. Table 2. 5 summarizes Better Site Design **BSD** principles to be considered for lot development. Preserving open space is critical to maintaining water quality at the regional level. Compared to traditional development, open space development can reduce the annual runoff volume from a site by 40%–60%, nitrogen loads by 42%–81%, and phosphorus loads by 42%–69% (CWP, 1998). Large, continuous areas of open space reduce and slow runoff, absorb sediments, serve as flood control, and help maintain aquatic communities. Open space can be provided by minimizing lot sizes, setbacks, and frontage distances.

Table 2.5. Better Site Design principles for lot development.

Principle	Description
Open Space Development	Utilize open space development that incorporates smaller lot sizes to minimize total impervious area, reduce total construction costs, conserve natural areas, provide community recreational space, and promote watershed protection.
Setbacks and Frontages	Consider minimum setbacks allowed by Town of Bluffton. Relax side yard setbacks and allow narrower frontages to reduce total road length in the community and overall site imperviousness. Relax front setback requirements to minimize driveway lengths and reduce overall lot imperviousness.
Sidewalks	Where practical, consider locating sidewalks on only one side of the street and providing common walkways linking pedestrian areas.

Driveways	Reduce overall lot imperviousness by promoting alternative driveway surfaces and shared driveways that connect two or more homes together.
Rooftop Runoff	Direct rooftop runoff to pervious areas such as yards, open channels, or vegetated areas and avoid routing rooftop runoff to the roadway and the stormwater conveyance system.
Open Space Management	Clearly specify how community open space will be managed and designate a sustainable legal entity responsible for managing both natural and recreational open space.

For more detailed descriptions of these techniques, please reference *Better Site Design: A Handbook for Changing Development Rules in Your Community* (CWP, 1998) and Chapter 3 of *Low Impact Development in Coastal South Carolina: A Planning and Design Guide* (Ellis et al., 2014).

DRAFT

2.1.7 Site Planning & Design Process

Figure 2.2 depicts the site planning and design process that is captured in *Low Impact Development in Coastal South Carolina: A Planning and Design Guide* (Ellis et al., 2014) applicable to the Town of Bluffton. The site planning and design checklist of the ~~Southern Lowcountry Design Manual~~ does not make each of the phases of the process a submittal requirement. The checklist, however, gives the Town of Bluffton the opportunity to determine whether each of these steps have been adequately considered. The actual document submittal begins with the ~~Stormwater Concept Plan~~, Preliminary Development Plan application and submittal package when considered in context of the planning process below:

- **Site Prospecting:** During the site prospecting phase, some basic information is used to evaluate the feasibility of completing a development or redevelopment project. A *feasibility study* is typically used to evaluate the many factors that influence a developer’s decision about whether or not to move forward with a potential development project. Factors that are typically evaluated during a *feasibility study* include information about site characteristics and constraints, applicable local, state and federal stormwater management and site planning and design requirements, adjacent land uses and access to local infrastructure (e.g., water, sanitary sewer).
- **Site Assessment:** Once a potential development or redevelopment project has been deemed feasible, a more thorough assessment of the development site is completed. The site assessment, which is typically completed using acceptable site reconnaissance and surveying techniques, provides additional information about a development site’s characteristics, its natural resource inventory and constraints. Once the assessment is complete, a developer can identify and analyze the natural, man-made, economic and social aspects of a potential development project, define the actual buildable area available on the development site and begin making some preliminary decisions about the layout of the proposed development project.
- **Concept Plan:** The results of the site assessment are typically used to create a concept plan (also known as a *sketch plan*) for the proposed development project and it is provided during the pre-application meeting. A concept plan is used to illustrate the basic layout of the proposed

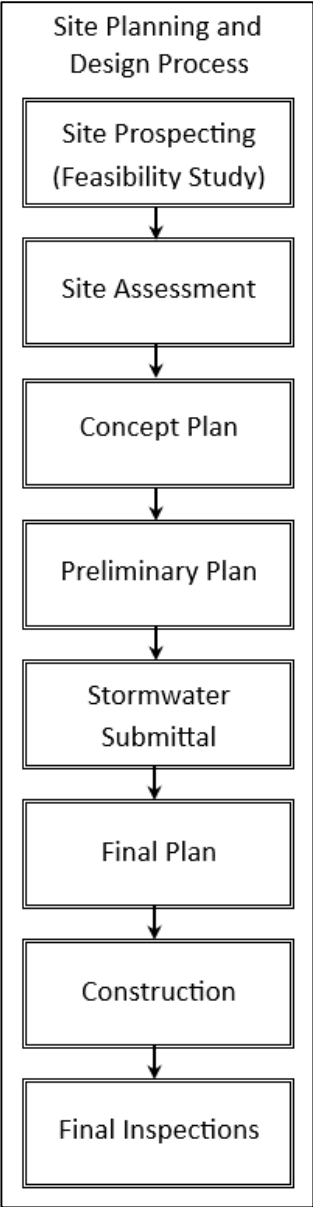


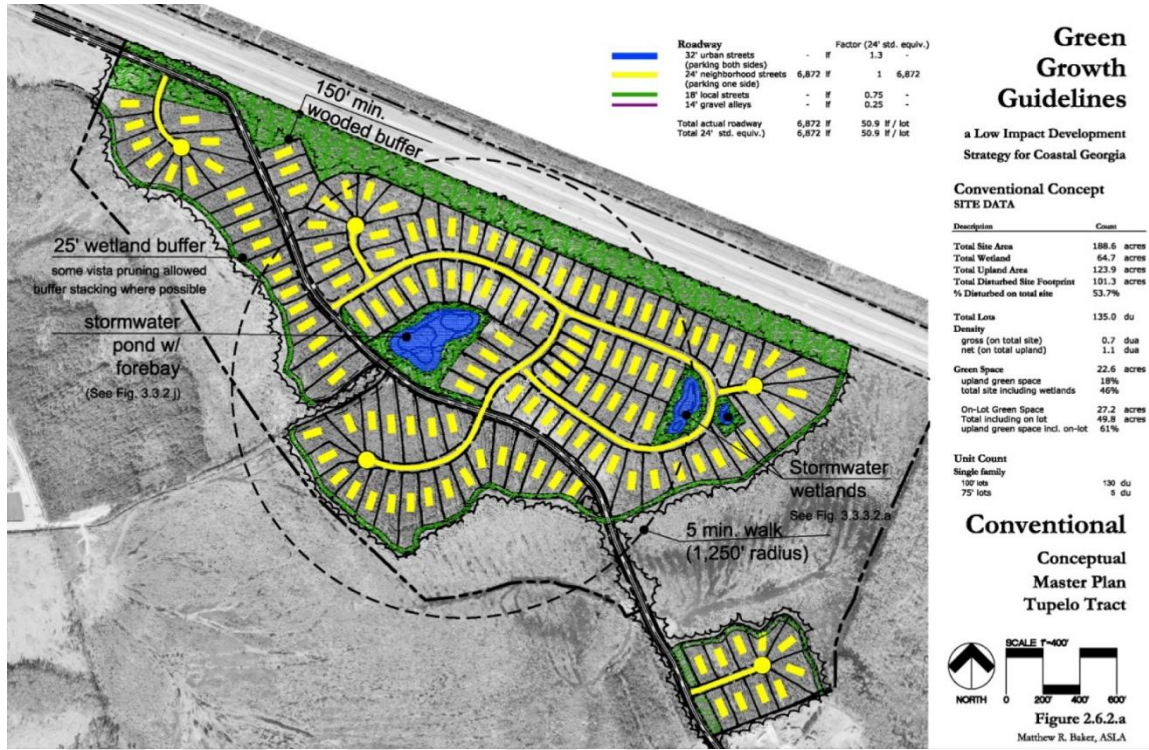
Figure 2.2. Site planning & design process (source: Center for Watershed Protection, Inc.)

development project, including lots and roadways, and post-construction stormwater management system layout. ~~Geotechnical investigations have been performed to obtain necessary information to determine certain feasibilities of the proposed development.~~ This concept is usually reviewed with the local development review authority on a very surface level before additional resources are used to create a more detailed plan of development. During this phase, several alternative concept plans can be created and compared with one another to craft a plan of development that best “fits” the character of the development site (Example-Example, Figure 2.3, Example-Example, Figure 2.4, and Example-Example, Figure 2.5). ~~It is at this point in the planning and design process that a Maximum Extent Practicable (MEP) demonstration described in Section 3.9 is intended and recommended to be provided for development projects seeking MEP considerations.~~

- Preliminary Plan: A preliminary plan presents a more detailed layout of a proposed development project. It typically includes information about lots, buildings, roadways, parking areas, sidewalks, conservation areas, utilities and other infrastructure, including the post-construction stormwater management system. Soil information has been obtained through sources such as USDA Natural Resources Conservation Service (NRCS) or another source acceptable to the Town of Bluffton to estimate certain feasibilities. After the preliminary plan has been reviewed and approved by the local development review authority, a final plan may be prepared. There may be several iterations of the preliminary plan between the time that it is submitted and the time that it is approved by the local development review authority.
- Stormwater Submittal: Geotechnical investigations have been performed to obtain necessary information to determine certain feasibilities of the proposed development. It is at this point in the planning and design process that an MEP demonstration described in Section 3.11 is intended and recommended to be provided for development projects seeking MEP considerations. There may be several iterations of the stormwater submittal between the time that it is submitted and the time that it is approved by the local development review authority. Once the stormwater submittal has been reviewed and conditionally approved, Town staff issue the MS4 Approval to SCDES.
- Final Plan: The final plan adds further detail to the preliminary plan and stormwater submittal and reflects any changes to the plan of development that were requested or required by the local development review authority. The final plan typically includes all of the information that was included in the preliminary plan, as well as information about landscaping, pollution prevention, erosion and sediment control and long-term operation and maintenance of the site’s post-construction stormwater management system. There may be several iterations of the final plan between the time that it is submitted and the time that it is approved by the local development review authority.
- Construction: Once the final plan has been reviewed and approved, performance bonds are set and placed, contractors are retained, and construction begins. During the construction phase, a development project may be inspected on a regular basis by the local development review authority to ensure that all roadways, parking areas, buildings, utilities and other infrastructure, including the post-construction stormwater management system, are being built in accordance

with the approved final plan and that all primary and secondary conservation areas have been protected from any land disturbing activities.

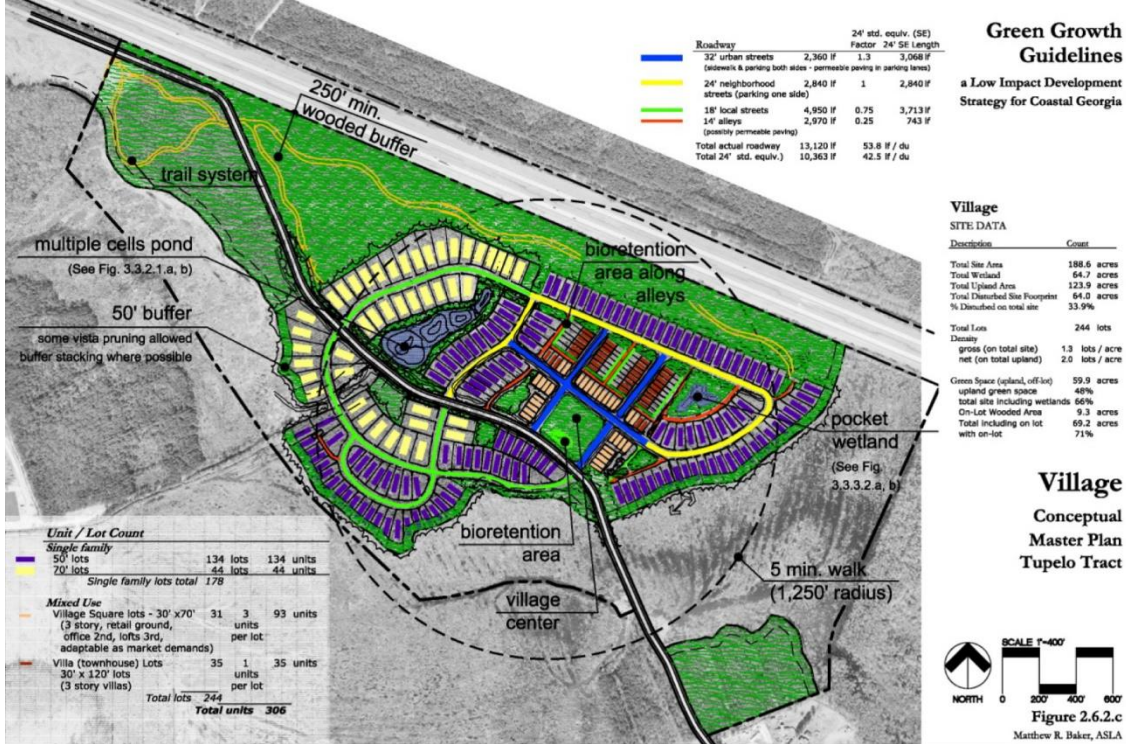
- Final Inspections:** Once construction is complete, final inspections take place to ensure that all roadways, parking areas, buildings, utilities and other infrastructure, including the post-construction stormwater management system, were built according to the approved final plan. As-built plans are also typically prepared and executed during this phase. If a development project passes all final inspections, an occupancy permit may be issued for the project.



Example, Figure 2.3. Conventional Site Design (source: Merrill et al., 2006).



Example, Figure 2.4. Conservation Site Design (source: Merrill et al., 2006).



Example, Figure 2.5. New Urbanist Site Design (source: Merrill et al., 2006).

2.1.8 Integrating Natural Resource Protection & Stormwater Management with the Site Planning & Design Process Town of Bluffton Development Plan Review and Stormwater Approval Process

In order to successfully consider and *integrate* to the MEP natural resource protection and stormwater management with the site planning and design process, site planning and design teams are encouraged to consider following questions at the beginning of the process:

- What valuable natural resources, both terrestrial and aquatic, can be found on the development site?
- How can better site planning techniques be used to protect these valuable natural resources from the direct impacts of the land development process?
- How can better site design techniques be used to minimize land disturbance and the creation of new impervious and disturbed pervious cover?
- What ~~low impact development~~ **LID** practices can be used to help preserve pre-development site hydrology and *reduce* post-construction stormwater runoff rates, volumes and pollutant loads?
- What stormwater management practices can be used to *manage* post-construction stormwater runoff rates, volumes and pollutant loads?
- Are there any site characteristics or constraints that prevent the use of any particular ~~low impact development~~ **LID** or stormwater management practices on the development site?

Although answering these questions is no easy task, they can be readily obtained within the context of the six-step *stormwater management planning and design process* outlined in Figure 2.6, and the steps are described in more detail below.

- **Step 1: Pre-Application Meeting**

It is recommended that a pre-application meeting between the applicant's site planning and design team and the Town of Bluffton development review authority occur at the very beginning of the stormwater management planning and design process. This meeting, which should occur during the site prospecting phase of the overall site planning and design process (Figure 2.6), helps establish a relationship between the site planning and design team and the Town of Bluffton development review authority. The pre-application meeting also provides an opportunity to discuss the local site planning and stormwater management design criteria that will apply to the proposed development project, which increases the likelihood that the remainder of the site planning and design process will proceed both quickly and smoothly.

- **Step 2: Review of Local, State, and Federal Stormwater Management, Site Planning, & Design Requirements**

Once a pre-application meeting has been completed, it is recommended that the site planning and design team review the local, state and federal requirements that will apply to the proposed development project. This review should occur during the site prospecting phase of the overall site planning and design process (Figure 2.6), while the feasibility study is still being completed.

During their review of stormwater management and site planning and design requirements, the applicant's site planning and design teams should also investigate opportunities and incentives for land conservation, and opportunities and incentives for conservation development as illustrated earlier in Example, Figure 2.1.

- **Step 3: Natural Resources Inventory**

Once the potential development or redevelopment project has been deemed feasible, acceptable site reconnaissance and surveying techniques must be used to complete a thorough assessment of the natural resources, both terrestrial and aquatic, found on the development site. The identification and subsequent preservation and/or restoration of these natural resources helps reduce the negative impacts of the land development process “by design.” The natural resources inventory should be completed during the site assessment phase of the overall site planning and design process. A map that is created to illustrate the results of the natural resources inventory, known as a site fingerprint, should be used to prepare a stormwater management concept plan for the proposed development project.

Once the natural resources inventory has been completed and a site fingerprint has been created, the site planning and design team should have a better understanding of a development site’s characteristics and constraints. This information can be used to identify primary and secondary conservation areas (Example-Example, Figure 2.7. Buildable Area and Primary/Secondary Conservation Areas (source: Merrill et al., 2006).) and define the actual buildable area available on the development site. Along with information about adjacent land uses and available infrastructure (e.g., roads, utilities), the site fingerprint can also be used to make some preliminary decisions about the layout of the proposed development project and to guide the creation of the stormwater management concept plan.

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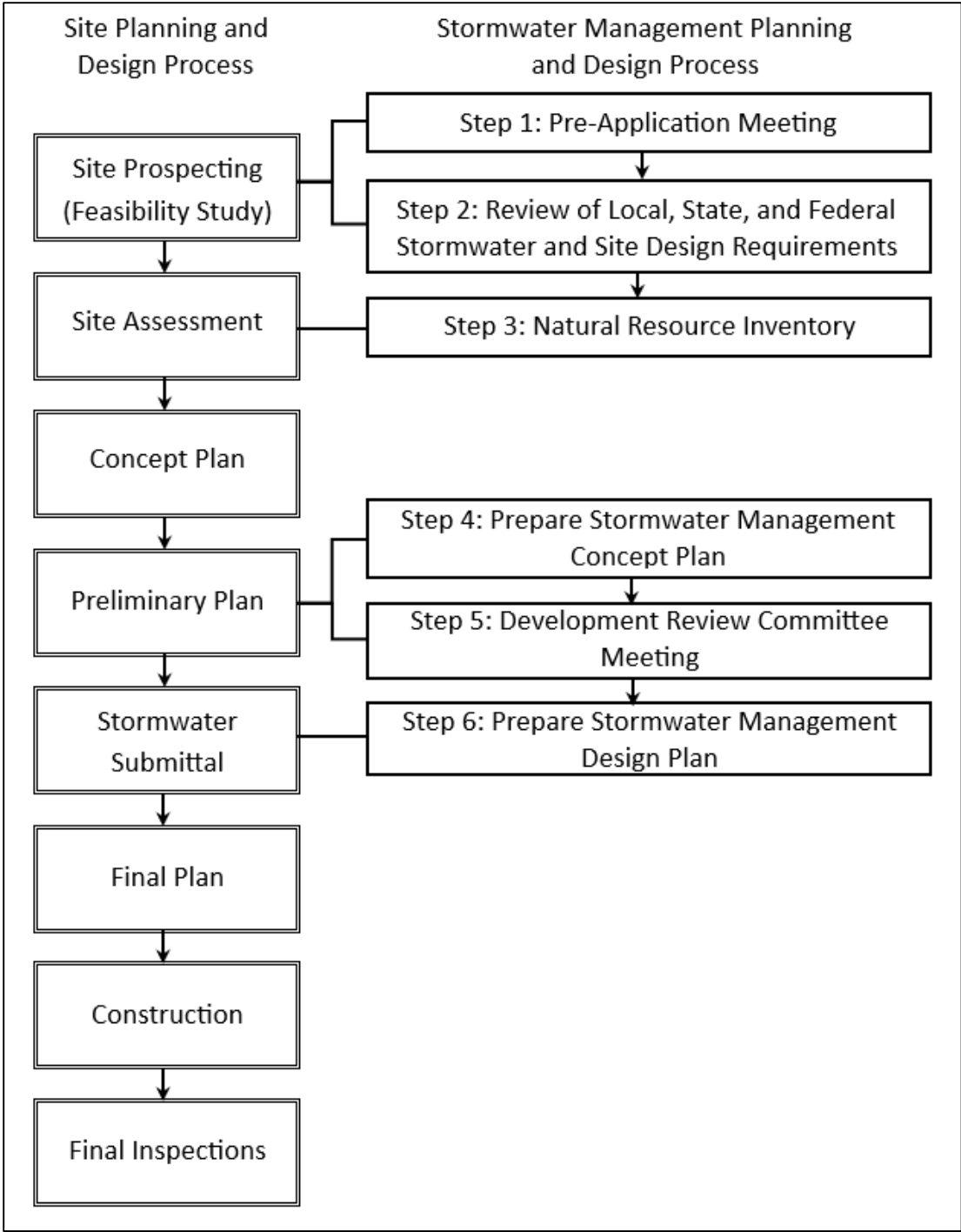
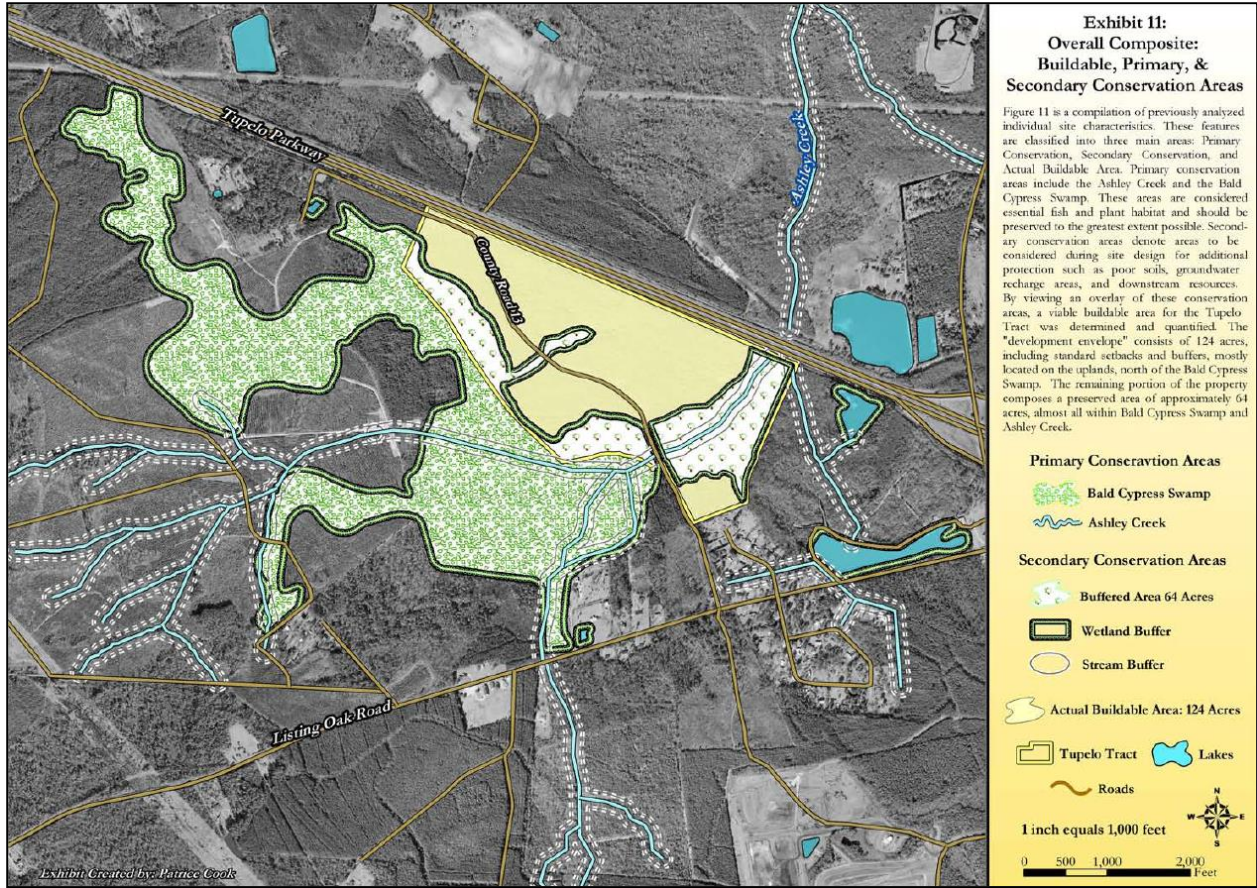


Figure 2.6. Integrating Natural Resource Protection & Stormwater Management with the Site Planning & Design Process (source: Center for Watershed Protection, Inc.).



Example, Figure 2.7. Buildable Area and Primary/Secondary Conservation Areas (source: Merrill et al., 2006).

• **Step 4: Prepare Stormwater Management Concept Plan**

After the natural resources inventory has been completed, it is recommended that the site fingerprint be used to develop a stormwater management concept plan for the proposed development project. The stormwater management concept plan should illustrate the layout of the proposed development project and should show, in general, how post-construction stormwater runoff will be managed on the development site. Geotechnical investigations have been performed to obtain necessary information to determine certain feasibilities of the proposed development and stormwater concept plan.

The creation of a stormwater management concept plan allows the applicant’s site planning and design team to make some preliminary decisions about the layout of the proposed development project in meeting the requirements of the Manual. Once the stormwater management concept plan is completed it can also be used to solicit early discussions and feedback with the Town of Bluffton review authority on the stormwater management practices that will be used to manage post-construction stormwater runoff on the development site. Submittal, review and discussions with the Town of Bluffton review authority of the stormwater management concept plan are required prior to proceeding with submittal to Town of Bluffton as part of the Development Preliminary Development Plan approval process and is particularly relevant in cases where MEP considerations may be sought by the Owner/applicant and in meeting the requirements of 3.9.

During the creation of the stormwater management concept plan, most of the site layout, including the layout of lots, buildings, roadways, parking areas, sidewalks and green infrastructure GI and stormwater management practices, will be completed. Therefore, it is very important that natural resource protection and stormwater management be considered throughout this part of the stormwater management planning and design process.

The Stormwater Concept Plan shall consider and include, but not be limited to, the following:

- A current Natural Resources Inventory identifying natural resources within the site at time of application. A thorough assessment and narrative of the natural resources, both terrestrial and aquatic, found on the development site.
- Better Site Design (BSD) principals have been evaluated, considered, and incorporated to the maximum extent practicable.
- Post development stormwater management facilities/systems to address stormwater runoff volume, rate, quality, off-site discharge points, evaluation of downstream conveyance from off-site discharge points for safe/adequate conveyance capacity and downstream study point for Extreme Flood, 10% Rule analysis. Preliminary calculations to determine feasibility of plan submitted.

- **Step 5: Development Preliminary Plan Submittal, Review, Approval Development Review Committee Meeting**

Once a stormwater management concept plan has been created, the applicant’s site planning and design team shall submit a Preliminary Development Plan Application and submit requisite documentation to the Town of Bluffton development review authority Development Review Committee. This application and submission, which should occur after completion of the stormwater management concept plan, provides an opportunity to discuss the proposed development project and the approach that was used to satisfy the stormwater management and site planning and design criteria that apply to the development site. Geotechnical investigations have been performed to obtain necessary information to determine certain feasibilities of the proposed development. It may be advantageous for a consultation meeting to take place on the development site after the application and plan submittal, but prior to approval. This meeting can be used to verify site conditions and feasibility of the proposed stormwater management concept plan and development. Comments, if any, pertaining to the Preliminary Development Plan submittal are heard at the Development Review Committee Meeting. The Stormwater Concept Plan components of the Preliminary Development Preliminary-Plan Application shall include, but not be limited to, the following:

- A current Natural Resources Inventory identifying natural resources within the site at time of application. A thorough assessment and narrative of the natural resources, both terrestrial and aquatic, found on the development site. Represent and describe the efforts taken to preserve the most critical natural resources identified on the property and the most critical natural resources directly impacted and to be removed by the proposed development.
- Better Site Design (BSD) principals have been evaluated, considered, and incorporated to the maximum extent practicable. A thorough assessment and narrative of the ~~Better Site Design~~ BSD Principals considered and employed within the proposed Preliminary

Development Preliminary-Plan submittal package and Better Site Design BSD Principals considered and found to be not feasible and reasons why.

- o Post-development stormwater management facilities/systems to address stormwater runoff volume, rate, quality, off-site discharge points, evaluation of downstream conveyance from off-site discharge points for safe/adequate conveyance capacity and downstream study point for Extreme Flood, 10% Rule analysis. Preliminary calculations to determine feasibility of plan submitted.

It is at this point in the planning and design process that a Maximum Extent Practicable (MEP) demonstration described in Section 3.9.11 is intended for the proposed development project. In cases where MEP considerations are being sought by the applicant, the applicant shall review and understand the requirements of 3.9.11 and shall provide and present required information to determine if MEP applies to the proposed development site, and if so, to what to degree for Town of Bluffton consideration, review and approval. The Preliminary Development Plan Application and Stormwater Management Concept Plan must be Approved or Approved with Conditions prior to proceeding with the Town of Bluffton Development Plan approval process.

• **Step 6: Prepare Stormwater Management Design Plan**

Subsequent to review and approval of the Preliminary Development Plan and Stormwater Management Concept Plan, the site planning and design team should prepare a stormwater management design plan. The stormwater management design plan should detail how post-construction stormwater runoff will be managed on the development site and should include maps, narrative descriptions and design calculations (e.g., hydrologic and hydraulic calculations) that show how the stormwater management and site planning and design criteria that apply to the development project have been met. The stormwater management design plan should be submitted to the Town of Bluffton development review authority by way of the Stormwater Management Plan Application, with requisite documentation, for review and approval.

Stormwater Management Design Plan conditional approval is required prior to Applicant proceeding to Town of Bluffton’s Development Final Plan approval process. Final Stormwater approval and Permit is issued issuance occurs once all administrative requirements, County/ State/Federal permits (as required) have been obtained and submitted, and other requirements of the UDO and Design-Manual have been met met, but prior to Development-Final Development Plan approval.

2.2 Submittal & Review Process of Stormwater Management Plans

The Stormwater Management Plan (SWMP) consists of the entire submittal package and includes the following components:

- Project description and narrative;
- Description of selected stormwater management systems;
- Erosion and sediment control plans;
- Sufficient information to evaluate the environmental characteristics of the affected areas, the potential impacts of the proposed development on water resources, the effectiveness and acceptability of stormwater best management practices (BMPs), and land covers (Appendix R) for managing stormwater runoff;
- Supporting computations and drawings; and

- Construction, inspection, and maintenance schedules.

All SWMPs must include the Stormwater submittal checklist (Appendix D) and calculations summary. The ~~plans~~ **SWMP** must include the calculated stormwater retention volume (SWRv) for each BMP and for the overall project, ~~the~~ **a pre-** and **post-**development peak flow comparison, extreme flood requirements, **10% rule analysis**, and any off-site retention or detention volume obligation.

The SWMP and accompanying documentation shall be submitted electronically according to the Town of Bluffton process, carrying the stamp of a registered professional engineer licensed in the State of South Carolina with all supporting documentation to Town of Bluffton.

Upon acceptance of a complete application (which includes payment of filing fees), the Town of Bluffton will review the SWMP and make a determination to approve, or disapprove the SWMP. Relatively large and/or complicated projects tend to require a longer review time than smaller and less complicated projects. A written response of approval or disapproval will be provided to the applicant. If it is determined that more information is needed or that a significant number of changes must be made before the SWMP can be approved, the applicant must resubmit the applications with the **required** revisions ~~required and~~ **that have been** certified by ~~the~~ **a** registered professional engineer according to the plan resubmittal process of the Town of Bluffton. A final SWMP ~~a~~ **Approval** results in the issuance of a Stormwater ~~P~~ **ermit** associated with the Development. ~~and a~~ **A** Stormwater ~~p~~ **ermit** approval is required prior to proceeding to ~~with~~ **the** Town of Bluffton ~~development review authority~~ **Final** Development ~~Plan a~~ **Approval** process.

When a SWMP approval is granted, a final submission package is required, including the following:

- One PDF copy of the SWMP, certified by a registered professional engineer licensed in the State of South Carolina,
- A **fully executed** declaration of covenants for each BMP and Conservation Area/Tree credit area identified on the SWMP that has been approved for legal sufficiency by the Town of Bluffton, and
- All supporting documents specified within this Manual or as requested during the review process according to the Town of Bluffton requirements.

2.2.1 Components of a Stormwater Management Plan

As itemized in the SWMP ~~Design c~~ **Checklist** in Appendix D ~~Design Checklists~~, a SWMP includes the following:

Site Plan

The following information must be formatted to print as a standard drawing size of 24 by 36 inches. The site drawing will provide details of existing and proposed conditions:

- ~~A cover page that contains a blank space measuring 7 inches wide by 9.5 inches high. The blank space must be located 1 inch below the top edge and 1 inch from the left edge of the page;~~
- A plan showing **all** property boundaries and the complete address of the property;
- Lot number or property identification number designation (if applicable);
- North arrow, scale, and date;
- Property lines (include ~~longitude and latitude~~ **distance and bearings**);

- Location of easements (if applicable);
- Existing and proposed structures, utilities, roads, and other paved areas;
- Existing and proposed topographic contours;
- Soil information for design purposes;
- Limits Area(s) of soil disturbance (LOD) shown on all plan sheets;
- Drainage area(s) within the limits of disturbance (LOD) and contributing to the LOD;
- Contributing drainage area (CDA) to each BMP;
- Location(s) of BMPs, marked with the BMP ID Numbers to agree with the BMP design summary list;
- Cross sections for each BMP;
- Necessary design details for each BMP, material descriptions, including inlets, outlets, and overflow structures;
- Delineation of existing and proposed land covers (Appendix R) including natural cover, compacted cover, and impervious surfaces. Consult Appendix G – Compliance Calculator Instructions for details;
- A landscaping plan, including specific planting plans for each proposed BMP;
- Natural resources inventory with site fingerprint map;
- All plans and profiles must be drawn at a scale of 1 in. = 10 ft, 1 in. = 20 ft, 1 in. = 30 ft, 1 in. = 40 ft, 1 in. = 50 ft, or 1 in. = 100 ft. Although, 1 in. = 10 ft, 1 in. = 20 ft, and 1 in. = 30 ft, are the most commonly used scales. Vertical scale for profiles must be 1 in. = 2 ft, 1 in. = 4 ft, 1 in. = 5 ft, or 1 in. = 10 ft;
- Drafting media that yield first- or second-generation, reproducible drawings with a minimum letter size of No. 4 (1/8 inch);
- Location and size of existing utility lines including gas lines, sanitary lines, telephone lines or poles, electric utilities and water mains;
- A legend identifying all symbols used on the plan;
- Applicable flood boundaries and FEMA map identification number for sites lying wholly or partially within the 100-year floodplain;
- Site development plan and stormwater management narrative;
- Assess potential application of green infrastructure GI practices in the form of better site planning and design techniques. Low impact development LID practices should be used to the maximum extent practicable MEP during the creation of a stormwater management concept plan. A demonstration of better site planning is required. The following site information and practices shall be considered:
 - Soil type (s) (from Soil Study);
 - Depth (s) of ground water on site;
 - Whether the type of development proposed is a hotspot as defined by the Ordinance UDO and Design Manual and address how this influences the concept proposal;
 - Protection of primary and secondary conservation areas;
 - Reduced clearing and grading limits;
 - Reduced roadway lengths and widths;
 - Reduced parking lot and building footprints to minimize impervious surface;
 - Soil restoration;
 - Site reforestation/revegetation;
 - Impervious area disconnection;
 - Green roof (for redevelopment, infill and major substantial improvement projects); and

- Permeable pavements.
- Stormwater Pollution Prevention Plan (SWPPP) or Erosion and Sediment Control narrative (for projects disturbing over an acre);
- Information regarding the mitigation of any off-site impacts anticipated as a result of the proposed development;
- Construction specifications;
- Design and As-Built Certification, including the following:
 - i Design Certification by a registered professional engineer licensed in the State of South Carolina seal that engineering features of all stormwater best management practices (BMPs), stormwater infrastructure, and land covers (collectively the “Facility”) have been designed/examined by me and found to be in conformity with the standard of care applicable to the treatment and disposal of stormwater pollutants. The Facility has been designed in accordance with the specifications required under the Unified Development Ordinance UDO of the Town of Bluffton. ~~Note these changes were made to be consistent with language of 2.2.3~~
 - ~~ii As-Built Certification and submission shall include one set of the As-Built drawings sealed by a registered professional engineer licensed in the State of South Carolina within 21 days after completion of construction of the site, all BMPs, land covers, and stormwater conveyances. The Engineer shall certify as-built SWMPs and state that “all activities including clearing, grading, site stabilization, the preservation or creation of pervious land cover, the construction of drainage conveyance systems, the construction of BMPs, and all other stormwater related components of the project were accomplished in strict accordance with the approved SWMP and specifications and function as designed. Furthermore, to the best of my knowledge and belief this As-Built truly represents existing field conditions including but not limited to sizes, diameters, dimensions, depth, horizontal location, line and grade, and elevation” (this comes from right before 2.3).~~
 - ~~iii For a project consisting entirely of work in the public right-of-way (PROW), the submission of a Record Drawing certified by an officer of the project contracting company is acceptable if it details the as-built construction of the BMP and related stormwater infrastructure.~~
- Maintenance sheet for stormwater BMPs, including the following:
 - i A maintenance plan that identifies routine and long-term maintenance needs and a maintenance schedule;
 - ii A ~~m~~ Maintenance Agreement (Appendix O) and schedule for all post-construction best management practices in a form and manner that meets the Town of Bluffton requirements.
 - iii For applicants using Rainwater Harvesting, submission of third-party testing of end-use water quality may be required at equipment commissioning as determined by the requirements in Appendix J – Rainwater Harvesting Treatment and Management Requirements. Additional regular water quality reports certifying compliance for the life of the BMP may also be required in Appendix J – Rainwater Harvesting Treatment and Management Requirements. Irrigation re-use systems must have a submitted and approved Operations and User’s Manual describing: 1) design assumptions of system including daily, weekly, monthly, annual, output requirements, 2) system layout in schematic drawing showing control panel, irrigation zones, irrigation line(s) and head(s) locations, 3) narrative of operation set-up and troubleshooting, and 4) system component maintenance requirements and frequency as monthly, quarterly and annual.

Stormwater Retention Volume Computations

The following summary calculations must be included on the plan set. Supporting documentation and the South Carolina DHECDES C-SWPPP are not in the plan set but provided separately.

- Calculation(s) of the required SWRv for the entire site within the LOD and each site drainage area (SDA) and contributing drainage area (CDA) within the LOD, as determined using the SWRv Compliance Calculator;
- Calculation(s) for each proposed BMP demonstrating storage volume provided and retention value achieved towards SWRv in accordance with Chapters 2 and 4;
- For Rainwater Harvesting BMP, calculations demonstrating the annual water balance between collection, storage, and demand, as determined using the Rainwater Harvesting Retention Calculator (Appendix K);
- For proprietary and non-proprietary BMPs follow the guidance in Chapter 4.1315 to identify/receive approval or denial to use these practice(s); and
- Off-site stormwater volume requirement.

Pre-/Post-Development Hydrologic Computations

Include in the plan set a summary of the pre-/post-runoff analysis with the following information at a minimum:

- A summary of soil conditions and field data;
- Pre- and post-project curve number summary table;
- Pre- and post-construction peak flow summary table for the 2-, 10-, 25-, 50- and 100-year, 24-hour storm events for each SDA within the project's LOD; and
- Flow control structure elevations.

Hydraulic Computations

Hydraulic computations for the final design of water quality and quantity control structures may be accomplished by hand or through the use of software using equations/formulae as noted in Chapters 3 and 4. The summary of collection or management systems will include the following:

- Existing and proposed SDA and CDA must be delineated on separate plans with the flow paths used for calculation of the times of concentration;
- Hydraulic capacity and flow velocity for drainage conveyances, including ditches, swales, pipes, inlets, and gutters designed for the 25-year, 24-hour design storm. Plan profiles for all open conveyances and pipelines, with energy and hydraulic gradients for the 25-year and 100-year, 24-hour storms;
- The proposed development layout including the following:
 - Location and design of BMP(s) on site, marked with the BMP ID Numbers;
 - Stormwater lines and inlets;
 - A list of design assumptions (e.g., design basis, 2- through 50-year return periods);
 - The boundary of the CDA to the BMP;
 - Schedule of structures (a listing of the structures, details, or elevations including inverts); and
 - Manhole to manhole profile, listing of pipe size, pipe type, slope, (i.e., a storm drain pipe schedule) computed velocity, and computed flow rate, hydraulic grade line (HGL), assumed Tailwater elevations, seasonally high groundwater table/channel water surface elevation (WSEL) of receiving channel, and King Tide WSEL as applicable, indicated at proposed outfall structures.

Supporting Documentation

Provide a written report with the following supporting documentation:

- Pre- and post-project curve number selection;
- Time of concentration calculation;
- Travel time calculation;
- Hydrologic computations supporting peak discharges assumed for each SDA within the project's LOD for the 2-, 10-, 25-, 50- and 100-year, 24-hour storm events;
- SCDHEC's DES's Construction Stormwater Pollution Prevention Plan (C-SWPPP).

A professional engineer registered in the State of South Carolina must also submit the following:

1. Elevation and topographic data illustrating changes in topography and drainage;
2. Impacts upon local flood flows (25- and 100-yr storm events).
3. Identify areas where stormwater flows are discharged off-site or off-property;
4. For proposed off-site/property discharge points, perform analysis of receiving off-site conveyance systems to confirm safe conveyance from the proposed developed property, no negative impact to adjacent properties, and adequacy of the receiving, existing conveyance system for 25-yr storm flows. Such analysis shall be taken to point where the 25-yr storm conveyance is determined to be adequate in the public stormwater conveyance/infrastructure system; and
5. Documentation supporting safe passage of the 100-yr post development flow according to the 10% Rule (see Section 3.810);

2.2.2 Resubmission of Stormwater Management Plans

If major changes occur in the design or construction of an accepted SWMP, the applicant may be required to resubmit the amended SWMP for approval. Examples of major changes during design and construction that will require SWMP resubmission for review include the following:

1. Revision to the property boundary, property size, or LOD boundaries that may require redesigning BMPs;
2. Any change to SWRv through land cover (Appendix R) designation change;
3. Change in compaction or infiltration rates due to construction activities;
4. Encountering contaminated soil or other underground sources of contamination;
5. Changes to floodplain designation or requirements;
6. Changes in any component of the BMP that may adversely affect the intended capacity of the approved BMP, such as the following:
 - a. Modification to approved BMP selection, dimensions, or location
 - b. Modification to approved material specification
 - c. Changes to the size, invert, elevation, and slopes of pipes and conveyances
 - d. Installation of new drains and conveyance structures
 - e. Need for a new storm sewer outlet connection to the sanitary/storm sewer main
 - f. Changes to the amount of off-site requirements
 - g. Changes to the CDA to a BMP
7. Revision to the approved grading and drainage divides and that may require redesigning BMPs;
8. Relocation of an on-site storm sewer or conveyance; or
9. Abandonment, removal, or demolition of a BMP.

If the applicant ~~must resubmits and amended~~ an SWMP after making changes, the resubmission must contain a list of the major changes made and may be in the form of a response to comments. The resubmittal plans and calculations must include the stamp of the registered professional engineer licensed in the state of South Carolina.

However, if any of the following minor changes are made to the SWMP, resubmission is not required. These minor changes may be made anytime during inspection or at the time of as-built submittal to the Town of Bluffton.

1. Changes to SWMP components that do not adversely affect BMP capacity while in consultation with the Town of Bluffton. The inspector should review the appropriate manufacturer’s documentation to his/her satisfaction before approving such a change and should ensure that such changes are recorded as red line changes or deviations in the as-built plans. These changes include the following:
 - a. Changes to parts type of similar function (e.g. dewatering valve)
 - b. Change in project address, ownership, permit status, or zoning

2.2.3 Design Certifications

The engineer shall certify that the is Plan SWMP satisfies all requirements of the ~~Town of Bluffton Unified Development Ordinance UDO~~ and Stormwater Design Manual. The following statement with engineer’s seal, signature and date is required in the Plan SWMP submittal.

The engineering features of all stormwater best management practices (BMPs), stormwater infrastructure, and land covers (collectively the “Facility”) have been designed/examined by me and found to be in conformity with the standard of care applicable to the treatment and disposal of stormwater pollutants. The Facility has been designed for safe passage of the 100-year post-development flow. The Facility has been designed in accordance with the specifications required under Town of Bluffton Unified Development Ordinance.

2.2.4 Performance Bonds

Bonding for the cost of stormwater facilities approved for the proposed development shall be provided in accordance with Article 3 of the ~~Town of Bluffton Unified Development Ordinance UDO, Article 3.~~ The stormwater bond shall not be fully released without a final inspection of the completed work by the Town of Bluffton, a recorded inspection and maintenance agreement (Appendix O) and plan, and submission of “as-built” plans containing minimum as-built information/documentation as specified in Section 2.5 and certifications provided by the applicant and engineer, including the following:

1. Certification that facilities were constructed in accordance with the submitted and approved design and will function as designed.
2. As-built certification to be on as-built drawing submitted by ~~E~~engineer after construction and prior to Certificate of Project Completion ~~and~~ confirming line, size, elevation and grade of constructed stormwater BMPs and drainage/conveyance systems.

Stormwater bonds may be reduced, utilizing procedures outlined in Article 3 of the UDO. ~~A Bond reductions~~ procedure may be used to release parts of the bond held by the Town of Bluffton after various stages of construction have been completed and accepted by the Town of Bluffton. ~~Partial Bond release will be determined for the portion of work being accepted and construction work has been approved by the Town of Bluffton.~~ All requirements pertaining to this portion of work have been satisfied to include, but not be limited to, as-builts plans, all certifications and approvals for that portion of work related to the ~~partial bond release~~ bond reduction have been provided by applicant’s engineer and approved by

Town of Bluffton. The procedures used for partially releasing performance bonds must be specified by the Town of Bluffton in writing prior to the approval of a stormwater management design plan.

2.3 Construction Inspection Requirements

2.3.1 Inspection Schedule & Reports

Prior to the approval of a SWMP, the applicant will submit a proposed construction inspection schedule detailing inspections to be performed by the applicant's professional engineer responsible for certifying the as-built SWMP to ensure required information is obtained by applicant's ~~E~~engineer for As-Built drawing documentation submittal and certification requirements. The Town of Bluffton will review the schedule to determine if changes are required. The construction schedule should reflect the construction sequences defined in for each stormwater Best Management Practice (BMP) BMP section Stormwater in Chapter 4 Best Management Practices (BMPs) of this Manual. The construction and inspection schedule for each BMP must be included in the SWMP. The Town of Bluffton may also conduct inspections and file reports of inspections during construction of BMPs and site stormwater conveyance systems to ensure compliance with the approved plans.

Note: No stormwater management work may proceed past the stage of construction that the Town of Bluffton has identified as requiring an inspection unless:

- the professional engineer responsible for certifying the as-built SWMP has issued an "approved" or "passed" report;
- the professional engineer responsible for certifying the as-built SWMP has approved a plan modification that eliminates the inspection requirement; or
- the Town of Bluffton has eliminated or modified the inspection requirement in writing.

The Town of Bluffton may requires that the professional engineer responsible for certifying the as-built SWMP be present during inspections. For a project entirely in the PROW, the officer of the contracting company responsible for certifying the Record Drawing shall be present during inspections.

If the professional engineer responsible for certifying the as-built SWMP conducts an inspection and finds work that is not in compliance with the SWMP, he must so inform the Owner/applicant and the applicant must take prompt corrective action. If such inspection is performed by The Town of Bluffton, The Town of Bluffton will issue a written notice to the applicant. The written notice shall provide details on the nature of corrections required and the time frame within which corrections must be made.

2.3.2 Inspection Requirements Before & During Construction

The Town of Bluffton construction stormwater inspection form is provided in Appendix E Construction Inspection Form.

Pre-Construction Meetings. These meetings are required prior to the commencement of any land-disturbing activities and prior to the installation of and/or construction of any BMPs. The applicant is required to contact the Town of Bluffton to schedule and hold a pre-construction meetings ~~three days (3)~~ prior to beginning any construction activity subject to the requirements the Town of Bluffton installation of any tree protection and erosion and sediment control measures, as shown on the approved Final Development Plan.

Pre-Clearing Inspection. Prior to beginning any construction activity subject to the requirements of the Town of Bluffton, the applicant is required to contact the Town of Bluffton to schedule a pre-clearing inspection to ensure proper installation of any tree protection and erosion and sediment control measures, as shown on the approved Final Development Plan.

Inspections During Construction. The applicant is required to contact the Town of Bluffton and the professional engineer responsible for certifying the as-built SWMP to schedule an inspection three (3) days prior to any stage of BMP construction, or other construction activity, requiring an inspection. For large, complicated projects, the applicant and the Town of Bluffton and the professional engineer responsible for certifying the as-built SWMP may agree during the pre-construction meeting to an alternative approach such as a weekly notification schedule. Any such agreement must be made in writing and signed by all parties. The Town of Bluffton will revert to the 3-day notification procedure if the agreement is not followed. The Town of Bluffton may or may not perform the requested inspection; however, the professional engineer responsible for certifying the as-built SWMP must inspect, gather requisite information for as-built documentation and approve the work prior to construction proceeding to next requisite inspection point.

Final Inspection. The applicant is required to contact the Town of Bluffton and the professional engineer responsible for certifying the as-built SWMP to schedule a final inspection one week prior to the completion of a BMP construction to schedule a final inspection of the BMP. The professional engineer responsible for certifying the as-built SWMP shall provide an inspection report and punch-list items to be performed by applicant to The Town of Bluffton. Upon owner/applicant request and Town of Bluffton receipt of Final Inspection report and punch list from the professional engineer responsible for certifying the as-built SWMP, the Town of Bluffton will conduct a final inspection to review project work and punch-list and determine if any additional punch-list items are required to be performed. As-builts, all requisite paperwork, and close out materials must be submitted to and approved by the Town of Bluffton for final approval. Final approval of the BMP will not be issued until As-builts are submitted and approved by the Town of Bluffton and all requisite paperwork and close out materials have been submitted to and approved by the Town of Bluffton.

Inspection Requirements by BMP Type. Chapter 4 Stormwater Best Management Practices (BMPs) of this Manual provides details about the construction sequences for each BMP. After holding a pre-construction meeting and pre-clearing inspection, regular inspections will be made at the following specified stages of construction:

- **Infiltration Systems and Bioretention Areas** shall be inspected at the following stages to ensure proper placement and allow for infiltration into the subgrade:
 - During on-site or off-site percolation or infiltration tests;
 - Engineer approval of contractor submittals of Infiltration and Bioretention system materials to be used in construction;
 - Upon completion of stripping, stockpiling, or construction of temporary sediment control and drainage facilities (drainage area to BMP must be protected with sediment control measures, and maintained, at all times until final site stabilization is established);
 - Upon completion of excavation to the subgrade (keep construction equipment off bottom area of infiltration area BMP within 2' of subgrade elevation);
 - Throughout the placement of perforated PVC/HDPE pipes (for underdrains and observation wells) including bypass pipes (where applicable), geotextile materials (generally fabric and high permeability), gravel, or crushed stone course (all stone to be clean, washed, no fines), Bio soil material as mixed and testing results, and backfill; and
 - Upon completion of final grading and establishment of permanent stabilization;
- **Flow Attenuation Devices**, such as open vegetated swales upon completion of construction;

- **Retention and Detention Structures**, at the following stages:
 - Upon completion of excavation to the sub-foundation and, where required, installation of structural supports or reinforcement for structures, including but not limited to the following:
 - During testing of the structure for water-tightness;
 - During placement of structural fill and concrete and installation of piping and catch basins;
 - During backfill of foundations and trenches;
 - During embankment construction; and
 - Upon completion of final grading and establishment of permanent stabilization.
- **Stormwater Filtering Systems**, at the following stages:
 - Upon completion of excavation to the sub-foundation and installation of structural supports or reinforcement for the structure;
 - During testing of the structure for water-tightness;
 - During placement of concrete and installation of piping and catch basins;
 - During backfill around the structure;
 - During prefabrication of the structure at the manufacturing plant;
 - During pouring of floors, walls, and top slab;
 - During installation of manholes/trap doors, steps, orifices/weirs, bypass pipes, and sump pit (when applicable);
 - During placement of the filter bed; and
 - Upon completion of final grading and establishment of permanent stabilization.
- **Green Roof Systems**, at the following stages:
 - During placement of the waterproofing layer, to ensure that it is properly installed and water-tight;
 - During placement of the drainage layer and drainage system;
 - During placement of the growing media, to confirm that it meets the specifications and is applied to the correct depth (certification for vendor or source must be provided);
 - Upon installation of plants, to ensure they conform to the planting plan (certification from vendor or source must be provided); and
 - At the end of the first or second growing season, to ensure desired surface cover specified in the Care and Replacement Warranty has been achieved.
- **Stormwater Wetlands**, at the following stages:
 - Upon completion of stripping, stockpiling, or construction of temporary sediment control and drainage facilities (drainage area to BMP must be protected with sediment control measures, and maintained at all times until final site stabilization is established);
 - During installation of the embankment, the riser/primary spillway, and the outlet structure; and
 - Within two (2) weeks of installation of landscaping plan and vegetative stabilization to ensure adequate stabilization of banks and slopes.

2.3.3 Final Construction Notice of Termination (NOT) Inspection Reports

Upon notification ~~of~~^{by} the applicant, the Town of Bluffton will conduct a final inspection to determine if the completed work is constructed in accordance with approved plans and the intent of this Manual and the ~~Unified Development Ordinance~~^{UDO}. Within 21 days of the final inspection ~~construction site completion~~, the applicant must submit an as-built package, as required by the ~~Design Manual~~ and/or as-built submittal checklist, as provided by the Town of Bluffton. The as-built submittal must be certified by a registered professional engineer licensed in the state of South Carolina. For a project consisting entirely of work in the PROW, the submission of a Record Drawing certified by an officer of the project contracting company is acceptable if it details the as-built construction of the BMPs, related stormwater infrastructure, and land covers.

A registered professional engineer licensed in South Carolina is required to certify as-built SWMPs and state that “all activities including clearing, grading, site stabilization, the preservation or creation of pervious land cover, the construction of drainage conveyance systems, the construction of BMPs, and all other stormwater-related components of the project were accomplished in strict accordance with the approved SWMP and specifications. Furthermore, to the best of my knowledge and belief this as-built truly represents existing field conditions including but not limited to sizes, diameters, dimensions, horizontal location, line and grade, and elevation”. As stated in Section 2.2.2 Resubmission of Stormwater Management Plans, all plan changes are subject to the Town of Bluffton approval. The as-built certification must be on the original SWMP.

Upon completion, these plans will be submitted to the Town of Bluffton for processing. The estimated time for processing will be two weeks (10 working days), after which the plans will be returned to the engineer. The Town of Bluffton will provide the applicant with written notification of the final NOT inspection results.

2.3.4 Inspection for Preventative Maintenance

~~The Stormwater Ordinance requires maintenance inspections for BMPs and landcovers to ensure their ongoing performance is in compliance with their original design. The inspection will occur at least once every three (3) years. Maintenance inspection forms are provided in Appendix F Maintenance Inspection Checklists. The Town of Bluffton will conduct these maintenance inspections, though it may, in certain circumstances, allow a property to self-inspect and provide documentation.~~

~~The Town of Bluffton will maintain maintenance inspection reports for all BMPs. The reports will evaluate BMP functionality based on the detailed BMP requirements of Stormwater Best Management Practices (BMPs) and inspection forms found in Appendix F Maintenance Inspection Checklists.~~

~~If, after an inspection by the Town of Bluffton, the condition of a BMP requires repairs and/or maintenance work to restore functionality of the BMP to meet its design intent, The Town of Bluffton will provide notice to the Owner of the required repairs and/or maintenance required and time frame in which the work is to be completed. If, after an inspection by the Town of Bluffton, the condition of a BMP presents an immediate danger to the public safety or health because of an unsafe condition or improper maintenance, the Town of Bluffton will take such action as may be necessary to protect the public and make the BMP safe. Any costs incurred by the Town of Bluffton will be assessed against the owner(s).~~

2.4 Inspections & Maintenance

2.4.1 Inspections & Maintenance Responsibilities

A site with an approved SWMP must also have a responsible party inspect and maintain the BMPs and land covers (Appendix R) according to the inspections and maintenance schedule in the SWMP and this

Manual. Land covers must be maintained in type and extent as approved. Approved BMPs must be kept in good condition, including all the engineered and natural elements of each practice, as well as conveyance features (e.g., grade surfaces, walls, drains, structures, vegetation, soil erosion and sediment control measures, and other protective devices). All repairs or restorations must be in accordance with the approved SWMP.

A declaration of covenants including an exhibit stating the owner’s specific maintenance responsibilities must be recorded with the property deed at the [Beaufort County Register of Deeds Office](#). An inspection and maintenance schedule for any BMP will be developed for the life of the project and shall state the inspection and maintenance to be completed, the time for completion, and who will perform the inspections and maintenance. The schedule will be printed on the SWMP and will appear as an exhibit in the declaration of covenants.

2.4.2 Inspection & Maintenance Agreements

Inspection and maintenance obligations are binding on current and future owners of a property subject to recorded covenants. The Town of Bluffton will not issue final approval of a complete set of the SWMP for private parcels until the applicant has executed a declaration of covenants providing notice of this obligation to current and subsequent owners of the land served by the BMP(s) and land covers (Appendix R). Inspection and maintenance agreements by regulated projects include providing access to the site and the BMP(s) at reasonable times for regular inspection by the Town of Bluffton and for regular or special assessments of property owners, as needed, to ensure that the BMP(s) is maintained in proper working condition and the land covers are retained as approved in the SWMP. An example of the declaration of covenants/maintenance agreement for a site with BMPs and designated land covers is provided at the end of this chapter [in Appendix O](#).

The applicant must record the agreement as a declaration of covenants ~~with the~~ ~~with the Town of Bluffton Recorder of Deeds~~ [Beaufort County Register of Deeds Office](#). The agreement must also provide that, if, after written notice by the Town of Bluffton to correct a violation requiring maintenance work, satisfactory corrections are not made by the owner(s) of the land served by the BMP within a reasonable period of time, not to exceed 45 to 60 days unless an extension is approved in writing by the Town of Bluffton, the Town of Bluffton may perform all necessary work to place the BMP in proper working condition. The owner(s) of property served by the BMP will be assessed the cost of the work and any penalties, and there will be a lien on any property served by the BMP, which may be placed on the tax bill and collected as ordinary taxes by the State.

2.4.3 Post-Construction BMP Inspection for Preventative Maintenance

The Stormwater Post-Construction Ordinance (Appendix A) and UDO Section 5.10.4 requires maintenance inspections for BMPs and landcovers to ensure their ongoing performance is in compliance with their original design. The inspection will occur at least once every three (3) years. The person responsible for maintenance of any structural BMPs shall submit an inspection report from a certified Post-Construction BMP Inspector, a registered South Carolina Professional Engineer or Landscape Architect to the Town of Bluffton. The reports will evaluate BMP functionality based on the detailed BMP requirements of Stormwater Best Management Practices (BMPs) and inspection forms found in Appendix F. Individual lot BMPs implemented as part of the Single-Family On-Lot Volume Control requirement are exempt from this submittal requirement.

Additionally, the Town of Bluffton will conduct post-construction inspections following steps outlined in the Town's Post-Construction BMP Standard Operating Procedures (SOP). The Town of Bluffton may maintain maintenance inspection reports for all BMPs.

If, after an inspection by the Town of Bluffton, the condition of a BMP requires repairs and/or maintenance work to restore functionality of the BMP to meet its design intent, the Town of Bluffton will provide notice to the Owner of the required repairs and/or maintenance and the time frame in which the work is to be completed. If, after an inspection by the Town of Bluffton, the condition of a BMP presents an immediate danger to the public safety or health because of an unsafe condition or improper maintenance, the Town of Bluffton may take such action as may be necessary to protect the public and make the BMP safe. Any costs incurred by the Town of Bluffton will be assessed against the owner(s).

2.5 As-Built Submittals

One set of as-built built drawings sealed by a registered professional engineer licensed in the state of South Carolina must be submitted within 21 days after completion of construction of the site, including all BMPs, land covers, and stormwater conveyances, as required by the procedure for handling close out documents for private development projects by the Town of Bluffton.

The following items must be completed and provided:

General Information:

- As-builts are to be submitted digitally in GIS, CAD and Geo-referenced PDF format
- The GIS/CAD file must include an annotation layer showing, at a minimum, inlet types, materials, structure depths, pipe lengths, and pipe diameters
- Words As-Built in or near the project title, on Plan set Cover Sheet
- Engineer's or surveyor's as-built certification statement, signature, date, PE-seal
- As-built Signature/Approval block on the cover sheet
- As-builts shall have a coordinate system based on the South Carolina Coordinate System North American Datum of 1983 (NAD83)
- Elevations shown shall be based on the North American Vertical Datum of 1988 (NAVD88)
- Vicinity map
- Sheets numbered correctly
- Project ID number, Project Name, Permit number and name, address and contact information of project engineer
- All measurements and coordinates shall be shown on all drainage structures, detention and BMP structure outlets, outlet control structures and manholes
- Any change to design value elevations, dimensions (L, W, D), specifications or location shall be shown as mark-through of the original design value on the drawings and constructed/as-built value next to it and "boxed" in red ink
- Elevations to the nearest 0.1 ft
- All BMPs must be labeled and identified on as-builts as shown on approved plans.

Basins:

- At least two benchmarks on the plans
- Profile of the top of berm
- Cross-section of emergency spillway at the control section
- Profile along the centerline of the emergency spillway

- Cross-section of berm at the principle spillway
- Elevation of the principle spillway crest or top of structure elevations
- Elevation of the principle spillway inlet and outlet invert
- Riser diameter/dimensions and riser base size
- Diameter, invert elevation and sizes of any stage orifices, weirs or storm drain pipes
- Barrel diameter, length, and slope
- Types of material used
- Outfall protection length, width, depth, size of rip rap and filter cloth
- Size, location, and type of anti-vortex and trash rack device (height and diameter, elevations and spacing)
- Pipe cradle information
- On plan view show length, width and depth of pond and contours of the basin area so that design volume is specified
- As-built spot elevations within the disturbed area required for basin construction in sufficient detail to provide accurate as-built contours
- Core trench limits and elevations of bottom of cut off trench
- Show length, width, and depth of outfall rip rap
- Certification by a Geotechnical Engineer for compaction and unified soil classes
- Vegetation cover certification stating that the disturbed area of site has achieved ~~80~~70% or greater established, permanent stabilization
- Show location, plant types and size of planted landscaping per approved landscape plan
- Utility locations and elevations encountered, test pitted and/or relocation during contract work

Storm Drain Piping: *(no changes)*

Post-Construction BMP-Specific Details: *(no changes)*

Rainwater Harvesting: *(no changes)*

Irrigation Re-Use: *(no changes)*

2.6 References *(no changes)*

Chapter 3. Minimum Control Requirements

3.1 Introduction

This chapter establishes the minimum stormwater control standards necessary to implement the Southern Lowcountry Post-Construction Stormwater Ordinance (Appendix A) within the Town of Bluffton. The term “runoff reduction” is used throughout this chapter to describe the retention of the stormwater on site. The SWRv is used to describe the volume of stormwater to be retained on site.

Two levels of stormwater retention are prescribed, the 85th and the 95th percentile storm, and are assigned based on a site’s subwatershed as identified by the U.S. Geological Survey Hydrologic Unit Code 12 (HUC-12) presented in Section 3.5.1 below. In addition, peak discharge control of the post-development 2-, 10-, and 25-year, 24-hour storms for the General and Savannah Watershed Protection Areas and 2-, 10-, 25-, 50- and 100-year, 24-hour storms for the Bacteria and Shellfish Watershed Protection Area to their pre-development flow shall be provided by a combination of structural controls, GI/LID practices and other non-structural BMPs. As well, requirements to manage the 100-yr, 24-hour storm event are provided in the extreme flood event section below. Further, this Manual and Appendices provide the framework and necessary tools to document the methods proposed by development plans to comply with these requirements. It should be noted that stormwater ponds are considered the least favorable structural best management practice to meet the SWRv and water quality requirements of this Manual.

3.2 Regulated Site Definition

According to the ~~Unified Development Ordinance~~ UDO, the design criteria of this Manual shall be applicable to any new development, redevelopment or major substantial improvement activity, including, but not limited to, Development Plan applications, site plan applications, grading plan applications, public improvement projects, and subdivision applications that meet the applicability standards found in ~~Chapter~~ Section 1.4.

The Southern Lowcountry stormwater design requirements are applied according to the flow chart in Figure 3.1 and should be determined as follows:

- 1) In sequence, first determine which HUC-12 watershed the project is in according to Table 3.1. Stormwater design criteria for the development follows the watershed area in which it is located. Next, determine the square feet of ~~impervious area~~ land disturbance to occur ~~be created, added or replaced~~ as a part of the development. Does it equal or exceed 5,000 square feet? ~~or~~ If the project is considered redevelopment/infill, determine how much impervious surface is to be added. Does it equal or exceed 2,000 square feet? If the answer is “yes” to either of these questions, the project plan must meet the requirements for stormwater management in this Manual for their respective watershed area.
- 2) If a project is a major substantial improvement, it must meet the water quality criteria for its respective watershed protection area to the maximum extent practicable (MEP) or obtain off-site stormwater credit. The terms MEP and off-site stormwater credit are further explained in Sections 3.9 and 3.10 below. Peak control requirements do not apply to major substantial improvement projects.

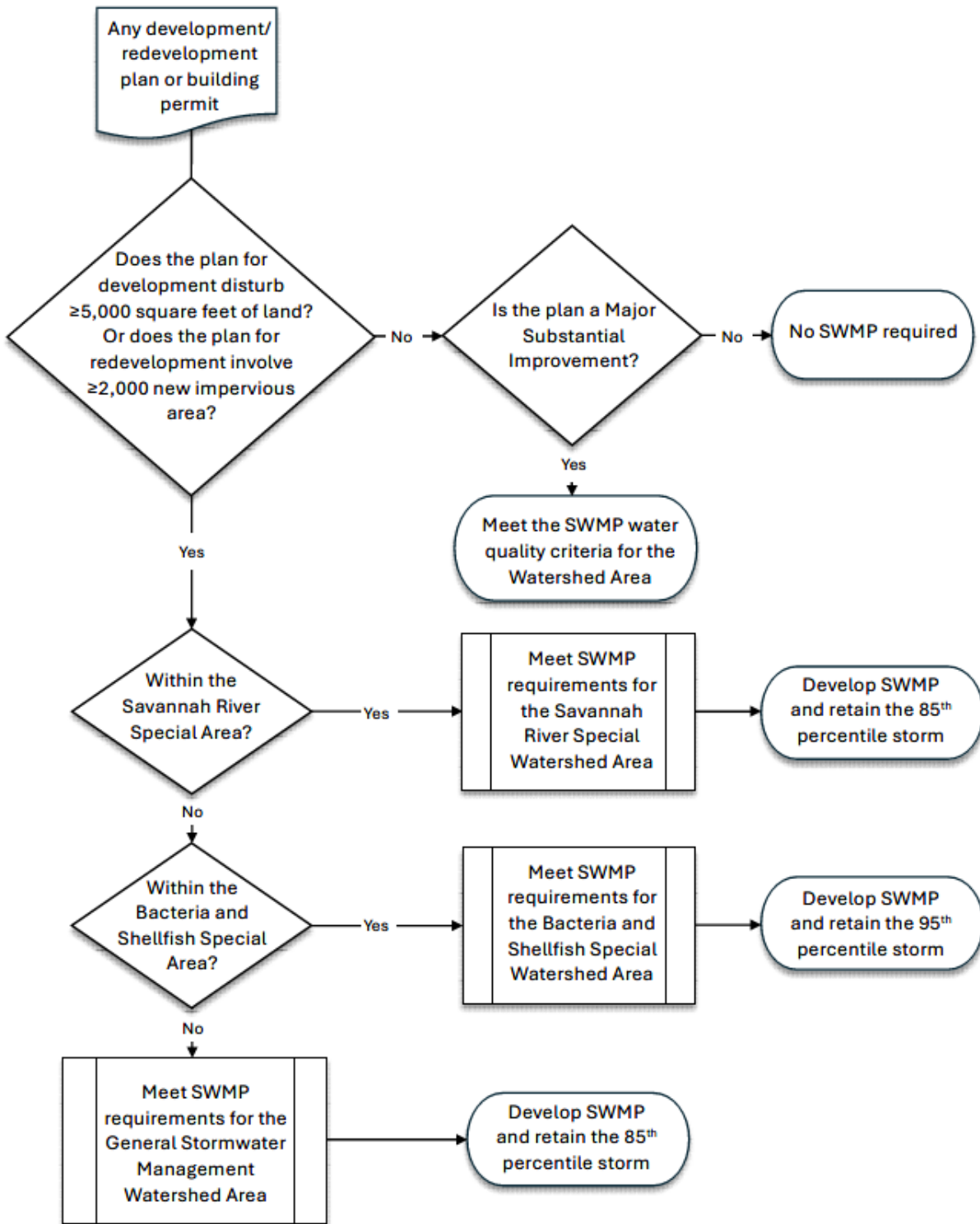


Figure 3.1. Southern Lowcountry Stormwater Design Manual applicability diagram.

3.3 Infill & Redevelopment

An infill project is one on a previously platted property that may or may not have stormwater management capacity in its original development plan. Regardless of size, infill that is part of a larger common plan of development (**LCP**), even through multiple, separate, and distinct land disturbing activities that may take place at different times and on different schedules must comply with this Manual. Such projects may include Planned Unit Developments (PUDs) that have stormwater systems built that do not meet the requirements of this Manual. If the proposed project meets the applicability criteria of Section 1.4.1, the stormwater plan review in this Manual is necessary. If the development's original stormwater management plan is sufficient to meet the current requirements of this Manual and is documented through approved plans and as-built drawings, or current field measurements and engineering calculations, no further stormwater requirements must be met. When the infill project is part of an original plan that does not meet the current stormwater requirements, the level of stormwater management that is provided in the current development may be credited toward the current volume and hydrologic analysis. Infill locations that, due to the municipal jurisdiction's zoning or land use requirements or site conditions, cannot meet the requirements of this Manual must complete the maximum extent practicable (MEP) evaluation in Section 3.9 for project approval.

Similarly, redevelopment may be credited for the level of stormwater in place. If the redevelopment's original stormwater management plan is sufficient to meet the current requirements of this Manual and is documented through approved plans and as-built drawings, or current field measurements and engineering calculations, no further stormwater requirements must be met. When the redevelopment is part of an original plan that does not meet the current stormwater requirements, the level of stormwater management that is provided in the current development may be credited toward the current volume and hydrologic analysis. Redevelopment projects that, due to the municipal jurisdiction's zoning or land use requirements or site conditions, cannot meet the requirements of this Manual must complete the maximum extent practicable (MEP) **MEP** evaluation in Section 3.9 for project approval.

3.4 Single-Family On-Lot Volume Control

Individual lots outside of an LCP, regardless of size, and individual lots within an LCP, with greater than or equal to 5,000 sqft. of land disturbance, are required to retain the 95th percentile storm event on-site using Appendix T.

3.5 Stormwater Runoff Quality & Peak Discharge Control *(no changes)*

3.6 Southern Lowcountry Stormwater Management Performance Requirements

Stormwater management requirements of this Manual are intended to enhance the quality of development, protect and enhance stormwater quality and management, protect aquatic resources from the negative impacts of the land development process, address water quality impairments or a total maximum daily load, as identified by the South Carolina Department of Health and Environmental Control **Services** (DHEC**DES**), or address localized flooding issues.

3.6.1 Watershed Protection Area Designations

Not all watersheds of the Southern Lowcountry region require the same level of post-construction stormwater management. Currently, three watershed protection areas are designated with specific

unique stormwater management requirements based on the current and anticipated water quality control measures for their contributing watersheds. The Southern Lowcountry Post-Construction Stormwater Ordinance provides the Town of Bluffton the flexibility and authority to designate subwatersheds or drainage areas as Special Watershed Protection Areas that lead to more restrictive requirements or special criteria. Such special designations and criteria will be provided as Appendix P to this Manual.

In the Southern Lowcountry, impairments include recreational water use impairment from bacteria (*Enterococcus* for saltwater and *E. coli* for freshwater), aquatic life use impairment from turbidity or dissolved oxygen, and shellfish harvesting use impairment from fecal coliform bacteria. Stormwater best management practices for these types of impairments include erosion and sediment control for turbidity impairments, illicit discharge detection, vegetated conveyances, vegetated buffers, pet waste programs, and post-construction runoff control. Currently, Southern Lowcountry water quality impairments do not include nutrient impairments, but nutrients can also be addressed through erosion and sediment control and the stormwater best management practices outlined in this Manual.

Most of Beaufort County and the lower reaches of the Jasper County watersheds have shellfish receiving waters or are recreational waters and are therefore sensitive to bacteria impairments. Land development and redevelopment projects in these watersheds require greater scrutiny to ensure that low impact development methods are designed, implemented and maintained to be protective of these water uses.

Watersheds tributary to the Savannah River in the Southern Lowcountry include most of the freshwater wetlands of the region. River water quality is excellent and is a supply for drinking water for the City of Savannah and the Beaufort Jasper Water and Sewer Authority. Savannah River impairments downstream of the I-95 bridge are primarily aquatic life use due to low dissolved oxygen. Since the Savannah River is the boundary of Georgia and South Carolina, it is reasonable to align stormwater requirements within Jasper County with those in Chatham and Effingham Counties, GA. Stormwater permits for the Georgia jurisdictions require use of the Georgia Coastal Stormwater Supplement to the Georgia Stormwater Management Manual, which is primarily a green infrastructure/low impact development (GI/LID) design Manual with requirements specific to the Georgia coastal counties.

The remaining watersheds of the Southern Lowcountry are more upland areas and in agricultural or silvicultural use or are conservation lands. For these areas new development is subject to stormwater management requirements similar to previous county requirements. This Manual unifies stormwater management standards across the designated watersheds rather than differing across county or jurisdictional lines.

The map in Figure 3.2 outlines the boundaries of the three watershed protection areas of the Southern Lowcountry. Requirements specific to each area are further developed in this chapter. Table 3.1 lists the US Geological Survey 12-Digit Hydrologic Unit Code (HUC-12) for the watersheds in each area. To identify a site's HUC-12, refer to the South Carolina DHECDES Watershed Atlas, available online at <https://gis.dhec.sc.gov/watersheds/>. After identifying the site's HUC 12, use Table 3.2 to identify the watershed protection area.

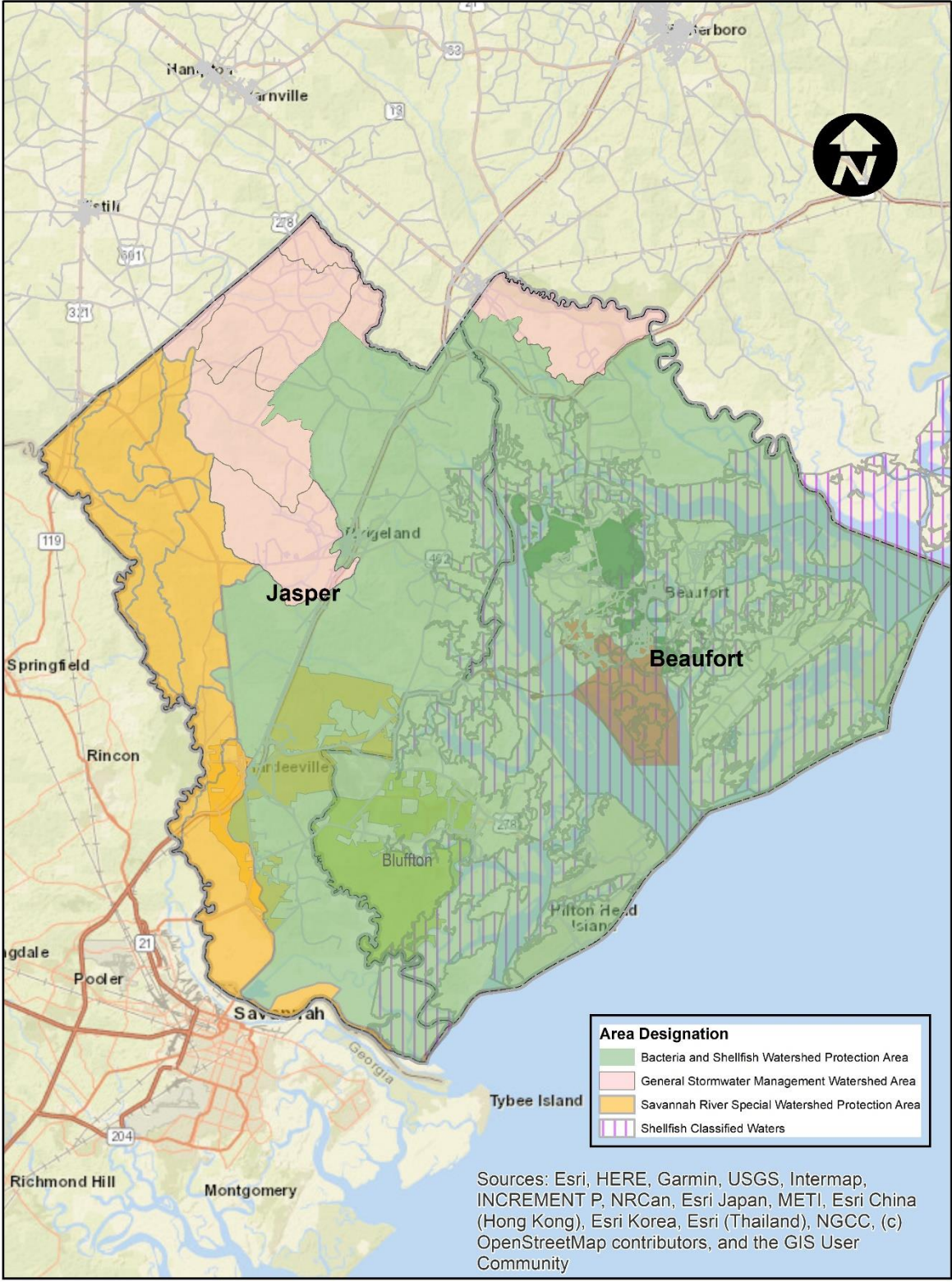


Figure 3.2. Watershed Protection Areas of the Southern Lowcountry.

Table 3.1. Watershed Protection Area HUC-12 Codes.

General Stormwater Management Watershed Areas		Savannah River Watershed Protection Area	
HUC-12 No.	Watershed Name	HUC-12 No.	Watershed Name
030502070704	Middle Combahee River	030601090107	Hog Branch-Savannah River
030502080301	Johns Pen Creek	030601090301	Cypress Branch
030502080302	Cypress Creek	030601090302	Black Swamp
030502080404	Mcperson Creek-Coosawhatchie River	030601090303	Coleman Run
030502080405	Early Branch-Coosawhatchie River	030601090304	Sand Branch
030601100101	Gillison Branch	030601090305	Dasher Creek-Savannah River
030601100102	Upper Great Swamp	030601090307	Outlet Savannah River
Bacteria and Shellfish Watershed Protection Area			
HUC-12 No.	Watershed Name	HUC-12 No.	Watershed Name
030502070706	Lower Combahee River	030502080605	Boyd Creek-Broad River
030502071101	Wimbee Creek	030502080606	Colleton River
030502071102	Coosaw River	030502080607	Chechessee River
030502071103	Morgan River	030502080608	Broad River-Port Royal Sound
030502071104	Coosaw River-St. Helena Sound	030502100101	Harbor River-St. Helena Sound
030502080406	Bees Creek	030502100102	Harbor River-Trenchards Inlet
030502080407	Tulifiny River-Coosawhatchie River	030601090306	Wright River
030502080501	Battery Creek	030601100103	Lower Great Swamp
030502080502	Upper Beaufort River-Atlantic Intracoastal Waterway	030601100201	Upper New River-Atlantic Intracoastal Waterway
030502080503	Lower Beaufort River-Atlantic Intracoastal Waterway	030601100202	Lower New River-Atlantic Intracoastal Waterway
030502080601	Pocotaligo River-Broad River	030601100301	May River
030502080602	Huspa Creek	030601100302	Broad Creek
030502080603	Whale Branch	030601100303	Cooper River-Calibogue Sound
030502080604	Euhaw Creek	030601100304	Calibogue Sound

3.6.2 Overall Performance Requirements

Based on the watershed water quality criteria, its impairment status, or stormwater permit requirements, development and redevelopment stormwater management performance requirements will differ. These requirements are interpreted in terms of sizing and performance criteria. Table 3.2 presents a summary of the sizing criteria used to achieve the stormwater management performance requirements for each watershed protection area.

Table 3.2. Watershed Area Overall Performance Requirements.

General Stormwater Management Watershed Protection Areas	Savannah River Watershed Protection Area
Overall Performance Requirements	Overall Performance Requirements
<ul style="list-style-type: none"> • Water Quality: Implement Better Site Design, maintain pre-development hydrology of the site to the Maximum Extent Practicable (MEP) for the 85th percentile storm event. • Peak Control: Control post-development peak runoff discharge rate to pre-development rate for: 2-, 10- and 25-year, 24-hour design storm events. • Accommodate the 100-year, 24-hour storm event conveyance through the site and downstream without causing damage/inundation to structures. Provide 10% rule analysis. • As a pollutant removal minimum, intercept and treat stormwater runoff volume to at least an 80 percent reduction in total suspended solids load, 30 percent reduction of total nitrogen load and 60 percent reduction in bacteria load. • Complete a natural resources inventory for new site development applications. 	<ul style="list-style-type: none"> • Water Quality: Implement Better Site Design, retain the 85th percentile storm event on-site to the MEP or obtain off-site credit. • Peak Control: Control post-development peak runoff discharge rate to pre-development rate for: 2-, 10- and 25-year, 24-hour design storm events. • Accommodate the 100-year, 24-hour storm event conveyance through the site and downstream without causing damage/inundation to structures. Provide 10% rule analysis. • As a pollutant removal minimum, intercept and treat stormwater runoff volume to at least an 80 percent reduction in total suspended solids load, 30 percent reduction of total nitrogen load and 60 percent reduction in bacteria load. • Complete a natural resources inventory for new site development applications.
Rationale	Rationale
The previous Jasper County stormwater design manual specified these overall performance requirements.	The Savannah River watershed adjoins Georgia counties that are subject to similar overall performance requirements as outlined in the Georgia Coastal Stormwater Supplement.
Bacteria and Shellfish Watershed Protection Area	
Overall Performance Requirements	
<ul style="list-style-type: none"> • Water Quality: Implement Better Site Design and retain the 95th percentile storm on-site with approved infiltration/filtering BMPs. Fulfill MEP requirements or, as a last resort, fulfill off-site credit and/or fee-in-lieu requirements. • As a pollutant removal minimum, intercept and treat stormwater runoff volume to at least an 80 percent reduction in total suspended solids load, 30 percent reduction of total nitrogen load and 60 percent reduction in bacteria load. 	<ul style="list-style-type: none"> • Peak control: Control the post-development peak runoff discharge rate for the 2, 10, 25, 50 and 100-year, 24-hour design storm events to the pre-development discharge rates <u>(subject to 10% rule analysis)</u>. • Accommodate the 100-year, 24-hour storm event conveyance through the site and downstream without causing damage/inundation to structures. • Provide 10% rule analysis. • Complete a natural resources inventory for new site development applications.
Rationale	
The Bacteria and Shellfish Watershed Protection Areas are either impaired or have TMDLs, or the receiving waters are classified for shellfish harvesting. These watersheds require greater protection due to their Clean Water Act status or water quality classification. The site’s natural resource inventory is a necessary component of permit application.	

3.6.3-3.6.7 (no changes)

3.7 Erosion & Sediment Control (ESC) Requirements

The design and management of construction site runoff control measures for all qualifying developments as defined in the Southern Lowcountry Post-Construction Stormwater Ordinance (Appendix A) and Town of Bluffton UDO shall be in accordance with SCDHEC SCDES NPDES General Permit for Stormwater Discharges from Construction Activities, the SCDHEC SCDES Erosion and Sediment Reduction and Stormwater Management regulations and its most current version of standards, where applicable. The Town of Bluffton reserves the right to require additional erosion and sediment control or a higher standard of measure and make their requirement a condition of a development permit approval.

3.8 Retention Standard & Volume

This section provides the formulas and rationale for use of the runoff reduction method to compare predeveloped and post-development hydrology for projects submitted for approval to the Southern Lowcountry jurisdictions.

Runoff reduction is defined as “the total annual runoff volume reduced through canopy interception, soil infiltration, evaporation, transpiration, rainfall harvesting, engineered infiltration, or extended infiltration” (Hirschman, 2008). The formula to calculate the volume reduced through successive application of stormwater best management practices originates with the Natural Resources Conservation Service (NRCS) method of estimating direct runoff from storm rainfall and the curve number method of NEH Chapter 9 (NEH, 2004). As shown in Equation 3.1, rainfall event runoff (Q) is a function of depth of event rainfall (P) over the watershed, the initial abstraction (I_a) and the maximum potential retention (S).

Equation 3.1. Curve number runoff equation.

$$Q = \frac{(P - I_a)^2}{(P - I_a) + S}$$

$$I_a = 0.2S$$

$$Q = \frac{(P - 0.2S)^2}{(P + 0.8S)}$$

$$Q - R = \frac{(P - 0.2S)^2}{(P + 0.8S)}$$

$$S = \frac{100}{CN} - 1$$

Where:

- Q = Runoff depth (in)
- P = Depth of rainfall event for the designated watershed protection area (85th or 95th percentile rain event)
- I_a = Initial abstraction (in)
- S = Potential maximum retention after runoff begins (in)

- CN = Runoff curve number
- R = Retention storage provided by runoff reduction practices (in)

Not all stormwater BMPs provide runoff reduction equally. Through the crediting procedures of the Compliance Calculator found in Appendix H and the retention volumes required in this section, designers will be able to evaluate their proposed designs and submit for approval in a unified process across the Southern Lowcountry jurisdictions.¹

Supplemental information on the terms below can be found in the *Low Impact Development in Coastal South Carolina: Planning and Design Guide*, and the Georgia Stormwater Management Manual (Ellis, K. et al., 2014; ARC, 2016).

The Stormwater Retention Volume (SWRv) is the volume of stormwater runoff that is required to be retained, post-development. It is calculated as shown in Equation 3.2 for the entire site and for each site drainage area (SDA). The SDA is defined as the area that drains to a single discharge point from the site or sheet flows from a single area of the site. A development site may have multiple SDAs and runoff coefficients.

Equation 3.2. Stormwater retention volume (SWRv) equation

$$SWRv = \frac{P \times [(Rv_I \times I) + (Rv_C \times C) + (Rv_N \times N)]}{12}$$

Where:

- SWRv = Volume required to be retained (cubic feet)
- P = Depth of rainfall event for the designated watershed protection area (85th or 95th percentile rain event)
- Rv_I = Runoff coefficient for impervious cover and BMP cover based on SCS hydrologic soil group (HSG) or soil type
- I = Impervious cover **and BMP** surface area (square feet)
- Rv_C = Runoff coefficient for compacted cover based on soil type
- C = Compacted cover surface area (square feet)
- Rv_N = Runoff coefficient for forest/open space based on soil type
- N = Natural cover surface area (square feet)
- 12 = Conversion factor (inches to feet)

	Rv Coefficients			
	A soils	B Soils	C Soils	D Soils
Forest/Open Space (Rv _N)	0.020	0.030	0.040	0.050
Managed Turf (Rv _C)	0.15	0.20	0.22	0.25
Impervious Cover (Rv _I)	0.95	0.95	0.95	0.95
BMP	0.95	0.95	0.95	0.95

¹ Compliance Calculator instructions are found in Appendix G

For purposes of ~~determining~~ calculating the SWRV, the surface area of a ~~non-infiltrating~~ BMP utilized for water quality or retention ~~or shall be assigned a runoff coefficient of 0.95 as shown in the table above.~~ BMPs used solely for detention, such as storage practices and stormwater ponds may be assigned a runoff coefficient of 0 when calculating the SWRV. ~~its permanent pool shall not be calculated as part of the impervious cover.~~ For purposes of determining pre-/ post development peak discharge rates, the surface area of a ~~non-infiltrating~~ all BMPs ~~or its permanent pool shall be calculated as part of the impervious cover.~~

The Compliance Calculator in Appendix H uses best available pollutant removal efficiencies for total suspended solids, total nitrogen and fecal indicator bacteria. Use of the compliance calculator allows the designer to evaluate alternative designs to arrive at compliance with the runoff reduction and pollutant removal requirements and clearly summarize them for the Town of Bluffton plan reviewer. The compliance calculator output is a necessary submittal for a plan reviewer to evaluate selected BMPs to demonstrate compliance with the watershed protection area standards of this Manual.

3.8.1 Total Suspended Solids, Nutrients, & Bacteria *(no changes)*

3.8.2 Hydrologic & Hydraulic Analysis

In order to prevent an increase in the duration, frequency and magnitude of downstream overbank flooding and scouring, this Manual requires that enough stormwater detention be provided on a development site to control the post-development peak runoff discharge to the predevelopment runoff rates for the 2, 10, 25, 50 and 100 -year, 24-hour storm events, unless deemed detrimental through the 10% rule analysis. The capacity of the existing downstream receiving conveyance system for all off-site discharge points must be determined to be adequate. An analysis of the downstream conveyance capacity to accommodate the site’s post development 25- and 100-year, 24-hour peak flow shall be provided in the engineering report. Discharge to the public right-of-way of the SC State highway system shall comply with the SCDOT Requirements for Hydraulic Design Studies. Necessary upgrades within the public right-of-way due to inadequate capacity for the post-development 25-yr flow must be identified during the permit application process. ~~Upgrades to the downstream system to accommodate the 100-yr 24-hour flow must be considered through the MEP process outlined in Section 3.9.~~ Documentation supporting safe passage of the 100-yr post development flow to the downstream point where the detention or storage area comprises 10% of the total drainage area ~~and an analysis of the surrounding neighborhood area to identify any existing capacity shortfalls or drainage blockages~~ is required for plan approval. This analysis is called the 10% analysis rule in Section 3.8 of this Manual.

The recommended 2, 10, 25, 50 and 100-year, 24-hour storm event values from Appendix F of the South Carolina DHEC Storm Water Management BMP Handbook, July 31, 2005 for Beaufort and Jasper Counties are in Table 3.4².

Table 3.4. Rainfall depth (inches) for the Southern Lowcountry.

	Return Period (years)
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² Until SCHEC ~~SCDES~~ updates its Stormwater Management BMP Handbook rainfall table to the NOAA Atlas 14 values, the Southern Lowcountry region shall use the Handbook Appendix F rainfall table for 24-hour storm events.

County	2	10	25	50	100
Beaufort	4.5	6.9	8.4	9.7	11.0
Jasper	4.2	6.4	7.8	9.0	10.2

In this Manual, Appendix I – General Design Criteria and Guidelines provides the acceptable methodologies and computer models for estimating runoff hydrographs before and after development, as well as design criteria for stormwater collection systems and land cover (Appendix R) designations. The following are the acceptable methodologies and computer models for estimating runoff hydrographs before and after development. These methods are used to predict the runoff response from given rainfall information and site surface characteristic conditions. The design storm frequencies used in all of the hydrologic engineering calculations will be based on design storms required in this Manual unless circumstances make consideration of another storm intensity criterion appropriate:

- Rational Method (limited to sites under 10 acres) Note: ~~DHECDES~~, nor this manual, allows the Rational Method when conducting analysis for stormwater being routed to/through BMP structures. However, it is allowed for culvert crossings with a drainage area of less than 10 acres.
- Urban Hydrology for Small Watersheds TR-55
- Storage-Indication Routing
- HEC-1, WinTR-55, TR-20, ICPR v3 or 4 and SWMM computer models

These methods are given as valid in principle and are applicable to most stormwater management design situations in the Southern Lowcountry.

The following conditions should be assumed when developing predevelopment, pre-project, and post-development hydrology, as applicable:

- The design storm duration shall be the 24-hour rainfall event, using the NRCS (SCS) Type III rainfall distribution with a maximum six-minute time increment.
- The rainfall intensity – duration – frequency curve shall be determined from the most recent version of the Hydrometeorological Design Studies Center’s Precipitation Frequency Data Server (NOAA Atlas).
- The predeveloped, post development, and redevelopment peaking factor shall be 323.
- For new development sites the predeveloped condition shall be calculated as a composite CN based on the HSG and current land use conditions (NEH, 2004).
- For infill and redevelopment sites, the predeveloped condition shall be calculated as a composite CN based on the HSG and the land cover type (Appendix R) and hydrologic condition at the time of the project’s initial submittal.
- Antecedent Runoff Condition (ARC) II is the average adjustment factor for calculations using TR-55. ARC III is to be used for wetter conditions such as areas that receive irrigation water harvested from stormwater ponds and for poorly drained soils.

Project designs must include supporting data and source information. All storm sewer systems shall be analyzed for both inlet and outlet control (including tailwater effects) by using the following:

- a. Equations and nomographs as shown in the Federal Highway Administration (FHWA) Hydraulic Design Services (HDS) publication No. 5.

- b. Computer programs that calculate the actual hydraulic grade line for the storm sewer system can be used, provided all losses (friction, bend, junction, etc.) are taken into account using the appropriate loss coefficient (K) values.
- c. Design tailwater condition elevation shall be supported by a reasonable resource and/or analysis.
- d. Allowable headwater. The allowable headwater of all culverts, pipe systems, open channels, bridges and roadway culverts shall be established following the SCDOT Requirements for Hydraulic Design Studies.

All culverts, pipe systems, and open channel flow systems shall be sized in accordance with the design criteria found in Appendix I – General Design Criteria and Guidelines Hydrology and Hydraulics Design Requirements.

3.8.3 Maintenance Easements *(no changes)*

3.9 Extreme Flood Requirement: 10% Rule Protection

Flooding problem areas exist in many locations in the Southern Lowcountry to the point that stormwater infrastructure has become overwhelmed where controls were never adequately designed or installed to control runoff. The ability to maintain a system is also suspected to contribute to some of the frequent flooding. Acceptable means of determining the hydrology may include a variety of data sources including topographic survey, LiDAR data, and USGS quad maps. Acceptable means of determining runoff of the study area may include applicable methods previously identified in this manual, USGS regression equations (including Streamstats, if applicable), watershed lag method, and flows utilized in effective FEMA models. Hydraulic routing parameters such as channel geometry, pipe sizes, invert elevations, bridge dimensions, etc. may be obtained using topographic survey, field reconnaissance, or other methods acceptable to the Town of Bluffton.

Additional resources for this exercise may include Coastal Stormwater Supplement to the Georgia Stormwater Management Manual, Spreadsheet for the South Carolina Synthetic Unit Hydrograph Method. Attenuation patterns of other stormwater ponds in the contributing drainage area of the watershed should not be assumed without valid documentation.

The peak discharge generated by the 100-year, 24-hour storm event under post-development conditions is considered the extreme peak discharge. The intent of the extreme flood protection is to prevent flood damage from infrequent but large storm events, maintain the boundaries of the mapped 100-year floodplain, and protect the physical integrity of the best management practices as well as downstream stormwater and flood control facilities. The 100-yr flow is to be used in the routing of runoff through the drainage system and stormwater management facilities to determine the effects on the facilities, adjacent property, and downstream. Emergency spillways of best management practices should be designed appropriately to pass the resulting flows safely. Documentation supporting safe passage of the 100-year post-development flow shall be provided by the applicant/engineer.

Demonstration of safe passage of the 100-year, 24-hour storm shall include a stage /storage analysis of the system, an inflow/outflow comparison of the system, and construction of a table showing peak

stage elevations in comparison to finished floor elevations of adjacent buildings/structures/infrastructure. The table should also include peak stage and overtopping elevations of pipe/culvert crossings to determine if the crossing requires upgrades or the peak discharge rate will need to be limited to the capacity of the downstream system. Safe passage to the receiving water also requires that there be no additional downstream flooding or other environmental impacts (e.g., stream channel enlargement, degradation of habitat).

Individual single-family lots outside of an LCP, regardless of size, and individual lots within an LCP, subject to this Manual, are exempt from this requirement.

3.10 10% Rule

In order to prevent an increase in the duration, frequency and magnitude of downstream extreme flooding over existing conditions, an evaluation must be provided to include downstream analysis to the point where the project comprises 10% of the total contributing drainage area. ~~The 10% rule evaluation must address existing conveyance system capacity and “pinch points” where a pipe/culvert would be overtopped and where the pipe/culvert will need to be upgraded or the peak discharge rate will need to be limited to the capacity of the downstream system.~~

The 10% rule recognizes the fact that a structural BMP control providing detention has a “zone of influence” downstream where its effectiveness can be felt. Beyond this zone of influence, the structural control becomes relatively small and insignificant compared to the runoff from the total drainage area at that point. Based on studies and master planning results from a large number of sites, that zone of influence is considered to be the point where the drainage area controlled by the detention or storage facility comprises 10% of the total drainage area. For example, if the drainage control drains 10 acres, the zone of influence ends at a point where the total drainage area is 100 acres or greater (ARC, 2016).

~~Demonstration of safe passage of the 100-year, 24-hour storm shall include a stage storage analysis of the system, an inflow/outflow comparison of the system, and construction of a table showing peak stage elevations in comparison to safe freeboards to structures of the system and adjacent buildings/structures/infrastructure. Safe passage to the receiving water also requires that there be no additional downstream flooding or other environmental impacts (e.g., stream channel enlargement, degradation of habitat).~~

Typical steps in the application of the 10% rule are:

1. Determine the target peak flow for the site for predevelopment conditions from the 10-, 25-, 50-, and 100-year storms.
2. Using a topographic map, determine the lower limit of the zone of influence (10% point) in the watershed.
3. Using a hydrologic model, determine the predevelopment peak flows and timing of those peaks at each tributary junction beginning at the pond outlet and ending at the next tributary junction beyond the 10% point.
4. Change land use on the site to post-development and rerun the model for the 10-, 25, 50-, and 100-year storms.

5. Design the structural control facility such that the 10-, 25-, 50-, and 100-year facility outflows do not increase the peak flows at the outlet and each tributary junction. ~~overbank flood protection (25-year) post-development flow is adequately conveyed to the lower limit of the zone of influence and the Extreme Flood (100-year) post-development flow does not impact any existing structures within the area of zone of influence. If the overbank flood protection (25-year) post-development~~ facility outflows do increase the peak flows at the outlet and each tributary junction ~~is not adequately conveyed to the lower limit of the zone of influence and/or Extreme Flood (100-year) post-development flow is shown to impact any structure,~~ the structural control facility must be redesigned or one of the following options considered:
- a. Work with the Town of Bluffton to reduce the flow elevation through channel or flow conveyance structure improvements downstream.
 - b. Obtain a flow easement from downstream property owners to the 10% point.
 - c. Request a detention waiver from Town of Bluffton. This waiver would be for water quantity control only and best management practices to achieve water quality goals will still be required.

Individual single-family lots outside of an LCP, regardless of size, and individual lots within an LCP, subject to this Manual, are exempt from this requirement.

3.11 Maximum Extent Practicable

Maximum extent practicable (MEP) is the language of the Clean Water Act that sets the standards to evaluate efforts pursued to achieve pollution reduction to the Waters of the United States. The MEP refers to management practices; control techniques; and system, design, and engineering methods for the control of pollutants. It allows for considerations of public health risks, societal concerns, and social benefits, along with the gravity of the problem and the technical feasibility of solutions. The MEP for stormwater management is achieved, in part, through a process of selecting and implementing different design options with various structural and non-structural stormwater best management practices (BMPs), where ineffective BMP options may be rejected, and replaced when more effective BMP options are found (DOEE, 2019).

The Owner/Applicant must be aware that the first priority for the proposed development is to meet the required stormwater retention volume (SWRV) and peak flow requirements according to the Southern Lowcountry Stormwater Design Manual. Meeting the SWRV and peak flow requirements is attainable on any site depending on a number of factors including percent of proposed impervious area and green space conserved and/or provided. The proposed development site may have constraints or limitations that prevent Design Manual requirements from being met. It is for these projects that the MEP evaluation and waiver consideration will be required. Several site and stormwater design iterations may be necessary to ensure that Maximum Extent Practicable is achieved.

Through application of stormwater best management practices on site and/or at an off-site property within the same stormwater drainage catchment, land development projects should be able to comply with the Southern Lowcountry Stormwater Design Manual. It is the applicant's responsibility to demonstrate to the greatest extent that the requirements of this Manual can be met for the proposed development. The applicant must fully demonstrate that the requirements of the Manual are not possible or feasible before entering into a MEP analysis, and only after the concurrence of the Town of

Bluffton based on the project submittals, documentation and discussions. The Owner/applicant must realize that if the requirements of the Manual cannot be met, the site may not be conducive for development, as proposed, in the interest of public safety and welfare.

This evaluation is intended to be evaluated, considered and presented ~~during the concept review stage~~ as part of the Stormwater Management Plan submittal for the proposed development.

- 1) Present a SWMP for the proposed development that meets stormwater retention volume (SWRv), and peak flow requirements for channel and extreme flood protection for the proposed development and identify the reasons that this plan cannot be implemented.
- 2) Demonstrate why SWRv cannot be achieved by a reduction of impervious and disturbed area and/or increase in green space area on site.
- 3) Demonstrate how Better Site Design (BSD) has been implemented to the maximum extent practicable or document site restrictions that prevent BSD application.
 - a. What efforts have been made to reduce impervious cover in the project limits of disturbance?
 - b. Are ~~What~~ natural assets, such as forests, wetlands, and areas of environmental or archaeological significance, are protected or conserved within the Development? Provide the cumulative acreage of land cover within the development that is protected.
 - c. Is stream restoration considered?
 - d. Are structural and non-structural BMPs used in this project? Provide a completed compliance calculator showing structural and non-structural BMPs used.
- 4) List site restrictions that prevent or otherwise limit effective use of stormwater BMPs, retention of the SWRv and/or meeting the required peak discharge limits.
- 5) Provide SWRv and Pollutant Load reductions (via the compliance calculator) for alternatives analyzed as compared to pollutant load reductions for full SWRv.
- ~~6) What site limitations prevent retention of the SWRv or meeting the required peak discharge limits?~~
- 6) Is there off-site opportunity and capacity in the same drainage catchment to meet the volume/peak flow and/or SWRv requirements for the site's contributing drainage area(s)?
- 7) Do the publicly maintained stormwater drainage system and/or existing natural drainage courses have sufficient capacity for the development site's extreme flood peak flow?
- ~~9) Develop a cost versus aggregated stormwater retention volume achieved curve for the site's contributing drainage area (e.g. cost vs. % SWRv met). A minimum of five cost points with various BMP iterations, % SWRv met are necessary for the curve. One of the cost points shall be for 100% of the SWRv. If it's available, off-site capacity cost may be included in your evaluation. Identify the inflection point of the cost curve to select the optimal solution where increased cost does not result in increased effectiveness. What is the projected cost to meet the SWRv with filtering BMPs with underdrains and green roofs? What alternatives have been considered to reduce impervious and disturbed area and/or increase green space area on site.~~
- 8) The optimum aggregated maximum extent practicable retention value and BMP selection and size analysis must be submitted as a part of the stormwater management plan for the project.
- 9) Offsite stormwater volume retention credit or fee-in-lieu documents will be required for project completion.

The MEP submittal must provide documentable evidence of the process the applicant has performed that demonstrates the restrictions to the use and implementation of BMPs to meet the requirements of this Manual in whole or in part.

3.12 Off-Site Stormwater Management *(no changes)*

3.13 Fee-in-Lieu

Fee-in-lieu (FIL) is, as the name suggests, a program that allows developers to pay a FIL if they cannot meet the SWRV requirement on their site whereby a developer can purchase units of SWRV for the needed volume through a monetary contribution to the FIL program. where an entity with the responsibility of managing stormwater runoff pays a fee in-lieu of physically managing and maintaining stormwater on site or off site. Based on the cost of treatment, long term maintenance/repair/replacement and inspection costs, a representative cost of treating stormwater can be established, and that money can go to larger scale and more efficient practices being implemented (ARC, 2016). The developer provides a fee When a development project cannot accommodate the SWRV due to on-site constraints identified in the approved MEP analysis, that developer could opt to pay fee-in-lieu to the Town of Bluffton (or its assigned entity) for the shortfall of required SWRV according to the established FIL fee schedule. The money collected through FIL payments would then be used by the Town to install green infrastructure practices (water quality BMPs) or for other qualified uses per the site selection criteria and hierarchy that is outlined in Section 3.13.3. In general, the goal is to install water quality BMP practices or fund other qualified uses that protect water quality within the same HUC-12 watershed as the original project by water quality BMP installation/treatment of at least the same amount of stormwater runoff that is not feasible to manage on-site or to create a conservation area that protects a qualified natural resource that would otherwise require the same SWRV treatment if developed. This approach allows for more flexibility in siting BMPs where soils and watershed characteristics are more appropriate for green infrastructure practices or creating conservation areas, while still achieving the goal of treating the water quality volume from the 95th percentile event (1.95-inch event) for any new development or redevelopment project. that will help cover cost of installation and long-term operation and maintenance of the stormwater practice. A fee-in-lieu program can be administered through the Town of Bluffton, a public/private initiative, or a private bank. Any fee in lieu program must have an Enterprise Fund and ability to oversee construction activities (e.g. programs managed by the Town of Bluffton) or be able to collect fees and dedicate those funds to stormwater related projects. In-lieu fees typically need to cover higher municipal prevailing wage and public bidding costs. The off-site mitigation practices must be implemented in the same HUC-12 watershed as the original project (or more restrictive limits, at the discretion of the Town of Bluffton). Therefore, careful accounting must take place to ensure that each site using off-site mitigation to meet pollutant removal requirements has corresponding off-site controls in the same watershed (CWP, 2012).

3.13.1 Unit of Measure

Fee-in-lieu payment is based and equal to a unit of SWRV in cubic feet or designating a conservation area/easement area that protects a qualified natural resource that would otherwise require the same SWRV treatment if developed.

3.13.2 Unit Cost

The monetary value for a unit of SWRV is based on the current and typical costs for the land as well as associated costs for design, construction, construction management, Town program management, post-construction inspection, and ongoing maintenance of water quality BMP practices. The SWRV FIL rate can

be found in the Town’s Master Fee Schedule, under Section VII “Stormwater Management Fees”, allowing for annual review and updates as needed based on the Consumer Price Index (CPI) or based on updated information regarding the cost of water quality BMP construction and maintenance, changes in the construction industry, availability of supplies, etc. If the developer and/or private property owner take responsibility for maintaining the BMP or provide land, then the associated cost for a unit of SWRv could be lessened accordingly.

3.13.3 Qualified Uses of Fund, Eligible Projects

The Stormwater FIL Program may be supplemented by other funding sources, such as SWU fees or grants, if the Town requires additional revenue to fund program activities. However, the funds collected from the sale of SWRv units via the FIL program are only eligible for certain uses, including:

1. The construction and maintenance of Impervious Restoration Program water quality BMPs by the Town
2. Purchase of land for increased conservation areas, application of Better Site Design to the approved Master Plan, buffers, undisturbed open space, and natural resource of significance areas
3. Purchase of development rights

Impervious Restoration Program water quality BMPs that are currently available and eligible for implementation using FIL Program funds, as well as any special conditions, include:

- Bioretention
- Permeable Pavement
 - Only Town of Bluffton approved permeable pavers with adequate subsurface storage
- Infiltration Practice
- Rainwater Harvesting
 - Requires verification of no groundwater influence and an operation and maintenance plan
- Tree Planting and Preservation
- Proprietary Practices
 - Upon Town of Bluffton review and approval
- Permanent Conservation/Easement Areas of Qualified Natural Resources
 - Where features protected and not disturbed by development process are recorded in conservation areas or easements that are in addition to other required protections from Federal, State, County, and Town agencies/requirements/restrictions.

Water Quality BMPs or other mitigation measures to protect water quality that are built or purchased with FIL Program funds should be installed in the same major drainage basin as the site for which the fee was assessed so that the “balance” of SWRv units is not negative and resulting in a cumulative impact to water quality in the basin. This includes eight major basins within the Town of Bluffton municipal limits.

The May River watershed is divided into five major basins, where the first four are identified in the “2020 May River Watershed Action Plan Update and Modeling Report.” If no projects are immediately available in one of these major basins, an adjacent major basin in the May River watershed can be targeted.

1. Stoney Creek
2. Rose Dhu Creek

- 3. Duck Pond
- 4. Palmetto Bluff
- 5. Old Town

The remainder of the municipal town limits are divided into the following three major basins based on other watershed boundaries. If no projects are immediately available in one of these major basins, only Okatie River and Colleton River can be pursued for alternative project locations.

- 1. New River (west and south of May River watershed)
- 2. Okatie River (north central)
- 3. Colleton River (northeastern corner, remainder that is north of May River but east of Okatie River)

3.13.4 Long-Term Operations and Maintenance

A “Permanent Stormwater Facility Maintenance and Responsibility Agreement” (Appendix O) is needed for any stormwater BMP installed as part of the FIL program to ensure continued function of the BMP. BMPs installed as part of the FIL program must adhere to requirements of Section 2.4.2 of this Manual and are subject to the Stormwater Post-Construction Ordinance (Appendix A).

If the property owner removes the BMP, they will be required to offset the SWRV units elsewhere on their site or purchase new SWRV units to offset the ones from the removed practice.

3.14 Detention Waivers

Individuals seeking a detention waiver from the requirements of the Town of Bluffton UDO and this Design Manual may submit to the Town of Bluffton UDO Administrator a request for a waiver in accordance with the Southern Lowcountry Stormwater Design Manual.

(1) Request of a Waiver at Staff Level

A written request for a waiver is required and shall state the specific waiver sought and the reasons, with supporting data, a waiver should be granted. The request shall include all information necessary to evaluate the proposed waiver. Requests must outline the need for such a waiver. Cost shall not be considered cause for a waiver. The applicant will address the criteria below for consideration of a waiver approval:

- a. What exceptional circumstances to the site are evident that on-site or off-site stormwater management requirements cannot be met?
- b. What unnecessary hardship is being caused?
- c. How will denial of the waiver be inconsistent with the intent of the Ordinance?
- d. How will granting the waiver comply with the intent of the Ordinance?
- e. How are state and federal regulations still being met?

(2) Review of Waivers

The Town of Bluffton UDO Administrator will conduct a review of the request and will issue a decision within thirty (30) working days of receiving the request.

~~(3) Fee in Lieu Requirement~~

- ~~a. If a Waiver is granted, the applicant must submit a fee in lieu of meeting stormwater requirements as determined by the Town of Bluffton for regional stormwater projects.~~

(3) Appeal of Decision

Any person aggrieved by the decision of the UDO Administrator concerning a waiver request may appeal such decision in accordance with the Town of Bluffton established process.

3.15 **References** *(no changes)*

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Chapter 4. Stormwater Best Management Practices (BMPs)

4.1 Standard Stormwater BMP Design Sections

This chapter summarizes and outlines performance criteria for 13 stormwater best management practice (BMP) categories that include:

- Bioretention
- Permeable Pavements
- Infiltration
- Green Roofs
- Rainwater Harvesting
- Impervious Surface Disconnection
- Open Channel Systems
- Filtering Systems
- Storage Practices
- Ponds
- Stormwater Wetlands
- Tree Planting and Preservation
- Proprietary Practices

Following these criteria is the criteria to credit for stormwater benefit the use of conservation areas and open space preservation.

Additional detailed information on many aspects of BMP design is found in Appendix M – References and Resources of this Manual. These resources may be useful for those looking to develop greater understanding of individual BMPs or stormwater design in general. Recommendations in these resources may be used to inform BMP designs; however, where conflicts occur between these resources and the Manual, the requirements of the Manual prevail.

4.1.1 Format of Standard Stormwater BMP Design Sections *(no changes)*

4.1.2 Standard Nomenclature

In this chapter, and throughout the ~~guidebook~~ **Manual**, the terms, *must* or *shall*, denote required aspects of BMPs or their design and implementation. The term, *should*, denotes a recommendation, however, justification may be necessary for design or implementation that does not correspond to certain recommendations.

4.2 Summary of BMP Stormwater Management Capabilities, Site Applicability, & Physical Feasibility

Stormwater management requirements for a given site vary based on the site's location, and minimum control requirements discussed in detail in Section 3.5.

4.2.1 Stormwater Retention & Water Quality Treatment *(no changes)*

4.2.2 Site Applicability *(no changes)*

4.2.3 Site Conditions & Physical Feasibility

While some BMPs can be applied almost anywhere, others require specific conditions to be most effective. Physical feasibility refers to the physical site conditions necessary to effectively design and install a BMP. Table 4.2 includes the feasibility factors listed below.

- **Contributing Drainage Area (CDA):** Volume of water received by a practice can affect BMP performance. This column indicates the contributing drainage areas that typically apply for each BMP.
- **Slope:** This column describes the influence that site slope can have on the performance of the BMP. It indicates the maximum slope on which the BMP should be installed.
- **Minimum Head:** This column provides an estimate of the minimum amount of elevation difference needed within the BMP, from the inflow to the outflow, to allow for gravity operation.
- **Minimum Depth to Seasonal High Water Table:** This column indicates the minimum distance that should be provided between the bottom of the stormwater management practice and the top of the water table.
- **Soils:** This column describes the influence that the underlying soils (i.e., hydrologic soil groups) can have on the performance of the stormwater management practice.

Infiltration rates modeled in hydrologic and hydraulic computations must be verified by a licensed professional (geotechnical engineer or soil scientist).

Table 4.2. Feasibility limitations for BMPs.

BMP	Contributing Drainage Area	Slope	Minimum Head	Minimum Depth to Water Table	Soils
Bioretention	Up to 2.5 acres	Up to 5% ²	4 - 5 feet	0.5 feet	All soils ³
Permeable Pavement	Up to 5 times the practice surface area	Up to 5%	1 – 4 feet	0.5 feet	All soils ³
Infiltration	Up to 2 acres	Up to 6% ²	2 feet	0.5 feet	Must drain within 72 hours
Green Roof	Green roof area + 100%	Up to 30% ⁴	N/A	N/A	N/A
Rainwater Harvesting	No limit	No limit	N/A	N/A	N/A
Disconnection	Up to 1,000 ft ² per downspout	Up to 5%	N/A	N/A	All soils
Open Channels	Up to 2.5 acres	Up to 4% ²	Varies	Varies	All soils
Filtration	Up to 5 acres	Up to 6%	2 – 10 feet	0.5 feet	All soils
Storage Practices	Varies	No limit	5 feet	0.5 feet	All soils
Ponds	Greater than 10 acres ¹	Up to 15%	6 – 8 feet	No limit	Slow-draining soils preferred

Stormwater Wetlands	Varies	Up to 8% ²	2 – 4 feet	No limit	Slow-draining soils preferred
¹ CDA can be smaller if practice intersects the water table. ² Check dams may be necessary to create sufficient ponding volume. ³ Slow-draining soils (< 0.5"/hr.) may require an underdrain and designed to drain within 48 hr. ⁴ Roof slope.					

Irrigation from ponds is not included as a specific best management practice in this *Manual* but is included as Rainwater Harvesting (§4.5). Requirements and guidance for irrigation use of retained stormwater have been included in Hydrologic and Hydraulic Analysis (ARC requirements in §3.7.2); Ponds (§4.10); and Rainwater Harvesting Treatment and Management Requirements (Appendix J). The Rainwater Harvesting Calculator in Appendix K will be used to determine the SWRV credit for ponds used for irrigation, and then these ponds are entered in the Compliance Calculator in Appendix H as rainwater harvesting. Instructions for these entries [in the Compliance Calculator](#) are included in Appendix G Compliance Calculator Instructions.



4.3 Bioretention

Bioretention				
Definition: Practices that capture and store stormwater runoff and pass it through a filter bed of engineered filter media composed of sand, soil, and organic matter. Filtered runoff may be collected and returned to the conveyance system or allowed to infiltrate into the soil.				
Site Applicability		BMP Performance Summary		
Land Uses	Required Footprint	WQ Improvement: Moderate to High		
<ul style="list-style-type: none"> ▪ Urban ▪ Suburban ▪ Rural 	Small to Large	TSS¹	Total N¹	Bacteria^{1,2}
		85%–100%	75%–100%	80%–100%
		Runoff Reduction		
Construction Costs	Maintenance Burden	Volume		
Moderate	Moderate	High		
Maintenance Frequency:		SWRv		
Routine	Non-Routine	No Underdrain	IWS	Standard
Quarterly	Every 2–3 years	100% of Sv	75% of Sv	60%
Advantages/Benefits		Disadvantages/Limitation		
<ul style="list-style-type: none"> ▪ Easily incorporated into new development ▪ High community acceptance ▪ Good for small, highly paved drainage areas (i.e. parking lots) 		<ul style="list-style-type: none"> ▪ Maximum CDA is 1 to 2.5 acres ▪ Requires pretreatment to prevent clogging ▪ Requires detailed landscape planning ▪ Not appropriate for steep slopes 		
Components		Design considerations		
<ul style="list-style-type: none"> ▪ Pretreatment ▪ Conveyance system ▪ Ponding area ▪ Soils/Filter Media/Mulch ▪ Observation Well/Monitoring Port ▪ Plants 		<ul style="list-style-type: none"> ▪ Maximum ponding depth 18 inches ▪ Minimum filter media bed depth 18 inches ▪ Depth to seasonal high water table must be at least 6 inches below bottom of practice ▪ Underdrain system needed if ex soil infiltration rate < 0.5"/hr 		
Maintenance Activities				
<ul style="list-style-type: none"> ▪ Mow turf cover periodically ▪ Replace mulch as needed to maintain depth of mulch 		<ul style="list-style-type: none"> ▪ Replace plant material, as needed ▪ Replace soil if it becomes clogged ▪ Clean conveyance system(s) 		

¹Credited pollutant load removal

²In order to receive the full credit for bacteria removal a minimum media depth of 24" is required.

Bioretention areas, shallow depressional areas that are filled with an engineered soil media and are planted with trees, shrubs, and other herbaceous vegetation, are one of the most effective stormwater management practices that can be used to reduce post-construction stormwater runoff rates, volumes, and pollutant loads. They also provide a number of other benefits, including improved aesthetics, wildlife habitat, urban heat island mitigation, and improved air quality. See Figure 4.1 for an example image.

They are designed to capture and temporarily store stormwater runoff in the engineered soil media, where it is subjected to the hydrologic processes of evaporation and transpiration, before being conveyed back into the storm drain system through an underdrain or allowed to infiltrate into the surrounding soils. The engineered soil media is comprised of sand, soil, and organic matter.

Typically, bioretention systems are not designed to provide stormwater detention of larger storms (e.g., 2-, 10-, 25-year), but in some circumstances that may be possible. Bioretention practices should generally be combined with a separate facility to provide those controls.



Figure 4.1. Bioretention in parking lot (photo credit: Center for Watershed Protection, Inc.).

Definition. *(no changes)*

4.3.1 Bioretention Feasibility Criteria

Bioretention can be applied in most soils or topography, since runoff simply percolates through an engineered soil bed and is infiltrated or returned to the stormwater system via an underdrain. Key constraints with bioretention include the following:

Required Space *(no changes)*

Site Topography *(no changes)*

Available Hydraulic Head *(no changes)*

Water Table

For bioretention to function at its best, the entire bioretention area must should be separated from the water table to ensure that groundwater does not intersect with the stone layer or filter bed and limit the bioretention's functional storage volume. ~~Mixing can lead to possible groundwater contamination or failure of the bioretention facility.~~ To fully utilize a bioretention area and count its entire design storage volume, A separation distance of no less than 0.5 feet of the seasonally high groundwater table cannot be included in the volume calculations. Where this is not possible, portions of the practice below or within 0.5 feet of the seasonally high groundwater table cannot be included in the volume calculations. Bioretention areas that intersect the groundwater table and include an underdrain must be installed with an internal water storage design (see Internal Water Storage in Section 4.3.4 Bioretention Design Criteria) so that the underdrain system discharges above the groundwater level. In all cases, at least 12 inches of filter media must be located above the seasonally high groundwater table.

Tidal Impacts *(no changes)*

Soils and Underdrains

Soil conditions do not typically constrain the use of bioretention, although they do determine whether an underdrain is needed. Underdrains shall be required if the measured permeability of the underlying soils is less than 0.5 inches per hour. When designing a bioretention practice, designers must verify soil permeability by using the on-site soil investigation methods provided in Appendix B for Geotechnical Information Requirements for Underground BMPs. Impermeable soils will require an underdrain.

For fill soil locations, ~~g~~Geotechnical investigations are required to support modeled infiltration rates and determine if it is necessary to use an impermeable liner and/or underdrain.

Contributing Drainage Area *(no changes)*

Pollutant Hotspot Land Uses *(no changes)*

No Irrigation or Baseflow *(no changes)*

Setbacks *(no changes)*

Proximity to Utilities *(no changes)*

Minimizing External Impacts *(no changes)*

Economic Considerations *(no changes)*

4.3.2 Bioretention Conveyance Criteria *(no changes)*

4.3.3 Bioretention Pretreatment Criteria *(no changes)*

4.3.4 Bioretention Design Criteria *(no changes)*

Design Geometry *(no changes)*

Inlets and Energy Dissipation *(no changes)*

Ponding Depth *(no changes)*

Side Slopes *(no changes)*

Filter Media

The filter media of a bioretention practice consists of either in-situ soils which meet infiltration criteria specified above or an engineered soil mixture that has been carefully blended to create a filter media that maintains long-term permeability while also providing enough nutrients to support plant growth. The final filter media shall consist of a well-blended mixture of medium to coarse **sand, loam soil**, and an **organic amendment** (compost). The sand maintains the desired permeability of the media while the limited amount of loam soil and organic amendments are considered adequate to help support initial plant growth. It is anticipated that the gradual increase of organic material through natural processes will continue to support plant growth without the need to add fertilizer, and the root structure of maturing plants and the biological activity of the media will maintain sufficient long-term permeability.

The following is the recommended composition of the three media ingredients:

- **Sand (Fine Aggregate).** *(no changes)*
- **Loam Soil.** *(no changes)*
- **Organic Amendments.** *(no changes)*

Complete Filter Media *(no changes)*

Filter Media Depth *(no changes)*

Surface Cover *(no changes)*

Choking Layer *(no changes)*

Geotextile

If the available head is limited, or the depth of the practice is a concern, geotextile fabric may be used in place of the choking layer, but is not recommended unless design considerations govern. An appropriate geotextile fabric that complies with the latest edition of AASHTO M-288 Class 2 requirements and has a permeability of at least an order of magnitude (i.e., 10 times) higher than the soil subgrade permeability must be used. Geotextile fabric may be used on the sides and bottom of bioretention areas as well, particularly when bioretention is placed in silt/clay soils where fine particles could impact the filter media.

Underdrains *(no changes)*

Internal Water Storage (IWS) *(no changes)*

Observation Wells *(no changes)*

Underground Storage Layer (optional) *(no changes)*

Impermeable Liner (optional) *(no changes)*

Material Specifications

Recommended material specifications for bioretention areas are shown in Table 4.6. Bioretention material specifications.

Table 4.6. Bioretention material specifications.

Material	Specification	Notes
Filter Media	<ul style="list-style-type: none"> See Table 4.5 and Table 4.6 	<p>Minimum depth of 24 inches (18 inches for standard design). To account for settling/compaction, it is recommended that 110% of the plan volume be utilized.</p>
Mulch Layer	Use aged, shredded hardwood bark mulch	Lay a 2- to 3-inch layer on the surface of the filter bed.
Alternative Surface Cover	Use river stone or pea gravel, coir and jute matting, or turf cover.	Lay a 2- to 3-inch layer of to suppress weed growth.
Topsoil for Turf Cover	Loamy sand or sandy loam texture, with less than 5% clay content, pH corrected to between 6 and 7, and an organic matter content of at least 2%.	3-inch tilled into surface layer.
Geotextile or Choking Layer	An appropriate geotextile fabric that complies with AASHTO M-288 Class 2, latest edition, requirements and has a permeability of at least an order of magnitude (10 times) higher than the soil subgrade permeability must be used	Can use in place of the choking layer where the depth of the practice is limited. Geotextile fabric may be used on the sides and bottom of bioretention areas as well.
	Lay a 2- to 4-inch layer of choker stone (e.g., typically No.8 or No.89 washed gravel) over the underdrain stone.	
Underdrain Stone	1-inch diameter stone must be double-washed and clean and free of all fines (e.g., ASTM D448 No. 57 or smaller stone).	At least 2 inches above and below the underdrain.
Storage Layer (optional)	To increase storage for larger storm events, chambers, perforated pipe, stone, or other acceptable material can be incorporated below the filter media layer.	
Impermeable Liner (optional)	Where appropriate, use a PVC Geomembrane liner or equivalent material of an appropriate thickness.	
Underdrains, Cleanouts, and Observation Wells	Use 4- or 6-inch rigid schedule 40 PVC pipe, or equivalent corrugated HDPE for small bioretention BMPs, with three or four rows of 3/8-inch perforations at 6 inches on center. Multiple underdrains may be necessary for bioretention areas wider than 40 feet, and each underdrain is recommended to be located no more than 20 feet from the next pipe or the edge of the bioretention.	Lay the perforated pipe under the length of the bioretention cell and install non-perforated pipe as needed to connect with the storm drain system or to daylight in a stabilized conveyance. Install T's and Y's as needed, depending on the underdrain configuration. Extend cleanout pipes to the surface of ponding.
Plant Materials	See Section 4.3.5 Bioretention Landscaping Criteria	Establish plant materials as specified in the landscaping plan and the recommended plant list.

Signage *(no changes)*

Specific Design Issues for Streetscape Bioretention (B-2) *(no changes)*

Specific Design Issues for Engineered Tree Boxes (B-3) *(no changes)*

Specific Design Issues for Stormwater Planters (B-4) *(no changes)*

Specific Design Issues for Residential Rain Gardens (B-5) *(no changes)*

BMP Sizing *(no changes)*

- 4.3.5 Bioretention Landscaping Criteria** *(no changes)*
- 4.3.6 Bioretention Construction Sequence** *(no changes)*
- 4.3.7 Bioretention Maintenance Criteria** *(no changes)*
- 4.3.8 Bioretention Stormwater Compliance Calculations** *(no changes)*
- 4.3.9 References** *(no changes)*

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4.4 Permeable Pavement Systems

Permeable Pavement Systems				
Definition: Paving systems that capture and temporarily store the SWRv by filtering runoff through voids in an alternative pavement surface into an underlying stone reservoir. Filtered runoff may be collected and returned to the conveyance system or allowed to partially (or fully) infiltrate into the soil.				
Site Applicability		BMP Performance Summary		
Land Uses	Required Footprint	WQ Improvement: Moderate to High		
<ul style="list-style-type: none"> ▪ Urban ▪ Suburban ▪ Rural 	Small	TSS ¹	Total N ¹	Bacteria ¹
		80-100%	45-100%	30-100%
		Runoff Reduction		
Construction Costs	Maintenance Burden	Volume		
High	High	Moderate		
Maintenance Frequency:		SWRv		
Routine	Non-Routine	Standard Design	Enhanced Design	
2-4 times per year	Every 2-3 years	30%	100%	
Advantages/Benefits		Disadvantages/Limitation		
<ul style="list-style-type: none"> ▪ Reduces runoff volume, attenuates peak runoff rate and outflow ▪ Reduces slick surfaces during rain ▪ Water quality enhancement from filtration of stormwater 		<ul style="list-style-type: none"> ▪ Sediment-laden runoff can clog pervious pavement, causing it to fail ▪ Incorrect installation practices can clog pores 		
Components		Design considerations		
<ul style="list-style-type: none"> ▪ Open graded pavement mix or pavers with open surfaces ▪ Bedding course ▪ Open-graded base material ▪ Underdrain (where required) ▪ Subgrade with minimal compaction 		<ul style="list-style-type: none"> ▪ Same basic considerations as any paved area ▪ Infiltration rate of native soil of < 0.5 in./hr determines need for underdrain ▪ Depth to seasonal high water table must be at least 6 inches below bottom of practice ▪ Not appropriate for heavy or high traffic areas ▪ Accessibility, aesthetics, maintainability 		
Installation Considerations		Maintenance Activities		
<ul style="list-style-type: none"> ▪ Proper construction sequencing and installation is crucial to ensure proper functioning ▪ Subgrade cannot be overly compacted 		<ul style="list-style-type: none"> ▪ Vacuum or jet wash to increase pavement life and avoid clogging ▪ Ensure that contributing area is clear of debris and sediment. 		

¹Credited pollutant load removal

Permeable pavement systems represent alternative paving surfaces that capture and temporarily store the design volume by filtering runoff through voids in the pavement surface into an underlying stone reservoir (see Figure 4.11). Filtered runoff may be collected and returned to the conveyance system, or it may be allowed to infiltrate into the soil. Permeable pavement systems may also provide stormwater detention of larger storms (e.g., 2- to 25-year).

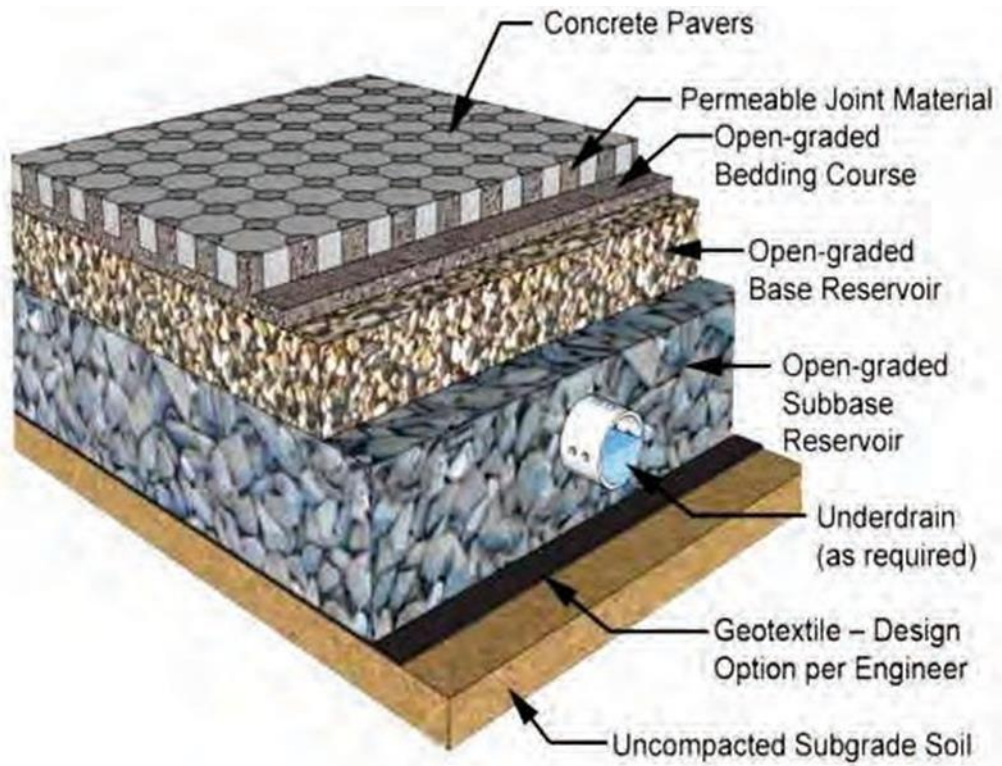


Figure 4.11. Cross-section of permeable pavement (source: ICPI).

Definition *(no changes)*

Porous Asphalt *(no changes)*

Pervious Concrete *(no changes)*

Permeable Pavers

Permeable pavers (PP) are solid structural units (e.g., blocks, bricks) that are **designed and** installed in a way that provides regularly spaced openings through which stormwater runoff can rapidly pass through the pavement surface and into the underlying stone reservoir. The regularly spaced openings, which generally make up between 8% and 20% of the total pavement surface, are typically filled with pea gravel (i.e., ASTM D 448 Size No. 8, 3/8 inch to 1/8 inch). Typical PP systems consist of the pavers, a 1.5- to 3-inch thick fine gravel bedding layer and an underlying stone reservoir.

Design Configurations *(no changes)*

4.4.1 Permeable Pavement Feasibility Criteria *(no changes)*

4.4.2 Permeable Pavement Conveyance Criteria *(no changes)*

4.4.3 Permeable Pavement Pretreatment Criteria *(no changes)*

4.4.4 Permeable Pavement Design Criteria *(no changes)*

Type of Surface Pavement *(no changes)*

Pavement Bottom Slope *(no changes)*

Internal Geometry and Drawdowns *(no changes)*

Reservoir Layer *(no changes)*

Underdrains *(no changes)*

Observation Wells

All permeable pavement practices must include **at least one** observation well, **per system**. The observation well is used to observe the rate of drawdown within the reservoir layer following a storm event and to facilitate periodic inspection and maintenance. The observation well should consist of a well-anchored, perforated 4- to 6-inch diameter PVC pipe. There should be no perforation within 1 foot of the surface. If the permeable pavement has an underdrain, tie the observation well into any Ts or Ys in the underdrain system. The observation well should extend vertically to the bottom of the reservoir layer and extend upwards to be flush with the surface (or just under pavers) with a lockable cap.

Infiltration Sump (optional, required for enhanced designs with an underdrain) *(no changes)*

Filter Layer (optional) *(no changes)*

Geotextile (optional) *(no changes)*

Material Specifications

Permeable pavement material specifications vary according to the specific pavement product selected. A general comparison of different permeable pavements is provided in Table 4.13, but designers should consult manufacturer’s technical specifications for specific criteria and guidance. Table 4.14 provides general material specifications for the component structures installed beneath the permeable pavement. Note that the size of stone materials used in the reservoir and filter layers may differ depending on the type of surface material.

Table 4.13. Permeable pavement specifications for a variety of typical surface materials.

Material	Specification	Notes
Permeable Pavers (PP)	Void content, thickness, and compressive strength vary based on type and manufacturer Open void fill media: aggregate, topsoil and grass, coarse sand, etc.	Pavers must be designed specifically to be permeable. Reservoir layer required to support the structural load.
Pervious Concrete (PC)	Void content: 15–20% Thickness: Typically 4–8 inches Compressive strength: 2.8–28 MPa Open void fill media: None	May not require a reservoir layer to support the structural load, but a layer may be included to increase the storage or infiltration. Requires certified supplier and installer.
Porous Asphalt (PA)	Void content: 15–20% Thickness: Typically 3–7 inches (depending on traffic load) Open void fill media: None	Reservoir layer required to support the structural load. Requires certified supplier and installer.

Table 4.14. *(no changes)*

Permeable Pavement Sizing *(no changes)***Structural Design** *(no changes)***Detention Storage Design** *(no changes)***4.4.5 Permeable Pavement Landscaping Criteria** *(no changes)***4.4.6 Permeable Pavement Construction Sequence** *(no changes)***Soil Erosion and Sediment Controls** *(no changes)***Permeable Pavement Installation** *(no changes)***1.-9.** *(no changes)***10. Installation of Porous Asphalt**

The following has been excerpted from various documents, most notably Jackson (2007):

- Install porous asphalt pavement similarly to regular asphalt pavement. The pavement should be laid in a single lift over the filter course. The laying temperature should be between 230°F and 260°F, with a minimum air temperature of 50°F, to ensure the surface does not stiffen before compaction.
- Complete compaction of the surface course when the surface is cool enough to resist a 10-ton roller. One or two passes of the roller are required for proper compaction. More rolling could cause a reduction in the porosity of the pavement.
- The mixing plant must provide certification of the aggregate mix, abrasion loss factor, and asphalt content in the mix. Test the asphalt mix for its resistance to stripping by water using ASTM D1664. If the estimated coating area is not above 95%, additional anti-stripping agents must be added to the mix.
- Transport the mix to the site in a clean vehicle with smooth dump beds sprayed with a non-petroleum release agent. The mix shall be covered during transportation to control cooling.
- Test the full permeability of the pavement surface by performing ASTM test C1701, Standard Test Method for Infiltration Rate of In Place Pervious Concrete in at least three (3) locations spaced evenly throughout the pavement area. application of clean water at a rate of at least 5 gallons per minute over the entire surface. All water must infiltrate directly, without puddle formation or surface runoff.
- Inspect the facility 18 to 30 hours after a significant rainfall (0.5 inch or greater) or artificial flooding to determine if the facility is draining properly.

11. Pervious Concrete Installation

The basic installation sequence for pervious concrete is outlined by the National Ready Mixed Concrete Association (NRMCA; NRMCA, 2004). Concrete installers are required to be certified by a recognized pervious concrete installers training program, such as the Pervious Concrete Contractor Certification Program offered by the NRMCA. The basic installation procedure is as follows:

- Drive the concrete truck as close to the project site as possible.

- Water the underlying aggregate (reservoir layer) before the concrete is placed, so the aggregate does not draw moisture from the freshly laid pervious concrete.
- After the concrete is placed, approximately 3/8 to 1/2 inches is struck off, using a vibratory screed. This is to allow for compaction of the concrete pavement.
- Compact the pavement with a steel pipe roller. Care should be taken to ensure over-compaction does not occur.
- Cut joints for the concrete to a depth of 1/4 inch.
- The curing process is very important for pervious concrete. Concrete installers should follow manufacturer specifications to the extent allowed by on-site conditions when curing pervious concrete. This typically requires covering the pavement with plastic sheeting within 20 minutes of the strike-off and may require keeping it covered for at least 7 days. Do not allow traffic on the pavement during the curing period.
- Remove the plastic sheeting only after the proper curing time.
- Test the permeability of the pavement surface by performing ASTM test C1701, Standard Test Method for Infiltration Rate of In Place Pervious Concrete in at least three (3) locations spaced evenly throughout the pavement area.
- Inspect the facility 18 to 30 hours after a significant rainfall (0.5 inch or greater) or artificial flooding, to determine if the facility is draining properly.

12. Permeable Interlocking Concrete Paver Installation

The basic installation process is described in greater detail by Smith (2006):

- Place edge restraints for open-jointed pavement blocks before the bedding layer and pavement blocks are installed. Permeable interlocking concrete pavement systems require edge restraints to prevent vehicle loads from moving the paver blocks. Edge restraints may be standard curbs or gutter pans, or precast or cast-in-place reinforced concrete borders a minimum of 6 inches wide and 18 inches deep, constructed with Class A3 concrete. Edge restraints along the traffic side of a permeable pavement block system are recommended.
- Place the double-washed No. 57 stone in a single lift. Level the filter course and compact it into the reservoir course beneath with at least four passes of a 10-ton steel drum static roller until there is no visible movement. The first two passes are in vibratory mode, with the final two passes in static mode. The filter aggregate should be moist to facilitate movement into the reservoir course.
- Place and screed the bedding course material (typically No. 8 stone).
- Fill gaps at the edge of the paved areas with cut pavers or edge units. When cut pavers are needed, cut the pavers with a paver splitter or masonry saw. Cut pavers no smaller than 1/3 of the full unit size.
- Pavers may be placed by hand or with mechanical installers. Fill the joints and openings with stone. Joint openings must be filled with ASTM D448 No. 8 stone; although, No. 8P or No. 9 stone may be used where needed to fill narrower joints. Remove excess stones from the paver surface.

- Compact and seat the pavers into the bedding course with a minimum low-amplitude 5,000-pound-foot, 75- to 95-Hz plate compactor.
- Do not compact within 6 feet of the unrestrained edges of the pavers.
- The system must be thoroughly swept by a mechanical sweeper or vacuumed immediately after construction to remove any sediment or excess aggregate.
- Inspect the area for settlement. Any blocks that settle must be reset and re-inspected.
- Test the permeability of the pavement surface by performing ASTM test C1781, Standard Test Method for Surface Infiltration Rate of Permeable Unit Pavement Systems in at least three (3) locations spaced evenly throughout the pavement area.
- Inspect the facility 18 to 30 hours after a significant rainfall (0.5 inch or greater) or artificial flooding to determine whether the facility is draining properly.

13. Construction Supervision

Supervision before, during, and after construction by a qualified professional is recommended to ensure permeable pavement is built in accordance with these specifications. **ASTM test C1781 or C1701 must be performed following installation to ensure initial pavement permeability of at least 6 inches per hour in at least three (3) locations spaced evenly throughout the pavement area.** Inspection checklists that require sign-offs by qualified individuals should be used at critical stages of construction to ensure the contractor's interpretation of the plan is consistent with the designer's intent.

Construction phase inspection checklist for permeable pavement practices can be found in Appendix E Construction Inspection Checklists.

Some common pitfalls can be avoided by careful construction supervision that focuses on the following key aspects of permeable pavement installation:

- Store materials in a protected area to keep them free from mud, dirt, and other foreign materials.
- The CDA should be stabilized prior to directing water to the permeable pavement area.
- Check the aggregate material to confirm it is clean and washed, meets specifications and is installed to the correct depth. Aggregate loads that do not meet the specifications or do not appear to be sufficiently washed may be rejected.
- Check elevations (i.e., the invert of the underdrain, inverts for the inflow, and outflow points) and the surface slope.
- Make sure the permeable pavement surface is even, runoff spreads evenly across it, and the storage bed drains within 48 hours.
- Ensure caps are placed on the upstream (but not the downstream) ends of the underdrains.
- Inspect the pretreatment structures (if applicable) to make sure they are properly installed and working effectively.
- Once the final construction inspection has been completed, log the GPS coordinates for each facility and submit them for entry into the BMP maintenance tracking database.

Runoff diversion structures are recommended to protect larger permeable pavement applications from early runoff-producing storms, particularly when up-gradient conventional asphalt areas drain to the permeable pavement. This can help reduce the input of fine particles often produced shortly after conventional asphalt is laid.

- 4.4.7 Permeable Pavement Maintenance Criteria** *(no changes)*
- 4.4.8 Permeable Pavement Stormwater Compliance Calculations** *(no changes)*
- 4.4.9 References** *(no changes)*
- 4.5 Infiltration Practices** *(no changes)*
- 4.6 Green Roofs** *(no changes)*

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4.7 Rainwater Harvesting

Rainwater Harvesting				
Definition: Rainwater harvesting systems store rainfall and release it for future use. Rainwater that falls on a rooftop or other impervious surface is collected and conveyed into an above- or below-ground tank (also referred to as a cistern) or settling pond, where it is stored for non-potable uses.				
Site Applicability		BMP Performance Summary		
Land Uses	Required Footprint	WQ Improvement: Moderate to High		
<ul style="list-style-type: none"> ▪ Urban ▪ Suburban ▪ Rural 	Small	TSS ¹	Total N ¹	Bacteria ¹
		Varies*	Varies*	Varies*
		Runoff Reduction		
Construction Costs	Maintenance Burden	Volume		
Low to Moderate	Moderate	Varies*		
Maintenance Frequency:		SWRv		
Routine	Non-Routine	100% of Available Storage Volume		
Quarterly	Every 3 years			
Advantages/Benefits		Disadvantages/Limitation		
<ul style="list-style-type: none"> ▪ Reduces runoff rates and volume ▪ Can provide for/supplement irrigation needs 		<ul style="list-style-type: none"> ▪ Stored water must be used on regular basis to maintain capacity ▪ Stagnant water can breed mosquitos 		
Components		Design considerations		
<ul style="list-style-type: none"> ▪ Pretreatment ▪ Conveyance ▪ First flush diverter ▪ Cistern (storage tank) ▪ Overflow ▪ Low water cutoff 		<ul style="list-style-type: none"> ▪ Plumbing codes (for indoor tanks) ▪ Size based on CDA, local rainfall patterns, and projected harvest rainwater demand ▪ Location and elevation of cistern ▪ Tank manufacturer's specifications ▪ Irrigation system and application rates 		
Maintenance Activities				
<ul style="list-style-type: none"> ▪ Inspect/clean pretreatment devices and first flush diverts ▪ Clear gutter/downspouts 		<ul style="list-style-type: none"> ▪ Inspect and clean storage tank ▪ Maintenance log required 		

¹Credited pollutant load removal

*Varies according to rainwater harvesting storage capacity and demand

Rainwater harvesting systems store rainfall for future, non-potable water uses and on-site stormwater disposal/infiltration. By providing a reliable and renewable source of water to end users, rainwater harvesting systems can also have environmental and economic benefits beyond stormwater management (e.g. increased water conservation, water supply during drought and mandatory municipal water supply restrictions, decreased demand on municipal or groundwater supply, decreased water costs for the end-user, potential for increased groundwater recharge, supply of water post storm/hurricane in case of failed municipal infrastructure etc.).

Definition *(no changes)***4.7.1 Rainwater Harvesting Feasibility Criteria** *(no changes)***4.7.2 Rainwater Harvesting Conveyance Criteria** *(no changes)***4.7.3 Rainwater Harvesting Pretreatment Criteria** *(no changes)***4.7.4 Rainwater Harvesting Design Criteria** *(no changes)***4.7.5 Rainwater Harvesting Landscaping Criteria**

If the harvested water is to be used for irrigation, the design plan elements must include the proposed delineation of planting areas to be irrigated, the planting plan, and quantification of the expected water demand. The default water demand for irrigation is 1.0 inches per week over the area to be irrigated during the months of ~~May~~ March through ~~October~~ November only. Justification must be provided if larger volumes are to be used.

4.7.6 Rainwater Harvesting Construction Sequence *(no changes)***Installation** *(no changes)***Construction Supervision**

Construction phase inspection checklist for rainwater harvesting practices and the Stormwater Facility Leak Test form can be found in Appendix E – Construction Inspection Checklists.

4.7.7 Rainwater Harvesting Maintenance Criteria *(no changes)***4.7.8 Rainwater Harvesting Stormwater Compliance Calculations** *(no changes)***4.7.9 References** *(no changes)***4.8 Impervious Surface Disconnection** *(no changes)*

4.9 Open Channel Systems

Open Channel Systems						
Definition: Vegetated open channels that are designed to capture and treat or convey the design storm volume (SWRv).						
Site Applicability		BMP Performance Summary				
Land Uses	Required Footprint	WQ Improvement: Moderate to High				
<ul style="list-style-type: none"> ▪ Suburban ▪ Rural 	Moderate	TSS ¹	Total N ¹	Bacteria ¹		
		50-80%	25-70%	30-80%		
		Runoff Reduction				
Construction Costs	Maintenance Burden	Volume				
Low	Low	Low				
Maintenance Frequency:		SWRv				
Routine	Non-Routine	O-1a	O-1b	O-2	O-3	O-4
Quarterly	Every 10-15 years	10%	20%	60%	0%	0%
Advantages/Benefits		Disadvantages/Limitation				
<ul style="list-style-type: none"> ▪ Less expensive than curb and gutter ▪ Relatively low maintenance requirements ▪ Provides pretreatment if used as part of runoff conveyance system ▪ Provides partial infiltration of runoff in some soils ▪ Good for small drainage areas 		<ul style="list-style-type: none"> ▪ Must be carefully designed to achieve low flow rates in the channel (< 1.0 ft/s) ▪ May re-suspend sediment ▪ May not be acceptable for some areas because of standing water in channel 				
Components		Design considerations				
<ul style="list-style-type: none"> ▪ Channel geometry ▪ Dense vegetation ▪ Check dams, as needed) 		<ul style="list-style-type: none"> ▪ Maximum drainage area of 2.5 acres ▪ Slopes (<4% unless using O-4) ▪ Runoff velocities must be non-erosive ▪ Vegetation must withstand both relatively high velocity flows and wet/dry periods. 				
Maintenance Activities						
<ul style="list-style-type: none"> ▪ Mow grass to 3 or 4 inches high ▪ Inspect for, and correct, formation of rills and gullies 		<ul style="list-style-type: none"> ▪ Clean out sediment accumulation in channel ▪ Ensure that vegetation remains well established 				

¹Credited pollutant load removal

Often found along roadsides, parking lots, and property boundaries, open channels can provide stormwater conveyance, capture and/or treatment. One of the most visible stormwater BMPs, they are often part of stormwater conveyance systems.



Figure 4.33. Open channel (photo: Center for Watershed Protection, Inc.)

Definition. *(no changes)*

4.9.1 Open Channel Feasibility Criteria *(no changes)*

4.9.2 Open Channel Conveyance Criteria *(no changes)*

4.9.3 Open Channel Pretreatment Criteria *(no changes)*

4.9.4 Open Channel Design Criteria

Channel Geometry. – Ponding Depth. *(no changes)*

Dry Swale Filter Media. Dry swales may require replacement of native soils with a prepared filter media if geotechnical analysis shows that in-situ soils do not provide the necessary infiltration rates. The filter media provides adequate drainage, supports plant growth, and facilitates pollutant removal within the dry swale. At least 18 inches of filter media must be added above the choker stone layer (and no more than 6 feet) to create an acceptable filter. The recipe for the filter media is identical to that used for bioretention and is provided in Section 4.3 Bioretention. The batch receipt confirming the source of the filter media must be submitted to the Town of Bluffton inspector. One acceptable design adaptation is to use 100% sand for the first 18 inches of the filter and add a combination of topsoil and compost, as specified in Appendix C – Soil Compost Amendment Requirements, for the top 4 inches, where turf cover will be maintained.

Dry Swale Drawdown. – RSC Sizing. *(no changes)*

4.9.5 Open Channel Landscaping Criteria *(no changes)*

4.9.6 Open Channel Construction Sequence *(no changes)*

- 4.9.7 Open Channel Maintenance Criteria *(no changes)*
- 4.9.8 Open Channel Stormwater Compliance Calculations *(no changes)*
- 4.9.9 References *(no changes)*
- 4.10 Filtering Systems
 - 4.10.1 Filtering System Feasibility Criteria *(no changes)*
 - 4.10.2 Filtering System Conveyance Criteria *(no changes)*
 - 4.10.3 Filtering System Pretreatment Criteria *(no changes)*
 - 4.10.4 Filtering System Design Criteria *(no changes)*
 - 4.10.5 Filtering System Landscaping Criteria *(no changes)*
 - 4.10.6 Filtering System Construction Sequence
Soil Erosion and Sediment Control. *(no changes)*

Filter Installation. The following is the typical construction sequence to properly install a structural sand filter. This sequence can be modified to reflect different filter designs, site conditions, and the size, complexity, and configuration of the proposed filtering application.

1. **Stabilize Contributing Drainage Area. – 5. Excavate and Grade** *(no changes)*
6. **Install Filter Structure.** Install filter structure in design location and check all design elevations (i.e., concrete vaults for surface, underground, and perimeter sand filters). Upon completion of the filter structure shell, inlets and outlets must be temporarily plugged and the structure filled with water to the brim to demonstrate water tightness. Maximum allowable leakage is 5% of the water volume in a 24-hour period. See Appendix E Construction Inspection Checklists for the Stormwater Facility Leak Test form. If the structure fails the test, repairs must be performed to make the structure watertight before any sand is placed into it.
7. **Install Base Material Components. – 11. Final Inspection** *(no changes)*

Construction phase inspection checklist for filters and the Stormwater Facility Leak Test form can be found in Appendix E Construction Inspection Checklists.

- 4.10.7 Filtering System Maintenance Criteria *(no changes)*
- 4.10.8 Filtering System Stormwater Compliance Calculations *(no changes)*
- 4.10.9 References *(no changes)*
- 4.11 Storage Practices *(no changes)*

4.12 Ponds

Ponds				
Definition: Stormwater storage practices that consist of a combination of a permanent pool, micropool, or shallow marsh that promote a good environment for gravitational settling, biological uptake, and microbial activity.				
Site Applicability		BMP Performance Summary		
Land Uses	Required Footprint	WQ Improvement: Moderate to High		
<ul style="list-style-type: none"> ▪ Urban ▪ Suburban ▪ Rural 	Medium	TSS ¹	Total N ¹	Bacteria ¹
		80%	30%	60%
		Runoff Reductions		
Construction Costs	Maintenance Burden	Volume		
Moderate	Moderate	Low		
Maintenance Frequency:		SWRv		
Routine	Non-Routine	0%		
At least annually	Every 5–7 years			
Advantages/Benefits		Disadvantages/Limitation		
<ul style="list-style-type: none"> ▪ Moderate to high pollutant removal ▪ Can be designed as a multi-functional BMP ▪ Cost effective ▪ Good for sites with high water table and/or poorly drained soils ▪ Wildlife habitat potential ▪ High community acceptance when integrated into a development 		<ul style="list-style-type: none"> ▪ Requires large amount of flat land (1-3% of CDA) ▪ Must be properly designed, installed, and maintained to avoid nuisance problems ▪ Routine sediment cleanout may be needed ▪ Potential for thermal impacts downstream 		
Components		Design considerations		
<ul style="list-style-type: none"> ▪ Conveyance ▪ Forebay ▪ Ponding area with available storage ▪ Micropool ▪ Spillway system(s) ▪ Liners, as needed 		<ul style="list-style-type: none"> ▪ CDA of at least 10 acres and slopes <15% ▪ Use CN adjustment factor ARC III for CDA that are irrigated with harvested rainwater ▪ Minimum length to width ratio = 3:1 ▪ Maximum depth of permanent pool = 8' ▪ 3:1 side slopes or flatter around pond perimeter 		
Maintenance Activities				
<ul style="list-style-type: none"> ▪ Remove debris from inlet and outlet structures ▪ Maintain side slopes/remove invasive vegetation 		<ul style="list-style-type: none"> ▪ Monitor sediment accumulation and remove periodically 		

¹Credited pollutant load removal

Stormwater ponds are widely applicable for most land uses and are best suited for larger drainage areas (Figure 4.47); however, they should be considered for use after all other upland retention opportunities have been exhausted and there is still a remaining treatment volume or runoff from larger storms (i.e., 2- to 25-year or flood control events) to manage.

Stormwater ponds receive no retention credit and should be considered mainly for management of larger storm events. Stormwater ponds have both community and environmental concerns (see Section 4.12.1 Pond Feasibility Criteria) that should be considered before choosing stormwater ponds as the appropriate stormwater practice on site.



Figure 4.50. Wet Pond (photo: Denise Sanger)

Definition. *(no changes)*

4.12.1 Pond Feasibility Criteria *(no changes)*

4.12.2 Pond Conveyance Criteria

Internal Slope. – Emergency Spillway. *(no changes)*

Adequate Outfall Protection. The design must specify an outfall that will be stable for the ~~25~~**100**-year design storm event. The channel immediately below the pond outfall must be modified to prevent erosion and conform to natural dimensions in the shortest possible distance. This is typically done by placing appropriately sized riprap over geotextile fabric, which can reduce flow velocities from the principal spillway to non-erosive levels (3.5 to 5.0 feet per second) depending on the channel lining material. Flared pipe sections, which discharge at or near the stream invert or into a step pool arrangement, should be used at the spillway outlet.

When the discharge is to a manmade pipe or channel system, the system must be adequate to convey the required design storm peak discharge.

If a pond daylights to a channel with dry weather flow, care should be taken to minimize tree clearing along the downstream channel, and to reestablish a forested riparian zone in the shortest possible distance. Excessive use of riprap should be avoided.

The final release rate of the facility shall be modified if any increase in flooding or stream channel erosion would result at a downstream structure, highway, or natural point of restricted streamflow.

Inlet Protection. – Dam Safety Permits. (no changes)

4.12.3 Pond Pretreatment Criteria (no changes)

4.12.4 Pond Design Criteria

Pond Storage Design. – Stormwater Pond Benches. (no changes)

Liners. When a stormwater pond is located over highly permeable soils, a liner may be needed to sustain a permanent pool of water. If geotechnical tests confirm the need for a liner, acceptable options include the following:

1. a clay liner following the specifications outlined in Table 4.49;
2. a 30-mil poly liner;
3. bentonite;
4. use of chemical additives; or
5. an engineering design, as approved on a case-by-case basis by Town of Bluffton.

A clay liner must have a minimum thickness of 12 inches with an additional 12-inch layer of compacted soil above it, and it must meet the specifications outlined in Table 4.49. Other synthetic liners can be used if the designer can supply supporting documentation that the material will achieve the required performance.

Table 4.49. Clay Liner Specifications

Property	Test Method	Unit	Specification
Permeability	ASTM-D2434	cm/s	1×10^{-6}
Plasticity Index of Clay	ASTM-D4318	%	Not less than 15
Liquid Limit of Clay	ASTM-D2216	%	Not less than 30
Clay Particles Passing	ASTM-D422	%	Not less than 30
Clay Compaction	ASTM-D2216	%	95% of standard proctor density

Source: DCR (1999). VA

Required Geotechnical Testing. – Pond Drain. (no changes)

Safety Features.

- The principal spillway opening must be designed and constructed to prevent access by small children.

- End walls above pipe outfalls greater than 48 inches in diameter must be fenced to prevent a falling hazard.
- Storage practices must incorporate an additional 1 foot of freeboard above the emergency spillway, or 2 feet of freeboard if design has no emergency spillway, for the 100-year storm.
- The emergency spillway must be located so that downstream structures will not be impacted by spillway discharges.
- ~~Both the safety bench and the aquatic bench should be landscaped with vegetation that hinders or prevents access to the pool.~~
- Warning signs prohibiting swimming must be posted.
- Where permitted, fencing of the perimeter of ponds is discouraged. The preferred method to reduce risk is to manage the contours of the stormwater pond to eliminate drop-offs or other safety hazards. Fencing is required at or above the maximum water surface elevation in the rare situations when the pond slope is a vertical wall.
- Side slopes to the pond shall not be steeper than 3H:1V, and shall terminate on a 15-foot wide safety bench. Both the safety bench and the aquatic bench ~~may~~ **should** be landscaped to prevent access to the pool. ~~The bench requirement may be waived if slopes are 4H:1V or flatter.~~

Maintenance Reduction Features – Water Balance Testing *(no changes)*

4.12.5 Pond Landscaping Criteria

Pond Benches. The perimeter of all deep pool areas (4 feet or greater in depth) must be surrounded by two benches:

- A safety bench that extends 8 to 15 feet outward from the normal water edge to the toe of the pond side slope. ~~The maximum slope of the safety bench shall be 6%.~~ **is landscaped to prevent access to the pool.**
- An aquatic bench that extends up to 10 feet inward from the normal shoreline and has a maximum depth of 18 inches below the normal pool water surface elevation, **planted with native aquatic plant species.**

Landscaping and Planting Plan. A landscaping plan must be provided that indicates the methods used to establish and maintain vegetative coverage in the pond and its buffer (see Section 4.3.5 Bioretention Landscaping Criteria for extended landscaping and planting details). Minimum elements of a landscaping plan include the following:

- ~~Landscaping~~ **landscaping** zones within both the pond and buffer.
- Selection of corresponding plant species.
- The planting plan.
- The sequence for preparing the wetland benches (including soil amendments, if needed).
- Sources of native plant material.
- The landscaping plan should provide elements that promote diverse wildlife and waterfowl use within the stormwater wetland and buffers.

- Woody vegetation may not be planted or allowed to grow within 15 feet of the toe of the embankment nor within 25 feet from the principal spillway structure.
- A vegetated buffer should be provided that extends at least 25 feet outward from the maximum water surface elevation of the pond. Permanent structures (e.g., buildings) should not be constructed within the buffer area. Existing trees should be preserved in the buffer area during construction.
- The soils in the stormwater buffer area are often severely compacted during the construction process, to ensure stability. The density of these compacted soils can be so great that it effectively prevents root penetration and, therefore, may lead to premature mortality or loss of vigor. As a rule of thumb, planting holes should be three times deeper and wider than the diameter of the root ball for bare root and ball-and-burlap stock, and five times deeper and wider for container-grown stock.
- Avoid species that require full shade or are prone to wind damage. Extra mulching around the base of trees and shrubs is strongly recommended as a means of conserving moisture and suppressing weeds.

For a list of recommended aquatic plants for South Carolina, consult Clemson’s fact sheet entitled [“Aquatic & Shoreline Plant Selection”](https://hgic.clemson.edu/factsheet/aquatic-shoreline-plant-selection/) available online at <https://hgic.clemson.edu/factsheet/aquatic-shoreline-plant-selection/>. For more guidance on planting trees and shrubs in pond buffers, consult Cappiella et al. (2006).

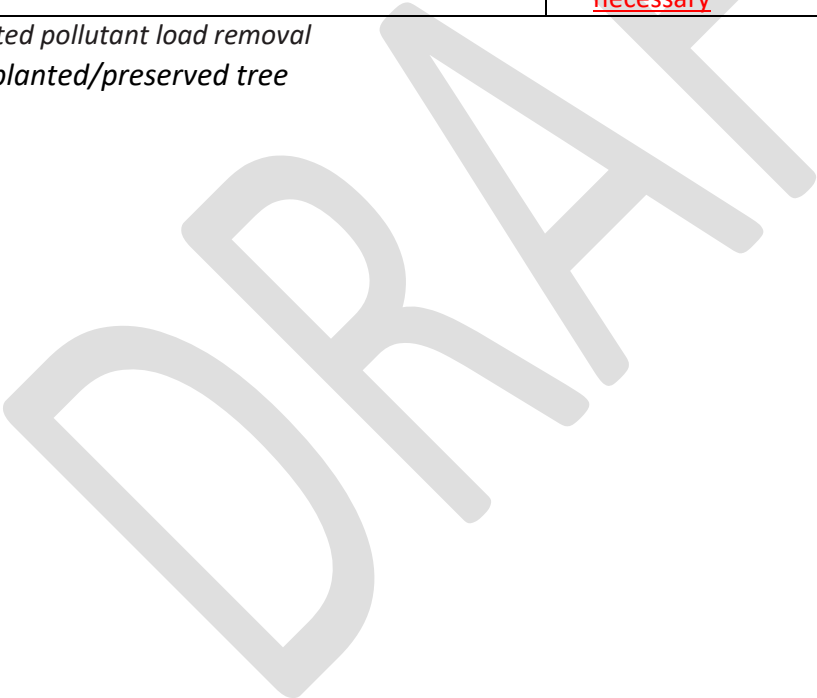
- 4.12.6 Pond Construction Sequence *(no changes)*
- 4.12.7 Pond Maintenance Criteria *(no changes)*
- 4.12.8 Pond Stormwater Compliance Calculations *(no changes)*
- 4.12.9 References *(no changes)*
- 4.13 Stormwater Wetlands *(no changes)*
- 4.14 Tree Planting & Preservation

Tree Planting and Preservation						
Definition: Existing trees can be preserved or new trees can be planted to reduce stormwater runoff.						
Site Applicability		BMP Performance Summary				
Land Uses	Required Footprint	WQ Improvement: Moderate to High				
<ul style="list-style-type: none"> ▪ Urban ▪ Suburban ▪ Rural 	Small	TSS ¹	Total N ¹	Bacteria ¹		
		N/A	N/A	N/A		
		Runoff Reductions				
Construction Costs	Maintenance Burden	Volume				
Low	Low	Low				
Maintenance Frequency:		SWR _v *				
Routine	Non-Routine	T-1 Small	T-1 Large	T-2 Small	T-2 Large	T-2 Special

At least annually	Every 10–15 years	5 ft ³	10 ft ³	10 ft ³	20 ft ³	30 ft ³
Advantages/Benefits		Disadvantages/Limitation				
<ul style="list-style-type: none"> ▪ High community acceptance ▪ Relatively low maintenance requirements ▪ Increases property value ▪ Easily incorporated with other practices ▪ Excellent for soils 		<ul style="list-style-type: none"> ▪ Preserved trees must be protected during construction ▪ Must be within LOD ▪ Must maintain tree health <u>and replace trees as necessary</u> 				
Components		Design considerations				
<ul style="list-style-type: none"> ▪ Inventory of existing trees ▪ Identification of trees to preserve or plant ▪ Preference for Special trees ▪ Average tree spread 		<ul style="list-style-type: none"> ▪ Inventory of existing trees ▪ Identification of trees to preserve or plant ▪ Preference for Special trees ▪ Slope-steep slopes must be terraced/benched ▪ Maintenance access 				
Maintenance Activities						
<ul style="list-style-type: none"> ▪ If staked during establishment, remove stakes within 1 year of planting 		<ul style="list-style-type: none"> ▪ Maintain appropriate mulch cover ▪ Ensure tree health <u>and replace trees as necessary</u> 				

¹Credited pollutant load removal

*Per planted/preserved tree



Easily combined with other practices, tree planting and preservation provide stormwater interception, beauty, and shade, thereby increasing aesthetics and property values. See Figure 4.57



Figure 4.57. Tree Planting and Preservation in Bioretention (photo: Center for Watershed Protection)

Definition. *(no changes)*

4.14.1 Preserving Existing Trees during Construction

The preferred method for increasing tree cover at a development site is to preserve existing trees during construction, particularly where mature trees are present. Existing trees are preserved during construction through a four-step process:

1. Inventory existing trees.
2. Identify trees to preserve.
3. Protect trees and soil during construction.
4. Protect trees after construction.

Inventory Existing Trees. – Protect Trees and Soil During Construction. *(no changes)*

Protect Trees After Construction. Maintenance covenants, as described below, are required to ensure that preserved trees are protected. Additionally, trees credited for stormwater retention must be included in the stormwater management plan. If trees die, they must be replaced with a tree of similar mature spread no longer than 6 months from time of death in an appropriate location.

4.14.2 Planting Trees *(no changes)*

4.14.3 Tree Inspection Criteria *(no changes)*

4.14.4 Tree Maintenance Criteria *(no changes)*

4.14.5 Tree Stormwater Compliance Calculations *(no changes)*

4.14.6 References *(no changes)*

4.15 Proprietary Practices *(no changes)*

4.16 Conservation Area

If a site includes a Conservation Area which is protected under a conservation easement or equivalent form of protection, a portion of the conservation area may be “removed” from the site for the purposes of calculating the stormwater retention volume (SWRv). There are four scenarios that could qualify for a conservation area credit. The portion of the conservation area that is eligible to be removed from the SWRv calculation is any area that is not already protected from development by any Federal, State, County, and/or Town agency/code/requirement/restriction.

The process of “removing” a portion of the conservation area is completed with the following revision to Equation 3.2 (SWRv equation), as shown in equation 4.32.

Equation 4.32. Stormwater retention volume (SWRv) equation for conservation areas

$$SWRv = \frac{P \times [(R_{V_I} \times I) + (R_{V_C} \times C) + (R_{V_N} \times N)]}{12} \times \left(\frac{A_T - (A_C \times Credit)}{A_T} \right)$$

Where:

SWRv = Volume required to be retained (cubic feet)

P = Depth of rainfall event for the designated watershed protection area (85th or 95th percentile rain event)

R_{V_I} = Runoff coefficient for impervious cover and BMP cover based on SCS hydrologic soil group (HSG) or soil type

I = Impervious cover surface area (square feet)

R_{V_C} = Runoff coefficient for compacted cover based on soil type

C = Compacted cover surface area (square feet)

R_{V_N} = Runoff coefficient for forest/open space based on soil type

N = Natural cover surface area (square feet)

12 = Conversion factor (inches to feet)

A_T = Total site area, sum of I, C, and N (square feet)

A_C = Total area of conservation easement or equivalent form of protection (square feet)

Credit= Credit awarded for the type of conservation – 100% for Scenarios 1 and 4, and 50% for Scenarios 2 and 3 below (insert credit as a fraction – 1.0 or 0.5).

There are four scenarios that could qualify for a conservation area credit. All conservation areas must have a contiguous area of 10,000 square feet or more to be eligible for these credits.

Scenario 1: Natural Conservation Area

Scenario 1 is applicable if a portion of the post-developed area is left in its natural condition and protected, in perpetuity, by a conservation easement or equivalent form of protection. If this scenario is applicable, subtract 100% of the protected natural area from the total site area when calculating the SWRV, using Equation 4.32 above.

Scenario 2: Reforestation/Revegetation

Scenario 2 is applicable if a portion of the post-developed area employs site reforestation/revegetation and is protected, in perpetuity, by a conservation easement or equivalent form of protection. If this application is used alone, subtract 50% of the reforested/revegetated area from the total site area when calculating the SWRV, using Equation 4.32 above.

Scenario 3: Soil Restoration

Scenario 3 is applicable if a portion of the post-developed area employs soil restoration and is protected, in perpetuity, by a conservation easement or equivalent form of protection. If this application is used alone, subtract 50% of the soil restoration area from the total site area when calculating the SWRV, using Equation 4.32 above.

Scenario 4: Reforestation/Revegetation & Soil Restoration

Scenario 4 is applicable if the same portion of the post-developed area employs site reforestation/revegetation as well as soil restoration and is protected, in perpetuity, by a conservation easement or equivalent form of protection, subtract 100% of the acres of development with restored soils in a reforested and revegetated area from the total site area when calculating the SWRV, using Equation 4.32 above.

4.16.1 Scenario 1: Natural Conservation Area Planning and Design Criteria – Reforestation/Revegetation

Scenario 1 is applicable if a portion of the post-developed area is left in its natural condition and protected, in perpetuity, by a conservation easement or equivalent form of protection. If this scenario is applicable, subtract 100% of the protected natural area from the total site area when calculating the SWRV. Site reforestation/revegetation refers to the process of planting trees, shrubs and other native vegetation in disturbed pervious areas to restore them to their pre-development conditions. The process can be used to help establish mature native plant communities (e.g., forests) in pervious areas that have been disturbed by clearing, grading and other land disturbing activities.

The reforestation/re-vegetation process used on a development site must meet all of the following criteria to be eligible for the stormwater management “credits” described above:

General Planning and Design

- Reforested/revegetated areas should not be disturbed after construction (except for disturbances associated with landscaping or removal of invasive vegetation).
- Reforested/revegetated areas should be protected, in perpetuity, from the direct impacts of the land development process by a legally enforceable conservation instrument (e.g., conservation easement, deed restriction).

Landscaping

- A soil test should be performed to determine what type of vegetation can be supported by the soils in the area to be reforested/revegetated and/or what soil amendments will be required.
- A landscaping plan should be prepared by a qualified licensed professional for all reforested/revegetated areas. The landscaping plan should be reviewed and approved by the local development review authority prior to construction.
- Landscaping commonly used in site reforestation/revegetation efforts includes native trees, shrubs and other herbaceous vegetation. Because the goal of the site reforestation/revegetation process is to establish a mature native plant community (e.g., forest), managed turf cannot be used to landscape reforested/revegetated areas.
- Methods used for site reforestation/revegetation should achieve at least 75 percent vegetative cover one year after installation.

A long-term vegetation management plan should be developed for all reforested/revegetated areas. The plan should clearly specify how the area will be maintained in an undisturbed, natural state over time. Plan should include method for watering during plant establishment period of one to two years.

4.16.2 Reforestation/Revegetation Planning and Design Criteria – Soil Restoration

Scenario 2 is applicable if a portion of the post-developed area employs site reforestation/revegetation and is protected, in perpetuity, by a conservation easement or equivalent form of protection. If this application is used alone, subtract 50% of the reforested/revegetated area from the total site area when calculating the SWRv. Soil restoration refers to the process of tilling and adding compost and other amendments to soils to restore them to their pre-development conditions, which improves their ability to reduce post-construction stormwater runoff rates, volumes and pollutant loads. The soil restoration process can be used to improve the hydrologic conditions of pervious areas that have been disturbed by clearing, grading and other land disturbing activities.

The soil restoration process used on a development site must meet all of the following criteria to be eligible for the stormwater management “credits” described above:

General Planning and Design

- To avoid damaging existing root systems, soil restoration should not be performed in areas that fall within the drip line of existing trees.

- Compost should be incorporated into existing soils, using a rototiller or similar equipment, to a depth of 18 inches and at an application rate necessary to obtain a final average organic matter content of 8%-12%. Required application rates can be determined using a compost calculator, such as the one provided on the following website: <https://www.soilsforsalmon.org/resources>. Other calculations are available online.
- Only well-aged composts that have been composted for a period of at least one year should be used to amend existing soils. Composts should be stable and show no signs of further decomposition.
- Composts used to amend existing soils should meet the following specifications (most compost suppliers will be able to provide this information):
 - Organic Content Matter: Composts should contain 35%-65% organic matter.
 - Moisture Content: Composts should have a moisture content of 40%-60%.
 - Bulk Density: Composts should have an "as-is" bulk density of 40-50 pounds per cubic foot (lb/cf). In composts that have a moisture content of 40%-60%, this equates to a bulk density range of 450-800 pounds per cubic yard (lb/cy), by dry weight.
 - Carbon to Nitrogen (C:N) Ratio: Composts should have a C:N Ratio of less than 25:1.
 - pH: Composts should have a pH of 6-8.
 - Cation Exchange Capacity (CEC): Composts should have a CEC that exceeds 50 milliequivalents (meq) per 100 grams of dry weight.
 - Foreign Material Content: Composts should contain less than 0.5% foreign materials (e.g., glass, plastic), by weight.
 - Pesticide Content: Composts should be pesticide free.
- Biosolids (except Class A biosolids) and composted animal manure should not be used to amend existing soils.
- Composts used to amend existing soils should be provided by a member of the U.S. Composting Seal of Testing Assurance program. Additional information on the Seal of Testing Assurance program is available on the following website: <http://www.compostingcouncil.org>.

Landscaping

- Vegetation commonly planted on restored pervious areas includes turf, shrubs, trees and other herbaceous vegetation. Although managed turf is most commonly used, site planning and design teams are encouraged to use trees, shrubs and/or other native vegetation to help establish mature native plant communities (e.g., forests) in restored pervious areas.
- Methods used to establish vegetative cover within a restored pervious area should achieve at least 75 percent vegetative cover one year after installation.
- To help prevent soil erosion and sediment loss, landscaping should be installed immediately after the soil restoration process is complete. Temporary irrigation may be needed to quickly establish vegetative cover on a restored pervious area.

4.16.3 Scenario 3: Soil Restoration Other Design Considerations

~~Scenario 3 is applicable if a portion of the post-developed area employs soil restoration and is protected, in perpetuity, by a conservation easement or equivalent form of protection. If this application is used alone, subtract 50% of the soil restoration area from the total site area when calculating the SWRV.~~

When conducting sitewide hydrologic and hydraulic analysis for the 2, 10, 25, 50, and 100-year, 24-hour

storm events to control post-development peak runoff discharge to the predevelopment runoff rates, do NOT remove the conservation area. It should be included in the analysis to adequately size stormwater detention for the site.

- Reforestation/Revegetation & Natural Conservation Area: Assume that the post-development hydrologic conditions of any restored and reforested/revegetated areas and natural conservation areas are equivalent to those of a similar cover type (e.g., meadow, brush, woods) in good condition.
- Soil Restoration: Assume that the post-development hydrologic conditions of any restored pervious areas are equivalent to those of open space (e.g., lawns, parks, golf courses) in good condition.

4.16.4 Scenario 4: Reforestation/Revegetation & Soil Restoration

Scenario 4 is applicable if the same portion of the post developed area employs site reforestation/revegetation as well as soil restoration and is protected, in perpetuity, by a conservation easement or equivalent form of protection, subtract 100% of the acres of development with restored soils in a reforested and revegetated area from the total site area when calculating the SWRv.

Chapter 5. Erosion & Sediment Control

Sedimentation involves three basic geologic processes: erosion, transportation, and deposition. These are natural geologic phenomena; however, land development activities may initiate severe, highly undesirable and damaging alterations in the natural sedimentation cycle by drastically accelerating the erosion and transportation process. Receiving waters are the final destination for sediment transport and deposition. However, natural streams and lakes are not capable of handling the excessive sediments created by this accelerated cycle. Therefore, excessive sediment loads result in turbid waters and heavy deposition over the substrate. The impact of these events directly affects the propagation of aquatic life, which relies on clear substrates and water to feed and reproduce. Sediment-laden waters affect human activities through the degradation of waters used for aquatic recreation and sport fishing and complicate water treatment processes. Consequently, minimizing the occurrence of erosion and effective control of sediment transport is imperative to all.

5.1 Sedimentation Cycle *(no changes)*

5.2 Factors Influencing Erosion *(no changes)*

5.3 Concepts of Erosion & Sediment Control

Principles of erosion and sedimentation control are based on minimizing the effects of the soil and climatologic factors just discussed. None of the following concepts provide a singular solution for controlling those factors, nor can they all be performed at every site. However, the integration of as many concepts as possible provides the most effective erosion and sedimentation control:

- A. Compatible Site Planning
 - Minimize development within sensitive areas (e.g. highly erosive soils).
 - Limit the length and steepness of the designed slopes.
 - Maintain natural vegetative cover when possible.
- B. Disturbed Areas Reduction
 - Minimize the extent of the disturbed area and the duration of exposure.
 - Phase or stage development so that only the areas that are actively being developed are disturbed.
 - Minimize large or critical area grading during the season of maximum erosion potential.
- C. Disturbed Areas Protection
 - Complete grading as quickly as possible.
 - Establish permanent vegetation as soon as possible on disturbed areas.
 - Divert runoff from disturbed areas.
- D. Sediment Retention within Site Boundaries
 - Filter runoff as it flows from a disturbed area.
 - Impound sediment-laden runoff temporarily so that the soil particles are deposited onsite.

The NPDES Phase II storm water regulations enacted by the Clean Water Act of 1972 and promulgated by Stormwater Phase II Final Rule (1999) require that any activity disturbing an acre or greater of land, or a smaller project part of a larger common plan for development or sale, obtain NPDES construction permit coverage. This regulation differs somewhat from the South Carolina state regulations relating to areas of

disturbance. Any land disturbing activity in the Town of Bluffton that meets the aforementioned criteria of one acre or more of disturbance will need to ~~will~~ comply with the state process for permitting. Application and issuance of an approved permit under the South Carolina state regulations for erosion and sedimentation control will meet the requirements for coverage under NPDES Phase II as well (SCDHEC SCDES, 20122021).

5.4 General Criteria

All construction site activities must adhere the ~~SCDHEC~~ SCDES General Permit SC0010000 for Large and Small Site Construction Activities. In addition, the Town of Bluffton will require as a minimum, implementation of the following construction site BMPs:

Single Family Development, not part of a larger common plan of development:

1. Silt Fencing buried a minimum of 6 inches below disturbed grade, where applicable;
2. In areas where more than two feet of fill material has been placed or in areas adjacent to all wetlands, silt fencing meeting the requirements of SCDOT must be used;
3. Temporary gravel driveways a minimum of 15 feet by 10 feet, where applicable; and
4. Sediment barriers surrounding all catch basins or drop inlets on site and sediment ~~socks~~ tubes on all catch basins or drop inlets adjoining to the site. Sediment tubes containing rubber tires are not permitted for use as inlet protection.
5. Two rows of silt fence are required between land disturbing activities and adjacent wetland buffers.

Single Family and Multi-Family Development, part of a larger common plan of development, and Non-residential Development:

1. Silt Fencing buried a minimum of 6 inches below disturbed grade;
2. Temporary gravel driveways a minimum of 15 feet by 10 feet;
3. Sediment barriers surrounding all catch basins or drop inlets on site and sediment ~~socks~~ tubes on all catch basins or drop inlets adjoining to the site. Sediment tubes containing rubber tires are not permitted for use as inlet protection;
4. Flow dissipation devices, such as check dams, in all swales and ditches;
5. Temporary stabilization shall be placed within 7 days after construction activity is complete unless construction activity is going to resume within 21 days;
6. Floating pump suction for all temporary or permanent ponds or pumping of excavations;
7. Discharge velocities shall be reduced to provide non-erosive flows from dewatering for all temporary or permanent ponds or pumping of excavations;
8. No more that 25 Nephelometric turbidity units (NTU) difference between upstream and downstream monitoring sites for surface water(s) receiving stormwater discharge(s). Stormwater discharge(s) not directly received by a surface water shall have a value of no more than 25 NTU's.
9. Site inspections must be performed by a Town of Bluffton qualified individual. Copies of inspection reports shall be provided to the Town of Bluffton within 7 days of inspection;
10. Temporary stockpile areas and appropriate BMPs to be identified on plans; and
11. Two rows of silt fence are required between land disturbing activities and adjacent ~~wetlands~~ wetland buffers.

5.5 References

South Carolina Department of Health and Environmental Control ~~Services~~ (DHEC ~~SCDES~~). ~~2012~~2021.
NPDES General Permit for Stormwater Discharges from Construction Activities SCR100000.
Retrieved from:

https://des.sc.gov/sites/des/files/media/document/BOW_NPDESStormwaterDischargesGP_01292021_0.pdf https://www.scdhec.gov/sites/default/files/docs/Environment/docs/CGP_permit.pdf

Chapter 6. Enforcement & Violations *(no changes)*

DRAFT

ARTICLE III. - SOLICITING AND MOBILE VENDING^[2]

- **Sec. 6-78. - Approvals, fees and taxes.**

(a) All approvals for mobile vending units will be issued annually based on the ~~calendar year~~ business license year. No approval issued under this article may be prorated, transferred, or assigned or used by any person other than the one to whom it is issued, or at any location other than the one for which it is issued.

(b) Annual mobile vending fee. Separate from the annual business license fee, an annual mobile vending provisional privilege fee of \$400.00 is due upon approval of the application. If a vendor chooses to withdraw operating in the Town, the annual fee is forfeited.

(c) Hospitality taxes shall be collected on all applicable sales according to [Sections 24-62](#) through [24-65](#) and remitted to the Town.

(Ord. No. [2017-01](#), § 1(Exh. A), 2-14-2017; [Ord. No. 2021-09](#), § 2(Exh. B), 8-10-2021)

- **Sec. 6-80. - Specific requirements.**

(a) Any person or entity intending to operate a mobile vending unit within the corporate limits of the Town of Bluffton shall obtain, prior to commencing operation:

(1) All permits as may be required to operate a mobile food service unit by the State, including the [SC Department of Agriculture](#)

(2) A Town of Bluffton business license;

(3) A fire safety inspection (applicable to food trucks only); and

(4) Mobile food service unit location approved application (excludes ice cream trucks). Applicants seeking mobile food service unit location approval shall submit, on an annual basis, an application for such approval. Such application shall include:

a. The name, address, telephone number, and email address of the mobile food service unit's owner(s) of record. An approval shall be required for each mobile food service unit, notwithstanding unity of ownership or operation. Where an owner(s) is a non-natural person whether or not formally organized, the application shall identify all partners, officers, directors and/or natural person with a financial interest in any such entity, including personal contact information for each;

b. Information identifying the mobile service unit including its make, model and license plate number, together with a photograph of the mobile food service unit;

c. The corporate and, where applicable, trade name of the base of operations associated with the mobile food service unit, together with a copy of the base of operation's Town of Bluffton's Business License. Where the base of operation is located outside the Town limits, the applicant shall provide evidence of licensing in the base of operation's home jurisdiction;

d. A copy of the approved permit and inspection certificate for the base of operation issued by the -SC Department of Agriculture;



• **Sec. 6-82. - Operational requirements and provisions.**

(3) SC Department of Agriculture mobile food service unit permit, together with all applicable health certificates, including food inspection reports, pertaining to the unit, shall be firmly attached in a prominent location, which shall be plainly visible to the public at all times the food truck is conducting business.



• **Sec. 6-82. - Operational requirements and provisions.**

(b) *Push carts.* The following operational requirements and conditions apply to push carts:

(1) No operator or employee of a push cart may, at any time, utilize amplified sound devices.

(2) SC Department of Agriculture mobile food service unit permit, together with all applicable health certificates, including food inspection reports, pertaining to the unit, shall be firmly attached in a prominent location, which shall be plainly visible to the public at all times the push cart is conducting business.



• **Sec. 6-83. - Fire safety.**

To minimize the threat to public safety posed by fire, prior to submitting a mobile vendor permit, food trucks and mobile food service units shall be inspected to ensure that the vehicle meets the conditions below.

An annual fire and life safety inspection shall be completed and approved prior to the issuance of a business license. All mobile vending shall be in compliance with the South Carolina Fire Code and all applicable rules and regulations (as amended).

(Ord. No. [2017-01](#), § 1(Exh. A), 2-14-2017; [Ord. No. 2021-09](#), § 2(Exh. B), 8-10-2021)

• **Sec. 6-84. – Violations and penalties.**

(a) It shall be a violation of this article to:

(1) Operate a mobile food service unit or mobile retail vendor vehicle without complying with the requirements of this article and the Town Code of Ordinances;

(2) Advertise without first complying with the requirements of this article, including applying for and obtaining a mobile vending permit;

(3) Operate a mobile food service unit or mobile retail vendor vehicle that has received two or more notifications of violations during any one-year permit period.

a. When there is a change of ownership, the number of allowable notices and violations shall be reset upon the issuance of a new mobile vending permit.

(4) Knowingly provide false information to the Town

(b) Failure of the mobile food service unit or mobile retail vendor vehicle to timely appear to two or more complaints regarding violations may be grounds for penalties including but not limited to, revocation of the permit as set forth in this article.

(c) Upon conviction for a violation hereof, the violator shall be guilty of a misdemeanor punishable as provided in Section 1-7 of this Code.

(d) In the event payment for an annual permit is not timely remitted to the Town as set forth in this article, the mobile food service unit or mobile retail vendor vehicle failing to remit shall also pay a penalty of five percent of the unpaid amount for each month or a portion thereof until said permit is paid in full.

(e) For good cause shown, but not otherwise, a mobile food service unit or mobile retail vendor vehicle may petition the Town Manager, or designee for a reduction of the penalties otherwise due when the failure to pay is not willful and is more than mere oversight and inadvertence.

ARTICLE V. - SHORT-TERM RENTAL UNITS^[3]

- **Sec. 6-114. - Application for short-term rental unit permit.**

Applicants for a short-term rental unit permit shall submit an initial application for a short-term rental Unit permit, to be renewed annually to coincide with the business license calendar. The application shall be furnished on a form prepared by the Town of Bluffton accompanied by a non-refundable application fee as set forth in the Town's Master Fee Schedule.

- **Sec. 6-120. - Violations and penalties.**

(a) ~~Violations.~~ It shall be a violation of this article to:

(1) Operate a short-term rental unit without complying with the requirements of this article and the Town Code of Ordinances;

(2) Advertise a residential dwelling as being available for a short-term rental unit without first complying with the requirements of this article, including applying for and obtaining a short-term rental unit permit;

(3) Operate a short-term rental unit that has received two or more notifications of violations during any one-year permit period.

a. When there is a change of ownership, the number of allowable notices and violations shall be reset upon the issuance of a new short-term rental unit permit.

(4) Knowingly provide false information to the Town

(b) Failure of the short-term rental unit agent to timely appear to two or more complaints regarding violations may be grounds for penalties including but not limited to, revocation of the permit as set forth in this article.

(c) Upon conviction for a violation hereof, the violator shall be guilty of a misdemeanor punishable as provided in Section 1-7 of this Code.

(d) In the event payment for an annual permit is not timely remitted to the Town as set forth in this article, the short-term rental agent failing to remit shall also pay a penalty of five percent of the unpaid amount for each month or a portion thereof until said permit is paid in full.

(e) For good cause shown, but not otherwise, a short-term rental agent may petition the Town Manager, or designee for a reduction of the penalties otherwise due when the failure to pay is not willful and is more than mere oversight and inadvertence.

• **Sec. 6-122. - Renewals and modifications.**

(a) *Renewals.* All short-term rental unit permit holders must renew the permit with the business license.

TOWN COUNCIL



STAFF REPORT
Executive Department

MEETING DATE:	October 8, 2024
PROJECT:	Proposed Amendments to the Town of Bluffton Code of Ordinances to Include Regulations Addressing Abandoned and Moored Boats in the Town’s Waterways
PROJECT MANAGER:	Heather Colin, Assistant Town Manager

RECOMMENDATION: Request Town Council’s direction on proposed amendments to Town’s Code of Ordinances concerning both abandoned and moored boats in the Town’s waterways.

BACKGROUND/DISCUSSION: Recently Town Staff met with our state representatives, William “Bill” Herbkersman, and Weston Newton, along with the County Administrator, Michael Moore and County Councilman Mark Lawson, as well as several representatives for South Carolina Department of Natural (SC DNR) Resources to discuss abandoned boats in our area. The purpose of the meeting was to discuss the State regulations, Attachment 2, and ways that we could partner to ensure compliance.

The discussion was educational on the definitions of an abandoned boat, current State regulations addressing the vessels as well as the associated challenges. SC DNR staff provided numerous local regulations to Town Staff to use as guiding documents should we desire to adopt a local ordinance to strengthen State regulations. It was also requested that Beaufort County consider similar ordinances to provide for continuity of service across municipal borders in the waterways. The Town of Hilton Head Island, City of Beaufort and the Town of Port Royal have local ordinances to address abandoned boats.

The intent of an Ordinance is to allow the Town to identify, notify, and remove, if necessary, any boats that are abandoned by their owners. Should the County adopt a similar Ordinance, we would work together through agreements for the enforcement. Attachment 3 shows the location of abandoned boats within the Town of Bluffton as of July 2024 that may be affected by this proposed Ordinance.

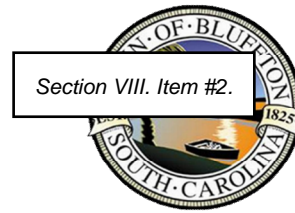
Some of the highlights of this ordinance are summarized below:

- 1. Seizure and Disposal of Abandoned Boats.** This section will grant authorization to the Town to provide notice to the owner of the boat that if it’s not removed, the Town will remove the boat in sixty (60) days.
- 2. Policy and Procedures.** To implement the provisions of this chapter, the Town Manager or designee is authorized to establish written policies and procedures consistent with the provisions herein and Title 50 of the South Carolina Code of Laws.
- 3. Violations and Penalties.** Any person who violates any section of this article shall be guilty of a misdemeanor and shall be punishable under this Code. For each day that a violation is not abated, there will be an additional fine.

4. **Administration and Enforcement.** The administration and enforcement of the provisions of this article shall be vested in the Town of Bluffton's Police Department or as defined in any agreements with the County. If a vessel is seized and towed, law enforcement shall report the vessel to the department of natural resources for owner notification. If the vessel is deemed abandoned, it shall be eligible for removal in accordance with South Carolina state law.
5. **Mooring of Boats.** The Ordinance will also define channels that must remain open to other vessels so that they have a safe passage through the water without obstacles that impede their use.

ATTACHMENTS:

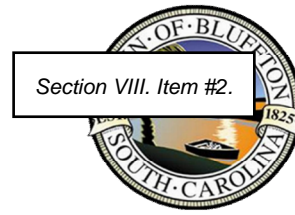
1. Presentation
2. SC Code of Laws
3. Map of Abandoned or Moored Boats
4. Proposed Draft Ordinance



Amendments to the Town of Bluffton Code of Ordinances to Include Regulations Addressing Abandoned and Moored Boats in the Town's Waterways

**Presentation to Town Council
October 8, 2024
Executive Department
Heather Colin, AICP
Assistant Town Manager**

ATTACHMENT 1
Background



Purpose:

To ensure responsible use of the Town's waterways and prevention of environmental damage.

To prevent pollution of human waste from improperly maintained vessels.

To protect, preserve, restore and enhance the Town's natural waterways and marshes.

To allow safe passage and use of the Town's waterways.

State Law (Section 50):

A watercraft is considered "abandoned" if left unattended to for at least 45 days.

Watercraft identified as abandoned for at least 90 days may be claimed by any person or entity as abandoned property.

The department must conduct investigations of abandoned watercraft to determine the status.

Violation is considered a misdemeanor. Fines between \$1,000 and \$5,000.

SECTION 50-21-10. Definitions.

(1) "Abandon" or "abandoned" means any watercraft that has been moored, stranded, wrecked, sinking, or sunk, and has been left unattended for longer than forty-five days. A watercraft is not abandoned if it is legally moored or is on private property.

SECTION 50-21-190. Abandoning watercraft or outboard motor; penalty; removal.

(A) It is unlawful to abandon a watercraft or outboard motor on the public lands or waters of this State or on private property without permission of the property owner. This section does not apply to persons who abandon a watercraft in an emergency for the safety of the persons onboard; however, after the emergency is over, the owner and operator of the abandoned watercraft shall make a bona fide attempt to recover the watercraft.

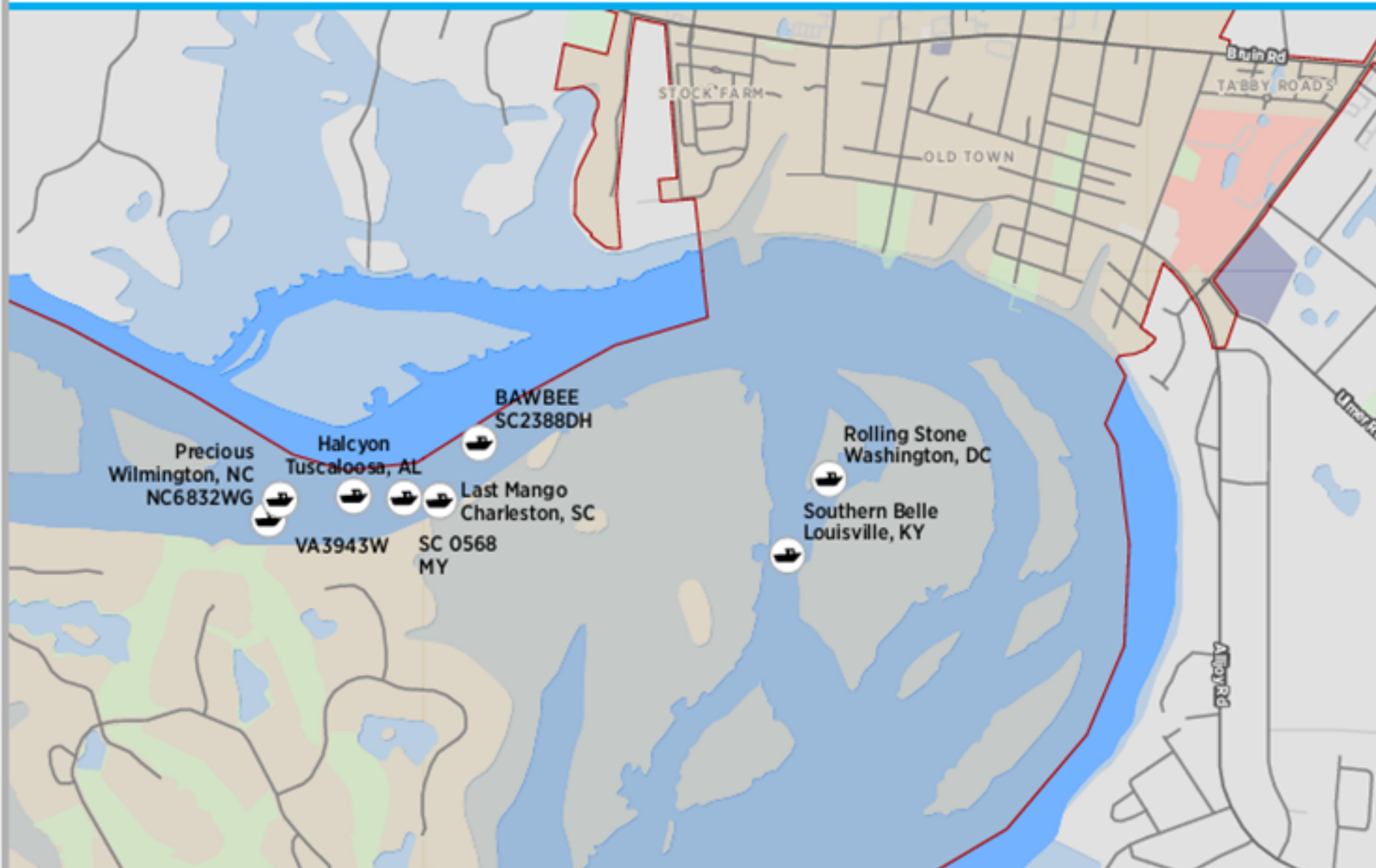
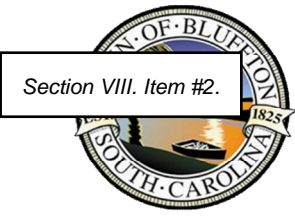
(B) A person violating the provisions of this section is guilty of a misdemeanor and, upon conviction, must be fined not less than one thousand dollars nor more than five thousand dollars or imprisoned up to thirty days, or both. In addition, the owner must remove the abandoned watercraft within fourteen days of conviction. The magistrates and municipal courts are vested with jurisdiction for cases arising under this section.

(C) An abandoned watercraft as identified by the department may be removed at the risk and expense of the owner and disposed of by any governmental agency that has jurisdiction over the area where the abandoned watercraft is located.

(D) The department must conduct investigations of any watercraft subject to the provisions of this section to determine the status of the watercraft as abandoned. The department must send written notice and make additional reasonable efforts to notify the last known owner, if any, of the status of the watercraft. If efforts to notify fail, then the department must post a notice on the watercraft advising that the watercraft is abandoned. If the owner claims the watercraft within forty-five days of the date the notice is posted, the watercraft is not considered abandoned.

(E) A watercraft identified by the department as abandoned for at least ninety days may be claimed by any person or entity as abandoned property.

Abandoned Boat Locations



ATTACHMENT 1
Overview of Proposed Amendments



- Seizure and Disposal of Abandoned Boats
- Policy and Procedures
- Violations and Penalties
- Administration and Enforcement
- Mooring of Boats

- Work with Beaufort County on the Draft Ordinance, Policy and Enforcement;
- Forward Draft Ordinance to SC DNR for Review and Comments;
- First Reading at a Future Town Council meeting; and
- Second and Final Reading at a Future Town Council Meeting.



QUESTIONS & DISCUSSION

CHAPTER 21
Equipment and Operation of Watercraft

ARTICLE 1
General Provisions

SECTION 50-21-5. Short title.

This act may be cited as the "South Carolina Boating and Safety Act of 1999."

HISTORY: 1999 Act No. 124, Section 2.A.

SECTION 50-21-10. Definitions.

As used in this title unless the context clearly requires a different meaning:

(1) "Abandon" or "abandoned" means any watercraft that has been moored, stranded, wrecked, sinking, or sunk, and has been left unattended for longer than forty-five days. A watercraft is not abandoned if it is legally moored or is on private property.

(2) "Boat" means a vessel.

(3) "Associated equipment" does not include radio equipment and means:

(a) a system, part, or component of a boat as originally manufactured or a similar part or component manufactured or sold for replacement, repair, or improvement of the system, part, or component;

(b) an accessory or equipment for, or appurtenance to, a boat;

(c) a marine safety article, accessory, or equipment intended for use by a person on board a boat.

(4) "Boat livery" means a business that holds watercraft for rent, lease, or charter.

(5) "Certificate of number" means the registration.

(6) "Certificate of origin" means a document establishing the initial chain of ownership, such as manufacturer's certificate of origin or statement of origin, importer's certificate of origin, or builder's certification.

(7) "Dealer's permit" means a certificate issued by the department to a marine business to extend the privilege of using marine dealer demonstration numbers on boats or motors for demonstration or testing purposes and assignment on appropriate documents. Abuse of these privileges results in termination of the dealer's permit.

(8) "Demonstration numbers" means a temporary certificate of number issued to permitted marine dealers or manufacturers for the purpose of demonstrating watercraft held for sale, or used on watercraft which are being repaired or tested or used by an established customer whose boat is being repaired.

(9) "Department" means the South Carolina Department of Natural Resources.

(10) "Hull identification number" means the letter and number combination required by the United States Coast Guard or its successor agency on all watercraft manufactured after November 1, 1972.

(11) "Marina" means a facility which provides mooring or dry storage for watercraft.

(12) "Marine dealer" means a business that engages in buying or selling, exchanging, brokering, manufacturing, or servicing watercraft or outboard motors for watercraft.

(13) "Marine manufacturer" means a person engaged in the manufacturing of watercraft or outboard motors for sale or trade.

(14) "No Wake-Idle Speed" means a regulated boating area established for the safety of the public. "No Wake-Idle Speed" means that a vessel cannot proceed at a speed greater than that speed which is necessary to maintain steerageway.

(15) "Operate" means to navigate, steer, drive, or be in control. It also includes the manipulation of moving water skis, a moving aquaplane, a moving surfboard, or similar moving device.

(16) "Operator" means the person who operates or has charge or command of the navigation or use of a vessel or watercraft.

(17) "Outboard motor" means a combustion engine or electric propulsion system, which is used to propel a watercraft and which is detachable from the watercraft as a unit. No outboard motor of less than five horsepower or its equivalent is required to be titled under this chapter.

(18) "Owner" means a person, other than a lienholder, who claims lawful possession of a vessel or outboard motor by virtue of legal title or equitable interest in it which entitled him to possession.

(19) "Person" means an individual, a partnership, a firm, a corporation, an association, or other legal entity.

(20) "Personal watercraft" means a vessel, usually less than sixteen feet in length, that uses an inboard motor powering a water jet pump as its primary source of propulsion and that is intended to be operated by a person sitting, standing, or kneeling on the vessel, rather than within the confines of the hull.

(21) "Reportable boating accident" means an accident, collision, or other casualty involving a vessel subject to this chapter which results in loss of life, injury which results in loss of consciousness, necessity for medical treatment, necessity to carry a person from the scene, disability which prevents the discharge of normal duties beyond the day of casualty, or actual physical damage to property including vessels in excess of the minimum amount set by the United States Coast Guard for reportable accidents.

(22) "Serial number" means the identifying manufacturer's number affixed to a watercraft before November 2, 1972, and to outboard motors before, on, and after that date. The serial number of watercraft manufactured after November 1, 1972, is part of the hull identification number.

(23) "Specialty procraft" means a vessel that is similar in appearance and operation to a personal watercraft but is powered by an outboard or propeller-driven motor.

(24) "Temporary certificate of number" is a temporary registration assigned to a vessel to allow operation for a limited purpose.

(25) "Tender" means a small watercraft attendant to a larger vessel that meets United States Coast Guard requirements and is used solely for ferrying supplies or passengers and crew between its parent vessel and shore.

(26) "Use" means operate, navigate, or employ.

(27) "Vessel" means every description of watercraft, other than a seaplane regulated by the federal government, used or capable of being used as a means of transportation on water.

(28) "Water device" means a motorboat, boat, personal watercraft or vessel, water skis, an aquaplane, surfboard, or other similar device.

(29) "Waters of the State" means waters within the territorial limits of the State but not private lakes or ponds.

(30) "Watercraft" means anything used or capable of being used as a means of transportation on the water but does not include: a seaplane regulated by the federal government, water skis, aquaplanes, surfboards, windsurfers, tubes, rafts, and similar devices or anything that does not meet construction or operational requirements of the state or federal government for watercraft.

(31) "Wake surf" means to operate a vessel that is ballasted in the stern so as to create a wake that is, or is intended to be, surfed by another person.

HISTORY: 1962 Code Section 70-295; 1955 (49) 299; 1959 (51) 409; 1961 (52) 588; 1972 (57) 2791; 1993 Act No. 128, Section 3; 1993 Act No. 181, Section 1269; 1999 Act No. 100, Part II, Section 64.G, H; 1999 Act No. 124, Section 2.A; 2008 Act No. 344, Section 2, eff six months after approval (approved June 11, 2008); 2022 Act No. 124 (H.3308), Section 1, eff March 14, 2022; 2023 Act No. 74 (S.96), Section 1, eff August 18, 2023.

Code Commissioner's Note

This section was amended by 1999 Act No. 100, Part II, Sections 64.G and 64.H and by 1999 Act No. 124, Section 2.B. The two definitions of "dealer's permit" from Act No. 100 and Act No. 124 are being read together and the definition of "demonstration numbers" from Act No. 100 is being added as item (7) and the remaining items renumbered at the direction of the Code Commissioner.

Effect of Amendment

The 2008 amendment rewrote this section.

2022 Act No. 124, Section 1, added (29), which related to the definition of "wake surf".

2023 Act No. 74, Section 1, inserted (20), relating to the definition of "Personal watercraft", and redesignated former (20) to (21) as (21) to (22); and inserted (23), relating to the definition of "Specialty procraft", and redesignated former (22) to (29) as (24) to (31).

SECTION 50-21-20. Legislative declaration of policy.

It is the policy of this State to promote safety for persons and property in and connected with the use, operation, and equipment of vessels and to promote uniformity of laws relating thereto.

HISTORY: 1962 Code Section 70-295.1; 1955 (49) 299; 1959 (51) 409; 1972 (57) 2791; 1993 Act No. 181, Section 1269.

SECTION 50-21-30. Watercraft laws and ordinances; special rules and regulations.

(A) For the purposes of this section, "floating structure" means a man-made object other than a watercraft that is capable of flotation and that is not authorized by a permit issued by an agency of this State.

(B) The provisions of Title 50 and other applicable laws of this State shall govern the operation, equipment, titling, numbering, and all other matters relating thereto for watercraft and water devices using or held for use on the waters of this State. A local government may not adopt an ordinance regulating watercraft or water devices used or held for use on the waters of this State unless the ordinance is:

- (1) identical to a provision of this chapter;
- (2) identical to a regulation promulgated under the authority of a provision of this chapter; or
- (3) authorized pursuant to the provisions of this section.

(C)(1) A local government may adopt an ordinance requiring a permit for a watercraft or floating structure to remain moored, anchored, or otherwise located in any one five-mile radius on public waters within its local jurisdiction for more than fourteen consecutive days. The cost of a permit required by a local government may not exceed fifteen dollars. An ordinance adopted pursuant to this subsection must not apply to watercraft:

- (a) moored to a dock or marina berth with permission from the dock or berth owner;
- (b) moored to a mooring buoy that is permitted by the Department of Health and Environmental Control with permission from the buoy owner; or
- (c) moored to a mooring buoy with permission from the buoy owner, provided that the buoy is in the location as it existed on public waters on June 30, 2021.

(2) Notwithstanding Section 5-7-140(B), the corporate limits of any municipality bordering on the high-water mark of a navigable body of water, other than the Atlantic Ocean, are extended to the center of the channel of the navigable body of water for the sole purpose of enforcing an ordinance adopted pursuant to this subsection.

(D) An officer of the department who reasonably believes that watercraft within a local government's jurisdiction is in violation of an ordinance adopted pursuant to the provisions of this section must provide the location of the watercraft to the local government.

(E) The department is hereby authorized to make special rules and regulations with reference to the operation of watercraft on the waters of this State.

HISTORY: 1962 Code Section 70-295.2; 1955 (49) 299; 1959 (51) 409; 1972 (57) 2791; 1993 Act No. 181, Section 1269; 2008 Act No. 344, Section 3, eff six months after approval (approved June 11, 2008); 2021 Act No. 77 (H.3865), Section 1, eff July 1, 2021.

Effect of Amendment

The 2008 amendment, in subsection (1), substituted "Title 50" for "this chapter", added "titling", substituted "for watercraft and water devices using or held for use on" for "whenever any vessel shall be operated on" and "watercraft;" for "vessels the provisions of which are identical to the provisions of this chapter, amendments thereto, or regulations issued thereunder;" and made nonsubstantive language changes.

2021 Act No. 77, Section 1, rewrote the section.

SECTION 50-21-35. Repealed by 2008 Act No. 344, Section 30, eff 6 months after approval (approved June 11, 2008).

Editor's Note

Former Section 50-21-35 was entitled "Use of demonstration numbers; contents of application form; penalties" and was derived from 1999 Act No. 100, Part II, Section 64.I.

SECTION 50-21-40. Administration of chapter.

The administration of this chapter shall be vested in the department. The department shall enforce this chapter through its Natural Resources Enforcement Division.

HISTORY: 1962 Code Section 70-295.3; 1955 (49) 299; 1959 (51) 409; 1972 (57) 2431; 1993 Act No. 181, Section 1269.

SECTION 50-21-45. Administration of oaths; acknowledgment of signatures.

Officers and employees of the Department engaged in the work of administering and enforcing the provisions of this chapter may administer oaths and acknowledge signatures and must do so without fee.

HISTORY: 1984 Act No. 363, Section 1; 1993 Act No. 181, Section 1269.

SECTION 50-21-50. Director and other personnel to carry out provisions of chapter; salary and terms of employment.

The director shall employ or assign such clerical, administrative, technical and enforcement personnel as may be required to carry out the provisions of this chapter.

HISTORY: 1962 Code Section 70-295.4; 1955 (49) 299; 1959 (51) 409; 1972 (57) 2431; 1993 Act No. 181, Section 1269.

SECTION 50-21-60. Repealed by 2008 Act No. 344, Section 30, eff 6 months after approval (approved June 11, 2008).

Editor's Note

Former Section 50-21-60 was entitled "Personnel, expenses, and salaries approved by Budget and Control Board" and was derived from 1962 Code Section 70-295.5; 1955 (49) 299; 1959 (51) 409; 1993 Act No. 181, Section 1269.

SECTION 50-21-70. Limit on expenses and costs of administration.

The expenses and cost of administration of this chapter shall at no time exceed the revenue derived through the provisions of this chapter and funds received from the federal government for use in administering boating laws.

HISTORY: 1962 Code Section 70-295.6; 1955 (49) 299; 1959 (51) 409; 1972 (57) 2791; 1993 Act No. 181, Section 1269.

SECTION 50-21-80. Enforcement of provisions of chapter; authority to issue summons or make arrests.

Any person employed or elected by this State or political subdivision thereof, whose duty it is to preserve the peace or to make arrests or to enforce the law including, but not limited to, members of the sheriff's departments, state police, enforcement officers, deputies, or other qualified persons, upon recommendation of the appropriate agency, may be empowered to enforce the provisions of this chapter. The department shall be the agency primarily responsible for enforcement of all laws pertaining to boating. Any such person is empowered to issue a summons for appearance in court or before a magistrate or make arrest for violations of this chapter or of the regulations prescribed under it.

HISTORY: 1962 Code Section 70-295.17; 1955 (49) 299; 1959 (51) 409; 1972 (57) 2791; 1993 Act No. 181, Section 1269; 2008 Act No. 321, Section 1, eff 6 months after approval (approved June 16, 2008).

Effect of Amendment

The 2008 amendment rewrote this section to delete provisions relating to authority to stop and board vessels.

SECTION 50-21-85. Conditions for operation of vessel displaying blue light; operating procedure in presence of such vessel; violations.

A person shall not operate a vessel displaying or using a rotating, strobing, flashing, or intermittently reflecting blue light unless a duly commissioned law enforcement officer is on board.

The operator of a vessel being approached by a vessel flashing a blue light shall stop or maneuver in a way as to permit boarding, so far as possible without endangering his vessel, and not begin normal movement again until directed by the law enforcement officer or until the vessel flashing a blue light has cleared the immediate area.

The operator of a vessel approaching an area where a vessel flashing a blue light is located or patrolling shall slow his vessel to a no wake speed and shall maintain the speed until clear of the area.

A person violating the provisions of this section is guilty of a misdemeanor and, upon conviction, must be fined not less than twenty-five dollars nor more than five hundred dollars, or imprisoned not more than thirty days for each violation.

HISTORY: 1979 Act No. 68, Section 1; 1993 Act No. 181, Section 1269; 2011 Act No. 59, Section 1, eff August 1, 2011.

Effect of Amendment

The 2011 amendment, in the first paragraph, substituted "A person shall not operate a vessel displaying, or using a rotating, strobing, flashing, or intermittently reflecting" for "No person shall operate any vessel displaying, reflecting or flashing a"; in the second paragraph, substituted "a vessel" for "any vessel" following "The operator of", deleted "such" preceding "a way as to permit", and deleted "own" following "without endangering his"; in the third paragraph, substituted "a vessel" for "any vessel" following "The operator of", and substituted "the speed" for "such speed"; and in the fourth paragraph, substituted "A person" for "Any person" and "must be fined not less than twenty-five dollars nor more than five hundred dollars, or imprisoned not more than thirty days for each violation" for "shall be punished as provided in Section 50-21-150".

SECTION 50-21-87. Operation of vessel prohibited within fifty feet of vessel displaying diver down flag; diving prohibited within fifty feet of vessel whose occupant is fishing.

(A) A person may not operate a vessel within fifty feet of another vessel when a diver is displaying a diver down flag (red with a diagonal white stripe) to mark the location of the diver. When the flag is being displayed in a water body too narrow to allow passage of another vessel other than within fifty feet, a vessel operator may proceed only past the displayed flag at a no-wake speed and allowing as much clearance between his vessel and the displayed flag as is safe and practical.

(B) A person may not engage in diving activities within fifty feet of a vessel whose occupant is fishing.

(C) A person does not violate this section if he fishes or displays a dive flag in an area before another person subsequently engages in diving activities or operates a vessel within fifty feet of a displayed dive flag.

HISTORY: 1993 Act No. 60, Section 1.

SECTION 50-21-90. Boating safety and educational program.

(A) The department must administer a boating safety education course and may approve of additional boating safety education courses. A list of approved courses must be provided on the department's website.

(B) The following persons must be issued a South Carolina boating safety certificate in both physical and electronic forms by the department:

(1) a person who successfully completes a boating safety education course administered or approved by the department;

(2) a person who provides satisfactory proof to the department that the person was issued a boating safety certificate, or an equivalency, by another state; and (3) a person who provides satisfactory proof to the department that the person was issued a license to operate a vessel by the United States Coast Guard or was issued a merchant mariner credential by the United States Coast Guard.

(C) The department must approve of one or more boat rental safety education courses to be taken by persons renting a vessel, personal watercraft, or specialty procraft from businesses engaged in the renting of vessels, personal watercrafts, or specialty procrafts. A person who completes a boat rental safety education course approved by the department must be issued a boat rental safety certificate in either electronic or physical form in the person's name. A boat rental safety certificate is valid for thirty days from the date of issuance and only while operating a vessel, personal watercraft, or specialty procraft from a business engaged in the renting of vessels, personal watercrafts, or specialty procrafts.

(D) The department must maintain a database of all persons issued a South Carolina boating safety certificate.

HISTORY: 1962 Code Section 70-295.7; 1955 (49) 299; 1959 (51) 409; 1972 (57) 2791; 1993 Act No. 181, Section 1269; 2023 Act No. 74 (S.96), Section 2, eff August 18, 2023.

Effect of Amendment

2023 Act No. 74, Section 2, rewrote the section.

SECTION 50-21-95. Lawful operation of certain vessels; penalties.

(A) It is unlawful for a person to operate upon the waters of this State a vessel powered by an engine of ten horsepower or greater or equivalent to ten horsepower or greater, a personal watercraft, or a specialty procraft unless the person:

(1) was born on or before July 1, 2007;

(2) is in possession of a South Carolina boating safety certificate issued in the person's name or is documented by the department as having been issued a South Carolina boating safety certificate;

(3) is in possession of a license to operate a vessel issued by the United States Coast Guard in the person's name, regardless of the expiration date on the license;

(4) is in possession of a merchant mariner credential issued by the United States Coast Guard in the person's name, regardless of the expiration date on the credential;

(5) is a nonresident in possession of a boating safety certificate, or an equivalency, issued by another state in the nonresident's name;

(6) is operating a vessel, personal watercraft, or specialty procraft from a business engaged in the renting of vessels, personal watercrafts, or specialty procrafts and is in possession of a valid boat rental safety certificate issued in the person's name; or

(7) is accompanied by a person at least eighteen years old who meets one of the criteria in items (1) through (5) of this subsection.

(B) A person who is adjudicated to be in violation of this section must be fined not less than fifty dollars and not more than three hundred dollars, no part of which may be suspended. No court costs, assessments, or surcharges may be assessed against a person who violates this section. A custodial arrest for a violation of this section must not be made, except upon a warrant issued for failure to appear in court when summoned or for failure to pay an imposed fine. A violation of this section does not constitute a criminal offense and must not be included in the records maintained by the department or in the records maintained by SLED.

HISTORY: 2023 Act No. 74 (S.96), Section 3, eff August 18, 2023.

SECTION 50-21-100. Records to be kept by owners of boat liveries.

The owner of a boat livery shall cause to be kept a record of the name and address of the person or persons hiring any vessel; the identification number thereof, and the departure date and time, and the expected time of return. The record shall be preserved for at least six months.

HISTORY: 1962 Code Section 70-295.10; 1955 (49) 299; 1959 (51) 409; 1972 (57) 2791; 1993 Act No. 181, Section 1269.

SECTION 50-21-105. Towing of watercraft by department.

The department may tow away and store at the nearest commercial marina or any other suitable facility any unattended watercraft, a watercraft the operator of which is ill, intoxicated, or under a disability which renders him incapable of functioning safely, or other object which constitutes a hazard to navigation and which is not within an anchorage area approved by the United States Coast Guard.

The owner may regain control of the watercraft or other object by proving ownership to the operator of the facility and paying the fee charged for storage.

HISTORY: 1988 Act No. 452, Section 1; 1993 Act No. 181, Section 1269.

SECTION 50-21-110. Negligent operation of water device; offense; penalties.

(A) No person may operate any water device in a negligent manner.

(B) Negligent operation includes, but is not limited to, operating a water device at more than idle speed in a no wake zone, failing to maintain a proper lookout for other boats or persons, operating too fast for conditions on the water, racing, or pulling a skier through a designated swimming area.

(C) A person who violates the provisions of this section is guilty of a misdemeanor and, upon conviction, must be fined not less than fifty nor more than two hundred dollars or imprisoned not more than thirty days for each violation.

(D) In addition to other penalties, the department shall require any person who is convicted under this section three times within a five-year period to attend and complete a boating safety education program approved by the department. The person required to attend the class shall reimburse the department for the expense of the class. A person's privilege to operate a water device within this State must be suspended until successful completion of the required class.

HISTORY: 1962 Code Section 70-295.11; 1955 (49) 299; 1957 (50) 125; 1959 (51) 409; 1971 (57) 853; 1972 (57) 2791; 1973 (58) 648; 1993 Act No. 181, Section 1269; 1999 Act No. 124, Section 2.C.

SECTION 50-21-111. Reckless operation of water device; offense; penalties.

(A) A person who operates any water device in such a manner as to indicate either a wilful or wanton disregard for the safety of persons or property is guilty of reckless operation.

(B) Reckless operation includes, but is not limited to, weaving through congested vessel traffic at more than idle speed; or jumping the wake of another vessel within two hundred feet of that vessel; or crossing the path or wake of another vessel when the visibility around the other vessel is obstructed; or maintaining a collision course with another vessel or object and swerving away in close proximity to the other vessel or object.

(C) A person who violates the provisions of this section is guilty of a misdemeanor and, upon conviction, must be fined not less than one hundred dollars nor more than two hundred dollars or imprisoned for not more than thirty days.

(D) A person convicted of reckless operation, in addition to any other penalties, shall be required by the department to attend and complete a boating safety education program approved by the department. The person required to attend the program shall reimburse the department for the expense of the program. A person's privilege to operate a water device within this State shall be suspended until successful completion of the required program.

A person's privilege to operate a water device within this State shall be suspended by the department for a period of ninety days upon conviction of a second offense of reckless operation of a water device within a five-year period. Following the ninety-day suspension, the person's privilege shall remain suspended until successful completion of a boating safety education program approved by the department. The person required to attend the program shall reimburse the department for the expense of the program.

HISTORY: 1999 Act No. 124, Section 2.D.

SECTION 50-21-112. Operation of moving motorized water device or water device under sail while under the influence of drugs and/or alcohol; offense; penalties.

(A) It is unlawful for a person to operate a moving motorized water device or water device undersail upon the waters of this State while under the:

(1) influence of alcohol to the extent that the person's faculties to operate are materially and appreciably impaired;

(2) influence of any other drug or a combination of other drugs or substances which cause impairment to the extent that the person's faculties to operate are materially and appreciably impaired; or

(3) combined influence of alcohol and any other drug or drugs, or substances which cause impairment to the extent that the person's faculties to operate are materially and appreciably impaired.

For purposes of this section "drug" means illicit or licit drug, a combination of licit or illicit drugs, a combination of alcohol and an illicit drug, or a combination of alcohol and a licit drug.

(B) A person violating this section is guilty of a misdemeanor and, upon conviction, must be punished:

(1) for a first offense, by a fine of two hundred dollars or imprisonment for not less than forty-eight hours nor more than thirty days. However, in lieu of the forty-eight hour minimum imprisonment, the court may provide for forty-eight hours of public service employment. The minimum forty-eight hour imprisonment or public service employment must be served at a time when it does not interfere with the offender's regular employment under terms and conditions, as the court considers proper. However, the court may not compel an offender to perform public service employment instead of the minimum sentence;

(2) for a second offense, by a fine of not less than two thousand dollars nor more than five thousand dollars and imprisonment for not less than forty-eight hours nor more than one year. However, the fine imposed by this item may not be suspended in an amount less than one thousand dollars. Instead of service of imprisonment, the court may require that the individual complete an appropriate term of public service employment of not less than ten days upon terms and conditions the court considers proper. Upon imposition of a sentence of public service, the defendant may apply to the court to be allowed to perform his public service in his county of residence if he has been sentenced to public service in a county where he does not reside;

(3) for a third offense, by a fine of not less than three thousand five hundred dollars nor more than six thousand dollars and imprisonment for not less than sixty days nor more than three years.

(C) Any person convicted of operating a water device in violation of subsection (A), in addition to any other penalties, must be prohibited by the department from operating any water device within this State for six months for the first conviction, one year for the second conviction, and two years for the third conviction. Only those violations, which occurred within ten years including and immediately preceding the date of the last violation, shall constitute prior violations within the meaning of this section.

A person whose privilege is suspended under the provisions of this section must be notified by the department of the suspension and of the requirement to enroll in and successfully complete an Alcohol and Drug Safety Action Program certified by the Department of Alcohol and Other Drug Abuse Services prior to reinstatement of the privilege. An assessment of the extent and nature of the alcohol and drug abuse problem, if any, of the applicant must be prepared and a plan of education or treatment, or both, must be developed based upon the assessment. Entry into and successful completion of the services, if such services are necessary, recommended in the plan of education or treatment, or both, developed for the applicant is a mandatory requirement of the restoration of privileges to the applicant. The Alcohol and Drug Safety Action Program shall determine if the applicant has successfully completed the services. The Department of

Alcohol and Other Drug Abuse Services shall determine the cost of services provided by each certified Alcohol and Drug Safety Action Program. Each applicant shall bear the cost of services recommended in the applicant's plan of education or treatment. The cost of services must be within the limits set forth in Section 56-5-2990(C). No applicant may be denied services due to an inability to pay. Inability to pay for services may not be used as a factor in determining if the applicant has successfully completed services. If the applicant has not successfully completed the services as directed by the Alcohol and Drug Safety Action Program within one year of enrollment, a hearing must be provided by the Alcohol and Drug Safety Action Program and if further needed by the Department of Alcohol and Other Drug Abuse Services.

The department and the Department of Alcohol and Other Drug Abuse Services shall develop procedures necessary for the communication of information pertaining to reinstating the privilege, or otherwise. The procedures must be consistent with the confidentiality laws of this State and the United States.

A person convicted under this section, in addition to any other penalties, shall be required by the department to attend and complete a boating safety education program approved by the department. The person required to attend the program shall reimburse the department for the expense of the program. The person's privilege to operate a water device within this State shall be suspended until successful completion of the required program.

(D) The suspension penalties assessed under this section are in addition to and not in lieu of any other civil remedies or criminal penalties which may be assessed. No part of the minimum sentences provided in this section may be suspended.

(E) For the purposes of this chapter any conviction, entry of a plea of guilty or of nolo contendere or forfeiture of bail, for the violation of any law or ordinance of this or any other state or any municipality of this or any other state that prohibits any person from operating a vessel or water device while under the influence of alcohol or drugs or a combination of both constitutes a prior offense for the purpose of any prosecution for any subsequent violation of this section. Only those offenses which occurred within a period of ten years including and immediately preceding the date of the last offense constitutes prior offenses within the meaning of this section.

HISTORY: 1991 Act No. 138, Section 1; 1993 Act No. 181, Section 1269; 1999 Act No. 124, Section 2.E.

SECTION 50-21-113. Operation of moving water device while under the influence of alcohol or drugs resulting in property damage, great bodily injury or death; penalties.

(A) A person who, while under the influence of alcohol, drugs, or the combination of alcohol and drugs operates a moving water device, or is in actual control of a moving water device within this State and causes great bodily injury or death of a person other than himself, is guilty of a felony and, upon conviction, must be punished by a mandatory fine of not less than:

(1) five thousand dollars nor more than ten thousand dollars and mandatory imprisonment for not less than thirty days nor more than fifteen years when great bodily injury results;

(2) ten thousand dollars nor more than twenty-five thousand dollars and mandatory imprisonment for not less than one year nor more than twenty-five years when death results.

No part of the mandatory sentences required to be imposed by this section may be suspended, and probation may not be granted for any portion.

(B) As used in subsection (A) "great bodily injury" means bodily injury which creates a substantial risk of death or which causes serious, permanent disfigurement or protracted loss or impairment of the function of any bodily member or organ.

(C) A person who, while under the influence of alcohol, drugs, or the combination of alcohol and drugs operates or is in actual control of a moving water device within this State and causes damage to property other than his own, or injury other than great bodily injury to a person other than himself, is guilty of a misdemeanor and, upon conviction, must be punished by a fine of not less than five hundred dollars or imprisonment for not more than thirty days, or both.

(D) The department shall suspend the privilege of a person who is convicted or who pleads guilty or nolo contendere under this section to operate a water device or be in actual control of a moving water device within this State for a period to include any term of imprisonment plus:

- (1) three years in the case of death or great bodily injury; or
- (2) one year in the case of property damage or injury other than great bodily injury.

(E) The suspensions under this section are in addition to and not in lieu of any other civil remedies or criminal penalties.

HISTORY: 1999 Act No. 124, Section 2.F.

SECTION 50-21-114. Chemical test or analysis of breath, blood, or urine; implied consent; presumptions arising from blood alcohol content levels.

(A)(1) A person who operates a water device is considered to have given consent to chemical tests or analysis of his breath, blood, or urine to determine the presence of alcohol, drugs, or a combination of both, if arrested for an offense arising out of acts alleged to have been committed while the person was operating or directing the operation of a water device while under the influence of alcohol, drugs, or a combination of both. A test given must be administered at the direction of the arresting law enforcement officer. At the direction of the arresting officer, the person first must be offered a breath test to determine the alcohol concentration of his blood. If the person is physically unable to provide an acceptable breath sample because he has an injured mouth, is unconscious or dead, or for any other reason considered acceptable by licensed medical personnel, a blood sample may be taken. If the officer has reasonable grounds to believe the person is under the influence of drugs other than alcohol, the officer may order that a urine sample be taken for testing. If the breath analysis reading is eight one-hundredths of one percent or above by weight of alcohol in the person's blood, the officer may not require additional tests of the person as provided in this chapter.

(2) The breath test must be administered by a person trained and certified by the South Carolina Law Enforcement Division (SLED), using methods approved by SLED. The arresting officer may administer the tests if testing is done in conformity with the standards set out by SLED. Blood and urine samples must be taken by physicians licensed by the State Board of Medical Examiners, registered nurses licensed by the State Board of Nursing, or other medical personnel trained to take the samples in a licensed medical facility. Blood samples or urine samples must be obtained and handled in accordance with procedures approved by SLED. No tests may be administered or samples taken unless the person has been informed that he does not have to take the test or give the samples, but that his privilege to operate a water device must be suspended or denied for one hundred eighty days if he refuses to submit to the tests.

(3) A hospital, physician, qualified technician, chemist, or registered nurse who takes samples or conducts the test or participates in the process of taking the samples or conducting the test in accordance with this section is not subject to a cause of action for assault, battery, or any other cause alleging that the drawing of blood or taking of samples at the request of the arrested person or a law enforcement officer was wrongful. This release from liability does not reduce the standard of medical care required of the person taking the samples or conducting the test. This qualified release also applies to the employer of the person who conducts the test or takes the samples. No person may be required by the arresting officer, or by any other law enforcement officer, to obtain or take any sample of blood or urine.

(4) The person tested or giving samples for testing may have a qualified person of his own choosing conduct additional tests at his expense and must be notified of that right. A person's failure to request additional blood or urine tests is not admissible against the person in a criminal trial. The failure or inability of the person tested to obtain additional tests does not preclude the admission of evidence relating to the tests or samples taken at the direction of the law enforcement officer.

(5) The arresting officer must provide reasonable assistance to the person to contact a qualified person to conduct additional tests.

(6) SLED must administer the provisions of this subsection and may promulgate regulations necessary to carry out its provisions. The cost of the tests administered at the direction of the law enforcement officer must be paid from the general fund of the State. A fee of fifty dollars must be assessed at the time of the

sentencing against persons convicted of, pleading guilty or nolo contendere to, or forfeiting bond for violating Section 50-21-112 or Section 50-21-113. This fee must be forwarded by the county treasurer to the State Treasurer and credited to the general fund of the State to defray any costs incurred by SLED and individuals and institutions obtaining the samples forwarded to SLED.

(B) In any criminal prosecution where a test or tests were administered pursuant to this chapter, the amount of alcohol in the person's blood at the time of the alleged violation, as shown by chemical analysis of the person's breath or other body fluids, gives rise to the following inferences:

(1) If there was at that time five one-hundredths of one percent or less by weight of alcohol in the person's blood, it is presumed conclusively that the person was not under the influence of alcohol.

(2) If there was at that time in excess of five one-hundredths of one percent but less than eight one-hundredths of one percent by weight of alcohol in the person's blood, this fact does not give rise to any inference that the person was or was not under the influence of alcohol, but this fact may be considered with other competent evidence in determining the guilt or innocence of the person.

(3) If there was at that time eight one-hundredths of one percent or more by weight of alcohol in the person's blood, it may be inferred that the person was under the influence of alcohol.

(C) The provisions of this section may not be construed as limiting the introduction of other competent evidence bearing upon the question of whether or not the person was under the influence of alcohol, drugs, or a combination of them. Refusal, resistance, obstruction, or opposition to testing pursuant to this section is admissible as evidence at the trial of a person charged with the offense that precipitated the request for testing.

(D) A person who is unconscious or otherwise in a condition rendering him incapable of refusal is considered to be informed and not to have withdrawn the consent provided by subsection (A).

(E) If a person under arrest refuses, upon the request of a law enforcement officer, to submit to chemical tests provided in subsection (A), none may be given, but the department, on the basis of a report from the law enforcement officer that the arrested person was operating a water device within this State while under the influence of alcohol, drugs, or a combination of them, and that the person had refused to submit to the tests, must suspend his privilege to perform the above-mentioned activities for one hundred eighty days. The one hundred eighty-day period of suspension begins with the day after the date of the notice required to be given, unless a hearing is requested as provided, in which case the one hundred eighty-day period begins with the day after the date of the order sustaining the suspension. The report of the arresting officer must include what grounds he had for believing the arrested person was conducting the above-mentioned activity while under the influence of alcohol, drugs, or a combination of them.

(F) Upon suspending the operating privilege of a person, the department immediately shall notify the person in writing and upon his request give him an opportunity for a hearing as provided in Article 3, Chapter 23, Title 1 of the 1976 Code. The review must be scheduled by the Administrative Law Court in accordance with the division's procedural rules. The scope of the hearing is limited to the issues set out by the Administrative Procedures Act and the division's procedural rules. Upon order of the administrative law judge, the department either shall rescind its order of suspension or continue the suspension of the privilege.

(G) If a boating accident or marine casualty involves a fatality, the coroner having jurisdiction shall direct that a chemical blood test be performed on the deceased, within forty-eight hours of receiving notification of the death, to determine blood alcohol concentration or the presence of drugs, and that the results of the test be recorded properly in the coroner's report.

(H) The suspensions under this section are in addition to and not in lieu of any other civil remedies or civil penalties which may be assessed.

HISTORY: 1991 Act No. 138, Section 1; 1993 Act No. 181, Section 1269; 1999 Act No. 124, Section 2.G; 2003 Act No. 61, Section 3.

SECTION 50-21-115. Reckless homicide by operation of boat; penalty; persons convicted of certain offenses prohibited from operating boat.

When the death of a person ensues within three years as a proximate result of injury received by the operation of a boat in reckless disregard of the safety of others, the person operating the boat is guilty of reckless homicide. A person convicted of reckless homicide or a person who enters a plea of guilty of reckless homicide and receives sentence thereon must be fined not less than one thousand dollars nor more than five thousand dollars or imprisoned for not more than ten years, or both. A person convicted of reckless homicide, involuntary manslaughter, manslaughter, or murder in the operation of a boat must be prohibited by the court having jurisdiction of these violations from operating any boat within this State for a period of not more than five years.

HISTORY: 1980 Act No. 312, Section 1; 1993 Act No. 181, Section 1269; 1999 Act No. 124, Section 2; 2001 Act No. 97, Section 2.

SECTION 50-21-116. Chemical tests to determine presence of alcohol and/or drugs; requesting additional tests; release of results.

Notwithstanding any other provision of law, a person must submit to either one or a combination of chemical tests of his breath, blood, or urine for the purpose of determining the presence of alcohol, drugs, or a combination of alcohol and drugs, if there is probable cause to believe that the person violated or is under arrest for a violation of Section 50-21-113.

The tests must be administered at the direction of a law enforcement officer who has probable cause to believe that the person violated or is under arrest for violation of Section 50-21-113. The administration of one test does not preclude the administration of other tests. The resistance, obstruction, or opposition to testing pursuant to this section is evidence admissible at the trial of the offense which precipitated the requirement for testing. A person who is tested or gives samples for testing may have a qualified person of his choice conduct additional tests at his expense and must be notified of that right. A person's request or failure to request additional blood or urine tests is not admissible against the person in the criminal trial.

The provisions of Section 50-21-114, relating to the administration of tests to determine a person's alcohol concentration, additional tests at the person's expense, the availability of other evidence on the question of whether or not the person was under the influence of alcohol, drugs, or a combination of them, availability of test information to the person or his attorney, and the liability of medical institutions and person administering the tests are applicable to this section and also extend to the officer requesting the test, the State or its political subdivisions, or governmental agency, or entity which employs the officer making the request, and the agency, institution, or employer, either governmental or private, of persons administering the tests. Notwithstanding any other provision of law pertaining to confidentiality of hospital records or other medical records, information regarding tests performed pursuant to this section must be released, upon subpoena, to a court, prosecuting attorney, defense attorney, or law enforcement officer in connection with an alleged violation of Section 50-21-113.

HISTORY: 1999 Act No. 124, Section 2.I.

SECTION 50-21-117. Operation of water device while privileges suspended; offense; penalties.

(A) A person who operates any water device while his privileges are suspended is guilty of a misdemeanor and, upon conviction, must be fined two hundred dollars or imprisoned for thirty days for the first violation; for a second violation must be fined five hundred dollars and imprisoned for sixty consecutive days; and for a third or subsequent violation must be imprisoned for not less than ninety days nor more than six months, no portion of which may be suspended by the trial judge.

(B) If the privileges of the person convicted were suspended pursuant to the provisions of Section 50-21-112 or 50-21-113, he must be punished as follows and no part of the minimum sentence may be suspended:

- (1) for a first offense, imprisoned for not less than ten nor more than thirty days;
- (2) for a second offense, imprisoned for not less than sixty days nor more than six months;
- (3) for a third and subsequent offense, not less than six months nor more than three years.

(C) A person who is convicted under the provisions of subsection (A) must have his privileges suspended for an additional three years by the department.

(D) The suspension penalties assessed under this section are in addition to and not in lieu of any other civil remedies or criminal penalties which may be assessed.

HISTORY: 1999 Act No. 124, Section 2.J.

SECTION 50-21-120. Duty of boat livery as to equipment, registration and the like; liability of owner for negligent operation of vessel.

Neither the owner, his agent, or employees of a boat livery operating in this State shall permit any vessel to depart from his premises unless it is in sound and safe operating condition, have a valid registration, is properly numbered and is provided, either by the owner or the renter, with the equipment required pursuant to Section 50-21-610 and any regulations made pursuant thereto; and the owner of a boat livery shall be liable for damage or injury which may result directly from his failure to meet the requirements of this paragraph; provided, however, that readily identifiable livery boats of less than twenty-six feet in length leased or rented to another for the latter's noncommercial use for less than seven days may have the registration certificate retained ashore by the owner or his representative.

The owner of a vessel shall be liable for any injury or damage occasioned by the negligent operation of such vessel whether the negligence consists of a violation of the provisions of the statutes of this State or neglecting to observe the ordinary care in the operation as the regulations of common law require. The owner shall not be liable, however, unless the vessel is being used with his express or implied consent or is in the possession of a person or organization legally responsible therefor. It shall be presumed that the vessel is being operated with the knowledge and consent of the owner if, at the time of the injury or damage, it is under control of a member of the owner's household. Nothing contained herein shall be construed to relieve any other person from any liability which he would otherwise have. Provided, the owner of a boat livery shall not be liable as an owner as provided in this paragraph, and in case of any negligent injury or damage occasioned by the operation of a vessel rented or hired from a boat livery, the operator of the vessel shall be liable as owner thereof.

HISTORY: 1962 Code Section 70-295.12; 1955 (49) 299; 1959 (51) 409; 1972 (57) 2791; 1973 (58) 648; 1979 Act No. 95, Section 1; 1993 Act No. 181, Section 1269; 1999 Act No. 124, Section 2.K.

SECTION 50-21-125. Restrictions on swimming near public landing on hydroelectric generation lake or reservoir; no wake zone.

It is unlawful for a person to swim within fifty feet of a public boat landing or ramp located on a lake or reservoir constructed or developed by an investor-owned utility for hydroelectric generation. For purposes of this section, a public boat landing or ramp is one owned or maintained by an investor-owned utility for hydroelectric generation and is available to the public at large. The area where swimming is prohibited must be clearly marked and signs must be posted to give public notice that no swimming is allowed in the area. Watercraft must slow to no wake speed when operated within two hundred feet of the landing or ramp.

HISTORY: 1988 Act No. 296, Section 1; 1993 Act No. 181, Section 1269; 2008 Act No. 286, Section 7, eff June 11, 2008.

Effect of Amendment

The 2008 amendment deleted the fifth and sixth sentences relating to no wake signage and the seventh sentence exempting that portion of Game Zone No. 4 in Lancaster County.

SECTION 50-21-130. Duties of vessel operator involved in collision; offense and penalties; immunity of person rendering assistance; accident reports; suspension of privileges.

(A) It is the duty of the operator of a vessel involved in a collision, accident, or other casualty, if he can do so without serious danger to his own vessel, crew, or passengers, to render assistance as may be practical

or necessary to persons affected by the collision, accident, or other casualty including personal injury or property damage and also to give his name, address, and identification of his vessel in writing to any person injured and to the owner of any property damaged in the collision, accident, or other casualty. A person who fails to stop or to comply with the requirements of this section, is guilty of:

(1) a misdemeanor, when personal injury or property damage results but great bodily injury or death does not result, and, upon conviction, must be imprisoned not less than thirty days nor more than one year or fined not less than one hundred dollars nor more than five thousand dollars, or both;

(2) a felony when great bodily injury results and, upon conviction, must be imprisoned not less than thirty days nor more than ten years and fined not less than five thousand dollars nor more than ten thousand dollars; or

(3) a felony when death results and, upon conviction, must be imprisoned not less than one year nor more than twenty-five years and fined not less than ten thousand dollars nor more than twenty-five thousand dollars.

(B) Any person who complies with subsection (1) of this section or who gratuitously and in good faith renders assistance at the scene of a vessel collision, accident, or other casualty shall not be liable for any civil damages as a result of the rendering of assistance or for any act or omission in providing or arranging salvage, towage, medical treatment, or other assistance.

(C) In the case of a reportable accident, the operator or owner of any vessel involved shall file a full description of the accident with the department and provide any information the department may require when requested as part of the investigation within forty-eight hours of the accident. The owner or operator of a watercraft involved must furnish his name, address, and identification of his watercraft in writing to any person injured or the owner of any property damaged in the accident as soon as possible after the collision. In the event an accident results in death, loss of consciousness, or serious bodily injury, the owner or operator immediately shall notify the department.

(D) The accident report must be without prejudice, and must be for the information of the department. However, a person alleged to have sustained injury or property damage or alleged to have caused injury or property damage, their attorney, personal representative, or an insurer may obtain a copy of the report. The fact the report has been made is admissible solely to show compliance with this section, but no report or any part or statement contained in the report is admissible as evidence in a civil trial. An insured alleged to be responsible for the accident cannot be reimbursed for property damages until the report is filed.

(E) The department shall administer a State Casualty Reporting System which shall be in conformity with that established by the United States Coast Guard.

(F) The department must suspend the privileges of a person convicted under this section for:

(1) two years if the operator of a vessel is convicted of not rendering assistance to persons affected in a collision, accident, or other casualty;

(2) one year if the operator of a vessel is convicted of not reporting a boating accident;

(3) a person's privilege to operate a watercraft shall not be reinstated until the person attends and completes a boating safety education program approved by the department. The person required to attend the class shall reimburse the department for the expense of the program.

(G) The suspension penalties assessed under this section are in addition to and not in lieu of any other civil remedies or criminal penalties which may be assessed.

HISTORY: 1962 Code Section 70-295.13; 1955 (49) 299; 1959 (51) 409; 1961 (52) 588; 1972 (57) 2791; 1974 (58) 2678; 1993 Act No. 181, Section 1269; 1999 Act No. 124, Section 2.L; 2008 Act No. 321, Section 2, eff 6 months after approval (approved June 16, 2008).

Effect of Amendment

The 2008 amendment, in subsection (A), in the first sentence deleted ", and guests," following "passengers"; and rewrote subsections (C) and (D).

SECTIONS 50-21-132 to 50-21-139. Repealed by 2008 Act No. 321, Section 6, eff 6 months after approval (approved June 16, 2008).

Editor's Note

Former Section 50-21-132 was entitled "Lake Moultrie no wake zone established; boundaries" and was derived from 2000 Act No. 276, Section 1.

Former Section 50-21-133 was entitled "Sullivan's Island and Combahee River no wake zones established; penalty" and was derived from 1999 Act No. 124, Section 1; 2000 Act No. 385, Section 1.

Former Section 50-21-135 was entitled "Ashley River no wake zone established" and was derived from 1991 Act No. 160, Section 1; 1993 Act No. 181, Section 1269.

Former Section 50-21-136 was entitled "Hilton Head Island no wake zones established; offense; punishment" and was derived from 1998 Act No. 361, Section 1; 1999 Act No. 100, Part II, Section 101; 1999 Act No. 124, Section 49.

Former Section 50-21-137 was entitled "No wake zone on Ashley River near certain historic sites" and was derived from 1992 Act No. 344, Section 1; 1993 Act No. 181, Section 1269.

Former Section 50-21-138 was entitled "No wake zone on Lucy Point Creek" and was derived from 1999 Act No. 124, Section 3.

Former Section 50-21-139 was entitled "No wake zone established in Tail Race Canal" and was derived from 1990 Act No. 402, Section 1; 1993 Act No. 181, Section 1269.

SECTION 50-21-140. Division to furnish information on collisions and numbering of vessels to officials or agencies of United States.

In accordance with any request duly made by an authorized official or agency of the United States, any information compiled or otherwise available to the department pursuant to Sections 50-21-310 and 50-21-130 shall be transmitted to the official or agency of the United States for analytical and statistical purposes.

HISTORY: 1962 Code Section 70-295.14; 1955 (49) 299; 1959 (51) 409; 1972 (57) 2791; 1993 Act No. 181, Section 1269.

SECTIONS 50-21-142 to 50-21-145. Repealed by 2008 Act No. 321, Section 6, eff 6 months after approval (approved June 16, 2008).

Editor's Note

Former Section 50-21-142 was entitled "Cooper River no wake zone established" and was derived from 2001 Act No. 21, Section 1.

Former Section 50-21-143 was entitled "Little Chechessee Creek no wake zone established" and was derived from 1998 Act No. 364, Section 1.

Former Section 50-21-144 was entitled "Cat Creek no wake zone established" and was derived from 1998 Act No. 364, Section 2.

Former Section 50-21-145 was entitled "No wake and no swimming zones on Lakes Keowee and Jocassee" and was derived from 1984 Act No. 512, Part II, Section 60; 1993 Act No. 181, Section 1269.

SECTION 50-21-146. Discharging firearm at boat landing or ramp prohibited.

A person who discharges a firearm at a public boat landing or ramp is guilty of a misdemeanor and, upon conviction, must be punished as provided in Section 50-1-130.

HISTORY: 1988 Act No. 458, Section 1; 1993 Act No. 181, Section 1269.

SECTION 50-21-147. Repealed by 2008 Act No. 321, Section 6, eff 6 months after approval (approved June 16, 2008).

Editor's Note

Former Section 50-21-147 was entitled "No wake zone in vicinity of Kiawah Docking Facility" and was derived from 1984 Act No. 502, Section 3; 1993 Act No. 181, Section 1269.

SECTION 50-21-148. Prohibition against obstruction of pier, dock, wharf, boat ramp, or access areas; erection of signs; penalties for violation.

It is unlawful to obstruct any pier, dock, wharf, boat ramp, or the access area to the facilities. Any vessel, vehicle, or other object left unattended which obstructs any of the facilities or the access to them may be removed entirely at the risk and expense of the owner. The department, with the advice of the Department of Transportation, shall erect signs at appropriate locations advertising the provisions of this section. Any person violating the provisions of this section is guilty of a misdemeanor and upon conviction must be fined not less than twenty-five dollars nor more than one hundred dollars or imprisoned for not more than thirty days.

HISTORY: 1986 Act No. 378, Section 1; 1993 Act No. 181, Section 1269.

SECTION 50-21-149. Repealed by 2008 Act No. 321, Section 6, eff 6 months after approval (approved June 16, 2008).

Editor's Note

Former Section 50-21-149 was entitled "No wake zone on certain part of Congaree River" and was derived from 1988 Act No. 551, Section 1; 1993 Act No. 181, Section 1269.

SECTION 50-21-150. Penalties.

A person who violates this chapter or regulations promulgated by the department pursuant to it where the penalty is not specified is guilty of a misdemeanor and, upon conviction, must be fined not less than twenty-five nor more than two hundred dollars or imprisoned not more than thirty days for each violation.

HISTORY: 1962 Code Section 70-295.15; 1955 (49) 299; 1957 (50) 125; 1959 (51) 409; 1961 (52) 588; 1972 (57) 2791; 1973 (58) 648; 1986 Act No. 376, Section 1; 1993 Act No. 128, Section 4; 1993 Act No. 181, Section 1269; 1999 Act No. 124, Section 2.M.

SECTION 50-21-160. Disposition of fees and fines.

(A) Except as provided in subsection (B), all fees or fines collected pursuant to this chapter must be held and utilized for the purpose of paying the expenses of the Natural Resources Enforcement Division of the department and other department operations. Twenty-five percent of all fines must be retained by the county in which the fine is levied.

(B) To the extent fees collected pursuant to Sections 50-21-340, 50-21-370, and 50-21-380, in connection with registration of boats, are attributable to fee increases beginning July 1, 1999, revenues from those fee increases must be used by the department for its law enforcement responsibilities. Any surplus may be carried forward for that use.

HISTORY: 1962 Code Section 70-295.16; 1955 (49) 299; 1959 (51) 409; 1992 Act No. 501, Part II, Section 44A; 1993 Act No. 181, Section 1269; 1999 Act No. 100, Part II, Section 64.A.

SECTION 50-21-170. Relationship between state and federal regulations; effect of changes in federal law or regulations.

The statutes and regulations, including the United States Coast Guard Navigational Rules that pertain to watercraft and watercraft safety, associated marine equipment, performance and operation of watercraft, standard numbering and registration of watercraft, and boating accident reporting as enacted by the Congress of the United States or as promulgated by the appropriate department of the United States government, are the law of the State of South Carolina. Any person violating the provisions of the statutes or regulations, upon conviction, must be punished as provided in Section 50-21-150.

HISTORY: 1986 Act No. 377, Section 1; 1988 Act No. 566, Section 1; 1993 Act No. 181, Section 1269.

SECTION 50-21-175. Watercraft to heave to on Coast Guard signal; cooperation by operator, crew and passengers; penalties; magistrates court jurisdiction.

(A) The operator and crew of any watercraft operating in state waters are required to heave to when signaled or hailed and allow boarding by law enforcement officers or U.S. Coast Guard personnel.

(B) The operator, crew, and passengers of any watercraft operating in state waters are required to cooperate with law enforcement officers or U. S. Coast Guard personnel.

(C) Any operator, crew member, or passenger of any watercraft violating this section is guilty of a misdemeanor and, upon conviction, must be fined not less than five hundred dollars nor more than two thousand five hundred dollars or imprisoned for not more than thirty days.

(D) Notwithstanding any other provision of law, the magistrates court retains jurisdiction for violations of this section.

HISTORY: 2000 Act No. 245, Section 19; 2002 Act No. 342, Section 48; 2008 Act No. 321, Section 3, eff 6 months after approval (approved June 16, 2008).

Effect of Amendment

The 2008 added subsection (D) relating to magistrates court jurisdiction.

SECTION 50-21-180. Riding surfboard near fishing piers.

It shall be unlawful to ride a surfboard within one hundred yards of any fishing pier in Game Zone No. 7 and Georgetown County.

Anyone violating the provisions of this section is guilty of a misdemeanor and, upon conviction, shall be fined not more than one hundred dollars or imprisoned for not more than thirty days.

HISTORY: 1993 Act No. 181, Section 1263; 2000 Act No. 245, Section 20.

Editor's Note

2000 Act No. 245, Section 20 redesignated Section 50-13-990 as Section 50-21-180.

SECTION 50-21-190. Abandoning watercraft or outboard motor; penalty; removal.

(A) It is unlawful to abandon a watercraft or outboard motor on the public lands or waters of this State or on private property without permission of the property owner. This section does not apply to persons who abandon a watercraft in an emergency for the safety of the persons onboard; however, after the emergency is over, the owner and operator of the abandoned watercraft shall make a bona fide attempt to recover the watercraft.

(B) A person violating the provisions of this section is guilty of a misdemeanor and, upon conviction, must be fined not less than one thousand dollars nor more than five thousand dollars or imprisoned up to thirty days, or both. In addition, the owner must remove the abandoned watercraft within fourteen days of conviction. The magistrates and municipal courts are vested with jurisdiction for cases arising under this section.

(C) An abandoned watercraft as identified by the department may be removed at the risk and expense of the owner and disposed of by any governmental agency that has jurisdiction over the area where the abandoned watercraft is located.

(D) The department must conduct investigations of any watercraft subject to the provisions of this section to determine the status of the watercraft as abandoned. The department must send written notice and make additional reasonable efforts to notify the last known owner, if any, of the status of the watercraft. If efforts to notify fail, then the department must post a notice on the watercraft advising that the watercraft is abandoned. If the owner claims the watercraft within forty-five days of the date the notice is posted, the watercraft is not considered abandoned.

(E) A watercraft identified by the department as abandoned for at least ninety days may be claimed by any person or entity as abandoned property.

HISTORY: 2008 Act No. 321, Section 4, eff 6 months after approval (approved June 16, 2008); 2011 Act No. 21, Section 1, eff May 9, 2011.

Effect of Amendment

The 2011 amendment rewrote subsection (C); and added subsections (D) and (E).

ARTICLE 5

Construction, Equipment, and Safety Standards

SECTION 50-21-610. Regulations of Division as to construction, equipment, and other safety standards.

(1) The department may promulgate regulations which establish boat construction or associated equipment performance or other safety standards.

(2) In order that boatmen may pass from jurisdiction to jurisdiction in an unhindered manner:

(a) Regulations promulgated by the department which establish any boat construction or associated equipment, performance or other safety standard shall be identical to Federal Regulations for enforcement purposes except that regulations requiring the carrying or using of marine safety articles to meet uniquely hazardous conditions or circumstances within this State may be adopted; and if regulations for such safety articles are not disapproved by the United States Coast Guard, regulations shall not be in conflict with Federal requirements;

(b) Operational regulations and other equipment regulations such as for mufflers shall not be in conflict with Federal requirements.

HISTORY: 1962 Code Section 70-295.41; 1955 (49) 299; 1959 (51) 409; 1961 (52) 588; 1962 (52) 2186; 1970 (56) 2331; 1971 (57) 2012; 1972 (57) 2791; 1974 (58) 2678; 1993 Act No. 181, Section 1269.

ARTICLE 7

Aids to Navigation and Regulatory Markers

SECTION 50-21-710. Placing of aids to navigation and regulatory markers; certain conduct prima facie evidence of negligence; prohibited acts.

(A) As used in this section:

(1) "Aids to navigation" means any device designed or intended to assist a navigator to determine his position or safe course or to warn him of danger or obstructions to navigation.

(2) "Regulatory markers" means any device which indicates to a vessel operator the existence of dangerous areas as well as those which are intended to restrict or control, such as speed zones and areas dedicated to a particular use or to provide general information and directions. This includes bathing markers, speed zone markers, information markers, danger zone markers, boat keep out areas, mooring buoys, wharves, docks, obstructions or hazards to navigation, and any activity, object, or construction in the waters of the State.

(B) The department may promulgate regulations for the uniform marking of the waters of the State and may regulate the operation of all vessels, watercraft, and water devices through the placement of aids to navigation and regulatory markers. The regulations shall establish a marking system compatible with the system of aids to navigation prescribed by the United States Coast Guard or its successor agency. No city, county, or person shall mark or obstruct the waters of this State in any manner so as to endanger the operation of watercraft or conflict with the marking system prescribed by the department.

(C) The operation of any vessel, watercraft, or water device within a prohibited area is negligent operation unless the seriousness of the operation within a prohibited area constitutes reckless operation.

(D) It shall be unlawful for a person to operate a vessel, watercraft, or water device on the waters of this State in a manner other than that prescribed or permitted by regulatory markers.

(E) No person may moor or fasten a vessel, watercraft, or water device to or wilfully damage, tamper, remove, obstruct, or interfere with any aid to navigation or regulatory marker established pursuant to this chapter.

(F) All no wake zones heretofore established are considered established pursuant to the authority of this section.

(G) A person who violates a provision of this section or regulation promulgated pursuant to this section is guilty of a misdemeanor and, upon conviction, must be punished as provided in this chapter.

HISTORY: 1962 Code Section 70-295.43; 1972 (57) 2791; 1974 (58) 2678; 1993 Act No. 184, Section 249; 1993 Act No. 181, Section 1269; 1999 Act No. 124, Section 2.O; 2006 Act No. 289, Section 9.A; 2008 Act No. 321, Section 5, eff 6 months after approval (approved June 16, 2008).

Effect of Amendment

The 2008 amendment added subsection (F) relating to no wake zones and redesignated subsection (F) as subsection (G).

ARTICLE 9

Water skis, Aquaplanes, Surfboards and Like Devices

SECTION 50-21-810. Motorboat towing person on water skis or similar device to have observer or rear-view mirror.

No person shall operate a motorboat on any waters of this State for towing a person or persons on water skis, or an aquaplane, or similar device, unless there is in such motorboat a person, in addition to the operator, in a position to observe the progress of the person or persons being towed or such motorboat is equipped with a wide-angle rear-view mirror mounted in such a manner as to permit the operator of the motorboat to observe the progress of the person or persons being towed.

HISTORY: 1962 Code Section 70-295.51; 1955 (49) 299; 1959 (51) 409; 1993 Act No. 181, Section 1269.

SECTION 50-21-820. Water skiing, surfboarding, and similar activity prohibited during certain hours.

No person shall operate a vessel on any waters of this State towing a person or persons on water skis, aquaplane, a surfboard, or similar devices, nor shall any person be engaged in water skiing, aquaplaning, surfboarding, or similar activity at any time between the hours from sunset to sunrise.

HISTORY: 1962 Code Section 70-295.52; 1955 (49) 299; 1959 (51) 409; 1972 (57) 2791; 1993 Act No. 181, Section 1269.

Code Commissioner's Note

At the direction of the Code Commissioner, "be" was inserted before "engaged."

SECTION 50-21-830. Exemptions.

The provisions of Sections 50-21-810 and 50-21-820 do not apply to a performer engaged in a professional exhibition or a person or persons engaged in an activity authorized under Section 50-21-1010.

HISTORY: 1962 Code Section 70-295.53; 1955 (49) 299; 1959 (51) 409; 1972 (57) 2791; 1993 Act No. 181, Section 1269.

SECTION 50-21-840. Certain conduct which endangers person on water skis, surfboard, or similar device prohibited.

No person shall operate or manipulate any vessel, tow rope or other device by which the direction or location of water skis, a surfboard, or similar device may be affected or controlled in such a way as to cause the water skis, surfboard, or similar device, or any person thereon to collide with or strike against any object or person.

HISTORY: 1962 Code Section 70-295.54; 1955 (49) 299; 1959 (51) 409; 1993 Act No. 181, Section 1269.

SECTION 50-21-850. Ski belt, life preserver, or similar equipment required; exceptions.

(A) No person may water ski or ride on any object being towed by a motorized watercraft unless he is wearing a United States Coast Guard approved personal flotation device, Type I, Type II, Type III, or Type V. Each personal flotation device must be fastened properly, in good and serviceable condition, and the proper size for the person wearing it.

(B) The following persons are exempt from the requirements of this section:

- (1) participants in scheduled water ski tournaments or shows sponsored by a recognized water ski club;
- (2) persons holding ratings of first class or higher in the American Water Ski Association;
- (3) windsurfers, surfboarders, and sailboarders.

HISTORY: 1962 Code Section 70-295.55; 1955 (49) 299; 1961 (52) 588; 1984 Act No. 502, Section 1; 1993 Act No. 181, Section 1269; 1996 Act No. 420, Section 1.

SECTION 50-21-855. Enforcement of regulations affecting windsurfers and sailboarders.

Notwithstanding any other provision of law or Regulation 123.1 of the department, the department may not enforce any regulation requiring windsurfers and sailboarders to wear or carry personal flotation devices.

HISTORY: 1984 Act No. 502, Section 2; 1993 Act No. 181, Section 1269.

SECTION 50-21-860. Restrictions on use of airboats.

As used in this section, "airboat" means a watercraft propelled by air pressure caused by a motor mounted on the watercraft aboveboard.

(A) It is unlawful for a person to operate an airboat on the public waters of this State from the freshwater-saltwater dividing line, established by Section 50-17-30, seaward.

(B) It is unlawful to operate an airboat on the waters of the Waccamaw, the Great Pee Dee, the Little Pee Dee, the Black, and the Sampit Rivers in Georgetown and Horry Counties from one hour before legal sunset to one hour after legal sunrise and anytime during the season for hunting duck.

(C) It is unlawful to operate an airboat on the waters of that portion of Lake Marion and Santee Swamp west of the I-95 bridge upstream to the confluence of the Congaree and Wateree Rivers during the season for hunting waterfowl.

(D) It is unlawful to operate an airboat on the waters of the Broad River in Richland County from one hour before legal sunset to one hour after legal sunrise.

(E) It is unlawful to operate an airboat on the waters of Stevens Creek in Edgefield County from one hour before legal sunset to one hour after legal sunrise.

A person violating the provisions of this section, upon conviction, must be punished as provided by Section 50-1-130.

The provisions of this section do not apply to the operation of airboats by law enforcement, emergency medical, civil defense, noxious weed control, military personnel, state and federally approved wildlife banding, surveying, biological research programs, and private waters.

HISTORY: 1988 Act No. 430, Section 1; 1993 Act No. 181, Section 1269; 1996 Act No. 420, Section 2; 2022 Act No. 133 (H.3889), Section 1, eff April 11, 2022; 2023 Act No. 39 (H.3689), Section 1, eff May 16, 2023.

Effect of Amendment

2022 Act No. 133, Section 1, in (B), substituted "hunting duck" for "hunting waterfowl".

2023 Act No. 39, Section 1, inserted (D) and (E).

SECTION 50-21-870. Personal watercraft and boating safety.

(A) As used in this section:

- (1) "Class 'A' boat" means a motorboat which is less than sixteen feet in length.

(2) "Floating device" includes kneeboards, aqua planes, surfboards, saucers, inner tubes, and other similar equipment.

(B) No person may:

(1)(a) operate, be in possession of, or give permission to operate a personal watercraft or specialty procraft while upon the waters of this State unless each person aboard the personal watercraft or specialty procraft is wearing a United States Coast Guard approved personal flotation device, Type I, Type II, Type III, or Type V;

(b) operate, be in possession of, or give permission to operate a Class "A" motor boat while upon the waters of this State unless each person under the age of twelve aboard the Class "A" motor boat is wearing a United States Coast Guard approved personal flotation device, Type I, Type II, Type III, or Type V;

Each personal flotation device must be fastened properly, in good and serviceable condition, and the proper size for the person wearing it;

(2) operate or be in possession of a personal watercraft or specialty procraft while upon the waters of this State after sunset or before sunrise;

(3) operate or be in possession of a personal watercraft or specialty procraft while upon the waters of this State unless it is equipped with a self-circling device or a lanyard-type engine cutoff switch;

(4) operate or be in possession of while upon the waters of this State a personal watercraft or specialty procraft which has been equipped by the manufacturer with a lanyard-type engine cutoff switch unless the lanyard and the switch are operational and unless the lanyard is attached to the operator, the operator's clothing, or a personal flotation device worn by the operator;

(5) operate or be in possession of while upon the waters of this State a personal watercraft or specialty procraft which has been equipped by the manufacturer with a self-circling device if the self-circling device or the engine throttle has been altered in a way that would prohibit the self-circling device from operating in its intended manner;

(6)(a) operate a personal watercraft, specialty procraft, or vessel while upon the waters of Lake Greenwood, Lake Hartwell, Lake Jocassee, Lake Keowee, Lake Marion, Lake Monticello, Lake Murray, Lake Robinson, Lake Russell, Lake Secession, Lake Thurmond, Lake Wateree, Fishing Creek Reservoir, Parr Reservoir, or the portion of the Savannah River from the Interstate 20 Savannah River Bridge to the New Savannah River Bluff Lock and Dam in excess of idle speed within one hundred feet of a wharf, dock, bulkhead, or pier or fifty feet of a moored or anchored vessel or person in the water;

(b) operate a personal watercraft, specialty procraft, or vessel while upon all other waters of this State in excess of idle speed within 50 feet of a moored or anchored vessel, wharf, dock, bulkhead, pier, or person in the water, or within 100 yards of the Atlantic Ocean coast line. The prohibitions contained in this item do not apply to an unoccupied, moored vessel or watercraft or to a person behind a vessel or watercraft who is on water skis or a floating device with the permission of the operator of the vessel or watercraft;

(c) the provisions of this item do not apply to Lake Moultrie;

(7) chase, harass, molest, worry, or disturb wildlife with a personal watercraft, specialty procraft, or vessel except while lawfully angling for, hunting, or trapping wildlife;

(8) tow a water skier or a person on a floating device with a personal watercraft or specialty procraft unless the watercraft is equipped with a wide-angled mirror which permits the operator to observe the person being towed or carrying a person other than the operator who is in position to observe the person being towed. No person may tow a water skier or a floating device unless the person being towed is wearing a personal flotation device as provided in item (1). A personal watercraft or specialty procraft may be used to tow another vessel when rendering assistance;

(9) wake surf in excess of idle speed within two hundred feet of a moored vessel, wharf, dock, bulkhead, pier, or person in the water.

(C) It is unlawful for a person who owns a personal watercraft, specialty procraft, or vessel, or who has charge over or control of a personal watercraft, specialty procraft, or vessel to authorize or knowingly to permit the personal watercraft, specialty procraft, or vessel to be operated in violation of this section.

(D) A person who violates this section is guilty of a misdemeanor and, upon conviction, must be fined not less than fifty dollars but no more than three hundred dollars.

(E) This section does not apply to:

(1) the operation of personal watercraft, specialty propcraft, or vessels by the following personnel while in the performance of their official duties:

- (a) law enforcement;
- (b) emergency medical;
- (c) civil defense;
- (d) military;
- (e) state and federally approved wildlife;
- (f) those involved in biological research programs;

(2) activity on private waters;

(3) performers engaged in a professional exhibition or a person preparing to participate or participating in an officially sanctioned regatta, race, marine parade, tournament, or exhibition in an area and at a time designated for that purpose.

HISTORY: 1996 Act No. 291, Section 1; 1999 Act No. 124, Section 2.P, Q; 2022 Act No. 124 (H.3308), Sections 2, 3, eff March 14, 2022; 2023 Act No. 74 (S.96), Sections 4, 5, eff August 18, 2023.

Effect of Amendment

2022 Act No. 124, Section 2, in (B), rewrote (6), increasing distance limits between a watercraft operating in excess of idle speed upon certain waters and a wharf, dock, bulkhead, or pier.

2022 Act No. 124, Section 3, in (B), inserted (10), relating to wake surf.

2023 Act No. 74, Section 4, in (A), deleted former (1) and (2), which related to "Personal watercraft" and "Specialty propcraft" and redesignated (3) and (4) as (1) and (2).

2023 Act No. 74, Section 5, deleted (9), which related to persons younger than sixteen years of age operating a personal watercraft, specialty propcraft, or vessel, and redesignated former (10) as (9).

ARTICLE 11

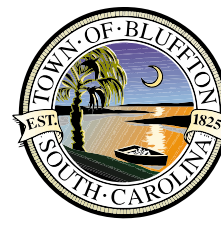
Regattas and Like Exhibitions

SECTION 50-21-1010. Regulation of regattas, races, and similar exhibitions.

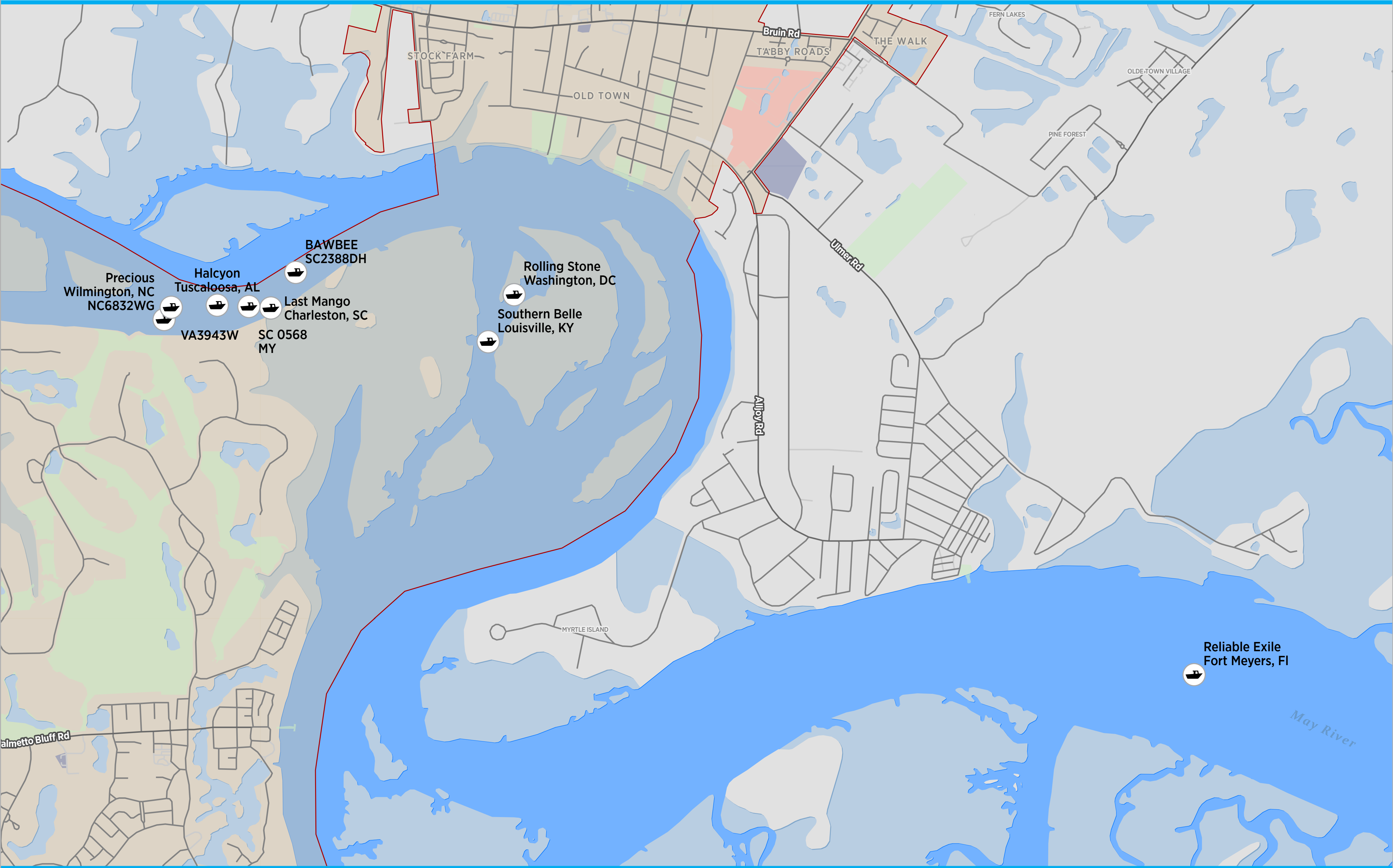
(1) The department may regulate the holding of regattas, races, marine parades, tournaments or exhibitions which, by their nature, circumstance or location will introduce extra or unusual hazards to the safety of life on any waters of this State. It shall adopt and may amend regulations concerning the safety of boats, motorboats and vessels and persons thereon, either observers or participants. Whenever a regatta, race, marine parade, tournament or exhibition is proposed to be held the person in charge thereof shall, at least thirty days prior thereto, file an application with the department for permission to hold such regatta, motorboat or other boat race, marine parade, tournament or exhibition. The application shall set forth the date, time and location where it is proposed to hold such regatta, race, marine parade, tournament or exhibition and such other information as the department may by regulation require and it shall not be conducted without written authorization of the department.

(2) The provisions of this section shall not exempt any person from compliance with applicable Federal law or regulation but nothing contained herein shall be construed to require the securing of a State permit pursuant to this section if a permit therefor has been obtained from an authorized agency of the United States.

HISTORY: 1962 Code Section 70-295.56; 1955 (49) 299; 1959 (51) 409; 1972 (57) 2791; 1993 Act No. 181, Section 1269.



Abandoned Boat Locations



Legend
 Abandoned Boat



Updated: 7/17/2024

Map Prepared By: Ryan J. Coleman, GISP



This map was created by the Town of Bluffton and is solely intended to be used as a graphical representation for the Town of Bluffton. The maps and data distributed by the Town of Bluffton are derived from a variety of public and private sector sources considered to be dependable, but the accuracy, completeness, and currency thereof are not guaranteed. The Town of Bluffton makes no warranties, expressed or implied, as to the accuracy, completeness, currency, reliability, or suitability for any particular purpose of information or data contained in or generated from the Town of Bluffton GIS.

CHAPTER X - MOORING AND ABANDONED BOATS; VIOLATIONS

Sec. X-1. Purpose.

The purpose of this article is:

Intended to address mooring buoys, river use, law enforcement, and abandoned vessels in a manner consistent with state law, including but not necessarily limited to Title 50 of the South Carolina Code of Laws, which shall govern all activity and matters related to watercraft on the waters, and the shores, and banks of the May River, New River and all estuaries as identified herein, located within the jurisdictional limits of the Town of Bluffton.

To ensure that vessel owners are responsibly using the town's waterways without causing undue environmental harm, creating hazardous conditions, or leaving derelict and abandoned vessels in the waterways;

To prevent environmental harm of spilled fuel, human waste, or other pollutants that can be associated with derelict or live aboard vessels not properly pumped or maintained;

To protect human life and navigation hazards associated with over-crowded waterways, haphazardly moored vessels, or sunken vessels, particularly near public boat landings and other crowded areas;

To protect, preserve, restore, and enhance the town's natural waterways and marshes;

To prevent damage to public docks and boat landings, and private docks and marinas through improperly moored or listing vessels; and

To prevent wasteful tax expenditures for the cost of removing sunken and abandoned vessels.

Sec. X-2. Definitions.

For the purpose of this article, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

Abandoned boats (abandon or abandoned) means any watercraft that has been moored, stranded, wrecked, sinking, or sunk, and has been left unattended for longer than forty-five (45) days. A watercraft is not "abandoned" if it is legally moored on private property. (S.C. Code § 50-21-10.)

Abandon or abandoning means the act of anchoring, mooring, stranding, wrecking, sinking, or leaving a watercraft unattended beyond the proscribed period and/or in an unlawful manner such that has become a nuisance or danger.

Boat or vessel means every classification of watercraft used or capable of being used as a means of transportation on the water, except a seaplane or a fishing raft. (S.C. Code § 50-21-10)

Department means the South Carolina Department of Natural Resources.

Derelict vessel means a vessel that has been left unattended or is in significant disrepair, such that the condition may affect the seaworthiness of the vessel or affect the safety of the public or the environment.

Law enforcement means the Department of Natural Resources, Bluffton Police Department and Beaufort County Sheriff's Department.

Operator means every person who steers or is in control of the use, navigation, movement, anchoring, mooring, or employment of a vessel.

Owner means a person, other than a lien holder, who claims lawful possession of a vessel or outboard motor by virtue of legal title, registration, or equitable interest in it which entitles him to possession.

Person means an individual, a partnership, a firm, a corporation, an association, or other legal entity. (S.C. Code § 50-21-10.)

Unattended as it pertains to watercraft, means there is no observable change in circumstances or evidence of being looked after or maintained in any way and no substantial change in location.

Use means operate, navigate, or employ.

Vessel means every classification of watercraft, other than a seaplane regulated by the federal government.

Waters of the Town means waters within the jurisdictional limits of Town of Bluffton not including private lakes or ponds.

Waters of the state means waters within the territorial limits of the state but not including private lakes or ponds.

Watercraft means anything used or capable of being used as a means of transportation on the water but does not include: A seaplane regulated by the federal government, water skis, aquaplanes, surfboards, windsurfers, tubes, rafts, and similar devices or anything that does not meet construction or operation requirements of state or federal government for watercraft.

Sec. X-3. Mooring prohibited.

Within the jurisdictional limits of the waters of the town of Bluffton, mooring or anchoring is prohibited within one mile of any public boat landing or within one hundred (100) feet of any other legally anchored vessel, any private, properly permitted mooring, or any private, properly permitted dock or marina without the written permission of the owner.

Sec. 29-4. Derelict vessels prohibited.

- (a) It shall be unlawful to anchor, moor or ground on the public land or waters of the Town of Bluffton, or on private property without permission of the property owner, any derelict vessel. Indicators that a vessel is derelict include, but are not limited to, the following:
1. Improper, non-working, or no anchor light;
 2. Vessel is neglected, or substantially dismantled, or improperly maintained, or is not able to be used for navigation as intended;
 3. Vessel does not comply with current registration requirements;
 4. Vessel is barnacle-laden;
 5. Vessel interior is exposed to the elements (rain, waves, and the like);
 6. Vessel is listing;
 7. Vessel is aground;
 8. Vessel is in danger of breaking or dragging its mooring;
 9. Vessel is sinking; or
 10. Vessel is abandoned.
- (b) Pursuant to S.C. Code § 50-21-190 it is unlawful to abandon a watercraft or outboard motor on the public land or waters of this state or the town or on private property without permission of the property owner. This section does not apply to persons who abandon a watercraft in an emergency for the safety of the person onboard; however, after the emergency is over, the owner and operator of the abandoned watercraft shall make a bona fide attempt to recover the watercraft.

Sec. X-5. Anchoring prohibited.

- (a) No vessel shall be anchored within the Corps of Engineers established channel. Boats anchored in these areas at the date of the passage of this article shall have sixty (60) days to comply.
- (b) This section does not apply to vessels attached to permanent piers or docks.

Sec. X-6. Seizure and disposal of abandoned vessels.

Seizure of certain watercraft; notice of seizure and of time for removal; forfeiture and disposal. Pursuant to the police powers of local governments for the promotion of the public health, safety and welfare and general convenience as granted by state legislation, including the state home rule act, construed in accordance with provisions of the South Carolina State Constitution and the South Carolina Code of Laws, the town shall be authorized to seize a stolen, abandoned, junked, adrift, destroyed, or salvaged watercraft or outboard motor, a watercraft that is no longer functional for its primary purpose, a watercraft or outboard motor for which the true owner is not determined, or a watercraft or outboard motor on which the manufacturer's or assigned serial number has been destroyed, removed, covered, altered, or defaced, such watercraft may be located on public property or on private property if impermissibly located on such private shores and banks, or which constitute a nuisance, a hazard to navigation, or threatens sensitive environments, and/or which is not within an anchorage area approved by the U.S. Coast Guard, U.S. Army Corps of Engineers, or the South Carolina Department of Health and Environmental Control and such watercraft or outboard motor is deemed to be a nuisance or a hazard to the citizens of the Town of Bluffton.

The Town may post a notice to seize on a clearly visible location of the watercraft while it is in its current location. The posting of a notice to seize on the watercraft or outboard motor shall constitute notice to a person claiming an interest in it, and the person shall immediately remove the vessel. If the vessel is not removed by the owner within sixty (60) days of the posting of the notice to seize, the town may then effect seizure of the vessel by removing it no sooner than sixty (60) days after the posting of the notice to seize. If after reasonable efforts, the town determines the owner of a noticed watercraft or outboard motor and related marine equipment, it shall notify the owner by certified mail of the procedure, the location, and the fact that he has not less than thirty (30) days from the date of the certified letter to remove the vessel or equipment from the unlawful location or the town's designated storage facility as applicable. If a security interest has been perfected, the town must notify the lien holder by certified mail allowing thirty (30) days to respond.

The failure of the owner and all lienholders to exercise their right to reclaim the watercraft within the time provided is considered a waiver by the owner and lienholders of all rights, title, and interest in the watercraft and is considered as their consent to the disposition of the watercraft by the town.

The town may retain the property for official use or transfer the property to another public entity for official use, sell the property at public auction, or, destroy or otherwise lawfully dispose of the watercraft or outboard motor at the discretion of the town. If proceeds are derived from a sale, they must be deposited in the boating operating fund of the town for administration of the program.

The town shall keep a record of noticed vessels and the circumstances under which found, impounded, stored, sold, or destroyed, or removed by another party.

Sec. X-7. Policy and procedure.

In order to implement the provisions of this chapter, the town manager or designee is authorized to establish written policies and procedures consistent with the provisions herein and Title 50 of the South Carolina Code of Laws.

Sec. X-8. Notice to state.

In the event that the town is unable to ascertain the identity of the owner, or for any other reason is unable to give notice to a party with interest in the vessel or watercraft other than the posting of notice, and in the event the vessel or watercraft is not returned to the owner, the town shall send or cause to be sent a written report of such removal and disposal to the South Carolina Department of Natural Resources.

Sec. X-9. Violation; misdemeanor.

Any person who violates any section of this article shall be guilty of a misdemeanor and shall be punishable under section X of this Code.

In addition to any other penalties allowed by federal, state or local law, a person violating these provisions are guilty of a misdemeanor and, upon conviction, must be fined not less than one thousand dollars

(\$1,000.00) nor more than five thousand dollars (\$5,000.00) or imprisoned up to thirty (30) days, or both. In addition, the owner must remove the abandoned watercraft within fourteen (14) days of conviction. The town municipal court is vested with jurisdiction for cases arising under this section.

Sec. X-10. Severability.

If any section, subsection, clause or provision of this article shall be deemed unconstitutional or found to conflict with a provision of South Carolina law, or be otherwise invalid, the validity of the remaining sections, subsections, and clauses shall not be affected thereby and shall remain in full force and effect.

Sec. X-11. Conflicts.

If a section, subsection, clause, or provision of this article shall conflict with the section, subsection, clause, or provision of a preceding ordinance of the Town of Bluffton, then the preceding section, subsection or part shall be deemed repealed and no longer in effect.

Sec. X-12. Administration and enforcement.

- (a) *Administration.* The administration and enforcement of the provisions of this article shall be vested in the Town of Bluffton, law enforcement. Law enforcement shall have the authority to board any vessel subject to the provisions of this article or to any applicable rule or regulation for the purpose of inspection or determining compliance and are empowered to issue a summons for appearance in court or make arrest for violations of this article or the rules and regulations prescribed thereunder.
- (b) When necessary, the Bluffton Police Department and law enforcement may act, or may join in action with other agencies, to declare a vessel "abandoned" or "derelict," or to determine and abate any unsafe or environmentally hazardous conditions, by towing, relocating, removing any vessel, or taking any other action reasonably necessary.
- (c) Law enforcement shall post conspicuous notice on any vessels that are in violation of permit conditions, or that have an expired or revoked permit. Law enforcement shall then continue to monitor the violating vessel until ten (10) days have elapsed from the date of the posting. If the person in control of the vessel returns, or contacts law enforcement or the harbormaster and abates the violation within that time, no further actions, other than payment of accrued fees need to be taken.
- (d) If the owner of any unattended vessel anchored, moored, docked, or stored in town waters fails to respond to notices or pay fines and fees as required by this section for more than ten (10) days from the posting, the vessel may be taken into custody by the Bluffton Police Department and stored in a safe place of storage.
- (e) The owner shall be responsible for the costs of towing, storage, removal, and salvage of the vessel. Any vessel towed, removed, relocated or impounded shall be subject to a lien for associated costs. The owner of the vessel may only redeem the vessel from the designated storage area upon payment

of costs and fees. The town or its contractor is not liable for damages associated with towing or enforcement.

- (f) If a vessel is seized and towed, law enforcement shall report the vessel to the department of natural resources for owner notification. If the vessel is deemed abandoned by the department of natural resources, it shall be eligible for removal in accordance with South Carolina state law.
- (g) This section does not limit any other rights granted to the town or law enforcement by federal, state or local law.

Sec. X-13. Penalty.

For each day that a violation of this section is not abated, there will be a five hundred dollars (\$500.00) per day fine. The imposition of this fine shall not be suspended.

In addition to any other penalties allowed by federal, state or local law, a person violating the provisions of this section is guilty of a misdemeanor and, upon conviction, must be fined not less than one thousand dollars (\$1,000.00) nor more than five thousand dollars (\$5,000.00) or imprisoned up to thirty (30) days, or both. In addition, the owner must remove the abandoned watercraft within fourteen (14) days of conviction. The town municipal court is vested with jurisdiction for cases arising under this section.

TOWN COUNCIL STAFF REPORT
Growth Management Department



MEETING DATE:	October 8, 2024
PROJECT:	Amendments to the Town of Bluffton’s Municipal Code of Ordinances, Chapter 23, Unified Development Ordinance (UDO), Article 4 (Zoning Districts) and Article 5 (Design Standards) to Establish a Planned Unit Development District for Bluffton Village and to Add Appendix A to Include the Master Plan, Building and Sign Standards from the Soon-to-Expire Bluffton Village Development Agreement (Public Hearing – Final Reading)
PROJECT MANAGER:	Kevin 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.”

REQUEST: The UDO Administrator requests that Town Council approve certain text amendments to the Town of Bluffton’s Municipal Code of Ordinances, Chapter 23, Unified Development Ordinance as described herein.

PLANNING COMMISSION RECOMMENDATION: The Planning Commission recommended approval of the proposed UDO text amendments, which are the same amendments recommended to the Planning Commission by Town Staff.

BACKGROUND: On October 18, 2000, the development known as Bluffton Village was zoned by the Town of Bluffton as the Bluffton Village Planned Unit Development (PUD). To support its unique characteristics, the related zoning regulations, including land uses, lot and design standards, as well as sign standards, were established within the Development Agreement associated with the approved PUD.

The Development Agreement will expire on October 17, 2024 based on the initial five-year term, two five-year automatic extensions, and a nine-year tolling period. The zoning-related regulations must be in place to avoid a lapse; therefore, the zoning regulations within the Development Agreement are proposed to be transferred into the UDO.

The transition process includes establishing a “new” zoning district (Planned Unit Development for Bluffton Village in Secs. 4.1.1 and 4.2.15) and carrying over the permitted land uses (Table 4.3), associated use conditions (Sec. 4.4.2.E.), lot and building standards (Sec. 5.8) and sign standards specific to the PUD (Sec. 5.13). For ease of use, an appendix (“Appendix A”) is proposed that will include the Bluffton Village Master Plan, a chart identifying properties by address and the associated building type and maximum heated square footage for each building, as well as for the overall development (a total of 215,250 sf). Building design requirements and sign standards would also be in Appendix A. If the sign requirements of UDO Sec. 5.13 and Appendix A should conflict, the more restrictive standard would govern. The permitted density of 38 townhome units with one associated accessory dwelling unit each would not change.

If adopted by Town Council, these amendments would take effect on October 18, 2024. For any zoning-related matters not specifically provided in the amendments, the UDO will govern. A rezoning of Bluffton Village is not required as the zoning designation will remain “PUD.”

The requirements and procedures of the Community Association for the four Bluffton Village property regimes would not be affected by the text amendments. Town staff has been in contact with the property manager, Ronda Murphy of High Tide Associates, who has communicated with property owners. Additionally, Town Staff held a drop-in session at the Bluffton public library on July 11 from 3:30 to 5:30 p.m. to allow property owners and tenants an opportunity to discuss how the changes might affect their properties. Five individuals attended. A presentation was also planned for 6:00 p.m. but was not provided due to the lack of attendees.

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 the Comprehensive Plan.

2. **Section 3.5.3.B.** Consistency with demographic changes, prevailing economic trends, and/or newly recognized best planning practices.

Finding. The proposed amendments have no relationship to this criterion.

3. **Section 3.5.3.C.** Enhancement of the health, safety, and welfare of the Town of Bluffton.

Finding. The proposed amendments have no relationship to this criterion.

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.

NEXT STEPS:

UDO Text Amendment Procedure	Date	Complete
Step 1. Planning Commission Public Hearing and Recommendation	July 24, 2024	✓
Step 2. Town Council – 1st Reading	September 10, 2024	✓
Step 3. Town Council Meeting – Final Reading and Public Hearing	October 8, 2024	x
Step 4. Effective Date of Ordinance	October 18, 2024	x

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

ATTACHMENTS:

1. Presentation
2. Ordinance and Proposed Amendments
3. Suggested Motion



Bluffton Village Development Agreement Expiration & Transition of Zoning Regulations into the Unified Development Ordinance

Public Hearing and Final Reading

Town Council
October 8, 2024
Department of Growth Management
Kevin Icard, AICP

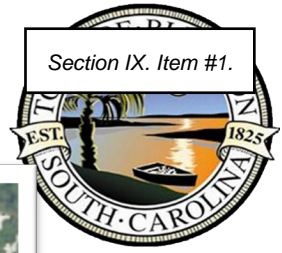
Development Agreement



- **State Local Government Development Agreement Act** (S.C. Code §§6-31-10, et seq) allows local governments to enter into a ‘contract’ or agreement with developers relative to the use and development of land. The Agreement is unique to each development.
- Because development typically occurs over the span of years, Agreements can provide predictability, allow master planning of facilities, and cost savings.
- Agreements are multi-year and expire based on amount of acreage, ranging from five to 20 years, but can be extended with mutual agreement.
- If zoning regulations are included in the Agreement, as with Bluffton Village, they must be re-established outside of the Agreement and into the UDO (or stand-alone zoning regulations).
- Zoning regulations can be renegotiated; however, Bluffton Village will retain its regulations as it is nearing build-out.

Bluffton Village PUD

- PUD and Development Agreement approved by Town in 2000. Agreement expires October 17, 2024.
- The approved Development Agreement includes permitted land uses, development standards (i.e., building setbacks and height), building types, design requirements, and signage.
- Property owner meeting held July 11 at library to explain reason and process.
- Staff working with POA Manager.



Transition to UDO



Zoning regulations would transition into the UDO as follows:

- Establish the Planned Unit Development for Bluffton Village District (Sec. 4.1.1)
- Establish Permitted Land Uses for the PUD (Table 4.3) and Use Conditions (Sec. 4.4.2.E)
- Residential Density
- Building Square Footage
- Building Typologies / Design
- Development Standards
- Signage

These standards will be in a new Appendix A in UDO.
No changes are proposed.

UDO Amendments – Establish the Zoning District



Sec. 4.2.15 Zoning District Provisions,

4.2.15 Planned Unit Development (PUD) for Bluffton Village

- A. **Purpose and Intent.** The PUD district provides certain zoning regulations for Bluffton Village subsequent to the expiration of its Development Agreement with the Town of Bluffton.
- B. **Applicability.** The boundaries of Bluffton Village PUD district are illustrated on the Official Zoning Map and the district is shown as “PUD.”
- C. **Allowed Uses.** Uses permitted and conditions and standards for those permitted uses are provided in Section 4.3
- D. **Density.** Maximum residential density shall be subject to the standard in Appendix A of this UDO.
- E. **Square Footage.** Maximum square footage allocated for the entirety of Bluffton Village and for individual lots within Bluffton Village shall be subject to Appendix A of this UDO.
- F. **Lot Standards.** All lots shall be subject to the standards in Appendix A of this UDO.
- G. **Building Standards.** All buildings shall be subject to the standards in Appendix A of this UDO.

The zoning district for Bluffton Village would be created to include cross-references to applicable district standards in Appendix A. Allowed land uses would be included in UDO Table 4.3.

Table 4.3 Uses by District

	Preserve (PR)	Agricultural (AG)	Rural Mixed Use (RMU)	Residential General (RG)	Neighborhood Core (NC)	General Mixed Use (GM)	Light Industrial (LI)	Riverfront Edge Historic District (RV-HD)	Historic District (NCV-HD)	Neighborhood Conservation Historic District (NCHD)	Neighborhood General Historic District (NG-HD)	Neighborhood Center Historic District (NCE-HD)	Neighborhood Core Historic District (NC-HD)	PUD for Bluffton Village
Bed and Breakfast – (2-5 bedrooms)	-	P	P	P	P	P	-	P	P	P	P	P	P	-
Inns – (6-12 bedrooms)	-	-	P	-	P	P	-	-	P	P	P	P	P	-
Hotel (13 or more bedrooms)	-	-	-	-	-	P	P	-	-	-	-	-	P	-
Office														
Home Occupation	-	P	P	P	P	P	P	P	P	P	P	P	P	P
Professional Offices	-	-	P	-	P	P	P	-	P	P	P	P	P	P
Health/Human Care														
Family Day Care Home (6 or less children)	-	P	P	P	P	P	P	P	P	P	P	P	P	P
Group Day Care Home (7 to 12 children)	-	P	P	P	P	P	P	-	-	P	P	P	P	P
Child Care Center (13 or more children)	-	P	P	P	P	P	P	-	-	P	P	P	P	P
Hospitals	-	-	-	-	-	P	P	-	-	-	-	-	-	-
Medical Offices and Clinics	-	-	P	-	P	P	P	-	-	P	P	P	P	P
Nursing Homes and Long-term Care	-	P	P	-	P	P	P	-	-	P	P	P	P	P

Appendix A – Zoning Info from Dev. Agreement



Section IX. Item #1.

Planned Unit Development (PUD) for Bluffton Village

Total Acreage: 29.31

Total Approved Heated Building Square Footage for Bluffton Village: 215,250 for all uses

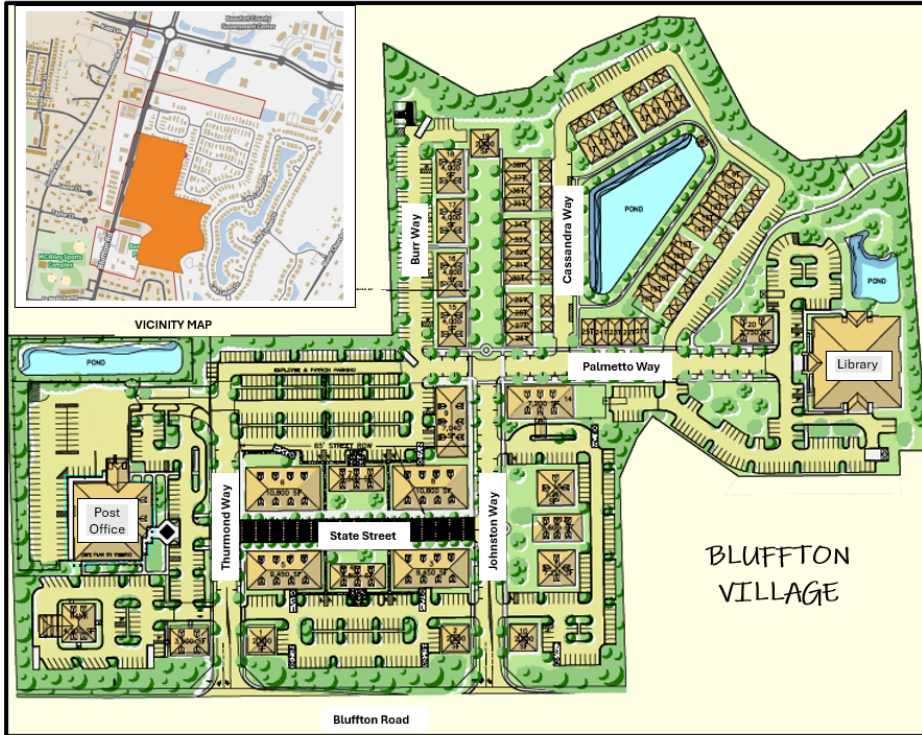
Allowed Uses: See Sec. 4.3, Table 4.3

Allowed Building Types: See Appendix A

Lot Standards: Based on building type. See Appendix A

Maximum Building Height: See Appendix A

Maximum Residential Density: 38 dwelling units, including one (1) accessory dwelling unit for each



Planned Unit Development for Bluffton Village Permitted Building Type and Maximum Building Square Footage		
Building Address	Building Type	Building Maximum Square Footage (Heated)
4 Burr Way	..	1,950
10 Burr Way	..	2,600
12 Burr Way	..	2,600
16 Burr Way	..	2,600
18 Burr Way	..	2,600
22 Burr Way	..	1,950
24 Burr Way	..	1,950
34 Burr Way	Vista	2,500
6 Johnston Way	..	5,000
7 Johnston Way	..	5,000
10 Johnston Way	..	10,766
12 Johnston Way	Vista	4,850
14 Johnston Way	..	10,766
23 Johnston Way	..	5,000
25 Johnston Way	..	5,000
7 Palmetto Way	..	1,950
18 Palmetto Way	..	7,800
18 Palmetto Way	..	3,600
9 Palmetto Way, Unit B	..	7,500
120 Palmetto Way	Civic/Vista (Library)	25,000
139 State St	Corner / Street Front	3,000
140 State St	Corner	3,000
140 State St	Street Front	3,000
142 State St	Street Front	3,000
143 State (141-149)	Street Front	11,014
143 State St	Street Front	3,000
143 State St	Street Front	3,000
144 State St	Street Front	3,000
148 State St	Street Front	3,315
150 State St	Street Front	3,300
151 State St	Street Front	3,614
152 State St	Street Front	3,615
153 State St	Street Front	3,000
154 State St	Street Front	4,060
155 State St	Street Front	3,000
158 State St	Street Front	6,000
158 State St	Corner	3,000
159 State St	Corner/Street Front	6,000
1 Thurmond Way	..	3,500
4 Thurmond Way	..	5,000
7 Thurmond Way	..	6,200
25 Thurmond Way	Civic/Vista (Post Office)	18,650
TOTAL		215,250

CORNER BUILDINGS

General Requirements:

- Building design must address the importance of the corner. It is recommended that this is done by introducing a separate and distinct element that is independent of the surfaces it joins. The corner condition can be articulated in several ways. These options must be explored.
- The ground floor of the building must be roughly level with the sidewalk on the edge defining street front.
- The building must have a defined datum line occurring between 10' and 12' above the sidewalk.
- Facade at street front must have a substantial amount of transparent window and door openings with a minimum of one entrance fronting each street front unless an entry is provided at the corner.
 - Minimum first floor opacity = 60%
 - Minimum second floor opacity = 20%
- The building must express the three basic components of *Base, Body, and Capital*.

Building Placement:

Build-to-line Locations: 0 ft. from street front property line

Side setbacks: none

Minimum building frontage: 75% of street frontage

Height:

Maximum building height: 35 ft.

Minimum building height: 2 stories*

*less otherwise noted on Regulating Map.

Graphic Representation:

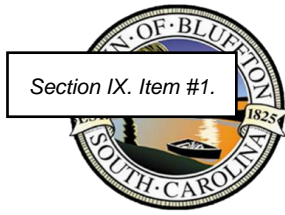
Development Agreement History

- October 18, 2000 – Establishment of Bluffton Village
- October 18, 2005 – First Amendment to Development Agreement is Executed (Required Obligations are Completed)
- 2010 & 2013 – SC Act No. 297 & 112 (respectively) Extends Agreements for Nine-Years
- October 17, 2024 – Expiration Date

Current Extinguishment Process

- March 12, 2024 – Town Council Workshop
- June 24, 2024 – Zoom Meeting with Bluffton Village POAs
- July 11, 2024 – Two Drop-In Community Meetings
- July 24, 2024 – Planning Commission Public Hearing and Recommendation
- September 10, 2024 – Town Council First Reading
- October 8, 2024 – Town Council Second Reading
- October 17, 2024 – Bluffton Village Development Agreement Expires
- October 18, 2024 – UDO Edits Take Effect

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 amendment has no relationship to this criterion.

2. **Section 3.5.3.B. Consistency with demographic changes, prevailing economic trends, and/or newly recognized best planning practices.**

The amendment has no relationship to this criterion.

3. **Section 3.5.3.C. Enhancement of the health, safety, and welfare of the Town of Bluffton.**

The amendment has no relationship to this criterion.

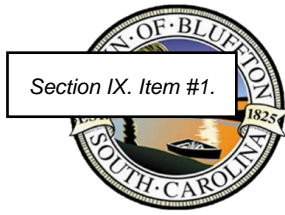
4. **Section 3.5.3.D. Impact of the proposed amendment on the provision of public services.**

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.

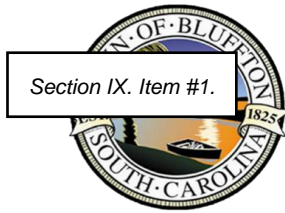
Town Council Action



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.

Amendment Process



UDO Text Amendment Steps	Date	Complete
Step 1. Planning Commission Public Hearing and Recommendation	July 24, 2024	✓
Step 2. Town Council – 1st Reading	September 10, 2024	✓
Step 3. Town Council Meeting – Final Reading and Public Hearing	October 8, 2024	x
Step 4. Effective Date of Ordinance	October 18, 2024	x

Suggested Motion



*“I move to **Approve** the amendments to the Town of Bluffton Code of Ordinances Chapter 23 – Unified Development Ordinance, Article 4 (Zoning Districts) and Article 5 (Design Standards) to Establish a Planned Unit Development District for Bluffton Village and Related Standards, and to Add Appendix A to Include the Master Plan, Building and Sign Standards from the Soon-to-Expire Bluffton Village Development Agreement.”*



QUESTIONS & DISCUSSION

ORDINANCE NO. 2024 – _____

TOWN OF BLUFFTON, SOUTH CAROLINA

AN ORDINANCE AMENDING THE TOWN OF BLUFFTON’S MUNICIPAL CODE OF ORDINANCES, CHAPTER 23, UNIFIED DEVELOPMENT ORDINANCE, ARTICLE 4 (ZONING DISTRICTS) AND ARTICLE 5 (DESIGN STANDARDS) TO ESTABLISH A PLANNED UNIT DEVELOPMENT DISTRICT FOR BLUFFTON VILLAGE, AND TO ADD APPENDIX A TO INCLUDE THE MASTER PLAN, BUILDING AND SIGN STANDARDS FROM THE SOON-TO-EXPIRE BLUFFTON VILLAGE DEVELOPMENT AGREEMENT

WHEREAS, the Town of Bluffton desires to improve the general safety, welfare, health and properties of the citizens of the Town of Bluffton; and,

WHEREAS, to establish the necessary provisions to accomplish the above, the Town of Bluffton has authority to enact resolutions, ordinances, regulations, and procedures pursuant to South Carolina Code of Laws 1976, Section 5-7-30; and,

WHEREAS, the Town of Bluffton’s Town Code and Ordinances provide guidance and requirements for development within the Town of Bluffton through regulations set forth to protect and promote the health, safety, and welfare of the Town’s citizens, as espoused through the provisions of the Town of Bluffton Comprehensive Plan and as authorized by the South Carolina Local Government Comprehensive Planning Enabling Act of 1994, Title 6, Chapter 29 of the Code of Laws for South Carolina; and

WHEREAS, the Town of Bluffton Town Council adopted the aforementioned standards, which are known as the Unified Development Ordinance, Chapter 23 of the Code of Ordinances for the Town of Bluffton, South Carolina on October 11, 2011 through Ordinance 2011-15; and

WHEREAS, the Unified Development Ordinance unifies the subdivision, land use, development/design regulations, as well as the Old Town Bluffton Historic District Code into a single set of integrated, updated, and streamlined standards; and

WHEREAS, the Town Council shall from time to time examine ordinances to ensure that they are properly regarded, enforced, sufficient and satisfactory to the needs of the community and can further suggest changes as deemed appropriate; and,

WHEREAS, the Strategic Plan for Fiscal Years 2024-25 (“Strategic Plan”) serves as a road map for activities and initiatives to implement the Town’s Vision and Mission Statement to ensure that Bluffton is poised to capitalize on opportunities that advance key goals, which includes amendments to the Unified Development Ordinance to support these goals; and

WHEREAS, the Development Agreement for Bluffton Village Planned Unit Development, including zoning regulations, will expire on October 17, 2024; and

WHEREAS, the amendments provided in Exhibit A will ensure zoning regulations are in place upon the expiration of the Development Agreement; and

WHEREAS, the Town of Bluffton Town Council desires to amend the Unified Development Ordinance, Article 4 – Zoning Districts, Article 5 – Design Standards to establish a Planned Unit Development District for Bluffton Village and to add Appendix A to include the master plan, building and sign standards for Bluffton Village from the expiring Development Agreement.

NOW, THEREFORE, BE IT ORDERED AND ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BLUFFTON, SOUTH CAROLINA, in accordance with the foregoing, the Town hereby amends the Code of Ordinances for the Town of Bluffton, Chapter 23, Unified Development Ordinance as follows:

SECTION 1. AMENDMENT. The Town of Bluffton hereby amends the Code Ordinances for the Town Of Bluffton, South Carolina by adopting and incorporating certain amendments to Chapter 23 – Unified Development Ordinance, including amendments to the following articles: Article 4 – Zoning Districts and Article 5 – Design Standards to establish a Planned Unit Development District for Bluffton Village and to establish related district standards, and the addition of Appendix A to include the master plan, building and sign standards for Bluffton Village as shown Exhibit A attached hereto and fully incorporated herein by reference.

SECTION 2. REPEAL OF CONFLICTING ORDINANCES. All ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 3. ORDINANCE IN FULL FORCE AND EFFECT. **THIS ORDINANCE SHALL TAKE FULL FORCE AND EFFECT ON OCTOBER 18, 2024.**

This Ordinance was read and passed at first reading on **September 10, 2024**.

Larry C. Toomer, Mayor
Town of Bluffton, South Carolina

Marcia Hunter, Town Clerk
Town of Bluffton, South Carolina

A public hearing was held on this Ordinance on **October 8, 2024**.

Larry C. Toomer, Mayor
Town of Bluffton, South Carolina

Marica Hunter, Town Clerk
Town of Bluffton, South Carolina

This Ordinance was passed at second reading held on **October 8, 2024**.

Larry C. Toomer, Mayor
Town of Bluffton, South Carolina

Marcia Hunter, Town Clerk
Town of Bluffton, South Carolina

EXHIBIT A

Article 4 (Zoning Districts)

Sec. 4.1.1, Establishment of Zoning District, Zoning Districts

The following districts are established to meet the purposes of this Ordinance:

Zoning District	District Character	Maximum Density
Preserve (PR)	Permanently preserved lands	N/A
Agricultural (AG)	Agricultural; rural residential at very low densities	1 dwelling unit per acre, nonresidential density based upon the lot standards of Article 5, Design Standards
Rural Mixed Use (RMU)	Low-intensity, mixed-use development	Density based upon the lot standards of Article 5, Design Standards
Residential General (RG)	Moderate-density residential	4 dwelling units per acre, nonresidential density based upon the lot standards of Article 5, Design Standards
Neighborhood Core (NC)	Moderate-intensity, mixed-use development	Density based upon the lot standards of Article 5, Design Standards
General Mixed-Use (GM)	High-intensity, mixed-use development	Density based upon the lot standards of Article 5, Design Standards
Light Industrial	Primarily industrial-based employment centers	Density based upon the lot standards of Article 5, Design Standards
Riverfront Edge Historic District (RV-HD)	Low-density residential along the May River within the Historic District	Density based upon the lot standards of Article 5, Design Standards
Neighborhood Conservation Historic District (NCV-HD)	Low-density residential within the Historic District	Density based upon the lot standards of Article 5, Design Standards
Neighborhood General Historic District (NG-HD)	Moderate-density residential with limited commercial uses within the Historic District	Density based upon the lot standards of Article 5, Design Standards
Neighborhood Center Historic District (NCE-HD)	Moderate-intensity, mixed-use development within the Historic District	Density based upon the lot standards of Article 5, Design Standards
Neighborhood Core Historic District (NC-HD)	Commercial heart of the Historic District with the greatest potential for mixed-use within multi-story buildings	Density based upon the lot standards of Article 5, Design Standards
Planned Unit Development (PUD)	Mixed use master planned communities	Density based upon the lot standards of Article 5, Design Standards

<u>Planned Unit Development (PUD) for Bluffton Village</u>	<u>Mixed use master planned community</u>	<u>Density based on standard in Appendix A, Planned Unit Development for Bluffton Village</u>
Highway Corridor Overlay (HCO)	Overlay district for major corridors	Density based upon the lot standards of Article 5, Design Standards

Sec. 4.2.15 Zoning District Provisions,

4.2.15 Planned Unit Development (PUD) for Bluffton Village

- A. **Purpose and Intent.** The PUD district provides certain zoning regulations for Bluffton Village subsequent to the expiration of its Development Agreement with the Town of Bluffton.
- B. **Applicability.** The boundaries of Bluffton Village PUD district are illustrated on the Official Zoning Map and the district is shown as “PUD.”
- C. **Allowed Uses.** Uses permitted and conditions and standards for those permitted uses are provided in Section 4.3
- D. **Density.** Maximum residential density shall be subject to the standard in Appendix A of this UDO.
- E. **Square Footage.** Maximum square footage allocated for the entirety of Bluffton Village and for individual lots within Bluffton Village shall be subject to Appendix A of this UDO.
- F. **Lot Standards.** All lots shall be subject to the standards in Appendix A of this UDO.
- G. **Building Standards.** All buildings shall be subject to the standards in Appendix A of this UDO.

Sec. 4.3 Uses by District

Table 4.3 Uses by District

	Preserve (PR)	Agricultural (AG)	Rural Mixed Use (RMU)	Residential General (RG)	Neighborhood Core (NC)	General Mixed Use (GM)	Light Industrial (LI)	Riverfront Edge Historic District (RV-HD)	Neighborhood Conservation Historic District (NCV-HD)	Neighborhood General Historic District (NG-HD)	Neighborhood Center Historic District (NCE-HD)	Neighborhood Core Historic District (NC-HD)	PUD for Bluffton Village
Residential													
Single-family Detached	-	P	P	P	P	P	P	P	P	P	P	P	-
Single-family Attached	-	-	P	P	P	P	P	-	-	P	P	P	P
Multi-Family	-	-	-	-	P	P	P	-	-	-	P	P	P
Accessory Dwelling Unit	-	C	C	C	C	C	C	C	C	C	C	C	C
Agriculture/Conservation													
Agricultural Use and Structures	P	P	P	P	P	P	P	P	P	P	P	P	-
Animal Hospital, Veterinary Clinic, Kennel	-	-	SE	-	SE	SE	SE	-	-	-	-	SE	SE
Horse Riding School, Horse Training Facility and/or Commercial Stables	-	P	P	-	-	P	P	-	-	-	-	-	-
Seafood/Shellfish Packaging/Processing	-	-	-	-	-	SE	P	SE	-	-	-	-	-
Commercial Services													
Outdoor Sales	-	C	C	-	C	C	C	-	C	C	C	C	C
Retail Businesses	-	-	P	-	P	P	P	-	C	C	C	C	P
Restaurant	-	-	C	-	C	C	C	-	-	C	C	C	C
Motor Vehicle Sales and Service	-	-	-	-	-	P	P	-	-	-	-	-	-
Fueling/Service Station including fuel pumps/ Convenience Store	-	-	C	-	C	P	P	-	-	C	-	C	-
Car Wash	-	-	C	-	C	P	P	-	-	C	-	C	-
Tattoo/Body Art Parlor	-	-	-	-	-	P	P	-	-	-	-	-	P
Adult Oriented Business	-	-	-	-	-	SE	SE	-	-	-	-	-	-
Low Speed Recreational Vehicle Sales	-	-	-	-	-	-	-	-	-	-	-	C	-
Lodging													
Short-term Rental	-	C	C	C	C	C	-	C	C	C	C	C	C
Homestay Rental (1-bedroom)	-	C	C	C	C	C	-	C	C	C	C	C	C

Table 4.3 Uses by District

	Preserve (PR)	Agricultural (AG)	Rural Mixed Use (RMU)	Residential General (RG)	Neighborhood Core (NC)	General Mixed Use (GM)	Light Industrial (LI)	Riverfront Edge Historic District (RV-HD)	Neighborhood Conservation Historic District (NCV-HD)	Neighborhood General Historic District (NG-HD)	Neighborhood Center Historic District (NCE-HD)	Neighborhood Core Historic District (NC-HD)	PUD for Bluffton Village
Bed and Breakfast – (2-5 bedrooms)	-	P	P	P	P	P	-	P	P	P	P	P	-
Inns – (6-12 bedrooms)	-	-	P	-	P	P	-	-	P	P	P	P	-
Hotel (13 or more bedrooms)	-	-	-	-	-	P	P	-	-	-	-	P	-
Office													
Home Occupation	-	P	P	P	P	P	P	P	P	P	P	P	P
Professional Offices	-	-	P	-	P	P	P	-	P	P	P	P	P
Health/Human Care													
Family Day Care Home (6 or less children)	-	P	P	P	P	P	P	P	P	P	P	P	P
Group Day Care Home (7 to 12 children)	-	P	P	P	P	P	P	-	-	P	P	P	P
Child Care Center (13 or more children)	-	P	P	P	P	P	P	-	-	P	P	P	P
Hospitals	-	-	-	-	-	P	P	-	-	-	-	-	-
Medical Offices and Clinics	-	-	P	-	P	P	P	-	-	P	P	P	P
Nursing Homes and Long-term Care	-	P	P	-	P	P	P	-	-	P	P	P	-
Recreation/Entertainment													
Campgrounds and Recreational Vehicle Parks	P	P	-	-	-	-	-	-	-	-	-	-	-
Golf Course	-	P	-	P	-	P	P	-	-	-	-	-	-
Recreation Facility	C	C	C	-	C	C	C	-	-	-	C	C	P
Theaters and Auditoriums	-	-	-	-	P	P	-	-	-	-	P	P	P
Civic/Institutional													
Cemetery	-	P	P	P	P	P	P	-	-	P	P	P	-
Club, Lodge, Union Hall, or Social Center	-	-	P	-	P	P	P	-	-	P	P	P	P
Conference or Exhibition Center	-	-	-	-	P	P	P	-	-	-	-	P	P
Government Building	P	P	P	P	P	P	P	P	P	P	P	P	P
Parks	P	P	P	P	P	P	P	P	P	P	P	P	P
Museum	P	P	P	P	P	P	-	P	P	P	P	P	P
Religious Assembly	-	P	P	P	P	P	P	P	P	P	P	P	P
School	-	P	P	P	P	P	P	P	P	P	P	P	P
Utilities	P	P	P	P	P	P	P	P	P	P	P	P	P

Table 4.3 Uses by District

	Preserve (PR)	Agricultural (AG)	Rural Mixed Use (RMU)	Residential General (RG)	Neighborhood Core (NC)	General Mixed Use (GM)	Light Industrial (LI)	Riverfront Edge Historic District (RV-HD)	Neighborhood Conservation Historic District (NCV-HD)	Neighborhood General Historic District (NG-HD)	Neighborhood Center Historic District (NCE-HD)	Neighborhood Core Historic District (NC-HD)	PUD for Bluffton Village
Industrial													
Artisan Workshop	-	P	P	-	P	P	P	-	P	P	P	P	P
Concrete and Asphalt Plants	-	-	-	-	-	-	SE	-	-	-	-	-	..
Contractor's Office	-	-	C	-	C	C	C	-	-	C	-	-	..
Junk and Salvage Operations	-	-	-	-	-	-	C	-	-	-	-	-	..
Light Assembly/Fabrication	-	-	-	-	-	C	P	-	-	-	-	P	..
Manufacturing	-	-	-	-	-	-	C	-	-	-	-	-	..
Manufacturing, Storefront			C		C	C	C				C	C	..
Manufacturing, Storehouse					C	C	C					C	..
Research and Laboratory	-	C	C	-	P	P	P	-	-	-	P	P	..
Solid Waste Transfer Facility/ Recycling Center	-	-	-	-	-	-	C	-	-	-	-	-	..
Telecommunication Towers	-	C	C	C	C	C	C	-	-	-	-	-	..
Warehouse or Distribution Operation	-	-	-	-	-	-	P	-	-	-	-	-	..
Other													
Public and Private Parking Structures and Stand-Alone Parking Lots	-	-	-	-	-	-	-	-	-	-	P	P	..

Sec. 4.4.2.E. Commercial Services, Restaurants

E. Restaurants

- Property must have frontage on SC Highway 46, Bruin Road or Burnt Church Road within the Neighborhood General – HD zoning district and Calhoun Street within the Neighborhood Center – HD zoning district. In the Neighborhood Core – HD, Light Industrial (LI), General Mixed Use (GM,) Neighborhood Core (NC), and Rural Mixed Use (RMU), where restaurants are conditionally permitted, restaurants are allowed on all properties regardless of frontage location.
- Within the Historic District, any outdoor patio and café on which alcoholic beverages will be possessed, consumed, or sold shall be located a minimum of 150 feet from the property line of an existing place of religious assembly, publicly owned park, school, residential use (only if it is the sole use of the property) or other outdoor patio or café on which alcoholic beverages are possessed, consumed, or

sold. If an intervening property line does not exist, then the distance measurement shall be measured from the nearest point of the existing use to the proposed outdoor patio or café.

- 3. Any outdoor patio and café located on property in the Neighborhood Town of Bluffton Unified Development Ordinance 4-17 General Historic District (NG-HD) or Neighborhood Center Historic District (NCE-HD) and is adjacent to a residential use is only permitted to have entertainment in the form of an acoustic (unamplified) guitar and/or televisions without the aid of microphones, additional speakers or other amplification.
- 4. The outdoor patio and cafe shall be delineated with railings, ornamental walls, landscaping or other suitable features that are a minimum of three feet tall.

5. Within the Planned Unit Development District for Bluffton Village, drive-thru and drive-in service is not permitted.

Article 5 (Design Standards)

Sec. 5.8 Lot and Building Standards

5.8.1 Intent

This Section sets forth regulations for lots and buildings, such as lot dimensions, lot coverage, building placement, and building height. The goal of this Section is the creation of a healthy and vital public realm. The standards also provide and protect more open, undeveloped land than would exist otherwise to absorb and filter rainwater, reduce flooding and stormwater drainage needs, and lower the amount of pollution entering our watersheds.

5.8.2 Applicability

These standards are applicable to all development and redevelopment within the Town of Bluffton outside of the Old Town Bluffton Historic District. For the Planned Unit Development (PUD) District for Bluffton Village, standards are provided in Sec. 5.8.4.

5.8.3 Standards

The existing or proposed use in combination with the lot width shall determine the lot type and applicable standards. Lot types shall only be permitted in those Districts listed. The maximum allowed density is based on the dimensional characteristics of the lot type in combination with other site characteristics that may limit the amount of land able to accommodate density. These other site characteristics include, but are not limited to, lot configuration, right-of-way, easements, protected natural resources, open space, and topography.

5.8.4 Planned Unit Development for Bluffton Village

Lot and building standards, including building materials, are based on the approved building types, which are provided in Appendix A of this UDO.

Article 5 (Design Standards)

Sec. 5.13 Signs

Editor's Note: This section is proposed to be reformatted to distinguish Old Town Bluffton Historic District, Planned Unit Development (PUD) Districts, and proposed PUD district for Bluffton Village.

5.13.2 Applicability

- A. This Section shall apply to all properties within the Town except where otherwise specified by this UDO.
1. Old Town Bluffton Historic District. For properties with a Historic District (HD) zoning designation, Sec. 5.15.6.Q. shall also apply; however, where a standard exists in this Section and in Sec. 5.15.6.Q., Sec. 5.15.6.Q. shall govern.
 2. Planned Unit Development Districts. For properties within a Planned Unit Development zoning designation, not including the Planned Unit Development District for Bluffton Village, where a standard exists in this Section and the approved Development Agreement, the approved Development Agreement shall apply and govern.
 3. Planned Unit Development for Bluffton Village. Signage for Bluffton Village shall comply with the requirements of this UDO and, when applicable, Appendix A of this UDO. The more restrictive standard shall apply and govern.
- B. A sign may be installed, placed, painted, modified, maintained or replaced only in conformance with the requirements of this UDO.
- C. The effect of this Section, as more specifically set forth herein, is:
1. To allow a variety sign types subject to the standards and the permit procedures of this UDO;
 2. To exempt certain signs that are small, unobtrusive, and incidental to the principal use of the lot on which they are located, subject to the requirements of this UDO, but without a requirement for permits; and
 3. To prohibit all signs not expressly permitted in this UDO.
- D. Regulatory Interpretations: The provisions of this UDO, as they relate to signs, shall be applied in a content neutral manner. Non-communicative aspects of all signs, not related to the content of the sign, shall comply with the provisions of this Section. "Non-communicative aspects" include the time, place, manner, location, size, height, illumination, spacing, and orientation of signs.

Table of Contents

Appendices

Appendix A: Planned Unit Development for Bluffton Village [Editor's Note: Page Number to be determined by the codifier.]

Appendix A: Planned Unit Development for Bluffton Village

See Next Page

Suggested Motion

Approval of Certain Amendments to the Town of Bluffton’s Municipal Code of Ordinances, Chapter 23, Unified Development Ordinance, including Article 4 - Zoning Districts and Article 5 – Design Standards to Establish a Planned Unit Development District for Bluffton Village and to Related District Standards, and to Add Appendix A to Include the Master Plan, Building and Sign Standards from the Soon-to-Expire Bluffton Village Development Agreement – Public Hearing and Final Reading

*“I move to **Approve** the following amendments to the Town of Bluffton Code of Ordinances Chapter 23 – Unified Development Ordinance: Article 4 – Zoning Districts and Article 5 – Design Standards to Establish a Planned Unit Development District for Bluffton Village and Related District Standards, and to Add Appendix A to Include the Master Plan, Building and Sign Standards from the Soon-to-Expire Bluffton Village Development Agreement.”*

TOWN COUNCIL



STAFF REPORT
Executive Department

MEETING DATE:	October 8, 2024
PROJECT:	Consideration of an Ordinance Authorizing a Lease Agreement with Bright Beginnings Academy, LLC to Provide a Childcare Facility within a Town Owned Property - First Reading
PROJECT MANAGER:	Chris Forster, MPA, CPFO, CGFM, Assistant Town Manager

BACKGROUND:

Since 2005, the Town of Bluffton had acquired 34.53 acres within the Buckwalter Place Multi-County Industrial Park (MCIP) through a property exchange and land purchases primarily funded with Utility Tax Credit dollars.

In September of 2022 the Town began discussions with a business / developer to locate a food manufacturing business with an independently run childcare facility on approximately 4 acres of Town owned land within Buckwalter. In the winter of 2023, the prospect abruptly backed out of discussions citing the need for more space.

In June of 2023 the Town released a request for proposals for a developer to enter into a public private partnership to develop the approximately 4 acres of Town owned land within the Buckwalter MCIP.

In October 2023, the Town entered into a master agreement with Parkway Commons, LLC (developer) for the development of 50,000 square feet of commercial space. The developer agreed to construct and deed back to the Don Ryan Center for Innovation a 14,400 square foot building to include 3,000 square feet of childcare space.

In spring of 2024 the Town released a request for proposal to identify a childcare operator to open business in the dedicated childcare space. The Town received three proposals. The Director of Contracts and Compliance redacted personal identifying information from all proposals. The review committee consisting of Town Manager Stephen Steese, Assistant Town Manager Chris Forster and DRCI Executive Director David Nelems, completed a blind review of the three proposals and scored them based on the criteria published in the RFP.

The top two proposals, Candidate #1 and Candidate #3, were within a few points of each other. The committee invited the top two to present their proposals to an expanded committee which included DRCI stakeholders Latoya Salters and Lisa Sulka. After review and discussion amongst the five committee members it was unanimously agreed to recommend leasing to Bright Beginnings Academy, LLC.

ANAYLSIS / DISCUSSION:

In the spirit of our mission, the Don Ryan Center for Innovation sought not just a provider for a new childcare facility but a partner in fostering the aspirations of budding entrepreneurs in our community. It is in this spirit that we selected Candidate #1, Bright Beginnings Academy, LLC (BBA). BBA epitomizes the very essence of perseverance and innovation. Three years ago, BBA embarked on a journey to bring their vision of a childcare facility to life. Despite the challenges, their commitment has not faltered. They are determined, reflecting the resilience we value. Their approach to childcare promises to bring new ideas and much-needed services to our region, benefiting countless families and supporting local economic growth.

Assessment

- BBA:
 - *Strengths:* Bluffton resident owned, long-term goal orientation, regional business endorsement.
 - *Scores:* High marks for innovation, potential impact, and community support, locally owned.
 -

Offerors	Average Committee Score
Candidate 1 Bright Beginnings Academy	81.0
Candidate 2 Children's Center	60.3
Candidate 3 Savvy Apple	78.0

Decision Factors

- Innovation: Establishing a new childcare facility with new ideas, ways of supporting low income families and incorporating curriculum based approaches are vital for community development.
- Community and Economic Impact: Supporting a new business venture aligns with DRCI's objective to bolster local entrepreneurship and provide necessary services.
- Diversity and Representation: Emphasizing diversity through supporting minority-owned businesses enriches the community and encourages inclusivity.

Justification

- **Knowledge and Commitment:** Displayed an in depth knowledge of the business and regulatory environment. Committed to building and providing childcare options in the community.
- **Aspiration and Perseverance:** They have been working towards this goal for over three years, showcasing their dedication and resilience.
- **Regional Endorsement:** They were initially recommended by a well-respected business in the region, demonstrating their credibility and potential.
- **Minority Business Enterprise (MBE):** BBA is a minority-owned business, reflecting our commitment to supporting diverse entrepreneurs.
- **Relevant Qualifications:** Bachelor's degree in Sociology with a minor in Child Advocacy Studies. Experience in childcare and early childhood education. Certified Mandated Reporter with various internships related to child advocacy.
- **Fulfillment of DRCI's Mission:**
 - **Support for Startups:** DRCI aims to foster new businesses in the area. BBA's project represents the creation of a new enterprise, perfectly aligning with our mission to support startup entrepreneurs.
 - **Community Impact:** The new childcare facility will address a critical need in the region, benefiting families, supporting and developing Bluffton entrepreneurs and contributing to local economic growth.

CONTRACT CONSIDERATIONS

Staff recommends keeping the contractual relationship as similar to a traditional commercial lessee-lessor relationship. It is important to note that as the building owners DRCI is providing commercial lease space to advance its mission and the goals of the Town. It is not the goal of DRCI to get in the business of individual missions of for profit entities. That being said we recognize the added goal of expanding accessibility of child care. As such there will be some unique provisions in the contract to make this possible and help ensure its success. The three additional areas we recommend addressing in the lease are as follows:

1. Accessibility

The goal of incorporating a childcare facility as part of the public private partnership at Buckwalter MCIP was initially discussed with Council back in 2022. Since then we have determined and proven that expanding childcare options is needed to meet demand and to support Bluffton's workforce and economic growth. We passed the economic development incentive ordinance and broadened the discussion to our regional partners. As a result, the goals of this initiative were expanded to support childcare accessibility to the lower income workforce.

Requiring a private business to offer below market childcare will need to be balanced with below market lease rates as other costs of operating are market driven and out of control of DRCI and the Town. The number of students a facility can accommodate is governed by State law based on the facility square footage. It is estimated the space can accommodate at most 50 students in total. Market rate child care can range from \$200 - \$250 per week per child. BBA currently plans to charge a very accessible \$225 per child per week and proposed reserving 15 spots for sliding scale tuition.

2. Reduced Lease Rates

The breakeven lease rate to operate the new building (not including personnel) is approximately \$16 per square foot annually. This is significantly lower than the current market rate for office space around \$23 per square foot.

The following lease rate and tuition structure has been agreed to:

- Lease – 5 years with 5-year option, \$12 / sq. ft. in Year One (\$2 annual lease increases)
- Tuition:
 - Below 80% AMI – (8): Accept only State voucher (\$150 average)
 - 80% - 100% AMI – (7): Accept State Voucher + Family Contribution, \$200/week cap.
 - Above 100% AMI – (35): \$225 per week.

3. **Mentorship and Support:** As part of accepting the contract, BBA will be required to enroll in a DRCI program. This will require meetings with staff and mentors bi-weekly to ensure the business is built on a solid foundation with clear KPIs and strategic plans. This involvement underscores DRCI's role in nurturing new businesses to success. It is clear the candidate knows and has a calling for this type of business. That type of internal drive cannot be taught. The elements of running a successful business that BBA may have not been exposed to can be taught. The success of this venture will not only benefit the community but also exemplify DRCI's role in nurturing new businesses.

NEXT STEPS:

Approve, approve with conditions or deny the award of a lease contract to a Bright Beginnings Academy, LLC.

Attachments:

1. Ordinance
2. Draft Lease
3. DRCI Support Letter
4. Motion

ORDINANCE NO. 2025-__

TOWN OF BLUFFTON, SOUTH CAROLINA

AN ORDINANCE TO APPROVE THE ADOPTION OF A LEASE AGREEMENT TO PROVIDE FOR A CURRICULUM-BASED CHLDCARE FACILITY AT A REDUCED RENTAL RATE

WHEREAS, pursuant to Town of Bluffton Ordinance Number 2023-08, effective October 10, 2023, Town of Bluffton Town Council approved of a public-private partnership to foster economic development, stimulate and encourage business growth within the Buckwalter Commerce Park, and establish more opportunities for gainful and meaningful employment for Town and Beaufort County residents; and

WHEREAS, a five (5) acre parcel within the Buckwalter Commerce Park adjacent to the Law Enforcement Center, identified by Beaufort County Tax Map Reference R610 000 1649 0000 was identified for the development of three (3) buildings plus infrastructure for such economic development; and

WHEREAS, Town of Bluffton Town Council recognized that a significant hurdle for Town and County residents to gainful and meaningful employment is the availability of affordable day care; and

WHEREAS, to provide a holistic economic development solution, the Town published a competitive solicitation to find a locally-owned, curriculum-based childcare owner-operator to lease space in one of the new buildings of the economic development project; and

WHEREAS, the Town desired a childcare owner-operator who could provide a reduced, tiered tuition rate schedule with a minimum number of seats reserved for 80% Area Median Income (“AMI”) or under, 100% AMI or under, and maximum tuition rates defined for 101% AMI in exchange for a reduced lease rental rate; and

WHEREAS, offering a childcare facility with a reduced, tiered tuition schedule would both enable families to find gainful and meaningful employment and enable businesses to grow due to the availability of a work force with reliable and affordable child care; and

WHEREAS, the Town is offering an approximately Three Thousand (3,000) square foot facility at a competitive rental rate which increases annually over the five (5) year lease term in exchange for local business ownership and job creation, and childcare services on a reduced, tiered tuition rate schedule; and

NOW, THEREFORE, BE IT ORDERED AND ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BLUFFTON, SOUTH CAROLINA, the commercial lease agreement is approved and the Town Manager is authorized to execute this commercial lease in substantial form to the one attached hereto with Bright Beginnings Academy, LLC, attached as Exhibit A.

THIS ENTIRE ORDINANCE SHALL TAKE FULL FORCE AND EFFECT UPON ADOPTION.

DONE, RATIFIED AND ENACTED this 8th day of October, 2024.

Larry C. Toomer, Mayor
Town of Bluffton, South Carolina

Marcia Hunter, Town Clerk
Town of Bluffton, South Carolina

LEASE AGREEMENT

THIS LEASE AND AGREEMENT (“*Lease*”) made and entered into this [redacted] day of [redacted], 2025, (the “*Effective Date*”), by and between the DON RYAN CENTER FOR INNOVATION, INC., a South Carolina nonprofit corporation (herein “*Landlord*”) and BRIGHT BEGINNINGS ACADEMY, LLC, a South Carolina limited liability company (herein “*Tenant*”), with reference to the following facts;

RECITALS:

WHEREAS, Landlord is the owner of that certain parcel of real property located at [redacted] Bluffton, South Carolina, and assigned Tax Map No. [redacted], along with all permits, easements, licenses and assignments related thereto, and all improvements, fixtures, and buildings thereon, upon which an approximately [redacted] square foot building is located and as more completely set forth on EXHIBIT “A” hereto, which is incorporated herein by reference (the “*Real Property*”), together with all related site improvements as more completely set forth on (the “*Improvements*”)(with the Real Property and the Improvements and all appurtenances, rights, easements appurtenant, and privileges collectively, the “*Premises*”); and,

WHEREAS, Landlord desires to lease the Premises to the Tenant and the Tenant desires to lease the Premises from the Landlord upon the terms and conditions set forth herein.

AGREEMENT:

NOW, THEREFORE, for and in consideration of the Premises hereof, the sums of money to be paid hereunder, and the mutual and reciprocal obligations undertaken herein, the receipt and sufficiency of which are hereby acknowledged, the Parties hereto do hereby covenant, stipulate and agree as follows, *to wit*:

ARTICLE 1 AGREEMENT TO LEASE

Section 1.1 **Fundamental Provisions.** Certain fundamental provisions are presented in this Section 1.1 in summary form to facilitate convenient reference:

- (a) *Tenant’s Trade Name:* Bright Beginnings Academy, LLC
- (b) *Initial Term:* (Estimated Start Date) – (5 Years Later)
- (c) *Premises:* **TBD**
- (d) *Base Rent:*

<i>Year</i>	<i>Annual Base Rent:</i>	<i>Base Rent by Square Foot</i>
<i>Year 1:</i>	\$36,000.00	\$12.00
<i>Year 2:</i>	\$42,000.00	\$14.00
<i>Year 3:</i>	\$48,000.00	\$16.00
<i>Year 4:</i>	\$54,000.00	\$18.00
<i>Year 5:</i>	\$60,000.00	\$20.00
- (e) *Security Deposit:* **TBD**
- (f) *Commencement Date:* **TBD.**

(g) *Use:* South Carolina licensed Child Care Center

Section 1.2 **Definitions.** In addition to any other terms whose definitions are fixed and defined by this Lease, each of the following defined terms, when used in this Lease with an initial capital letter, shall have the meaning ascribed to them in this Section 1.2:

- (a) “*Commencement Date*” shall be **TBD**.
- (b) “*Effective Date*” shall mean the date that the last of Landlord or Tenant executes this Lease.
- (c) “*Improvements*” shall mean the interior, non-structural elements of the Premises, including, but not limited to, the following: the ceiling system and light fixtures suspended from the roof; awnings; interior and partition walls; the finish or wall coverings applied to the interior surfaces of exterior walls or demising (i.e., party) walls; the glass, glazing, doors, windows and components thereof; floor coverings (i.e., carpet or tile), but not the slab or structural components thereof; and gas, electric, fire sprinkler, telephone, water, plumbing, heating, ventilation, and air conditioning lines, pipes, conduits, ducts, connections, meters, systems, and equipment which directly and exclusively serve the Premises except to the extent such systems of utilities are embedded within structural components of the Premises.
- (d) “*Lease Year*” shall mean each successive twelve month period of the Term, with the first Lease Year commencing on the Commencement Date, including any partial calendar month in which the Commencement Date occurs, and ends on the last day of the twelfth full calendar month after the Commencement Date.
- (e) “*Landlord’s Buildings*” shall mean all buildings located within the Premises.
- (f) “*Personalty*” shall mean all signage, trade fixtures, wares, furnishings, merchandise, equipment, goods, inventory, and other personal property of Tenant.
- (g) “*Rent*” shall mean the aggregate of all Base Rent and Additional Rent due from Tenant to Landlord pursuant to this Lease.
- (h) “*Taxes*” shall mean all real estate, personal property and other ad valorem and no-ad valorem taxes, water and sewer charges, fire, rescue and emergency medical services and similar fees and any other levies, charges, fees impositions, local improvement rates and assessments whatsoever assessed or charged against the Premises, the equipment and the improvements therein contained (all of the above being ordinary, extraordinary, general, special or otherwise), or any part thereof, by any lawful taxing authority and including any amounts assessed or charged in substitution for or in lieu of any such taxes, excluding only income, franchise, inheritance or capital gains tax, to the extent such taxes are not levied in lieu of any of the foregoing against the Premises or Landlord.
- (i) “*Term*” shall mean the Initial Term and, if exercised, the Extension Term.

Section 1.3 **Demise.** Landlord hereby demises, lets and leases unto Tenant, and Tenant hereby hires, leases and takes as tenant from Landlord the Premises, upon the terms and conditions hereinafter set forth. If Tenant is more than one individual or entity, such individuals or entities

acknowledge and agree their duties, responsibilities, and obligations under this Lease are joint and several.

Section 1.4 **Condition.** Tenant acknowledges and agrees that the Premises shall be leased by Landlord to Tenant in an “AS IS” condition, and that Landlord makes absolutely no representations or warranties whatsoever with respect to the Premises or the condition thereof. Tenant acknowledges that Landlord has not investigated and does not warrant or represent to Tenant that the Premises are fit for the purposes intended by Tenant or for any other purpose or purposes whatsoever. Tenant represents and warrants that, by leasing the Premises, Tenant has examined and approved all things concerning the Premises, which Tenant deems material to Tenant’s leasing and use of the Premises.

Section 1.5 **Quiet Enjoyment.** Landlord covenants and agrees that so long as Tenant shall (i) timely pay all Rent due to Landlord from Tenant hereunder and (ii) keep, observe and perform all covenants, promises and agreements on Tenant’s part to be kept, observed and performed hereunder, that Tenant shall be entitled to quiet enjoyment of the Premises free of any interference from Landlord; subject to the terms and conditions of this Lease.

Section 1.6 **Rules of Construction.** The following rules shall apply to the construction and interpretation of this Lease:

(a) *Gender.* Singular words shall connote the plural number as well as the singular and vice versa, and the masculine shall include the feminine and the neuter.

(b) *Headings.* The headings contained herein are solely for convenience of reference and shall not constitute a part of this Lease nor shall they affect its meaning, construction or effect.

(c) *Construction.* Each party hereto and its counsel have reviewed and revised (or requested revisions of) this Lease and have participated in the preparation of this Lease, and therefore any usual rules of construction requiring that ambiguities are to be resolved against a particular party shall not be applicable in the construction and interpretation of this Lease or any exhibits hereto.

Section 1.6 **Financing Contingency.** If Tenant does not, **on or before _____,** **provide** to Landlord evidence that is reasonably satisfactory to Landlord that Tenant has raised at least Sixty Thousand and No/100 (\$60,000.00) Dollars in capital, then both Landlord and Tenant shall have the right to cancel this Lease. In such an event, this Lease shall be void and without further force and effect and neither party shall have any further obligation to the other, except as may be otherwise explicitly set forth herein to survive the termination of the Lease.

Section 1.7 **Don Ryan Center Participation.** For the first two (2) years of the Lease, the Tenant shall remain an active participant in the Landlord’s “Startup Program.” The Tenant’s agreement to this covenant is an essential aspect of the Landlord’s entry into this Lease with the Tenant upon these terms.

Section 1.8 **Covenants Regarding Child Care Subsidy.** As a material inducement of the Landlord’s entry into this Lease with the Tenant, the Tenant expressly agrees and covenants to provide Bluffton’s families with equal access to affordable and quality child care services and, more particularly, to reserve and offer the following number of spots to children from households that meet

the following income requirements, with such household and income qualifications being determined according to the standards set forth in the South Carolina Department of Social Services' child care subsidy program (i.e., the SC Voucher Program), and to charge no more than as follows for each qualified child:

Qualification	# of Reserved Spots	Maximum Weekly Tuition <i>(per Qualified Child)</i>
80% AMI or under	8	SC Vouchers
100% AMI or under	7	\$200.00 <i>(must accept SC Vouchers)</i>
101% AMI and over	N/A	\$225 <i>(only for year 1 of Lease)</i>

(a) *80% AMI and Under.* The Tenant shall reserve no less than eight (8) spots for children from households that meet all of the eligibility requirements of the SC Voucher Program and which earn no more than eighty (80%) percent of the area median income (AMI) for Beaufort County, South Carolina. The Tenant shall charge no other fees for these children other than a weekly tuition, which shall not exceed what the applicant for SC Vouchers will receive from the SC Voucher Program.

(b) *100% AMI and Under.* The Tenant shall reserve no less than seven (7) spots for children from households that meet all of the eligibility requirements of the SC Voucher Program and which earn no more than one hundred (100%) percent of the area median income (AMI) for Beaufort County, South Carolina. The Tenant shall charge no other fees for these children other than a weekly tuition, which cannot exceed \$200 per week, which shall be payable through SC Vouchers and/or family contributions.

(c) *All Others.* During the first year of the Lease, the Tenant shall not charge greater than \$225 per week per child. Thereafter, the Tenant shall enact or adopt any tuition increases without first consulting the Landlord regarding the same.

Section 1.9 **Recitals.** The Recitals set forth above are incorporated herein by reference as if set forth in their entirety herein.

**ARTICLE 2
TERM**

Section 2.1 **Initial Term.** The initial term (the "*Initial Term*") of this Lease shall, unless sooner terminated as elsewhere provided in this Lease, commence on **TBD**, (the "*Commencement Date*") and shall continue for a period of sixty (60) months and shall terminate and expire at 11:59 p.m. on **TBD**. Landlord shall be deemed to have delivered possession of the Premises to Tenant on the Commencement Date, subject to terms and provisions hereof.

Section 2.2 **Extension of Terms.** Tenant shall have a one-time option (the "*Option*") to extend this Lease beyond the Initial Term for an additional period of five (5) years (the "*Extension Term*") and upon the same terms, covenants, and conditions as set forth herein, subject however, to Landlord's right to adjust the Base Rent for the Extension Term. Tenant may exercise such Option by giving written notice to Landlord not less than six (6) months prior to the expiration of the Initial Term of this Lease (the "*Option Notice*"). Within thirty (30) days of receipt of the Option Notice, Landlord shall notify Tenant of the adjusted amount of the Base Rent for the Extension Term (the "*Adjusted Rent*"). Tenant may reject the amount of the Adjusted Rent (which rejection shall terminate Tenant's Option) or may negotiate with Landlord to determine the Adjusted Rent for the Extension Term. If

Landlord and Tenant are unable to agree on the amount of the Adjusted Rent for the Extension Term by TBD, the Option shall be terminated and the Lease shall expire as of TBD. Notwithstanding the foregoing, Tenant shall not be entitled to extend the Term of this Lease if, at the time of exercise of the Option or thereafter, an Event of Default has occurred and is continuing. If Tenant does not elect to extend, or shall not be entitled pursuant to the preceding sentence to extend the Term of this Lease for the Extension Term, all remaining rights of renewal shall automatically expire.

Section 2.3 **Termination.** Notwithstanding any present or future law to the contrary, this Lease shall not be terminated by Tenant for any failure of Landlord to perform pursuant to the terms and conditions of this Lease or otherwise for any reason except as expressly provided herein.

**ARTICLE 3
USE AND OPERATION OF PREMISES**

Section 3.1 **Permitted Use.** Tenant covenants that it shall, throughout the Term of this Lease, use and occupy the Premises only as a licensed Child Care Center (the “*Permitted Use*”) and for absolutely no other use or purpose whatsoever and shall conduct its business in the Premises solely under the trade name specified in Section 1.1(a); notwithstanding the foregoing provision however, the following uses shall be expressly prohibited on the Premises:

- (a) Any purposes which conflict with covenants, restrictions or other matters of record affecting title to the Premises;
- (b) Any operation primarily used as an assembling, manufacturing, distilling, refining, smelting, agricultural or mining operation.
- (c) Any mobile home, trailer court, labor camp, junk yard or stock yard (except that this provision shall not prohibit the temporary use of construction trailers during periods of construction, reconstruction or maintenance).
- (d) Any dumping, disposing, incineration or reduction of garbage (exclusive of garbage compactors located in the rear or side of any building).
- (e) Any establishment which has as its principal business the selling or exhibiting of pornographic materials, including, without limitation any adult book or film store and any adult entertainment nightclub.

Section 3.2 **Compliance with Laws.** Tenant shall at all times keep and maintain the Premises in compliance with all applicable laws, ordinances, statutes, rules, regulations, orders, directions and requirements of all federal, state, county and municipal governments and of all other governmental agencies or authorities having or claiming jurisdiction over the Premises or the business activities conducted thereon or therein and of all of their respective departments, bureaus, agencies or officers, and of any insurance underwriting board or insurance inspection bureau having or claiming such jurisdiction or any other body exercising similar functions and of all insurance companies from time to time selected by Tenant to write policies of insurance covering the Premises and any business or business activity conducted thereon or therein. However, notwithstanding the foregoing, should there be a *de minimis* issue of non-compliance with applicable law which does not have a material adverse effect on the Premises, Tenant shall not be obligated to correct such *de minimis* violation but Tenant shall have the indemnity obligations set forth in this Lease with respect to any such *de minimis*

violation, including indemnity against any fines or penalties imposed against the Premises as a result of such *de minimis* violations, if any.

Section 3.3 **Effect on Landlord’s Insurance.** Tenant shall not do or suffer to be done, or keep or suffer to be kept, anything in, upon or about the Premises which will contravene Landlord’s policies insuring against loss or damage by fire or other hazards, or which prevent Landlord from procuring such policies in companies acceptable to Landlord, or which will cause an increase in the insurance rates on any portion of the Premises. If Tenant violates any prohibition provided for in the first sentence of this section, Landlord may, without notice to Tenant, correct the same at Tenant’s expense with any such amount to be deemed Additional Rent.

Section 3.4 **Americans With Disabilities Act.** Tenant and Landlord acknowledge that the Americans with Disabilities Act of 1990 (42 U.S.C. §12101, et seq.) and regulations and guidelines promulgated thereunder, all as amended and supplemented from time to time (collectively the “*ADA*”) and applicable State Accessibility Building Codes (the “*Codes*”) establish requirements for business operations, accessibility and barrier removal, which may or may not apply to the Premises or the School depending on, among other things; (1) whether Tenant’s business is deemed a “public accommodation” or “commercial facility,” (2) whether such requirements are “readily achievable” and (3) whether a given alteration affects a “primary function area” or triggers “path of travel” requirements. The parties agree that: (a) Tenant shall be responsible for ADA Title III and Codes compliance for the Premises, including any Improvements or other work to be performed in the Premises under or in connection with this Lease, and (b) Landlord may perform, or require that Tenant perform, at Tenant’s expense, “path of travel” requirements triggered by alterations to the Premises. The parties shall each be solely responsible for requirements under Title I of the ADA relating to their respective employees. Tenant may not rely on any written consents or approvals of Landlord for plans and Improvements as compliance with ADA or Codes requirements or guidelines or as a waiver by Landlord or Tenant’s obligations hereunder.

**ARTICLE 4
RENT AND SECURITY DEPOSIT**

Section 4.1 **Base Rent.** Beginning on the Commencement Date and subject to the adjustment provisions set forth herein, Tenant covenants and agrees to pay Landlord annual base rent in the amount of **THIRTY-SIX THOUSAND AND NO/100 (\$36,000.00) DOLLARS** for the Premises for the first year of the Initial Term (“*Base Rent*”), which amount is the rough equivalent of Twelve and No/100 (\$12.00) Dollars per improved square foot of the Premises. Thereafter, on each succeeding anniversary of the Commencement Date, the Base Rent shall be increased by Two and No/100 (\$2.00) Dollars per improved square foot, as more thoroughly illustrated below:

Lease Year Commencement Date	Lease Year Expiration Date	Base Rent (Annual)	Base Rent (Square Footage)
TBD	TBD	\$36,000.00	\$12.00
TBD	TBD	\$42,000.00	\$14.00
TBD	TBD	\$48,000.00	\$16.00
TBD	TBD	\$54,000.00	\$18.00
TBD	TBD	\$60,000.00	\$20.00

Base Rent shall be due and payable in the coin or currency of the United States of America, payable in advance in equal monthly installments, without deductions and setoffs and without prior demand therefore, on the 1st day of each calendar month during the Initial Term and any Extension Term.

Landlord's decision not to send such statements, shall in no way diminish, waive or otherwise affect Tenant's payment obligations under this Lease.

Section 4.2 **Additional Rent.** If the Landlord shall make any expenditure for which Tenant is responsible or liable under this Lease, or if Tenant shall become obligated to Landlord under this Lease for any sum other than Base Rent as provided in Section 4.1, including but not limited to Tenant's Operating Expenses, the amount thereof shall be deemed to constitute additional rent ("***Additional Rent***") and shall be due and payable by Tenant to Landlord, together with all applicable sales taxes thereon, if any, simultaneously with the Base Rent or at such other time as may be expressly provided in this lease for the payment of the same or, if no time is so provided, upon demand.

Section 4.3 **Percentage Rent.** *Intentionally Omitted.*

Section 4.4 **Payment of Rent.** Each of the foregoing amounts of Rent and other sums shall be paid to Landlord without demand and without deduction, set-off, claim or counterclaim of any nature whatsoever which Tenant may have or allege to have against Landlord and all such payments shall, upon receipt by Landlord, be and remain the sole and absolute property of Landlord. All such Rent and other sums shall be paid to Landlord in legal tender of the United States at the address listed for payment of Rent in this Lease, or to such other party or to such other address as Landlord may designate from time to time by written notice to Tenant. Landlord's acceptance of Rent or other sums after the same shall become due and payable, shall not excuse a subsequent delay or constitute or be construed as a waiver of any of Landlord's rights hereunder. In the event that Landlord owes any Tenant any sum, the foregoing shall apply to Landlord in the same manner it applies to Tenant.

Section 4.5 **Past Due Rent.** If Tenant fails to make any payment of Rent or any other sums or amounts to be paid by Tenant hereunder on or before the date such payment is due and payable, Tenant shall pay to Landlord and administrative late charge of ten percent (10%) of the amount of such payment plus an additional charge of Five and 00/100 Dollars (\$5.00) for every day or part thereof thereafter until all sums due are received by Landlord. In addition, such past due payment shall bear interest at the maximum interest rate then allowable under the laws of the State of South Carolina, from the date such payment became due to the date of payment thereof by Tenant. Such late charge and interest shall constitute Additional Rent and shall be due and payable with the next installment of Rent due hereunder. This Section 4.5, however, shall not be construed to extend the date for any payment required hereunder and notwithstanding the imposition of such late charge, Landlord shall retain all of its rights under this Lease if any payment required to be made by Tenant is not made when due, and neither the demand for, nor collection by, Landlord of such late charge shall be construed as a cure of such failure of Tenant. It is agreed that such late charge is a fair and reasonable charge under the circumstances and shall not be construed as interest on a debt payment. In the event any charge imposed hereunder or under any other Article of this Lease is determined by a court of competent jurisdiction to be interest, then not such interest charge shall be calculated at a rate which is higher than the maximum rate which is allowed under the usury laws of the State, which maximum rate of interest shall be substituted for the rate in excess thereof, if any, computed pursuant to this Lease. If, at any time during the Term, Tenant forwards a check to Landlord for non-sufficient funds or is dishonored for any other reason, then Landlord, at its option, shall have the right to require Tenant to make all future payments of Rent by cashier's check or other form of certified funds. In addition, Tenant shall pay to Landlord an NSF fee of Thirty and 00/100 Dollars (\$30.00) for each and every check returned to Landlord for non-sufficient funds or dishonored for any other reason.

Section 4.6 **No Abatement of Rent: Survival.** Unless expressly provided for in this Lease, no abatement, diminution or reduction (a) of Rent, or (b) of Tenant’s other obligations hereunder shall be allowed to Tenant or any person claiming under Tenant, under any circumstances or for any reason whatsoever. Any obligation to pay Rent which is incurred prior to or in connection with the expiration or earlier termination of this Lease, shall survive such expiration or termination and shall be payable upon demand.

Section 4.7 **Application of Payments.** Landlord shall apply any payments received from Tenant in the following order:

- (a) First, toward any Additional Rent outstanding;
- (b) Second, toward any past due Base Rent; and,
- (c) Third, toward the payment of any Base Rent.

Nothing contained herein shall require Landlord to accept any tender of payment from Tenant for less than the full amount due under this Lease, including any and all late charges, interest and attorneys’ fees that may then be due from Tenant in accordance with the express terms of this Lease. Landlord may elect to accept less than the full amount then due from Tenant; however, no payment by Tenant or receipt by Landlord of such lesser amount shall be deemed to be other than payment on account, and no restrictive endorsement or statement on any check or payment shall be deemed to alter the express provisions of this Lease, nor constitute an accord and satisfaction.

Section 4.8 **Security Deposit.** Tenant shall deposit with Landlord the amount of **TBD AND NO/100 (\$TBD) DOLLARS** (the “*Security Deposit*”), upon Tenant’s execution and submission of this Lease. The Security Deposit shall serve as security for the prompt, full and faithful performance by Tenant of the provisions of this Lease. If Tenant commits a Default, or owes any amounts to Landlord upon the expiration or earlier termination of this Lease, Landlord may use or apply the whole or any part of the Security Deposit for the payment of Tenant’s obligations hereunder. The use or application of the Security Deposit or any portion thereof shall not prevent Landlord from exercising any other right or remedy provided hereunder or under any Law and shall not be construed as liquidated damages. In the event the Security Deposit is reduced by such use or application, Tenant shall deposit with Landlord within ten (10) days after notice, an amount sufficient to restore the full amount of the Security Deposit. Landlord shall not be required to keep the Security Deposit separate from Landlord’s general funds or pay interest on the Security Deposit. Any remaining portion of the Security Deposit not used or applied hereunder shall be returned to Tenant within thirty (30) days after Tenant (or such assignee) has vacated the Premises in accordance with this Lease. If the Premises shall be expanded at any time, or if the Term shall be extended at an increased rate of Rent, the Security Deposit may be proportionately increased in the sole discretion of the Landlord. Tenant shall not assign, pledge or otherwise transfer any interest in the Security Deposit except as part of an assignment of this Lease approved by Landlord under Article 13, and any attempt to do so shall be null and void.

ARTICLE 5 – TAXES AND ASSESSMENTS

Section 5.1 **Taxes and Assessments.** From and after the Effective Date and continuing throughout the Term of this Lease, Tenant’s obligations with respect to Real Estate Taxes (as hereinafter defined) shall be as follows:

- (a) *Definition of “Real Estate Taxes.”* As used herein, “**Real Estate Taxes**” shall mean all taxes, assessments and other governmental impositions and charges of every kind and

nature whatsoever, extraordinary as well as ordinary, and each and every installment thereof which during the Term hereof or prior to the Term of the Lease shall be or have been charged, laid, levied, assessed, or imposed upon, or arise in connection with, the ownership of the Premises or any part thereof, including, without limitation, ad valorem real property taxes, and all taxes charged, laid, levied, assessed or imposed in lieu of or in addition to any of the foregoing by virtue of all present or future laws, ordinances, requirements, orders, directions, rules or regulations of federal, state, county and municipal governments and of all other governmental authorities whatsoever.

(b) *Landlord's Obligation.* Landlord shall pay directly to the taxing authorities all Real Estate Taxes on or before the date such Real Estate Taxes are due and payable.

(c) *Personal Property Taxes.* Tenant shall pay and discharge, when due, all taxes assessed during the Term of this Lease against any leasehold interest or personal property of any kind owned by or placed in the Premises by Tenant. In addition to the Rent and any other sums or amounts required to be paid by Tenant to Landlord pursuant to the provisions of this Lease, Tenant shall also pay to Landlord, simultaneously with such payment of such Rent or other sums or amounts, the amount of any applicable sales, use or excise tax on any such Rent or other sums or amounts so paid by Tenant to Landlord, whether the same be levied, imposed or assessed by the State in which the Premises is located or any other federal, state, county or municipal governmental entity or agency. Any such sales, use or excise taxes shall be paid by Tenant to Landlord at the same time that each of the amounts with respect to which such taxes are payable are paid by Tenant to Landlord.

**ARTICLE 6
UTILITIES**

From and after the Effective Date, Tenant shall be liable for and shall pay directly all charges and fees (together with any applicable taxes or assessments thereon) when due for water, gas, electricity, air conditioning, heat, septic, sewer, refuse collection, telephone and any other utility charges or similar items in connection with the use or occupancy of the Premises. Landlord shall not be responsible or liable in any way whatsoever for the quality, quantity, impairment, interruption, stoppage or other interference with any utility service, including, without limitation, water, air conditioning, heat, gas, electric current for light and power, telephone, or any other utility service provided to or serving the Premises. No such interruption, termination or cessation of utility services shall relieve Tenant of its duties and obligations pursuant to this Lease, including, without limitation, its obligation to pay all Rent as and when the same shall be due hereunder.

**ARTICLE 7
AGREEMENTS, FEES, ETC.**

Tenant, at Tenant's sole cost and expense, shall keep and maintain in full force all franchise agreements, license agreements, equipment leases and other contracts or agreements involving or relating to the operation of the Premises for its Permitted Use. Landlord warrants that it has no such existing agreements, leases or other contracts that Tenant shall be required to keep and maintain.

**ARTICLE 8
INSURANCE**

Section 8.1 **Insurance by Tenant.** Tenant shall, at its sole cost and expense, maintain in full force and effect the following types and amounts of insurance coverage:

(a) *Property Insurance.* Special form insurance on the Improvements, including all permitted alterations, changes, additions and replacements thereof and thereto, including without limitation, insurance against loss or damage caused by: (i) fire, windstorm and other hazards and perils generally included under extended coverage; (ii) sprinkler leakage; (iii) vandalism and malicious mischief; and (iv) boiler and machinery, all in an amount which reasonably assures there will be sufficient proceeds to replace the Improvements in the event of a loss against which such insurance is issued. Such insurance shall (i) contain an agreed amount endorsement or equivalent clause within the policy with respect to the Improvements, (ii) provide for no deductible in excess of ONE HUNDRED THOUSAND AND NO/100 DOLLARS (\$100,000.00), and (iii) contain endorsements insuring against liability for “demolition costs” and “increased cost of construction”, as well as “ordinance or law” coverage and an “enforcement” endorsement if any of the Improvements or the use of the Premises shall at any time constitute legally non-conforming structures or uses. All insurance required hereunder, and all other insurance maintained by Tenant on the Improvements in excess of or in addition to that required hereunder, shall be carried in favor of Landlord and Tenant, as their respective interests may appear.

(b) *Commercial General Liability Insurance.* An occurrence form commercial general liability policy of insurance providing coverage against liability for personal and bodily injury, death and property damage having limits of not less than ONE MILLION AND NO/100 DOLLARS (\$1,000,000.00) per person and TWO MILLION AND NO/100 DOLLARS (\$2,000,000.00) per occurrence. Such insurance shall cover at least the following hazards: (1) premises, operations, conduct, assumed liabilities, and use or occupancy of the Premises; (2) products and completed operations; (3) independent contractors; (4) blanket contractual liability for all written and oral contracts; (5) automobiles; and (6) contractual liability covering the indemnities contained in this Lease to the extent the same is available. Such insurance, and any and all other liability insurance maintained by Tenant in excess of or in addition to that required hereunder, shall name Landlord as additional insured. In addition, such minimum limit may from time to time, at Landlord’s option, be increased to an amount determined by Landlord to be consistent with industry standards.

(c) *Intentionally Omitted.*

(d) *Workers’ Compensation Insurance.* Workers’ compensation insurance, in a form prescribed by the laws of the State in which the Premises is located, and employers’ liability insurance, upon Tenant’s hiring of employees.

(e) *Builder’s Risk Insurance.* Builder’s risk insurance in accordance with the requirements of this Article, but only prior to the commencement of and during the construction of any permitted rehabilitation, replacement, reconstruction, renovation or alteration to the Premises.

(f) *Other Insurance.* Such other insurance for such risks and in such amounts as may from time to time be commonly insured against in the case of business operations similar to those contemplated by this Lease to be conducted by Tenant on the Premises.

Section 8.2 **Carriers and Features.** All insurance policies required to be carried by Tenant as provided in this Article shall be issued by insurance companies approved by Landlord authorized and licensed to do business in the State in which the Premises is located. The insurance companies must have (as determined by Landlord at its discretion): (i) an investment grade rating for claims paying ability assigned by a credit rating agency approved by Landlord and (ii) a general policy rating of A or better and a financial class of VIII or better by A.M. Best Company, Inc. All such policies shall be for periods of not less than one year and Tenant shall renew the same at least thirty (30) days prior to the expiration thereof. With respect to the property insurance to be maintained by Tenant hereunder, Landlord and any lender of Landlord shall be named as “insureds as their interests may appear” thereon, and with respect to the liability insurance to be maintained by Tenant hereunder, Landlord and any lender of Landlord shall be named as “additional insureds” by endorsement satisfactory in form and substance to Landlord. The policies shall provide that said additional insured coverage is primary and non-contributory with any self-insurance or other insurance available to the Landlord. Further, Tenant’s liability insurance policies will be indorsed as needed to provide for cross-liability coverage for Tenant, Landlord, and any lender of Landlord and will provide for severability of interests. All such policies shall require not less than thirty (30) days written notice to Landlord prior to any cancellation thereof or any change reducing coverage thereunder. In addition to the foregoing, all policies of insurance required in Section 8.1 shall contain clauses or endorsements to the effect that (a) no act, omission or negligence of Tenant, or anyone acting for Tenant, or failure to comply with the provisions of any policy which might otherwise result in a forfeiture of the insurance or any part thereof, shall in any way affect the validity or enforceability of the insurance insofar as Landlord is concerned, and (b) Landlord shall not be liable for any insurance premiums thereon or subject to any assessments thereunder. Tenant shall pay the premiums for all insurance policies which Tenant is obligated to carry under this Article and, at least thirty (30) days prior to the date any such insurance must be in effect, deliver to Landlord a copy of the policy of policies, or a certificate or certificates thereof (on ACORD 27 forms or equivalent), along with evidence that the premiums therefor have been paid for at least the next ensuing quarter-annual period.

Section 8.3 **Failure to Procure and Maintain Insurance.** In the event Tenant shall fail to procure insurance and deliver the certificate(s) thereof to Landlord as required under this Article, Tenant shall not be allowed to take possession of the Premises until such insurance has been procured and the certificate(s) have been delivered to Landlord; however, any refusal by Landlord to deliver possession of the Premises pursuant to this Article shall not affect the Commencement Date and Rent shall accrue as of such date. In the event Tenant fails to maintain the insurance policies required pursuant to this Article continuously in full force and effect, Landlord shall be entitled, but not obligated, to procure the same and Tenant shall immediately reimburse Landlord of such premium expense as Additional Rent. Tenant’s obligation to procure adequate workers’ compensation insurance and provide certificate(s) thereof shall only commence upon Tenant’s hiring of its first employee.

Section 8.4 **Waiver of Subrogation.** Landlord and Tenant hereby mutually waive all rights and claims against each other for all losses covered by their respective insurance policies, and waive all rights of subrogation of their respective insurers. Landlord and Tenant hereby agree that their respective insurance policies are now, or shall be prior to the Commencement Date, endorsed so that such waivers of subrogation shall not affect their respective rights to recover thereunder.

**ARTICLE 9
DAMAGE OR DESTRUCTION**

Section 9.1 **Restoration and Repair.** If, during the Term of this Lease, the Improvements shall be destroyed or damaged in whole or in part by fire, windstorm or any other cause whatsoever, Tenant shall give Landlord immediate notice thereof and shall repair, reconstruct or replace the Improvements, or the portion thereof so destroyed or damaged (whichever is reasonably required), at least to the extent of the value and character thereof existing immediately prior to such occurrence. All work shall be started as soon as practicable and completed, at Tenant's sole cost and expense. Tenant shall, however, promptly take such action as is necessary to assure that the Premises (or any portion thereof) does not constitute a nuisance or otherwise present a health or safety hazard. There shall be no abatement or reduction in Rent as a result of a casualty. Notwithstanding anything to the contrary if there is a casualty to the Premises in the last two (2) Lease Years of the Term or of the then current Extension Term which damages the Improvements by more than twenty five percent (25%), then Tenant, at its option, may terminate this Lease, by delivering written notice of termination to Landlord within thirty (30) days of the event of casualty. All Rent shall be paid through the date of Landlord's receipt of Tenant's notice of termination. In the event of such termination, Landlord shall be entitled to any and all insurance proceeds relating to such casualty to be paid under all insurance policies to be carried under this Lease or any other insurance policies carried by Tenant on the Premises. Notwithstanding the foregoing, if the damage or destruction is due, in whole or in part to the negligence, recklessness, or willful misconduct of Tenant, its agents, employees, or contractors, then Tenant shall have no right to an abatement of Rent, and any and all work performed by Landlord to repair or reconstruct the Premises shall be at Tenant's sole cost and expense, which cost and expense shall constitute Additional Rent payable pursuant to the terms and conditions of this Lease.

Section 9.2 **Escrow of Insurance Proceeds.** In the event of a casualty resulting in a loss payment for the Improvements in an amount greater than One Hundred and No/100 Thousand Dollars (\$100,000.00), the proceeds of all insurance policies maintained by Tenant shall be deposited in Landlord's name in an escrow account at a bank or other financial institution designated by Landlord, and shall be used by Tenant for the repair, reconstruction or restoration of the Improvements. Such proceeds shall be disbursed periodically by Landlord upon certification of the architect or engineer having supervision of the work that such amounts are the amounts paid or payable for the repair, reconstruction or restoration. Tenant shall, at the time of establishment of such escrow account and from time to time thereafter until said work shall have been completed and paid for, furnish Landlord with adequate evidence that at all times the undisbursed portion of the escrowed funds, together with any funds made available by Tenant, is sufficient to pay for the repair, reconstruction or restoration in its entirety. Tenant shall obtain and make receipted bills available to Landlord and, upon completion of said work, full and final waivers of lien. Upon the final completion of the repair, reconstruction or restoration, any un-disbursed portion of the escrowed funds, plus any interest earned thereon, shall be delivered to Landlord. In the event of a casualty resulting in a loss payment for the Improvements in an amount equal to or less than the amount stated above, the proceeds shall be paid to Tenant, and shall be applied towards repair, reconstruction and restoration. Tenant shall have no right to an abatement or Rent for any damage to Improvements and/or Personalty.

Section 9.3 **Uninsured Losses.** Nothing contained herein shall relieve Tenant of its obligations under this Article if the destruction or damage is not covered, either in whole or in part, by insurance.

**ARTICLE 10
ADDITIONS, ALTERATIONS AND REMOVALS**

Section 10.1 **Prohibition.** Except as hereinafter expressly provided in Section 10.2, no portion of the Premises shall be demolished, removed, modified or altered by Tenant in any manner whatsoever without the prior written consent and approval of Landlord, which may be withheld or conditioned by Landlord in its sole and absolute discretion.

Section 10.2 **Permitted Renovations.** Tenant shall be entitled and obligated to undertake all alterations to the Premises required by any applicable law or ordinance including, without limitation, any alterations required by any Accessibility Laws. Tenant shall be entitled to make Minor Alterations, as defined herein, to the Premises without Landlord's prior consent, and without prior notice to Landlord. As used herein, "**Minor Alterations**" shall mean an alteration to the Premises the cost of which does not exceed \$25,000.00 and which does not decrease the value or the square footage of the Improvements. In performing any alterations or renovations to the Premises, including Minor Alterations, Tenant shall meet and comply with all of the following conditions:

(a) Before the commencement of any such alterations, Tenant shall furnish to Landlord plans and specifications therefor or a detailed itemization thereof; provided, however, for non-structural Minor Alterations Tenant shall have no obligation to deliver plans and specifications or an itemization of the work to Landlord before commencement of such work.

(b) Before the commencement of any such alterations, Tenant shall obtain the approval (if any is required) thereof by all governmental departments or authorities having or claiming jurisdiction of or over the Premises.

(c) Tenant represents and warrants to Landlord that all such alterations will be performed in a good and workmanlike manner, in accordance with the terms, provisions and conditions of this Lease, and for structural alterations (other than Minor Alterations), in accordance with the plans and specifications or itemization thereof approved by Landlord.

(d) Landlord shall have the right to inspect any such work at all times during normal working hours and to maintain at the Premises for that purpose (at its own expense) such inspector(s) as it may deem necessary so long as such inspections do not interfere with Tenant's work (but Landlord shall not thereby assume any responsibility for the proper completion of the alterations in accordance with the terms of this Lease, nor any liability arising from the improper performance thereof).

(e) All such alterations shall be performed at Tenant's cost and expense and free of any expense to Landlord and free of any liens on Landlord's title.

(f) Upon substantial completion of any such alterations Tenant shall procure a certificate of occupancy or other written approval, from the appropriate governmental authorities verifying the substantial completion thereof and shall provide a copy of same to Landlord, but only if such certificate of occupancy or other written approval is required by the governmental authority.

(g) Tenant shall, and hereby agrees to, indemnify and save and hold Landlord harmless from and against and reimburse Landlord for any and all loss, damage, cost and expense (including, without limitation, reasonable attorneys' fees) incurred by or asserted against Landlord which is occasioned by or results, directly or indirectly, from any construction or renovation activities conducted upon the Premises; whether or not the same is

caused by or is the fault of Tenant or any contractor, subcontractor, laborer, supplier, materialman or any other third party.

**ARTICLE 11
MAINTENANCE AND REPAIRS**

Section 11.1 **Tenant’s Obligations.** From and after the Effective Date and continuing throughout the Term of this Lease Tenant shall at all times and at its sole cost and expense, put, keep, replace and maintain the Premises in good repair and in good, safe and substantial order and condition, shall make all repairs and replacements thereto, ordinary and extraordinary, howsoever the necessity or desirability for repairs may occur, and whether or not necessitated by wear, tear, obsolescence or defects, latent or otherwise, and shall use all reasonable precautions to prevent waste, damage or injury.

Section 11.2 **Landlord’s Obligation.** Landlord shall not be required to make any alterations, reconstructions, replacements, changes, additions, improvements or repairs of any kind or nature whatsoever to the Premises or any portion thereof (including, without limitation, any portion of the Improvements) at any time during the Term of this Lease, except as otherwise provided herein. Landlord is not responsible for the repair of conditions caused by deliberate or negligent acts or omissions of Tenant excepting normal wear and tear. Landlord shall be responsible for replacement of all electrical, gas, plumbing, sanitary, heating, ventilation, air conditioning, and other facilities and appliances within the Premises during the term of this Lease, unless such replacement or repair is the result of Tenant’s actions or negligence..

**ARTICLE 12
LANDLORD’S RIGHT TO INSPECT**

Landlord and its agents shall have the right, but not the obligation, to enter upon the Premises or any portion thereof at any reasonable time to inspect the operation, sanitation, safety, maintenance and use of the same, or any portions of the same and to assure itself that Tenant is in full compliance with its obligations under this Lease (but Landlord shall not thereby assume any responsibility for the performance of any of Tenant’s obligations hereunder, nor any liability arising from the improper performance thereof). In making any such inspections, Landlord shall not unduly interrupt or interfere with the conduct of Tenant’s business. At any time within two (2) months immediately preceding the expiration of the Term, Landlord may affix to any suitable part of the Premises a notice for the rental or sale of the Premises and cause said notice to remain affixed to the Premises without hindrance or molestation.

**ARTICLE 13
ASSIGNMENT, TRANSFER AND SUBLETTING BY TENANT**

Section 13.1 **Transfers Prohibited Without Consent.** Tenant shall not, without the prior written consent of Landlord, which consent may be withheld at Landlord’s sole discretion, sell, assign, sublease or otherwise transfer the Premises or Tenant’s interest in this Lease, in whole or in part, or grant or permit any lien or encumbrance on or security interest in Tenant’s interest in this Lease. Any written consent given by Landlord shall not relieve Tenant, or any subtenant, assignee or transferee, from the obligation to obtain Landlord’s consent prior to any future sale, assignment or transfer. Landlord’s acceptance of rent from a subtenant, assignee or transferee of Tenant shall not constitute

consent to such sublease, assignment or transfer by Landlord. Any assignee, subtenant or transferee approved by Landlord shall expressly assume this Lease by an agreement in recordable form, an original executed counterpart of which shall be delivered to Landlord prior to any assignment of the Lease. Any sale, assignment, transfer, sublease or encumbrance in violation of this Article shall be voidable at Landlord's option.

Section 13.2 **Effect of Consent.** Unless expressly agreed by Landlord in writing to the contrary, Landlord's consent to any assignment of this Lease shall not operate to release any Tenant-assignor from its obligations hereunder, with respect to which said Tenant-assignor shall remain personally liable.

**ARTICLE 14
LANDLORD'S INTEREST NOT SUBJECT TO LIENS**

Section 14.1 **Liens, Generally.** Tenant shall not create or cause to be imposed, claimed or filed upon the Premises, or any portion thereof, or upon the interest of Landlord therein, any lien, charge or encumbrance whatsoever. If, because of any act or omission of Tenant, any such lien, charge or encumbrance shall be imposed, claimed or filed, Tenant shall, at its sole cost and expense, and within thirty (30) days from the date of such imposition, claim or filing, cause the same to be fully paid and satisfied or otherwise discharged of record (by bonding or otherwise) and Tenant shall indemnify and save and hold Landlord harmless from and against any and all costs, liabilities, suits, penalties, claims and demands whatsoever, and from and against any and all attorneys' fees, at both trial and all appellate levels, resulting or on account thereof and therefrom. In the event that Tenant shall fail to comply with the foregoing provisions of this Section, Landlord shall have the option of paying, satisfying or otherwise discharging (by bonding or otherwise) such lien, charge or encumbrance and Tenant agrees to reimburse Landlord, upon demand and as Additional Rent, for all sums so paid and for all costs and expenses incurred by Landlord in connection therewith, together with interest thereon, until paid.

Section 14.2 **Construction Liens.** Landlord's interest in the Premises shall not be subjected to liens of any nature by reason of Tenant's construction, alteration, renovation, repair, restoration, replacement or reconstruction of any Improvements or Personalty, or by reason of any other act or omission of Tenant (or of any person claiming by, through or under Tenant) including, but not limited to, construction liens. All persons dealing with Tenant are hereby placed on notice that such persons shall not look to Landlord or to Landlord's credit or assets (including Landlord's interest in the Premises) for payment or satisfaction of any obligations incurred in connection with the construction, alteration, renovation, repair, restoration, replacement or reconstruction thereof by or on behalf of Tenant. Tenant has no power, right or authority to subject Landlord's interest in the Premises to any construction lien or claim of lien. If a lien, a claim of lien or an order for the payment of money shall be imposed against the Premises Tenant shall, within thirty (30) days after written notice of such lien, claim or order, pay the obligation secured thereby or remove the lien by bond or by any other method prescribed or permitted by law, and deliver to Landlord a written instrument of release in recordable form.

**ARTICLE 15
CONDEMNATION**

Intentionally Omitted.

**ARTICLE 16
SUBORDINATION, ATTORNMENT AND ESTOPPEL CERTIFICATE**

Section 16.1 **Subordination.** Tenant's rights under this Lease are subordinate, and subject, to: (i) all present and future ground or underlying leases affecting all or any part of the Premises; and (ii) any easement, license, mortgage, deed of trust or other security instrument now or hereafter affecting the Premises. Tenant's subordination provided in this Section 16.1 is self-operative and no further instrument of subordination is required.

Section 16.2 **Attornment.** Tenant shall, in the event any proceedings are brought for the foreclosure of, or in the event of exercise of the power of sale under any mortgage made by Landlord covering the Premises, attorn to the purchaser upon any such foreclosure or sale and recognize such purchaser as Landlord under this Lease.

Section 16.3 **Estoppel Certificate.** Tenant shall certify, within five (5) days from receipt of Landlord's written notice, and without charge or cost to Landlord, by written instrument, which written instrument Tenant shall duly execute and deliver to Landlord or any other person designated by Landlord: (i) that this Lease is unmodified and in full force and effect (or if modified, stating the modification and that this Lease is in full force and effect as modified); (ii) the dates, if any, to which Rent has been paid; (iii) whether Landlord has failed to perform any covenant, term or condition under this Lease, and the nature of such failure, if any; and (iv) such other relevant information as Landlord may request.

**ARTICLE 17
END OF TERM**

Section 17.1 **Surrender of Premises.** Tenant shall, on or before the last day of the Term or upon the sooner termination thereof, peaceably and quietly surrender and deliver to Landlord the Premises in good order, condition and repair, reasonable wear and tear excepted, and free and clear of all liens and encumbrances.

Section 17.2 **Holding Over.** If Tenant or any other person or party shall remain in possession of the Premises or any part thereof following the expiration of the Term or earlier termination of this Lease without an agreement in writing between Landlord and Tenant with respect thereto, the person or party remaining in possession shall be deemed to be a tenant at sufferance, and during any such holdover, the Rent payable under this Lease by such tenant at sufferance shall be double the rate or rates in effect immediately prior to the expiration of the Term or earlier termination of this Lease. Additionally, Tenant shall be liable to Landlord for all of Landlord's consequential damages resulting directly or indirectly from Tenant's failure to surrender the Premises to Landlord in accordance with the terms of this Lease. In no event, however, shall such holding over be deemed or construed to be or constitute a renewal or extension of this Lease.

**ARTICLE 18
LIABILITY OF LANDLORD: INDEMNIFICATION**

Section 18.1 **Liability of Landlord.** Landlord shall not be liable to Tenant, its employees, agents, business invitees, licensees, customers, clients, family members or guests for any damage, injury, loss, compensation or claim, including, but not limited to, claims for the interruption of or loss to Tenant's business, based on, arising out of or resulting from any cause whatsoever, including, but

not limited to: (a) repairs to any portion of the Premises; (b) interruption in Tenant's use of the Premises; (c) any accident or damage resulting from the use or operation (by Landlord, Tenant or any other person or persons) of any equipment within the Premises, including without limitation, heating, cooling, electrical or plumbing equipment or apparatus; (d) the termination of this Lease by reason of the condemnation or destruction of the Premises in accordance with the provisions of this Lease; (e) any fire, robbery, theft, mysterious disappearance or other casualty; (f) the actions of any other person or persons; and (g) any leakage or seepage in or from any part or portion of the Premises, whether from water, rain or other precipitation that may leak into, or flow from, any part of the Premises, or from drains, pipes or plumbing fixtures in the Improvements. Any Personalty or personal effects stored or placed by the Tenant or its employees in or about the Premises shall be at the sole risk of the Tenant. Notwithstanding anything herein to the contrary Landlord shall be liable to the Tenant, its employee, agents, business invitees, licensees, customer, client, family member or guests for any damage, injury, loss or claim that arises as a direct and proximate cause of Landlord's gross negligence or intentional wrongdoing.

Section 18.2 **Indemnification of Landlord.** Tenant shall defend, indemnify and save and hold Landlord harmless from and against any and all liabilities, obligations, losses, damages, injunctions, suits, actions, fines, penalties, claims, demands, costs and expenses of every kind or nature, including reasonable attorneys' fees and court costs, incurred by Landlord, arising directly or indirectly from or out of: (a) any failure by Tenant to perform any of the terms or conditions of this Lease on Tenant's part to be performed; (b) any accident, injury or damage which shall happen at, in or upon the Premises, however occurring; (c) any matter or thing growing out of the condition, occupation, use, or operation by any person of the Premises, or any part thereof, or the operation of the business contemplated by this Lease to be conducted thereon, thereat, therein, or therefrom; (d) any failure of Tenant to comply with any laws, ordinances, requirements, orders, directions, rules or regulations of any governmental authority; (e) any contamination of the Premises, or the ground waters thereof, arising on or after the date Tenant takes possession of the Premises and occasioned by the use, transportation, storage, spillage or discharge thereon, therein or therefrom of any Hazardous Materials, whether by Tenant or by any agent or invitee of Tenant; (f) any discharge of Hazardous Materials from the Premises into any septic facility or sanitary sewer system serving the Premises arising on or after the date Tenant takes possession of the Premises, whether by Tenant or by any agent of Tenant; or (g) any other act or omission of Tenant, its employees, agents, invitees, customers, licensees or contractors. Tenant's indemnity obligations under this Article and elsewhere in this Lease arising prior to the expiration, or earlier termination, or assignment of this Lease shall survive any such expiration, termination or assignment.

Section 18.3 **Notice of Claim or Suit.** Tenant shall promptly notify Landlord of any claim, action, proceeding or suit instituted or threatened against Tenant or Landlord of which Tenant receives notice or of which Tenant acquires knowledge. In the event Landlord is made a party to any action for damages or other relief against which Tenant has indemnified Landlord, as aforesaid, Tenant shall defend Landlord, pay all costs and shall provide effective counsel to Landlord in such litigation or, at Landlord's option, shall pay all attorneys' fees and costs incurred by Landlord in connection with its own defense or settlement of said litigation.

Section 18.4 **Limitation on Liability of Landlord.** In the event Tenant is awarded a money judgment against Landlord, Tenant's sole recourse for satisfaction of such judgment shall be limited to execution against the Premises including set off against rent obligations. In no event shall any officer, member, or director of Landlord, including but not limited to the Town of Bluffton, be personally liable for the obligations of Landlord hereunder.

**ARTICLE 19
DEFAULT**

Section 19.1 **Events of Default.** Each of the following events shall be an Event of Default hereunder by Tenant and shall constitute a breach of this Lease:

(a) If Tenant shall fail to pay, when due, any Rent, or portion thereof, or any other sum due to Landlord from Tenant hereunder, and such failure shall continue for a period of five (5) days after the due date thereof.

(b) If Tenant shall violate or fail to comply with or perform any other term or condition to be performed or observed by Tenant under this Lease, and such violation or failure shall continue for a period of fifteen (15) days after written notice thereof from Landlord; provided, however, if Landlord has provided notice to Tenant under this Subsection (b) twice during any twelve (12) month period, Landlord may declare Tenant in default for any subsequent violation or failure to comply with or perform any such term or condition without notice.

(c) If any assignment, transfer, sublease, merger or encumbrance shall be made or deemed to be made that is in violation of the terms and conditions of this Lease.

(d) If Tenant shall cease the actual and continuous operation of the business contemplated by this Lease to be conducted by Tenant upon the Premises; or if Tenant shall vacate, desert or abandon the Premises; or if the Premises shall become empty and unoccupied; or if Tenant is ordered to terminate or suspend the operation of the business on the Premises by a regulatory authority with jurisdiction over the operation of child care centers. Tenant shall be deemed to have abandoned the Premises or ceased to continuously operate its business in violation of this Lease if Tenant fails to open and continuously operate its business in accordance with this Lease for more than fourteen (14) consecutive days, including weekends and holidays.

(e) If, at any time, Tenant shall file in any court, pursuant to any statute of either the United States or of any State, a petition in bankruptcy or insolvency, or for reorganization or arrangement, or for the appointment of a receiver or trustee of all or any portion of Tenant's property, including, without limitation, its leasehold interest in the Premises, or if Tenant shall make an assignment for the benefit of its creditors or petitions for or enters into an arrangement with its creditors.

(f) If, at any time, there shall be filed against Tenant in any courts pursuant to any statute of the United States or of any State, a petition in bankruptcy or insolvency, or for reorganization, or for the appointment of a receiver or trustee of all or a portion of Tenant's property, including, without limitation, its leasehold interest in the Premises, and any such proceeding against Tenant shall not be dismissed within ten (10) days following the commencement thereof.

(g) If Tenant's interest in the Premises, Improvements, or Personalty shall be seized under any levy, execution, attachment or other process of court where the same shall not be vacated or stayed on appeal or otherwise within thirty (30) days thereafter, or if Tenant's leasehold interest in the Premises, Improvements, or Personalty is sold by judicial sale and

such sale is not vacated, set aside or stayed on appeal or otherwise within thirty (30) days thereafter.

(h) If Tenant or any agent of Tenant falsifies any report or misrepresents any information required to be furnished to Landlord pursuant to this Lease.

(i) The death of Tenant or any guarantor of Tenant's obligations hereunder; or the commencement of steps or proceedings toward the dissolution, winding up, or other termination of the existence of Tenant or of any guarantor of Tenant's obligations hereunder, or toward the liquidation of any of their respective assets.

(j) If Tenant fails to make necessary improvements required and contemplated by this Lease, or if Tenant fails to follow the procedure for having improvements approved by Landlord.

(k) The occurrence of any other event described as a default elsewhere in this Lease, or any addendum or amendment hereto, regardless of whether such event is defined as an "*Event of Default*."

Section 19.2 **Remedies on Default.** If any of the Events of Default hereinabove specified shall occur, Landlord, at any time thereafter, shall have and may exercise any of the following rights and remedies:

(a) Landlord may, pursuant to written notice thereof to Tenant, immediately terminate this Lease and, peaceably or pursuant to summary dispossession proceedings or other appropriate legal proceedings, re-enter, retake and resume possession of the Premises for Landlord's own account without being liable for any damages therefor, and, for Tenant's breach of and default under this Lease, recover immediately from Tenant any and all Rent due or in existence at the time of such termination, including, without limitation, (i) all Rent and other sums, charges, payments, costs and expenses agreed and/or required to be paid by Tenant to Landlord hereunder, (ii) all costs and expenses of Landlord in connection with the recovery of possession of the Premises, including reasonable attorneys' fees and court costs, and (iii) all costs and expenses of Landlord in connection with any reletting or attempted reletting of the Premises or any part or parts thereof, including, without limitation, brokerage fees, attorneys' fees and the cost of any alterations or repairs, which may be reasonably required to so relet the Premises, or any part or parts thereof.

(b) Landlord may, without re-entering, retaking or resuming possession of the Premises, sue for all Rent and all other sums, charges, payments, costs and expenses due from Tenant to Landlord hereunder either: (i) as they become due under this Lease, taking into account that Tenant's right and option to pay the Rent hereunder on a monthly basis in any particular Lease Year is conditioned upon the absence of a default on Tenant's part in the performance of its obligations under this Lease, or (ii) at Landlord's option, accelerate the maturity and due date of the whole or any part of the Rent for the entire then-remaining unexpired balance of the Term, as well as all other sums, charges, payments, costs and expenses required to be paid by Tenant to Landlord hereunder, including, without limitation, damages for breach or default of Tenant's obligations hereunder in existence at the time of such acceleration, such that all sums due and payable under this Lease shall, following such acceleration, be treated as being and, in fact, be due and payable in advance as of the date of such acceleration. Landlord may then proceed to recover and collect all such unpaid Rent and other sums so sued for from Tenant by distress, levy, execution or otherwise. Regardless of

which of the foregoing alternative remedies is chosen by Landlord under this subsection (b), Landlord shall not be required to relet the Premises nor exercise any other right granted to Landlord pursuant to this Lease, nor shall Landlord be under any obligation to minimize or mitigate Landlord's damages or Tenant's loss as a result of Tenant's breach of or default under this Lease.

(c) In addition to the remedies specified and enumerated above, Landlord shall have and may exercise the right to invoke any other remedies allowed at law or in equity as if the remedies of re-entry, unlawful detainer proceedings and other remedies were not herein provided. Accordingly, the mention in this Lease of any particular remedy shall not preclude Landlord from having or exercising any other remedy at law or in equity. Nothing herein contained shall be construed as precluding the Landlord from having or exercising such lawful remedies as may be and become necessary in order to preserve the Landlord's right or the interest of the Landlord in the Premises and in this Lease, even before the expiration of any notice periods provided for in this Lease, if under the particular circumstances then existing the allowance of such notice periods will prejudice or will endanger the rights and estate of the Landlord in this Lease and in the Premises.

Section 19.3 **Landlord May Cure Tenant Defaults.** If Tenant shall default in the performance of any term or condition on its part to be performed hereunder, Landlord may, after ten (10) days written notice to Tenant (or without notice if, in Landlord's reasonable opinion, an emergency exists) perform the same for the account and at the expense of Tenant. If, at anytime and by reason of such default, Landlord is compelled to pay, or elects to pay, any sum of money or do any act which will require the payment of any sum of money, or is compelled to incur any expense (including, but not limited to, attorneys' fees and costs) in the enforcement of its rights hereunder or otherwise, such sum or sums, together with interest thereon at the highest rate allowed under the laws of the state in which the Premises is located, shall be deemed Additional Rent hereunder and shall be repaid to Landlord by Tenant promptly when billed therefor, and Landlord shall have all the same rights and remedies in respect thereof as Landlord has in respect of all other Rent herein reserved.

Section 19.4 **Rights Cumulative.** The rights and remedies provided and available to Landlord in this Lease are distinct, separate and cumulative remedies, and no one of them, whether or not exercised by Landlord, shall be deemed to be in exclusion of any other.

**ARTICLE 20
IMPROVEMENTS AND PERSONALTY**

All Improvements and Personalty installed by Tenant upon the Premises shall be new or completely reconditioned. In the event Tenant fails to remove any Personalty within thirty (30) days after such expiration or termination of this Lease, then said Personalty shall be deemed abandoned by Tenant and shall automatically become the property of Landlord. Tenant shall be responsible for the timely filing of all required tangible personal property tax returns and for the timely payment of all taxes assessed against any personal property, including, but not limited to, Improvements and Personalty, located in or upon the Premises or utilized by Tenant in the conduct of its business whether or not such personal property was originally installed by Tenant.

**ARTICLE 21
ROOF(S)**

Tenant shall not use the roof for any purpose, nor shall Tenant make any penetrations in the roof, without Landlord's prior written consent, which consent Landlord may withhold at Landlord's sole discretion. If Tenant's use of the Premises requires that equipment be placed upon the roof, or that the roof be penetrated, then upon Tenant's receipt of approval from Landlord, Tenant shall coordinate penetration of the roof using Landlord's approved roofing contractor.

**ARTICLE 22
NOTICES; ADDRESSES**

Any notice required or permitted to be given under this Lease must be given only by one of the following: (a) United States registered or certified mail, postage prepaid, return receipt requested, (b) facsimile with confirmation notice or (c) reputable overnight courier service which provides written evidence of delivery, or (d) personal delivery; and addressed as follows:

If Notice to Landlord: Don Ryan Center for Innovation, Inc.
Attn: Mr. David Nelems, CEO
7 Venture Drive, Suite 100
Bluffton, South Carolina 29910
dnelems@townofbluffton.com
(843) 540-0405

If Notice to Tenant: **Bright Beginnings Academy, LLC**

or such other address as may be designated by either party by written notice to the other. Except as otherwise provided in this Lease, every notice, demand, request or other communication shall be deemed to have been given or served upon actual receipt thereof. Notwithstanding the foregoing, any notice mailed to the last designated address of any person or party to which a notice may be or is required to be delivered pursuant to this Lease shall not be deemed ineffective if actual delivery cannot be made due to a change of address of the person or party to which the notice is directed or the failure or refusal of such person or party to accept delivery of the notice.

**ARTICLE 23
MISCELLANEOUS**

Section 23.1 **Brokerage.** Landlord and Tenant hereby represent and warrant to each other that they have not engaged, employed or utilized the services of any business or real estate brokers, salesmen, agents or finders in the initiation, negotiation or consummation of the business and real estate transaction reflected in this Lease.

Section 23.2 **No Partnership or Joint Venture.** Landlord shall not, by virtue of this Lease, in any way or for any purpose, be deemed to be a partner of Tenant in the conduct of Tenant's business upon, within or from the Premises or otherwise, or a joint venturer or a member of a joint enterprise with Tenant.

Section 23.3 **Entire Agreement.** This Lease contains the entire agreement between the parties and, except as otherwise provided herein, can only be changed, modified, amended or terminated by an instrument in writing executed by the parties. It is mutually acknowledged and agreed by Landlord and Tenant that there are no verbal agreements, representations, warranties or other understandings affecting the same; and that Tenant hereby waives, as a material part of the consideration hereof, all claims against Landlord for rescission, damages or any other form of relief by reason of any alleged covenant, warranty, representation, agreement or understanding not contained in this Lease.

Section 23.4 **Waiver.** No release, discharge or waiver of any term or condition of this Lease shall be enforceable against or binding upon Landlord unless in writing and executed by Landlord. Neither the failure of Landlord to insist upon a strict performance of any of the terms and conditions hereof, nor the acceptance of any Rent by Landlord with knowledge of a breach of this Lease by Tenant in the performance of its obligations hereunder, shall be deemed a waiver of any rights or remedies that Landlord may have or a waiver of any subsequent breach or default in any of such terms and conditions.

Section 23.5 **Time.** Time is of the essence in every particular of this Lease, including, without limitation, obligations for the payment of money.

Section 23.6 **Costs and Attorneys' Fees.** If either party shall bring an action to recover any sum due hereunder, or for any breach hereunder, and shall obtain a judgment or decree in its favor, the court may award to such prevailing party its reasonable costs and reasonable attorneys' fees, specifically including reasonable attorneys' fees incurred in connection with any appeals. Landlord shall also be entitled to recover its reasonable attorneys' fees and costs incurred in any bankruptcy action filed by or against Tenant, including, without limitation, those incurred in seeking relief from the automatic stay, in dealing with the assumption or rejection of this Lease, in any adversary proceeding, and in the preparation and filing of any proof of claim.

Section 23.7 **Public Telephone.** Tenant shall not at any time install a public or private pay telephone within the Premises or on or about the exterior of the Premises.

Section 23.8 **Captions and Headings.** The captions and headings in this Lease have been inserted herein only as a matter of convenience and for reference and in no way define, limit or describe the scope or intent of, or otherwise affect, the terms and conditions of this Lease.

Section 23.9 **Severability.** If any term or condition of this Lease shall be deemed to be invalid, it shall be considered deleted therefrom and shall not invalidate the remaining terms and conditions of this Lease.

Section 23.10 **Successors and Assigns.** The terms and conditions contained in this Lease shall be binding upon and inure to the benefit of Landlord and Tenant and, to the extent permitted herein, their respective successors and assigns.

Section 23.11 **Applicable Law.** This Lease shall be governed by, and construed in accordance with, the laws of the state in which the Premises is located without regard to conflict laws. Landlord and Tenant hereby agree that any legal proceedings arising pursuant to this Lease or the Premises shall be instituted in, and Landlord and Tenant each submits itself to the jurisdiction of, the Circuit Court in the County and State in which the Premises is located.

Section 23.12 **Recording.** Neither this Lease or a memorandum, short form or affidavit thereof, shall be recorded without the written consent of Landlord.

Section 23.13 **Radon Gas.** Radon is a naturally occurring radioactive gas that, when it has accumulated in a building in sufficient quantities, may present health risks to persons who are exposed to it over time. Additional information regarding radon and radon testing may be obtained from the South Carolina Department of Public Health.

Section 23.14 **Counterparts.** This Lease may be executed in counterparts, each of which shall be deemed an original, and all of which together shall constitute one instrument; provided, however, this Lease shall not be effective until fully executed by all parties.

[Remainder of Page Intentionally Omitted. Signature Page(s) and Exhibit(s) to Follow.]

IN WITNESS WHEREOF, Landlord and Tenant have caused this Lease to be duly executed on or as of the day and year first above written.

TENANT:

BRIGHT BEGINNINGS ACADEMY, LLC, a South Carolina limited liability comapny

BY: **TBD**,
ITS: PRESIDENT & AUTHORIZED SIGNATORY
DATE:_____

LANDLORD:

DON RYAN CENTER FOR INNOVATION, INC., a South Carolina nonprofit corporation

BY: DAVID NELEMS
ITS: CEO & AUTHORIZED SIGNATORY
DATE:_____

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EXHIBIT "A"
REAL PROPERTY



Berl Davis
Chairman

David Nelems
CEO

12 August 2024

The Honorable Mayor Larry Toomer
Town of Bluffton
20 Bridge Street
Bluffton, SC 29910

Dear Mayor Toomer and Members of Town Council,

On behalf of the Board of Directors of the Don Ryan Center for Innovation, I am writing to express our full support for the selection of Bright Beginnings Academy as the recommended provider for the Town of Bluffton’s Childcare RFP.

Our Board met on Thursday, August 8th, to review and discuss the proposals submitted. Prior to this meeting, panels of our Board members and Town staff conducted various diligence steps to thoroughly evaluate each proposal. Based on the insights gained from this rigorous process, the full Board unanimously voted to recommend to Town Council the approval of Bright Beginnings Academy. This decision was made in recognition of the Academy’s strong commitment to early childhood education, its alignment with the needs of our community, and its proven track record of delivering high-quality childcare services.

The Don Ryan Center for Innovation is committed to supporting entrepreneurship initiatives that foster growth and development within our community, and we believe that Bright Beginnings Academy is well-equipped to contribute to this mission. Their selection will be a significant step forward in providing much-needed childcare services to our residents, and we are confident that they will deliver exceptional care and education to the children of Bluffton.

We kindly urge the Town Council to consider our unanimous recommendation and move forward with approving Bright Beginnings Academy as the selected provider for this important initiative.

Thank you for your attention to this matter, and for your continued dedication to the betterment of Bluffton.

Sincerely,

A handwritten signature in black ink, appearing to be "D. Nelems", written in a cursive style.

David Nelems
CEO
Don Ryan Center for Innovation

Attachment 3

Recommended Motion

Consideration of an Ordinance Approving the Adoption of a Lease Agreement to Provide for a Curriculum-Based Childcare Facility at a Reduced Rental Rate - Chris Forster, Assistant Town Manager

“I make a motion to approve an ordinance authorizing the Town Manager to enter into a commercial lease agreement with an owner-operator of a curriculum-based childcare facility at a reduced rental rate so long as the commercial lease agreement does not materially differ from what was presented herein.”



**TOWN COUNCIL
STAFF REPORT
Department of Finance & Administration**

MEETING DATE:	October 08, 2024
PROJECT:	Consideration of an Ordinance Amending the Town of Bluffton Fiscal Year 2025 Budget to Provide for the Expenditures of Certain Funds; and to Allocate Sources of Revenue for the Said Funds to Carryover Unspent Expenditures and Encumbrances from the FY2024 Budget to the FY2025 Budget – Second & Final Reading
PROJECT MANAGER:	Natalie Majorkiewicz, CGFO, Director of Finance

RECOMMENDATION: Town Council approves the proposed ordinance amending the FY 2025 budget by \$12,345,875 by increasing the General Fund budget by \$2,717,425, increasing the Local Hospitality Fund budget by \$488,690, increasing the Local Accommodations Tax Fund budget by \$658,452, increasing the Stormwater Fund budget by \$112,523, increasing the CIP budget by \$7,821,10, and increasing the Debt Service Fund budget by \$547,375 to reappropriate prior year unspent transfers to Capital Improvements Program Fund (CIP) and use of additional prior year fund balance, to reappropriate prior year unspent encumbrances and expenditures as well as uses of additional prior year fund balance, provide for new programs, use of previously earmarked spending of prior year fund balance, recognize grant and insurance revenues, and committing an additional \$750,000 to the Capital Asset Reserve Fund.

BACKGROUND:

In FY2024, revenues are projected to be higher than expenditures by approximately \$4,300,000. Proposed uses of this additional fund balance included in this budget amendment are described in each fund below.

Reserve Funds – Committing an additional \$750,000 to the Capital Reserve Fund.

General Fund - This Budget Amendment includes an increase to the General Fund budget by \$2,717,425 to reflect a potential grant of \$79,500 in Information Technology for cyber security, \$144,963 for insurance claims for a police vehicle and the DuBois Park Pavilion, \$2,492,962 of prior year fund balance, which include \$22,300 from the Capital Asset Reserve Fund to replace a totaled police vehicle and \$13,000 from the Tree Remediation Fund for a tree survey. These prior year funds will be used for:

- General Fund revenue increases to cover:
 - Grants and Entitlements \$79,500 (pending award)
 - Cyber Security in IT
 - Miscellaneous Revenues \$144,963
 - Insurance claim for totaled police vehicle \$26,635
 - Insurance claim for DuBois Park pavilion \$118,328 (funds will be transferred to CIP)
- Prior Year Fund Balance
 - Capital Asset Reserve to purchase remaining amount on police vehicle \$22,300
 - Tree Remediation for tree survey \$13,000
 - Lexipol software for Police \$75,000
 - Contracts and encumbrances \$143,600

- Transfer to CIP \$2,357,390
 - FY2025 Increases:
 - Land Acquisition \$2,000,000
 - Buckwalter Place Multi-County Commerce Park \$55,000
 - Park Improvements for DuBois Park pavilion \$119,328
 - FY2024 Project Commitments and Carryforwards:
 - Buckwalter Place Multi-County Commerce Park \$22,666
 - Town Hall Improvements for AV upgrades in Council Chambers \$14,887
 - Affordable Housing \$81,316
 - Network Improvements \$10,593
 - Public Art Program reduction for FY2024 expenditures \$269
 - Pathway Pedestrian Safety Improvements \$23,869
 - Townwide Wayfinding Signage System \$30,000
- Contribution to Fund Balance – Capital Asset Reserve Fund from insurance proceeds from totaled police vehicle.

Local Hospitality Tax Fund – This budget amendment includes an increase to the budget by \$488,690 to reflect FY 2024 project carryforwards in the CIP Fund.

- Transfer to CIP Projects
 - Facilities: \$954
 - Information Technology Infrastructure: \$37,210
 - Parks: \$118,636
 - Roads: \$270,070
 - Sewer: \$61,820

Local Accommodations Tax Fund – This budget amendment includes an increase to the budget by \$634,361 to reflect FY 2024 project carryforwards in the CIP Fund.

- Transfer to CIP Projects
 - Facilities: \$358,830
 - Parks: \$205,383
 - Roads: \$26,676
 - Sewer: \$43,472

Stormwater Fund – This budget includes an increase to the Stormwater fund budget to reflect \$136,614 of prior year fund balance. These funds will be used for:

- Contracts and commitments from FY 2024 \$166,355
- Transfer to CIP reduction of \$28,741 due to higher expenditures than estimated in FY2024 for the May River Action Plan Impervious Restoration/Water Quality Projects

Capital Improvements Program Fund (CIP) – This budget amendment includes an increase to the CIP budget by \$7,821,410 to reflect FY 2024 project carryforwards, increase for Land Acquisition by \$2,000,000, Park Improvement for DuBois Park pavilion repairs of \$119,328, and Buckwalter Place Multi-County Commerce Park of \$810,000, which includes the \$130,000 grant from Beaufort County Economic Development Corporation, and funding source reclassifications.

Debt Service Fund – This budget includes an increase to Debt Service fund budget to reflect \$547,375 of prior year TIF fund balance. These funds will be used for:

- Transfer to CIP Projects
 - Parks \$366,357
 - Roads: \$181,018

ATTACHMENTS:

1. Ordinance
 - Attachment A: General Fund Budget
 - Attachment B: Local Hospitality Tax Fund Budget
 - Attachment C: Local Accommodations Tax Fund Budget
 - Attachment D: Stormwater Fund Budget
 - Attachment E: Capital Improvements Program Fund Budget
 - Attachment F: Debt Service Fund Budget
2. FY 2023 Projected Yearend Financial Reports
 - Attachment A: General Fund
 - Attachment B: Stormwater Fund Budget
 - Attachment C: Capital Improvements Program Fund Budget
 - Attachment D: Debt Service Fund Budget
 - Attachment E: Special Revenue Funds
3. Council Motion Recommendation

**AN ORDINANCE OF THE TOWN OF BLUFFTON
ORDINANCE NO. 2024-
FISCAL YEAR 2025 BUDGET**

**TO AMEND THE BUDGET FOR THE TOWN OF BLUFFTON, SOUTH CAROLINA, FOR THE FISCAL YEAR
ENDING JUNE 30, 2025;
TO PROVIDE FOR THE EXPENDITURES OF CERTAIN FUNDS;
AND TO ALLOCATE THE SOURCES OF REVENUE FOR THE SAID FUNDS.**

WHEREAS, Section 5-7-260 of the Code of Laws of South Carolina requires that a municipal council act by ordinance to adopt a budget and levy taxes, pursuant to public notice; and

WHEREAS, the Town Council did adopt the Budget Ordinance 2024-11 on June 11, 2024; and

WHEREAS, pursuant to Sections 4 and 5 of said budget, the Town Council is desirous of amending the budget so as to provide for budget appropriations for legal encumbrances and certain other commitments from the Fund Balance and other revenues of Fiscal Year 2025; and

WHEREAS, pursuant to Sections 4 and 5 of said budget, the Town Council is desirous of amending the budget so as to provide for additional program appropriations from available FY2024 fund balance and committing funds for capital asset reserves and assigning funds for projects not yet established; and

WHEREAS, pursuant to Section 8 of said budget, the Town Council is desirous of amending the Designated Reserve Funds so as to provide for additional program appropriations from available FY2024 fund balance and committing funds by assigning an additional \$750,000 for capital asset reserves; and

NOW, THEREFORE, BE IT ORDERED AND ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BLUFFTON, SOUTH CAROLINA; AND IT IS ORDAINED BY THE AUTHORITY OF THE SAID TOWN COUNCIL:

SECTION 1. AMENDMENT

The adopted fiscal year 2025 budget is amended to make the following changes and additions to the funds from prior year and to the projected revenue and expenditure accounts as follows:

General Fund

Revenues and Other Sources

Grants and Entitlements	\$ 79,500
Miscellaneous Revenues	144,963
Transfers In	
Prior Year Fund Balance	2,457,662
Prior Year Fund Balance-Capital Asset Reserve Fund	22,300
Prior Year Fund Balance-Tree Mitigation Fund	13,000
Total Revenues and Other Sources	\$ 2,717,425

General Fund (Cont.)

Expenditures and Other Uses

Expenditures

Information Technology	\$ 79,500
Police	240,900
Public Services	13,000

Other Uses

Contribution to Fund Balance-Capital Asset Reserve Fund	26,635
Transfer Out to CIP	<u>2,357,390</u>

Total Expenditures and Other Uses	<u><u>\$ 2,717,425</u></u>
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Local Hospitality Tax Fund

Revenues and Other Sources

Transfers In

Prior Year Fund Balance	<u>\$ 488,690</u>
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Total Revenues and Other Sources	<u><u>\$ 488,690</u></u>
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Expenditures and Other Uses

Other Uses

Transfer Out to CIP	<u>\$ 488,690</u>
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Total Expenditures and Other Uses	<u><u>\$ 488,690</u></u>
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Local Accommodations Tax Fund

Revenues and Other Sources

Transfers In

Prior Year Fund Balance	<u>\$ 634,361</u>
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Total Revenues and Other Sources	<u><u>\$ 634,361</u></u>
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Expenditures and Other Uses

Other Uses

Transfer Out to CIP	<u>\$ 634,361</u>
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Total Expenditures and Other Uses	<u><u>\$ 634,361</u></u>
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Stormwater Fund

Revenues and Other Sources

Transfers In

Prior Year Fund Balance	<u>\$ 136,614</u>
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Total Revenues and Other Sources	<u><u>\$ 136,614</u></u>
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Expenditures and Other Uses

Watershed Management

\$ 166,355

Other Uses

Transfer Out to CIP	<u>(29,741)</u>
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Total Expenditures and Other Uses	<u><u>\$ 136,614</u></u>
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Capital Improvement Fund

Revenues and Other Sources

Grants and Entitlements	\$ 757,370
Transfers In	
Hospitality Tax	488,690
Local Accommodations Tax	634,361
Stormwater Utility Tax	(29,741)
TIF	547,375
General Fund	2,357,390
Prior Year Fund Balance	3,065,965
Total Revenues and Other Sources	<u>\$ 7,821,410</u>

Capital Improvement Fund (Cont.)

Expenditures and Other Uses

Expenditures

E0001-Buckwalter Place Multi-County Commerce Park Phase 2	\$ 832,666
F0001-Town Hall Improvements	64,887
F0002-Squire Pope Carriage House	240,613
F0003-Law Enforcement Center Facility Improvements	74,056
F0004-Sarah Riley Hooks Cottage	45,115
H0001-Affordable Housing Project	120,735
I0001-Community Safety Cameras	37,210
I0002-Network Improvements	20,564
L0001-Land Acquisition	1,997,715
P0001-Park Improvements	190,331
P0002-Oyster Factory Park	55,000
P0003-Oscar Frazier Park	523,967
P0004-New Riverside Park / Barn Site	2,148,834
P0005-New River Trail	99,221
P0006-New Riverside Village Park	52,457
P0010-Public Art	(269)
R0001-Pathway Pedestrian Safety Improvements	108,247
R0002-Calhoun Street Streetscape	13,617
R0003-BIS Neighborhood Sidewalks & Lighting	20,000
R0005-Wharf Street Lighting	244,560
R0006-Boundary Street Lighting	23,224
R0007-Boundary Street Streetscape	79,997
R0008-Townwide Wayfinding Signage System	30,000
R0010-Ghost Roads	11,989

Capital Improvement Fund (Cont.)

Expenditures and Other Uses

Expenditures

S0002-Buck Island - Simmonsville Sewer Phase 5	571,287
S0005-Historic District Sewer Extension Phase 4	3,538
S0006-Historic District Sewer Extension Phase 5	3,288
S0007-Historic District Sewer Extension Phase 6	6,278
S0008-Bridge Street Streetscape	188,552
S0009-Comprehensive Drainage Plan Improvements	35,326
S0010-May River Action Plan Impervious Restoration/Water Quality	(29,741)
S0012-Pritchard Street Drainage Improvements	8,146

Total Expenditures and Other Uses	<u><u>\$ 7,821,410</u></u>
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Debt Service Fund

Revenues and Other Sources

Transfers In

Prior Year Fund Balance	<u>\$ 547,375</u>
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Total Revenues and Other Sources	<u><u>\$ 547,375</u></u>
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Expenditures and Other Uses

Other Uses

Transfer Out to CIP	<u>\$ 547,375</u>
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Total Expenditures and Other Uses	<u><u>\$ 547,375</u></u>
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The effect of this amendment will be to increase the General Fund to \$35,185,865 (Attachment A), to increase the Local Hospitality Tax to \$8,737,556 (Attachment B), to increase the Local Accommodations Tax Fund to \$2,799,967 (Attachment C), to increase the Stormwater Fund budget to \$4,154,285 (Attachment D), to increase the Capital Improvements Program Fund budget to \$41,089,524 (Attachment E), and to increase the Debt Service Fund budget to \$10,999,541 (Attachment F), for a total Consolidated Budget of \$102,966,738.

SECTION 2. SEVERABILITY

If any section, phrase, sentence, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

SECTION 3. EFFECTIVE DATE

This Ordinance shall be effective upon its enactment by the Town Council for the Town of Bluffton.

PASSED, APPROVED, AND ADOPTED BY THE COUNCIL FOR THE TOWN OF BLUFFTON ON THIS _____ DAY OF _____, 2024.

Larry Toomer, Mayor
Town of Bluffton, South Carolina

ATTEST:

Marcia Hunter, Town Clerk
Town of Bluffton, South Carolina

Attachments:

- A. General Fund Budget
- B. Local Hospitality Tax Fund Budget
- C. Local Accommodations Tax Fund Budget
- D. Stormwater Utility Fund Budget
- E. Capital Improvements Program Fund Budget
- F. Debt Service Fund Budget

First Reading: September 10, 2024

Second and Final Reading:



Town of Bluffton
General Fund Budget

Section X. Item #2.

	Adopted FY 2025 Budget	Budget Amendment #1	Proposed FY 2025 Budget
Revenues			
Property Taxes	\$ 10,017,780	\$ -	\$ 10,017,780
Licenses & Permits			
Business Licenses	3,540,062	-	3,540,062
Franchise Fees	3,286,652	-	3,286,652
MASC Insurance Tax Collection	3,443,005	-	3,443,005
MASC Telecommunications	50,000	-	50,000
Building Safety Permits	1,686,595	-	1,686,595
Application Fees	50,000	-	50,000
Total Licenses & Permits	12,056,314	-	12,056,314
Grants and Entitlements	2,911,913	79,500	2,991,413
Intergovernmental	461,608	-	461,608
Service Revenues	492,860	-	492,860
Fines & Fees	115,000	-	115,000
Interest Income	300,000	-	300,000
Miscellaneous Revenues	185,915	144,963	330,878
Total Revenues	26,541,390	224,463	26,765,853
Other Financing Sources	-	-	-
Transfers In			
Hospitality Tax	3,305,561	-	3,305,561
Capital Improvements Program Fund	-	-	-
Local Accommodations Tax	536,059	-	536,059
State Accommodations Tax	76,130	-	76,130
Stormwater Utility Fund	459,675	-	459,675
General Fund Prior Year Fund Balance	799,310	2,457,662	3,256,972
General Fund PYFB-ARPA	306,857	-	306,857
General Fund PYFB-Capital Asset Reserve	443,458	22,300	465,758
General Fund PYFB-Tree Remediation	-	13,000	13,000
Total Transfers In	5,927,050	2,492,962	8,420,012
Total Other Financing Sources & Transfers In	5,927,050	2,492,962	8,420,012
Total Revenues and Other Financing Sources	\$ 32,468,440	\$ 2,717,425	\$ 35,185,865
Expenditures			
Building Safety	\$ 1,062,731	\$ -	\$ 1,062,731
Communications & Community Outreach	939,738	-	939,738
Customer Service	300,141	-	300,141
Economic Development: DRCI	486,487	-	486,487
Executive	1,804,783	-	1,804,783
Finance & Administration	1,172,916	-	1,172,916
Human Resources	639,020	-	639,020
Information Technology	2,136,799	79,500	2,216,299
Municipal Judges	107,581	-	107,581
Municipal Court	500,485	-	500,485
Planning & Community Development	1,941,541	-	1,941,541
Police	11,923,480	240,900	12,164,380
Project Management	826,707	-	826,707
Public Services	3,097,840	13,000	3,110,840
Town Council	185,014	-	185,014
Town Wide	4,160,970	-	4,160,970
Total Expenditures	31,286,233	333,400	31,619,633
Other Funding Uses			
Contribution to Fund Balance	-	26,635	26,635
Transfers Out to Capital Improvements Program Fund	1,182,207	2,357,390	3,539,597
Total Other Funding Uses	1,182,207	2,384,025	3,566,232
Total Expenditures and Other Funding Uses	\$ 32,468,440	\$ 2,717,425	\$ 35,185,865



**Town of Bluffton
Local Hospitality Tax Fund Fund
Special Revenue**

Section X. Item #2.

	Adopted FY 2025 Budget	Budget Amendment #1	Proposed FY 2025 Budget
Revenues			
Taxes	\$ 4,120,747	\$ -	\$ 4,120,747
Interest Income	20,000	-	20,000
Total Revenues	4,140,747	-	4,140,747
Other Financing Sources			
Transfers In			
Prior Year Fund Balance	4,108,119	488,690	4,596,809
Total Other Financing Sources & Transfers In	4,108,119	488,690	4,596,809
Total Revenues and Other Financing Sources	\$ 8,248,866	\$ 488,690	\$ 8,737,556
Expenditures			
Other Funding Uses			
Transfer to Capital Improvements Project Fund	4,943,305	488,690	5,431,995
Transfer to General Fund	3,305,561	-	3,305,561
Total Transfers	8,248,866	488,690	8,737,556
Total Expenditures and Other Funding Uses	\$ 8,248,866	\$ 488,690	\$ 8,737,556



Town of Bluffton
Local Accommodations Tax Fund Fund
Special Revenue

	Adopted FY 2025 Budget	Budget Amendment #1	Proposed FY 2025 Budget
Revenues			
Taxes	\$ 1,337,930	\$ -	\$ 1,337,930
Interest Income	5,000	-	5,000
Total Revenues	1,342,930	-	1,342,930
Other Financing Sources			
Transfers In			
Prior Year Fund Balance	822,676	634,361	1,457,037
Total Other Financing Sources & Transfers In	822,676	634,361	1,457,037
Total Revenues and Other Financing Sources	\$ 2,165,606	\$ 634,361	\$ 2,799,967
Expenditures			
Other Funding Uses			
Transfer to Capital Improvements Project Fund	1,629,547	634,361	2,263,908
Transfer to General Fund	536,059	-	536,059
Total Transfers	2,165,606	634,361	2,799,967
Total Expenditures and Other Funding Uses	\$ 2,165,606	\$ 634,361	\$ 2,799,967



**Town of Bluffton
Stormwater Fund Budget**

Section X. Item #2.

	Adopted FY 2025 Budget	Budget Amendment #1	Proposed FY 2025 Budget
Revenues			
Stormwater Utility Fee	\$ 2,076,862	\$ -	\$ 2,076,862
Licenses & Permits			
NPDES Plan Review and Inspection Fee	383,595	-	383,595
Total Revenues	2,460,457	-	2,460,457
Other Financing Sources	-	-	-
Transfers In	-	-	-
Prior Year Fund Balance	1,557,214	136,614	1,693,828
Total Other Financing Sources & Transfers In	1,557,214	136,614	1,693,828
Total Revenues and Other Financing Sources	\$ 4,017,671	\$ 136,614	\$ 4,154,285
Expenditures			
Watershed Management	\$ 1,980,912	\$ 166,355	\$ 2,147,267
Total Expenditures	1,980,912	166,355	2,147,267
Other Funding Uses			
Contribution to Fund Balance	-	-	-
Transfers Out to Capital Improvements Program Fund	1,281,034	(29,741)	1,251,293
Transfers Out to General Fund	459,675	-	459,675
Transfer to Debt Service	296,050	-	296,050
Total Other Funding Uses	2,036,759	(29,741)	2,007,018
Total Expenditures and Other Funding Uses	\$ 4,017,671	\$ 136,614	\$ 4,154,285



**Town of Bluffton
Capital Improvements Project Fund**

	Adopted FY 2025 Budget	Budget Amendment #1	Proposed FY 2025 Budget
Revenues			
Licenses & Permits	\$ 317,000	\$ -	\$ 317,000
Grants and Entitlements	1,506,543	757,370	2,263,913
Intergovernmental	500,000	-	500,000
Service Revenues	-	-	-
Fines & Fees	-	-	-
Interest Income	-	-	-
Miscellaneous Revenues	-	-	-
Total Revenues	2,323,543	757,370	3,080,913
Other Financing Sources			
Transfers In	-	-	-
Hospitality Tax	4,943,305	488,690	5,431,995
Local Accommodations Tax	1,629,547	634,361	2,263,908
State Accommodations Tax	152,941	-	152,941
Stormwater Utility Tax	1,281,034	(29,741)	1,251,293
TIF	8,206,402	547,375	8,753,777
General Fund	941,000	2,357,390	3,298,390
General Fund-ARPA	241,207	-	241,207
CIP Fund Balance	13,549,135	3,065,965	16,615,100
Total Other Financing Sources & Transfers In	30,944,571	7,064,040	38,008,611
Total Revenues and Other Financing Sources	\$ 33,268,114	\$ 7,821,410	\$ 41,089,524
Expenditures			
Economic Development Projects	\$ 3,204,420	\$ 832,666	\$ 4,037,086
Facilities Projects	2,531,432	424,671	2,956,103
Housing Projects	1,478,480	120,735	1,599,215
Information Technology Infrastructure Projects	436,000	57,774	493,774
Land Acquisition	2,959,387	1,997,715	4,957,102
Park Projects	11,551,150	3,069,541	14,620,691
Road Projects	3,370,513	531,634	4,157,187
Stormwater and Sewer Projects	7,419,732	786,674	7,951,366
Total Expenditures	32,951,114	7,821,410	40,772,524
Other Funding Uses			
Transfer to General Fund	-	-	-
Contribution to Fund Balance	317,000	-	317,000
Total Transfers	317,000	-	317,000
Total Expenditures and Other Funding Uses	\$ 33,268,114	\$ 7,821,410	\$ 41,089,524



**Town of Bluffton
Debt Service Fund Budget**

	Adopted FY 2025 Budget	Budget Amendment #1	Proposed FY 2025 Budget
Revenues			
Property Taxes			
Real & Personal Property Tax (TIF)	\$ 4,702,200	\$ -	\$ 4,702,200
GO Bond Debt Service Property Tax	439,620	-	439,620
Total Property Tax	5,141,820	-	5,141,820
Licenses & Permits			
Municipal Improvement District Fee	368,887	-	368,887
Interest Income			
	25,000	-	25,000
Total Revenues	5,535,707	-	5,535,707
Other Financing Sources			
Stormwater Utility Fund	296,050	-	296,050
Prior Year Fund Balance	4,620,409	547,375	5,167,784
Total Other Financing Sources	4,916,459	547,375	5,463,834
Total Revenues and Other Financing Sources	\$ 10,452,166	\$ 547,375	\$ 10,999,541
Expenditures			
Series 2014 TIF Bonds Debt Service			
Principal	\$ 896,386	\$ -	\$ 896,386
Interest	35,295	-	35,295
Series 2022 TIF Bonds Debt Service			
Principal	327,553	-	327,553
Interest	313,380	-	313,380
Series 2020 GO Bonds Debt Service			
Principal	255,000	-	255,000
Interest	122,050	-	122,050
Series 2020A GO Bonds Debt Service (Projects)			
Principal	165,000	-	165,000
Interest	131,050	-	131,050
Miscellaneous			
	50	-	50
Total Expenditures	2,245,764	-	2,245,764
Other Funding Uses			
Transfers Out to Capital Improvements Program Fund	8,206,402	547,375	8,753,777
Total Other Funding Uses	8,206,402	547,375	8,753,777
Total Expenditures and Other Funding Uses	\$ 10,452,166	\$ 547,375	\$ 10,999,541



Town of Bluffton
Actual Versus Budget
For Period Ending June 30, 2024

Section X. Item #2.

	Month of June 2024					Year-to-Date thru August 28, 2024 (Accrual Period)				
	FY 2023	FY 2024	More/(Less)	Budget	Over / (Under)	FY 2023	FY 2024	More/(Less)	Budget	Over / (Under)
Revenues										
Property Taxes	\$ 296,997	\$ 159,647	\$ (137,350)	\$ 126,947	\$ 32,700	\$ 9,312,822	\$ 10,244,626	\$ 931,804	\$ 9,292,646	\$ 951,980
Licenses & Permits										
Business Licenses	744,194	145,470	(598,724)	738,682	(593,212)	3,649,669	4,466,796	817,127	3,559,458	907,338
MASC Telecommunications	415	1,103	688	367	736	56,511	56,435	(76)	50,000	6,435
MASC Insurance Tax Collection	2,628,886	3,261,354	632,468	2,420,470	840,884	3,156,632	4,616,571	1,459,939	2,906,377	1,710,194
Franchise Fees	-	1,648,429	1,648,429	-	1,648,429	2,796,306	3,319,233	522,927	3,125,454	193,779
Building Safety Permits	187,662	148,317	(39,345)	181,035	(32,718)	2,709,216	2,582,246	(126,970)	2,474,720	107,526
Application Fees	3,200	6,455	3,255	2,797	3,658	57,195	87,940	30,745	50,000	37,940
Total Licenses & Permits	3,564,357	5,211,128	1,646,771	3,343,351	1,867,777	12,425,528	15,129,221	2,703,693	12,166,009	2,963,212
Grants and Entitlements	-	-	-	-	-	490,686	1,273,693	783,007	1,539,292	(265,599)
Intergovernmental	-	-	-	-	-	554,533	454,130	(100,403)	444,099	10,031
Service Revenues	60,076	40,320	(19,756)	83,060	(42,740)	629,314	843,271	213,956	811,680	31,591
Fines & Fees	9,720	13,298	3,579	9,396	3,902	121,707	134,437	12,730	115,000	19,437
Interest Income	34,430	30,274	(4,156)	3,766	26,508	228,564	340,342	111,779	25,000	315,342
Miscellaneous Revenues	6,643	9,884	3,241	3,300	6,584	200,248	106,362	(93,886)	120,000	(13,638)
Total Revenues	3,972,223	5,464,551	1,492,329	3,569,820	1,894,731	23,963,402	28,526,082	4,562,680	24,513,726	4,012,356
Other Financing Sources	-	-	-	-	-	-	-	-	-	-
Transfers In	-	31,637	31,637	-	31,637	133,301	2,815,309	2,682,008	7,194,557	(4,379,248)
Total Other Financing Sources & Transfers In	-	31,637	31,637	-	31,637	133,301	2,815,309	2,682,008	7,194,557	(4,379,248)
Total Revenues and Other Financing Sources	\$ 3,972,223	\$ 5,496,188	\$ 1,523,966	\$ 3,569,820	\$ 1,926,368	\$ 24,096,703	\$ 31,341,391	\$ 7,244,688	\$ 31,708,283	\$ (366,892)
Expenditures										
Town Council	\$ 9,913	\$ 11,096	\$ 1,183	\$ 14,946	\$ (3,850)	\$ 130,662	\$ 169,993	\$ 39,331	\$ 197,005	\$ (27,012)
Executive	93,673	125,926	32,253	107,560	18,366	1,301,882	1,435,681	133,799	1,494,879	(59,198)
Economic Development	28,894	30,010	1,116	36,933	(6,923)	386,053	435,632	49,579	493,464	(57,832)
Human Resources	30,330	35,903	5,573	42,852	(6,949)	458,625	546,000	87,375	647,972	(101,972)
Communications and Community Outreach	29,887	52,459	22,572	40,658	11,801	452,411	563,834	111,424	615,455	(51,621)
Police	821,682	686,749	(134,933)	1,083,120	(396,371)	8,023,755	9,227,976	1,204,221	10,563,270	(1,335,294)
Municipal Judges	7,057	8,091	1,034	10,015	(1,924)	74,586	98,500	23,914	105,848	(7,348)
Municipal Court	22,507	36,417	13,910	26,496	9,921	412,338	464,778	52,440	485,421	(20,643)
Finance	59,860	67,422	7,562	84,736	(17,314)	827,283	1,003,117	175,834	1,171,083	(167,966)
Information Technology	69,046	211,845	142,799	99,170	112,675	1,638,087	1,877,745	239,658	2,352,769	(475,024)
Customer Service	17,504	18,202	698	21,941	(3,739)	228,933	250,564	21,631	286,962	(36,398)
Planning & Community Development	138,800	100,256	(38,544)	156,214	(55,958)	1,401,146	1,407,271	6,125	1,576,938	(169,667)
Building Safety	49,427	107,093	57,666	63,522	43,571	827,652	1,000,142	172,490	1,063,670	(63,528)
Project Management	62,807	63,081	274	70,698	(7,617)	862,886	786,837	(76,049)	971,296	(184,459)
Public Works	150,954	228,740	77,786	158,539	70,201	2,064,358	2,107,682	43,324	2,168,092	(60,410)
Town Wide	196,820	364,596	167,776	244,009	120,587	2,879,996	3,003,636	123,640	3,570,492	(566,856)
Total Expenditures	1,789,161	2,147,886	358,725	2,261,409	(113,523)	21,970,652	24,379,388	2,408,735	27,764,616	(3,385,228)
Other Financing Uses										
Contribution to Fund Balance	-	-	-	-	-	-	-	-	400,931	(400,931)
Transfers Out to Capital Improvements Program Fund	-	-	-	-	-	345,581	2,638,407	2,292,826	3,542,736	(904,329)
Total Transfers	-	-	-	-	-	345,581	2,638,407	2,292,826	3,542,736	(904,329)
Total Expenditures and Other Financing Uses	\$ 1,789,161	\$ 2,147,886	\$ 358,725	\$ 2,261,409	\$ (113,523)	\$ 22,316,233	\$ 27,017,795	\$ 4,701,561	\$ 31,307,352	\$ (4,289,557)



**Town of Bluffton
Actual Versus Budget
For Period Ending June 30, 2024**

	Month of June 2024					Year-to-Date thru August 28, 2024 (Accrual Period)				
	FY 2023	FY 2024	More/(Less)	Budget	Over / (Under)	FY 2023	FY 2024	More/(Less)	Budget	Over / (Under)
Revenues										
Stormwater Utility Fee	\$ 23,101	\$ 13,733	\$ (9,368)	\$ 23,434	\$ (9,701)	\$ 2,038,294	\$ 2,134,213	\$ 95,919	\$ 2,067,705	\$ 66,508
Licenses & Permits										
NPDES Plan Review Fee	9,935	9,575	(360)	7,018	2,557	103,343	117,655	14,313	73,000	44,655
NPDES Inspection Fee	19,100	30,450	11,350	23,360	7,090	360,175	329,100	(31,075)	440,500	(111,400)
Total Licenses & Permits	<u>29,035</u>	<u>40,025</u>	<u>10,990</u>	<u>30,378</u>	<u>9,647</u>	<u>463,518</u>	<u>446,755</u>	<u>(16,763)</u>	<u>513,500</u>	<u>(66,745)</u>
Total Revenues	<u>52,136</u>	<u>53,758</u>	<u>1,622</u>	<u>53,812</u>	<u>(54)</u>	<u>2,501,812</u>	<u>2,580,968</u>	<u>79,157</u>	<u>2,581,205</u>	<u>(237)</u>
Total Revenues and Other Financing Sources	<u>\$ 52,136</u>	<u>\$ 53,758</u>	<u>\$ 1,622</u>	<u>\$ 53,812</u>	<u>\$ (54)</u>	<u>\$ 2,501,812</u>	<u>\$ 2,580,968</u>	<u>\$ 79,157</u>	<u>\$ 3,386,019</u>	<u>\$ (805,051)</u>
Expenditures										
Watershed Management	\$ 76,108	\$ 118,508	\$ 42,400	\$ 101,380	\$ 17,128	\$ 1,164,157	\$ 1,337,696	\$ 173,538	\$ 1,550,712	\$ (213,016)
Total Expenditures	<u>76,108</u>	<u>118,508</u>	<u>42,400</u>	<u>101,380</u>	<u>17,128</u>	<u>1,164,157</u>	<u>1,337,696</u>	<u>173,538</u>	<u>1,550,712</u>	<u>(213,016)</u>
Other Financing Uses										
Transfers Out to Capital Improvements Program Fund	-	-	-	-	-	-	235,058	235,058	1,205,641	(970,583)
Transfers Out to General Fund	-	-	-	-	-	-	335,866	335,866	335,866	-
Transfer Out to Debt Service	-	-	-	-	-	296,300	293,800	(2,500)	293,800	-
Contribution to Fund Balance	-	-	-	-	-	-	-	-	-	-
Total Transfers	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>296,300</u>	<u>864,724</u>	<u>568,424</u>	<u>1,835,307</u>	<u>(970,583)</u>
Total Expenditures and Other Financing Uses	<u>\$ 76,108</u>	<u>\$ 118,508</u>	<u>\$ 42,400</u>	<u>\$ 101,380</u>	<u>\$ 17,128</u>	<u>\$ 1,460,457</u>	<u>\$ 2,202,420</u>	<u>\$ 741,962</u>	<u>\$ 3,386,019</u>	<u>\$ (1,183,599)</u>



Town of Bluffton
Budget and Actual - Capital Improvement Program Fund
For Period Ending June 30, 2024

	YTD Actual	Adopted Budget	Budget Amendments and Transfers	Revised Budget	Actual vs Budget Difference	Actual as % of Budget
Economic Development						
Buckwalter Place Multi-County Commerce Park Phase 2	\$ 277,334	\$ 3,327,940	\$ 176,480	\$ 3,504,420	\$ 3,227,086	7.9%
Total Economic Development	277,334	3,327,940	176,480	3,504,420	3,227,086	7.9%
Facilities						
Town Hall Improvements	235,113	250,000	50,000	300,000	64,887	78.4%
Squire Pope Carriage House	1,202,309	1,035,586	585,858	1,621,444	419,135	74.2%
Law Enforcement Center Facility Improvements	79,444	156,500	38,485	194,985	115,541	40.7%
Sarah Riley Hooks Cottage	96,885	345,217	19,215	364,432	267,547	26.6%
Total Facilities	1,613,751	1,787,303	693,558	2,480,861	867,110	65.0%
Housing						
Affordable Housing Project	76,829	1,708,672	(32,628)	1,676,044	1,599,215	4.6%
Total Housing	76,829	1,708,672	(32,628)	1,676,044	1,599,215	4.6%
Information Technology Infrastructure						
Community Safety Cameras Phase 6	21,236	68,500	-	68,500	47,264	31.0%
Network Improvements	119,407	130,000	9,971	139,971	20,564	85.3%
Document Management - Phase 2	-	290,000	(290,000)	-	-	N/A
Total Parks	140,643	488,500	(280,029)	208,471	67,828	67.5%
Land						
Land Acquisition	2,536,118	3,998,175	995,045	4,993,220	2,457,102	50.8%
Total Land	2,536,118	3,998,175	995,045	4,993,220	2,457,102	50.8%
Parks						
Park Improvements	328,697	354,700	145,438	500,138	171,441	65.7%
Oyster Factory Park	1,174,395	1,041,110	406,132	1,447,242	272,847	81.1%
Oscar Frazier Park	591,452	1,030,000	85,419	1,115,419	523,967	53.0%
New Riverside Park/Barn Site	3,827,182	4,880,693	1,095,323	5,976,016	2,148,834	64.0%
New River Trail	409,707	28,195	2,075,555	2,103,750	1,694,043	19.5%
New Riverside Village Park	235,543	288,000	-	288,000	52,457	81.8%
Public Art	269	-	100,000	100,000	99,731	0.3%
Total Parks	6,567,245	7,622,698	3,907,867	11,530,565	4,963,320	57.0%
Roads						
Historic District Streetscape and Drainage Improvements	126,130	378,121	282,250	660,371	534,241	19.1%
Calhoun Street Streetscape	51,383	447,837	229,680	677,517	626,134	7.6%
BIS Neighborhood Sidewalks & Lighting	62,110	-	186,263	186,263	124,153	0.0%
Goethe-Shultz Neighborhood Sidewalks & Lighting	8,094	-	297,500	297,500	289,406	2.7%
Wharf Street Lighting	-	185,750	58,810	244,560	244,560	0.0%
Boundary Street Lighting	21,179	-	44,403	44,403	23,224	47.7%
Boundary Street Streetscape	5,003	893,050	43,731	936,781	931,778	0.5%
Townwide Wayfinding Signage System	-	40,000	-	40,000	40,000	0.0%
Ghost Roads	8,757	376,000	12,177	388,177	379,420	2.3%
Total Roads	282,656	2,320,758	1,154,814	3,475,572	3,192,916	8.1%
Stormwater and Sewer						
Sewer Connections Policy	639,045	384,000	753,776	1,137,776	498,731	56.2%
Buck Island Sewer Phase 5	1,980,149	2,400,000	151,436	2,551,436	571,287	77.6%
Historic District Sewer Extension Phase 2	232,980	-	323,446	323,446	90,466	72.0%
Historic District Sewer Extension Phase 3	162,940	-	199,124	199,124	36,184	81.8%
Historic District Sewer Extension Phase 4	1,302	520,140	38,823	558,963	557,661	0.2%
Historic District Sewer Extension Phase 5	1,064	468,480	35,034	503,514	502,450	0.2%
Historic District Sewer Extension Phase 6	1,866	579,600	42,037	621,637	619,771	0.3%
Bridge Street Streetscape	91,934	110,490	565,927	676,417	584,483	13.6%
Comprehensive Drainage Plan Improvements	84,674	228,100	59,417	287,517	202,843	29.5%
May River Action Plan Impervious Restoration/Water Quality Project	84,741	459,000	-	459,000	374,259	18.5%
Stoney Crest Campground/Old Palmetto Bluff Rd	-	419,099	-	419,099	419,099	0.0%
Pritchard Street Drainage Improvements	41,854	1,442,706	9,990	1,452,696	1,410,842	2.9%
Total Stormwater and Sewer	3,322,549	7,011,615	2,179,010	9,190,625	5,868,076	36.2%
Total CIP Expenditures	\$ 14,817,125	\$ 28,265,661	\$ 8,794,117	\$ 37,059,778	\$ 22,242,653	40.0%



**Town of Bluffton
Actual Versus Budget
For Period Ending June 30, 2024**

Section X. Item #2.

	Month of June 2024					Year-to-Date thru August 28, 2024 (Accrual Period)				
	FY 2023	FY 2024	More/(Less)	Budget	Over / (Under)	FY 2023	FY 2024	More/(Less)	Budget	Over / (Under)
Revenues										
Property Taxes										
Real & Personal Property Tax (TIF)	\$ -	\$ 26,321	\$ 26,321	\$ -	\$ 26,321	\$ 3,522,344	\$ 4,191,952	\$ 669,609	\$ 3,196,680	\$ 995,272
GO Bond Debt Service Property Tax	-	8,325	8,325	-	8,325	412,207	523,719	111,512	384,160	139,559
Total Property Tax	-	34,646	34,646	-	34,646	3,934,551	4,715,671	781,120	3,580,840	1,134,831
Licenses & Permits										
Municipal Improvement District Fee	-	690	690	-	690	357,975	369,751	11,775	365,860	3,891
Interest Income										
	12,676	10,088	(2,588)	949	9,139	58,784	118,326	59,542	4,400	113,926
Miscellaneous Revenues										
Total Revenues	12,676	45,424	32,748	949	44,475	4,351,311	5,203,748	852,438	3,951,100	1,252,648
Other Financing Sources										
Transfers In	-	-	-	224,400	(224,400)	296,300	293,800	(2,500)	293,800	-
Total Other Financing Sources & Transfers In	-	-	-	224,400	(224,400)	296,300	293,800	(2,500)	293,800	-
Total Revenues and Other Financing Sources	\$ 12,676	\$ 45,424	\$ 32,748	\$ 225,349	\$ (179,925)	\$ 4,647,611	\$ 5,497,548	\$ 849,938	\$ 4,244,900	\$ 1,252,648
Expenditures										
Series 2014 TIF Bonds Debt Service										
Principal	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 851,304	\$ 873,554	\$ 22,250	\$ 873,554	\$ -
Interest	-	-	-	-	-	80,378	58,127	(22,251)	58,127	-
Series 2022 TIF Bonds Debt Service										
Principal	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 426,182	\$ 316,599	\$ (109,583)	\$ 316,599	\$ -
Interest	-	-	-	-	-	214,751	324,334	109,583	324,334	-
Series 2020 GO Bonds Debt Service										
Principal	-	-	-	-	-	230,000	245,000	15,000	245,000	-
Interest	-	-	-	-	-	145,800	134,300	(11,500)	134,300	-
Series 2020A GO Bonds Debt Service										
Principal	-	-	-	-	-	150,000	155,000	5,000	155,000	-
Interest	-	-	-	-	-	146,300	138,800	(7,500)	138,800	-
Miscellaneous										
Total Expenditures	-	-	-	-	-	2,244,715	2,245,714	1,000	2,245,764	(50)
Other Financing Uses										
Transfers Out to Capital Improvements Program Fund	-	-	-	-	-	1,842,782	1,179,058	(663,724)	5,657,460	(4,478,402)
Total Transfers	-	-	-	-	-	1,842,782	1,179,058	(663,724)	5,657,460	(4,478,402)
Total Expenditures and Other Financing Uses	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 4,087,497	\$ 3,424,772	\$ (662,725)	\$ 7,903,224	\$ (4,478,452)



**Town of Bluffton
Special Revenue Accounts
For Period Ending June 30, 2024**

Section X. Item #2.

	FY2024														Original	
	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	Period 13	YTD		Estimate
Revenues																
State Accommodations Tax	1,533	1,721	1,963	237,553	1,773	2,006	249,085	1,857	2,041	161,351	1,868	1,570	457,086	1,121,407	1,030,150	
Local Accommodations Tax	5,551	151,068	108,061	124,885	176,611	171,277	117,868	70,760	89,999	183,177	210,129	184,807	5,044	1,599,236	1,597,500	
Hospitality Tax	54,512	340,435	282,100	283,048	355,917	349,776	385,692	223,058	314,287	383,243	392,360	368,279	12,910	3,745,616	3,788,036	
Total Revenues	<u>61,596</u>	<u>493,224</u>	<u>392,124</u>	<u>645,486</u>	<u>534,301</u>	<u>523,059</u>	<u>752,644</u>	<u>295,675</u>	<u>406,327</u>	<u>727,771</u>	<u>604,357</u>	<u>554,656</u>	<u>475,040</u>	<u>6,466,260</u>	<u>6,415,686</u>	

	FY2023														Original	
	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	Period 13	YTD		Estimate
Revenues																
State Accommodations Tax	400	468	509	256,141	783	897	229,281	916	1,155	145,283	1,388	1,466	484,835	1,123,522	1,175,700	
Local Accommodations Tax	614	173,603	126,868	137,517	152,941	158,074	114,639	63,354	83,215	24,975	331,683	187,863	176,432	1,731,779	1,577,800	
Hospitality Tax	4,685	255,181	281,079	312,591	335,754	307,857	291,337	235,565	310,100	87,619	491,342	352,679	405,875	3,671,664	2,730,300	
Total Revenues	<u>5,699</u>	<u>429,252</u>	<u>408,456</u>	<u>706,249</u>	<u>489,478</u>	<u>466,828</u>	<u>635,257</u>	<u>299,835</u>	<u>394,471</u>	<u>257,876</u>	<u>824,412</u>	<u>542,009</u>	<u>1,067,142</u>	<u>6,526,964</u>	<u>5,483,800</u>	

	FY2024 VS FY2023 (more / (less))													
	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	Period 13	YTD
Revenues														
State Accommodations Tax	1,133	1,253	1,454	(18,588)	990	1,109	19,804	941	886	16,068	480	104	(27,749)	(2,116)
Local Accommodations Tax	4,937	(22,535)	(18,807)	(12,632)	23,670	13,203	3,229	7,406	6,784	158,202	(121,554)	(3,057)	(171,388)	(132,542)
Hospitality Tax	49,827	85,254	1,021	(29,543)	20,163	41,919	94,355	(12,507)	4,187	295,624	(98,982)	15,599	(392,965)	73,953
Total Revenues	<u>55,897</u>	<u>63,972</u>	<u>(16,332)</u>	<u>(60,763)</u>	<u>44,823</u>	<u>56,231</u>	<u>117,388</u>	<u>(4,160)</u>	<u>11,856</u>	<u>469,894</u>	<u>(220,055)</u>	<u>12,647</u>	<u>(592,102)</u>	<u>(60,705)</u>

Council Motion Recommendation

Consideration of an Ordinance Amending the Town of Bluffton Fiscal Year 2025 Budget to Provide for the Expenditures of Certain Funds; assign additional funds to the Capital Asset Reserve Fund; and to Allocate Sources of Revenue for the Said Funds to Carryover Unspent Expenditures and Encumbrances from the FY2024 Budget to the FY2025 Budget – Second & Final Reading

“I make a motion to approve the First Reading of an Ordinance Amending the Town of Bluffton Fiscal Year 2025 Budget to Provide for the Expenditures of Certain Funds; assign additional funds to the Capital Asset Reserve Fund; and to Allocate Sources of Revenue for the Said Funds to Carryover Unspent Expenditures and Encumbrances from the FY2024 Budget to the FY2025 Budget.”



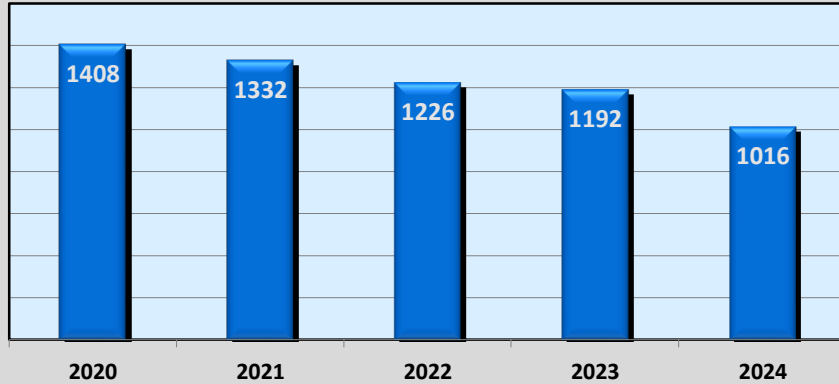
STATISTICAL INFORMATION

BLUFFTON POLICE DEPARTMENT

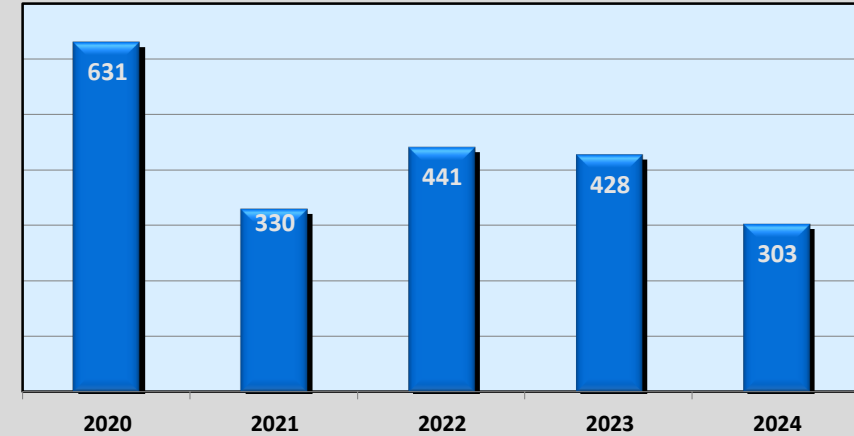
September 30, 2024

Presented by Chief Joseph Babkiewicz

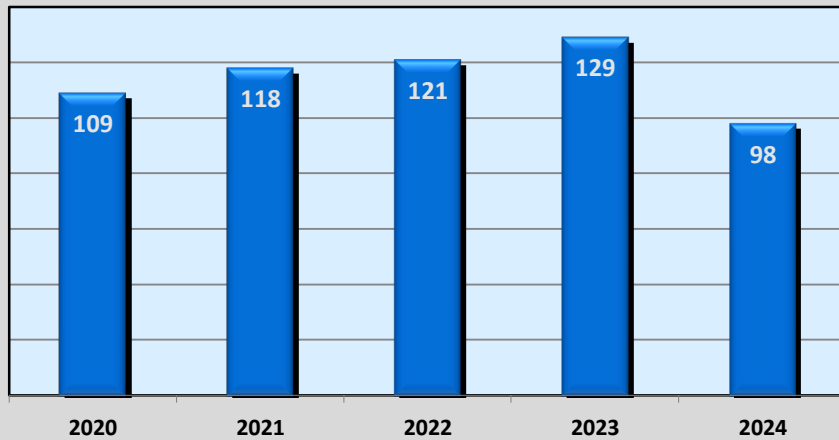
September Calls for Service Comparison



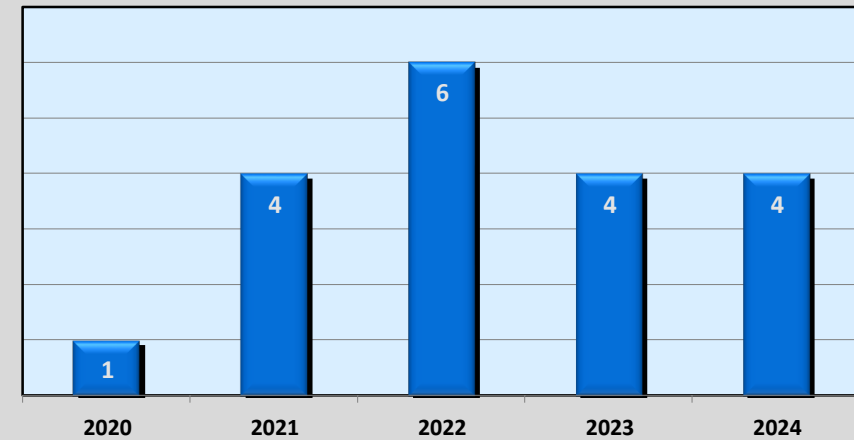
September Traffic Citation Comparison



September Collision Comparison

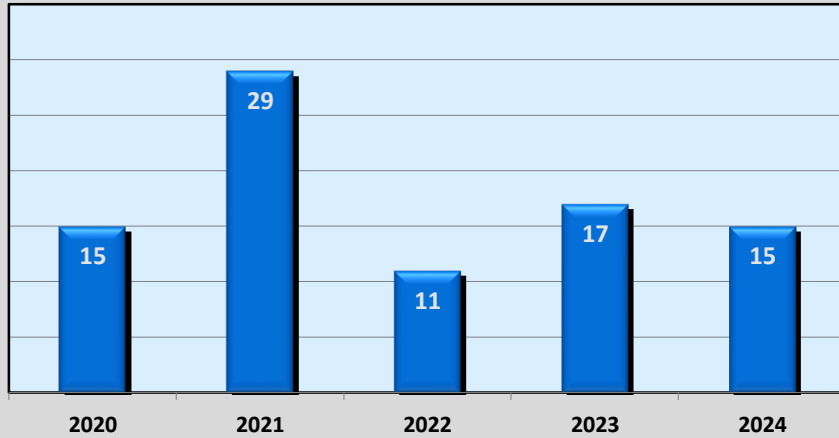


September Burglary Comparison

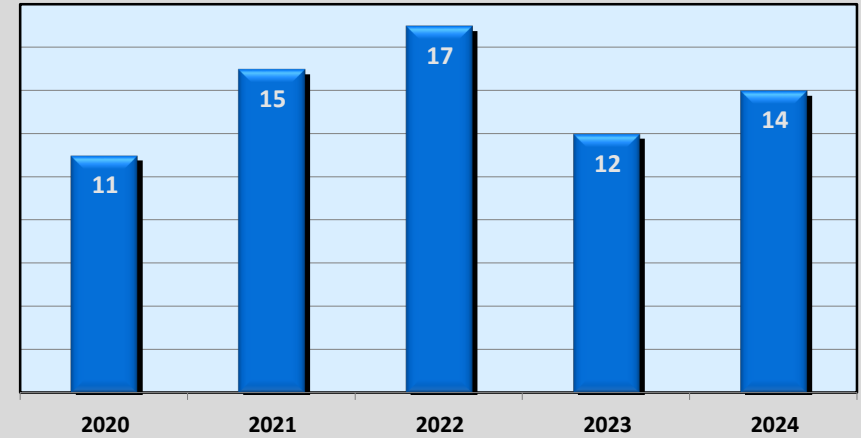


DEPARTMENT HIGHLIGHTS

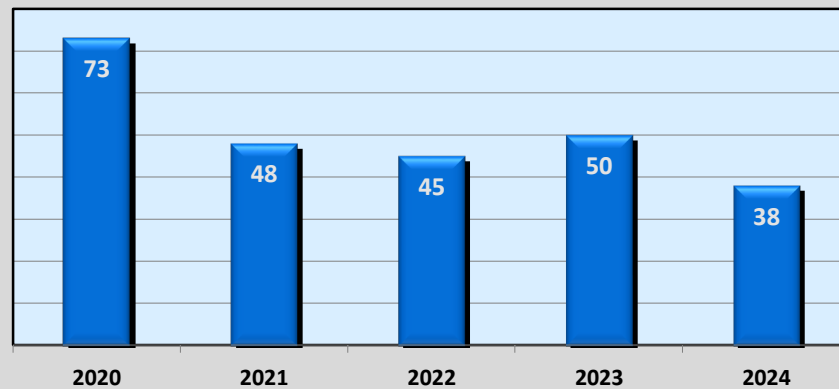
September Theft Comparison



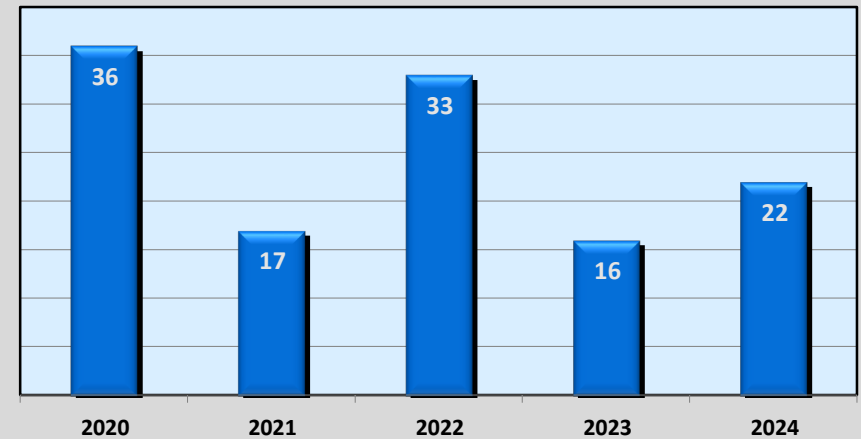
September Assault Comparison



September Domestic Calls for Service Comparison



September Arrest Comparison

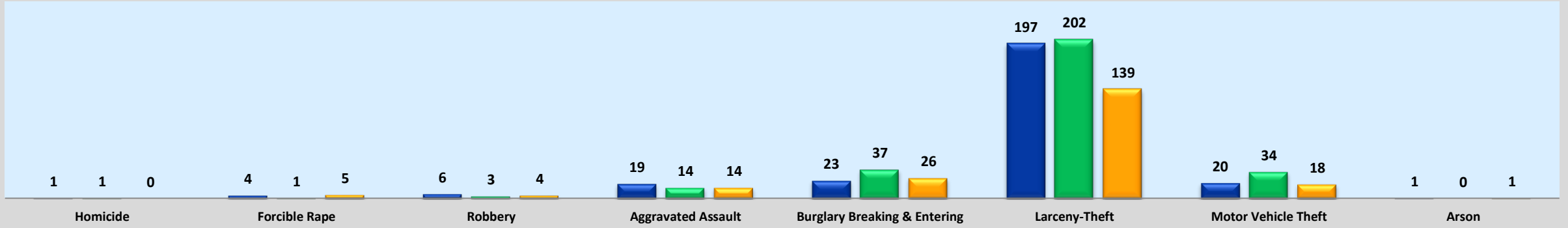


DEPARTMENT HIGHLIGHTS

Year-to-Date September

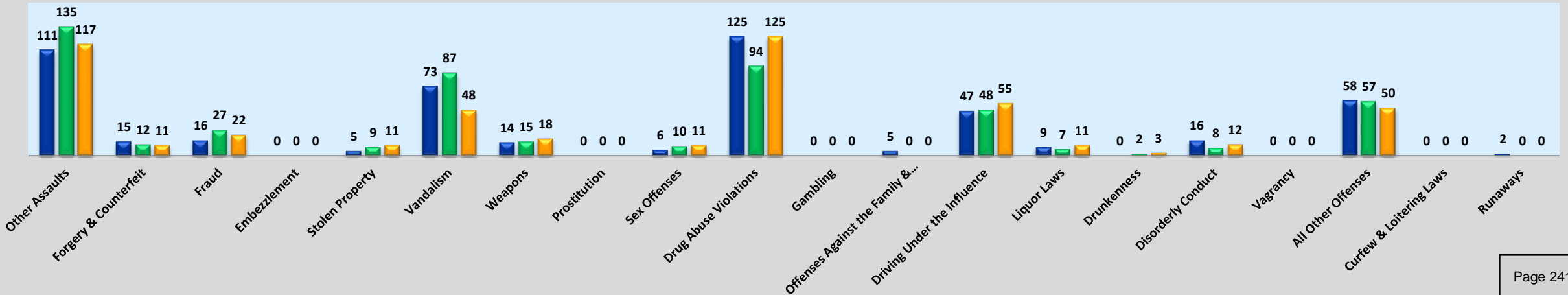
Part I Crimes

■ 2024 ■ 2023 ■ 2022



Part II Crimes

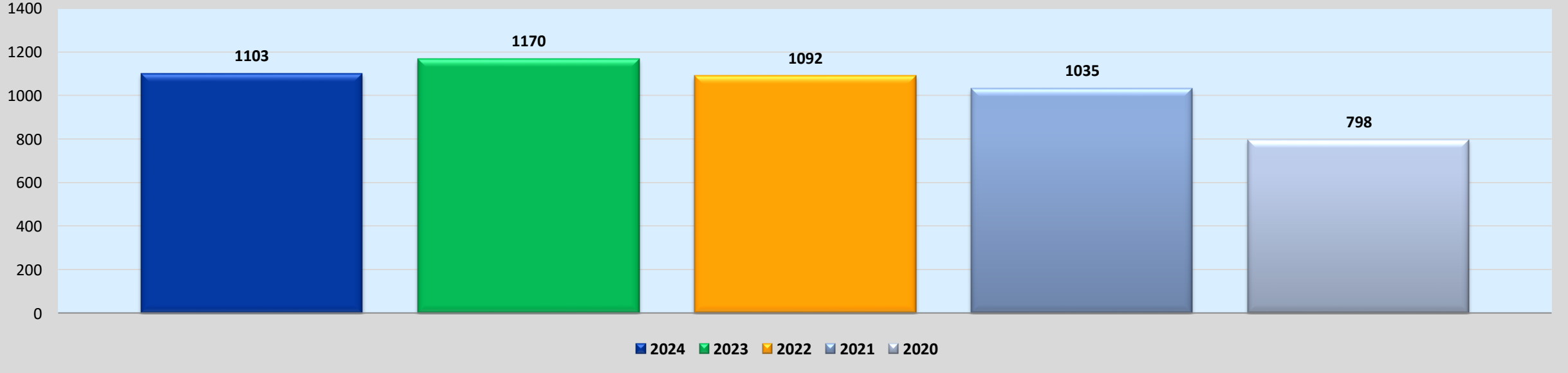
■ 2024 ■ 2023 ■ 2022



DEPARTMENT HIGHLIGHTS

Year-to-Date
September

Collisions



Law Enforcement Advisory Committee

- No meeting due to lack of quorum.

Meetings Attended by Chief Joseph Babkiewicz

Every Wednesday – Senior Staff Communications Meeting

Every Wednesday – Commanders Meeting

Every Friday – Men's Meeting @ Bible Missionary Baptist Church

Sep 3rd – Attend LECAC Discussion

Sep 3rd – Attend Candidate PAT Testing

Sep 3rd – Squire Pope Carriage House Tour

Sep 5th – Attend BPD & CCO Meeting

Sep 5th – Sergeant Promotion Ceremony

Sep 5th – Meeting with BC School District Dr. Rodriguez

Sep 5th – Meeting with Wright Directions Representative

Sep 9th – Attend Breakfast Meeting @ Eggsntricies

Sep 9th – Attend State Contract Pricing meeting

Sep 9th – Attend Project Manager Meeting

Sep 9th – Meeting with IT Director

Sep 9th – Attend Greenhouse Studios Grand Opening & Ribbon Cutting Ceremony

Sep 9th – Lieutenant Promotion Ceremony

Sep 10th – Command Staff Interview

Sep 10th – Meeting with Civilian

Sep 10th – Attend Bi-Weekly Legal meeting with Town Attorney

Sep 10th – Attend Town Council Meeting

Sep 11th – Attend 9/11 Ceremony @ Buckwalter Veterans Park

Sep 11th – Interview with WHHI TV

Meetings Attended by Chief Joseph Babkiewicz cont.

- Sep 12th** – Attend Town of Bluffton Inaugural Wellness Fair
- Sep 12th** – Lexipol Microsoft Teams Meeting
- Sep 12th** – Meritus Signature Homes Grand Opening & Ribbon Cutting Ceremony
- Sep 13th** – Attend Candidate PAT Testing
- Sep 13th** – Attend Comprehensive Facilities Study Presentation meeting
- Sep 13th** – Attend Chamber of Commerce Food Truck Event
- Sep 14th** – Attend DJ's Day of Giving @ Eagles Field
- Sep 15th** – Attend Campbell AME Community Day Event
- Sep 16th** – Attend September Wellness Committee meeting
- Sep 16th** – Attend Urban SDK Intro Google Meeting (Traffic Safety & Speeding)
- Sep 17th** – Meeting with Town Manager and Mayor
- Sep 17th** – Attend Flock Camera Installation
- Sep 17th** – Command Staff Meeting
- Sep 17th** – Corporals Meeting
- Sep 17th** – Sergeants Meeting
- Sep 18th** – Attend September Birthday & Anniversary Celebration
- Sep 18th** – Attend Sharp Performance Google Meeting
- Sep 19th** – Attend Biscuite and Jam Event
- Sep 19th** – Attend Custom Audio Video Ribbon Cutting Ceremony
- Sep 19th** – Cook out with Cops @ Lakes at New Riverside
- Sep 20th** – Attend AboutFace Skin Therapy Ribbon Cutting Ceremony
- Sep 21st** – Attend Annual SC Beach/River Sweep
- Sep 23rd** – Attend Project Manager meeting
- Sep 23rd** – Attend September Suicide Prevention Presentation

Meetings Attended by Chief Joseph Babkiewicz cont.

Sep 23rd – Attend Urban SDK Data Validation Discussion

Sep 23rd –Flock Kickoff Zoom meeting

Sep 23rd – Meeting with NAACP representatives

Sep 24th – Captains Testing Process

Sep 24th – Attend Bi-weekly Legal Meeting with Town Attorney

Sep 25th – NeoGov Training

Sep 25th – Recognition - Medal of Valor Award Presentation

Sep 26th – Meeting with LCAHY Representative

Sep 30th – FLOCK zoom meeting

Sep 30th – Attend CALEA Review Teams Meeting

Commendations -	Recognition Medal of Valor – Officer A. Young
Complaints -	None

Police Department Demographics as of September 30, 2024

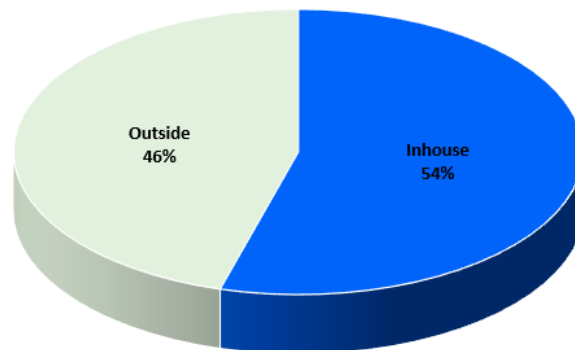
DEPARTMENT	Black	Hispanic	Other	White	Grand Total
Female	2	4	1	18	25
Male	6	5	3	35	49
Grand Total	8	9	4	53	74

SWORN OFFICERS	Black	Hispanic	Other	White	Grand Total
Female	1	1		10	12
Male	5	5	3	31	44
Grand Total	6	6	3	41	56

September Officer Training

In-House

- Pre-Academy Training - 3 Recruits
- Legal Update 2024 - Part 2
- Line-Up 2024 - September-October
- DUI/SFST Recertification
- SMD - Operator Recertification
- Special Skills Instructor
- 360 Situational Awareness - 1 Officer
- Advanced Defensive Driving Techniques - 1 Officer
- Bloodborne Pathogens - 1 Officer
- Crisis Intervention in Dealing with Mentally Ill Subjects - 28 Officers
- Crowd Control 3 - 1 Officer
- Defensive Driving Principles - 1 Officer
- Ethics in Law Enforcement - 13 Officers
- Hazmat First Responder Awareness (FRA) Level I - 2 Officers
- Interacting with the Mentally Ill as a First Responder - 36 Officers
- Professional Police Driving - 1 Officer
- Pursuit Driving Basics - 1 Officer
- Traffic Stops and Officer Safety - 1 Officer
- Use of Force - 25 Officers



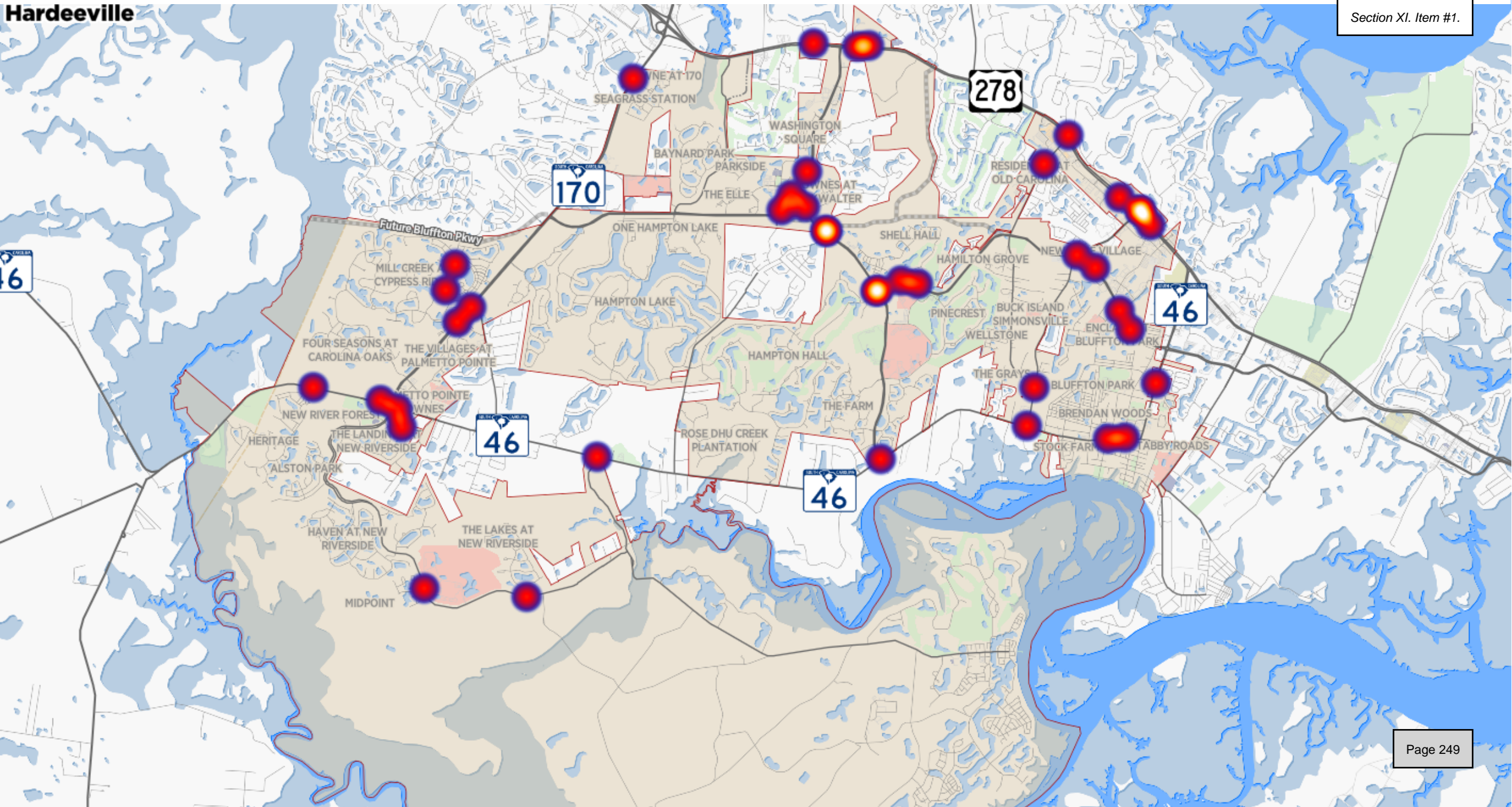
Outside

- Basic Law Enforcement Certification - 3 Officers
- TCI Phase III Reconstruction Refresher - 1 Officer
- K9 Handlers Course - 2 Officers

COLLISIONS (109) September 2024

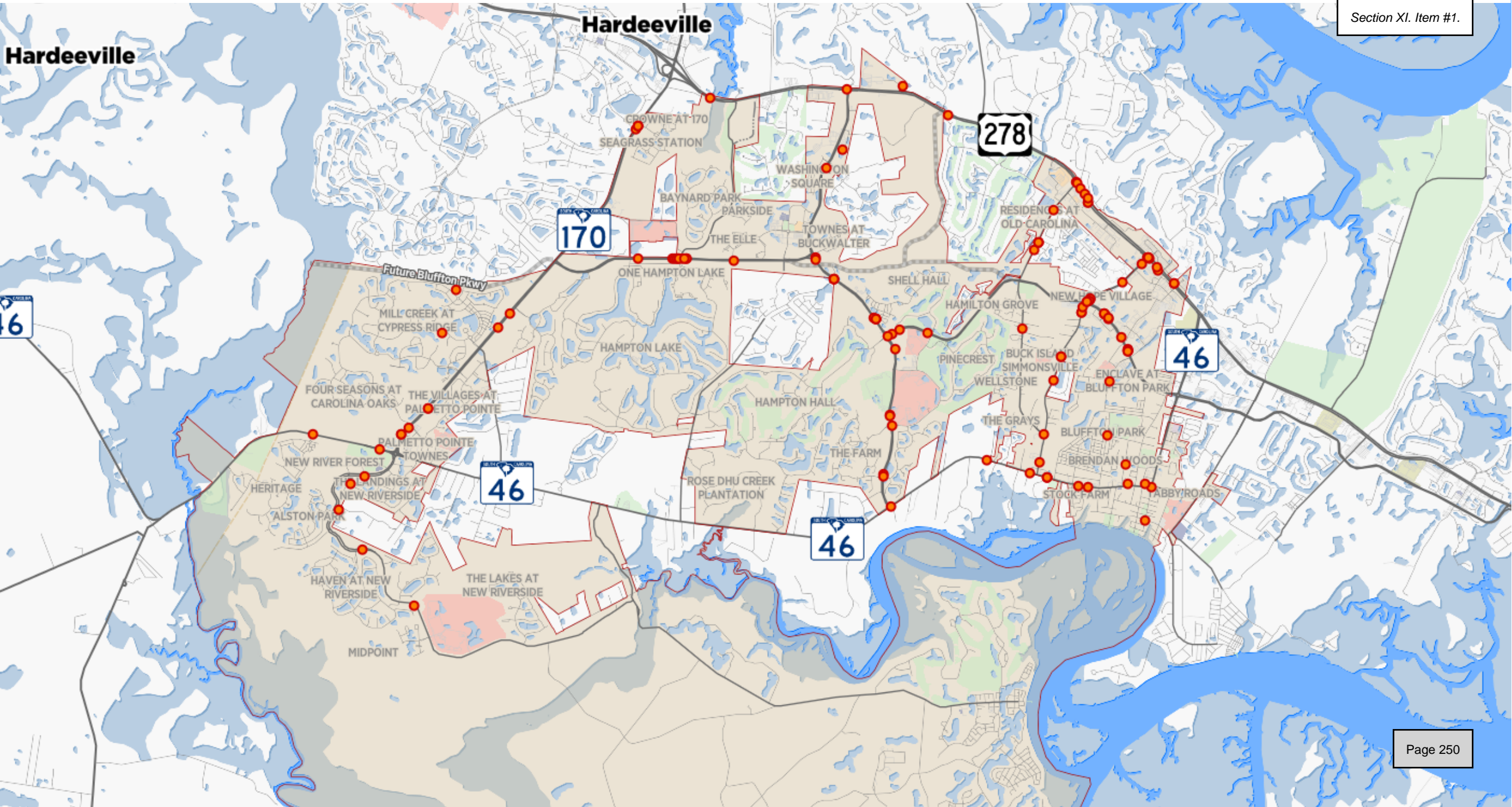
Hardeeville

Section XI. Item #1.



CITATIONS ISSUED (110) September 2024

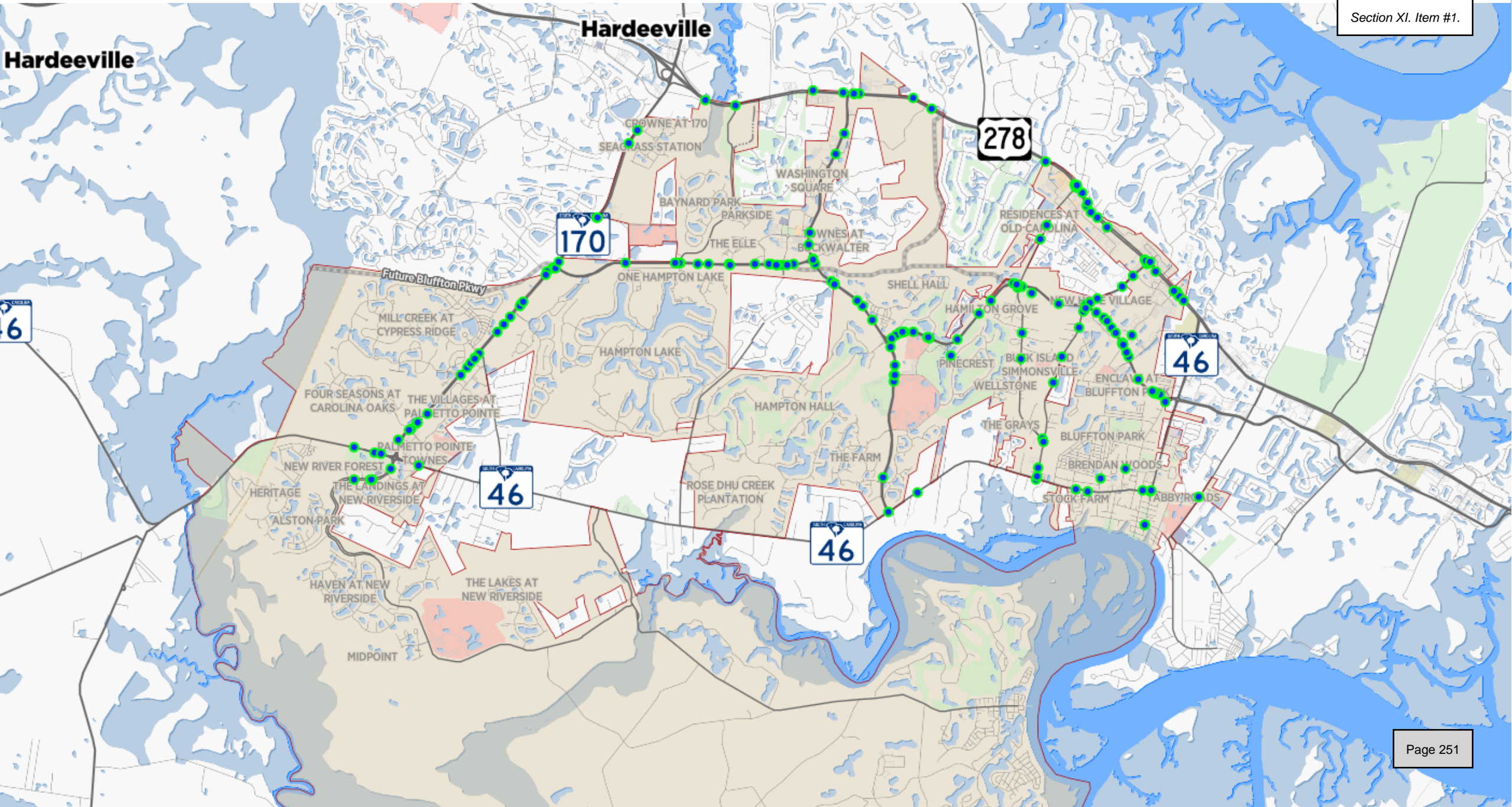
Section XI. Item #1.



Hardeeville

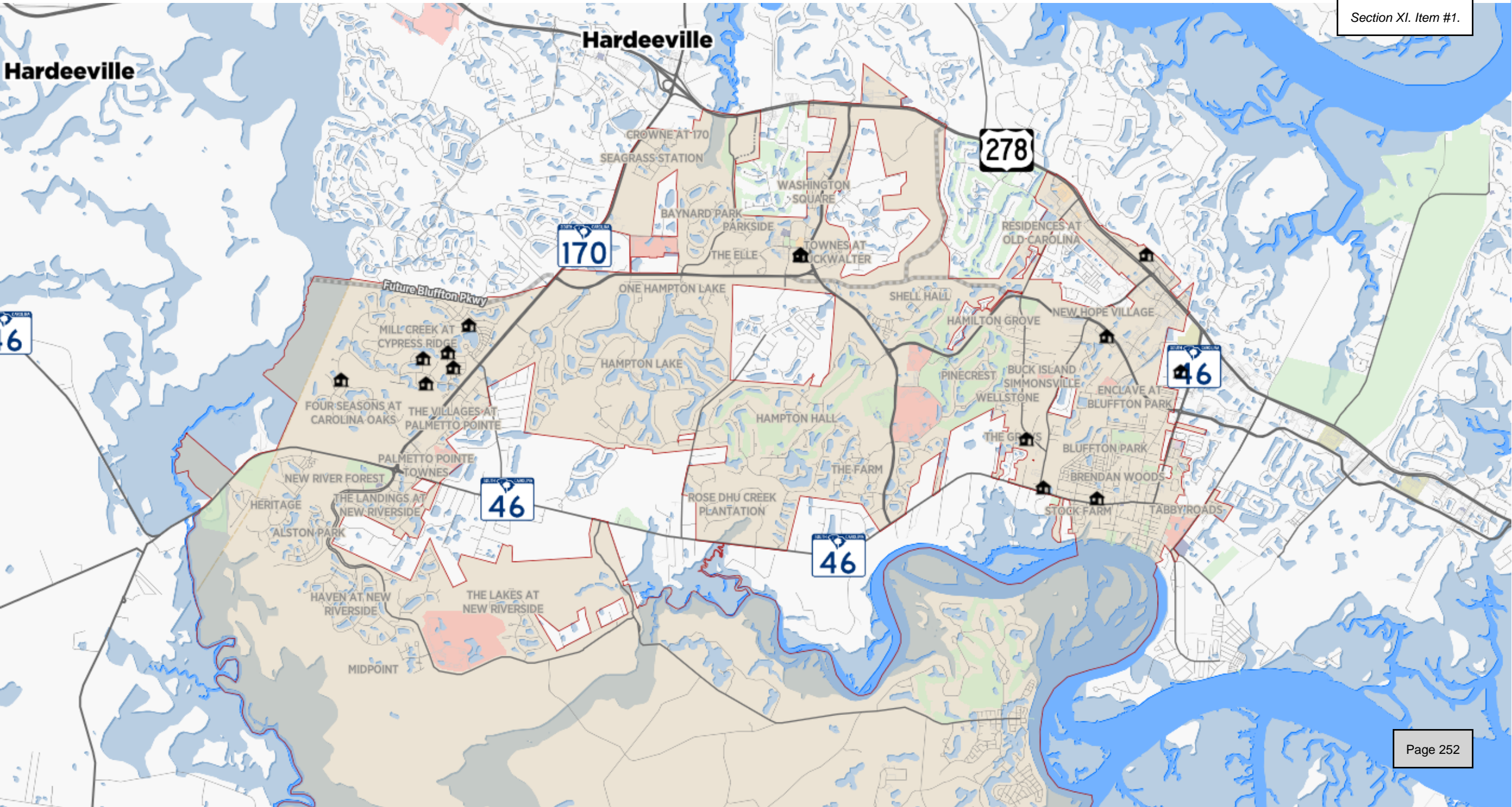
WARNINGS ISSUED (193) September 2024

Section XI. Item #1.



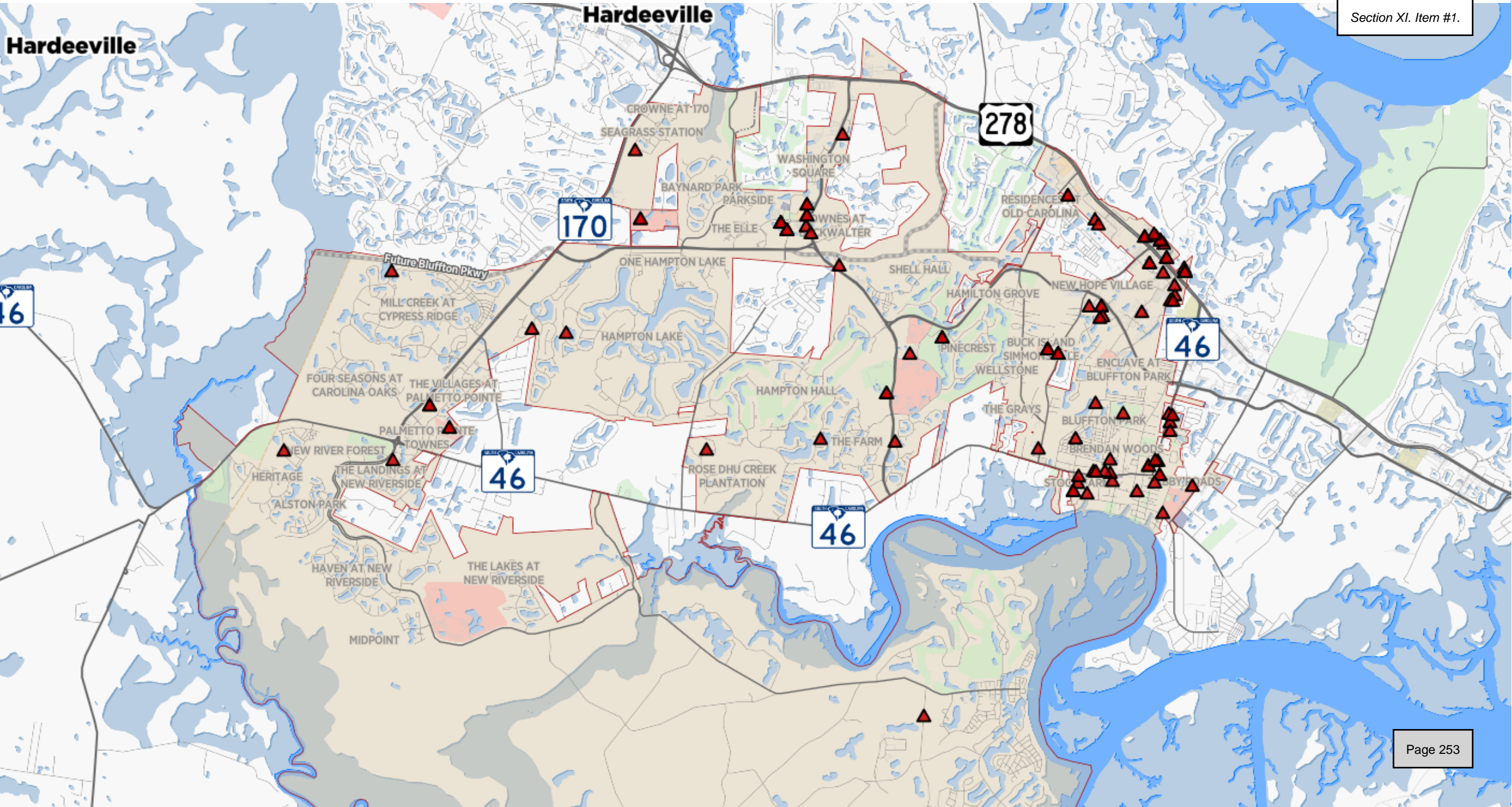
THEFTS (15) September 2024

Section XI. Item #1.



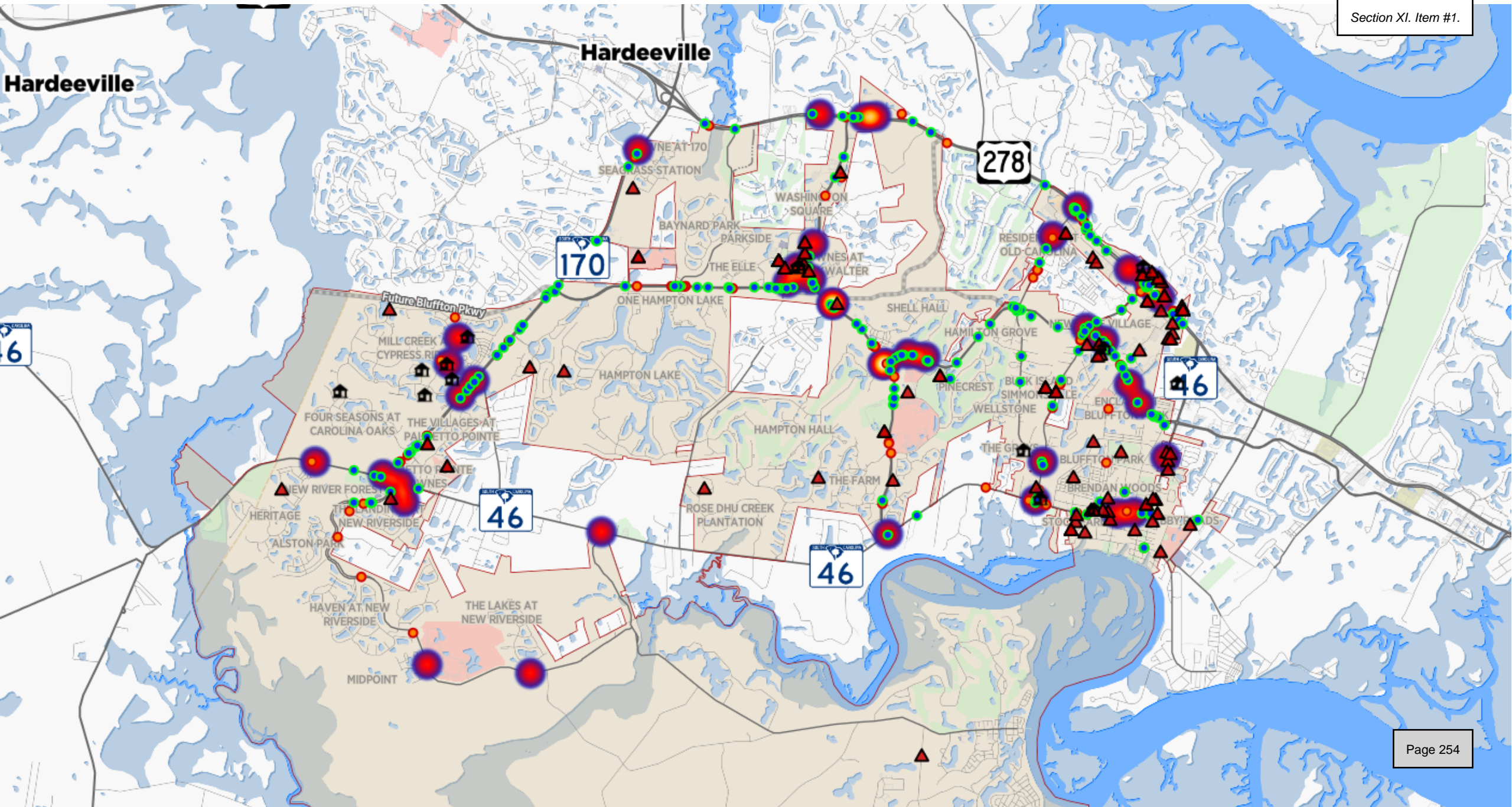
#1 CALL TYPE – Activated Alarms (115) September 2024

Section XI. Item #1.



COLLISIONS, CITATIONS, WARNINGS, THEFTS AND Activated Alarms – September 2024

Section XI. Item #1.



CALLS FOR SERVICE TOP 10 CALLS	
Case Follow Up	117
Activated Alarm	115
911 Hang-Up	105
Disturbance	87
Accident	54
Reckless Driving	41
Miscellaneous Calls	40
Domestic	34
Health Welfare	30
Fraud/Scam	30

TOTAL CALLS FOR SERVICE **1025**

AVERAGE PER DAY **41**

PRO-ACTIVE PATROLS	
Extra Patrol - Business	522
Extra Patrol - Residence	388
Traffic Stop	275
Traffic Enforcement	12

UNIFORM TRAFFIC CITATIONS TOP 10 VIOLATIONS	
Driving without a License	27
Driving Under Suspension	19
Operating Vehicle while License/Registration Expired	15
Possession of 28G (1oz) or Less of Marijuana	9
Speeding 15mph – 24mph over	6
Failure to Return License	5
Improper Vehicle License	4
Disregarding Stop Sign	3
Failure to Obey Traffic-Control Device	3
Uninsured Motor Vehicle	3

TOTAL CITATIONS ISSUED: 110
AVERAGE PER DAY: 4

UNIFORM TRAFFIC WARNINGS TOP 10 VIOLATIONS	
Defective Equipment	40
Speeding	38
Vehicle License Violation	35
Other	19
Speeding & more	12
Disregarding Stop Sign	9
Vehicle License Violation & more	6
Disregarding Traffic Signal	6
Improper Lane Use	6
Improper Lights	4

TOTAL WARNINGS ISSUED: 193
AVERAGE PER DAY: 8

CRIMINAL INVESTIGATIONS	
Cases Assigned	22
Incident Reports	4
Supplemental Reports	28
Cases Closed	19
Arrests Made	1
Arrest Warrants	3
Bond Court	7
Case Call Outs	2
Search Warrants	1

Case Call Outs:

1. 24BP21010/24S093848 – Murder
2. 24S101832 – Murder (Search Warrant)
3. 24BP21236 – Traffic crash fatality
4. 24BP24648 – Sexual Assault
5. 24BP23951 – Attempt Murder

Bond Court:

1. 24BP24335 – Unlawful Communication
2. 24BP25120 – Domestic Violence
3. 24BP23951 – Attempt Murder
4. 24BP23886 – Domestic Violence 2nd
5. 24BP24451 – Domestic Violence 2nd
6. 24BP23592 – Assault and Battery/Resisting Arrest
7. 24BP17620 – Assault and Battery 2nd/ Assault and Battery 3rd

Mental Health Advocate:

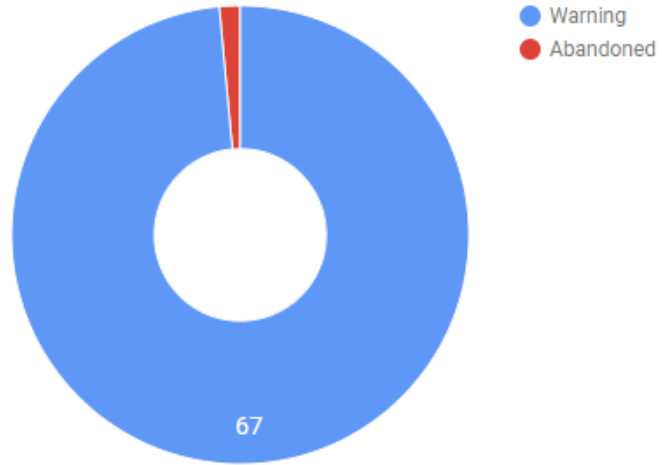
- 0 – Calls for Service
- 5 – Referrals
- 15 – Follow Ups
- 15 – Supplemental Reports

Victim Advocate:

- 0 – Case Call Out
- 1 – Incident Report
- 10 – Case Closed
- 3 – Bond Court
- 15 – Supplemental Reports

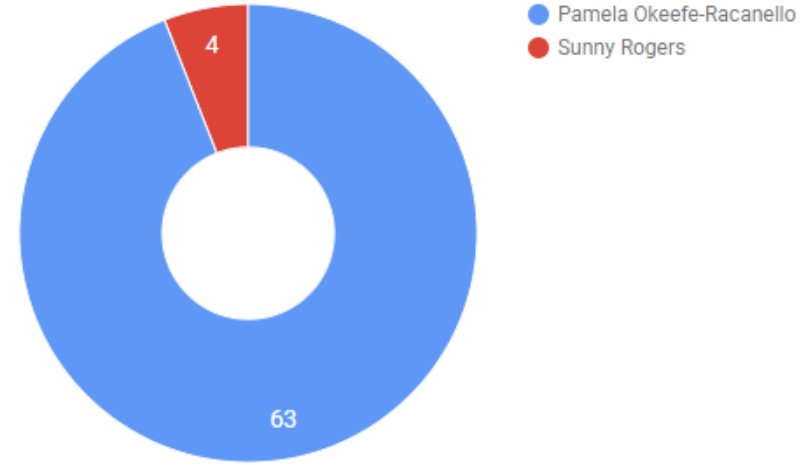
COMMUNITY SERVICE ASSISTANTS

Tickets By Status Last 30 Days



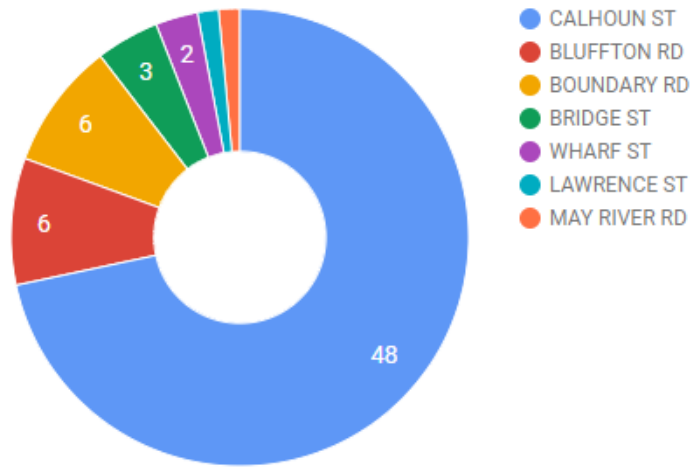
Total Count: 68 As of 9/25/2024, 12:00:00 AM

Tickets By Officer Last 30 Days



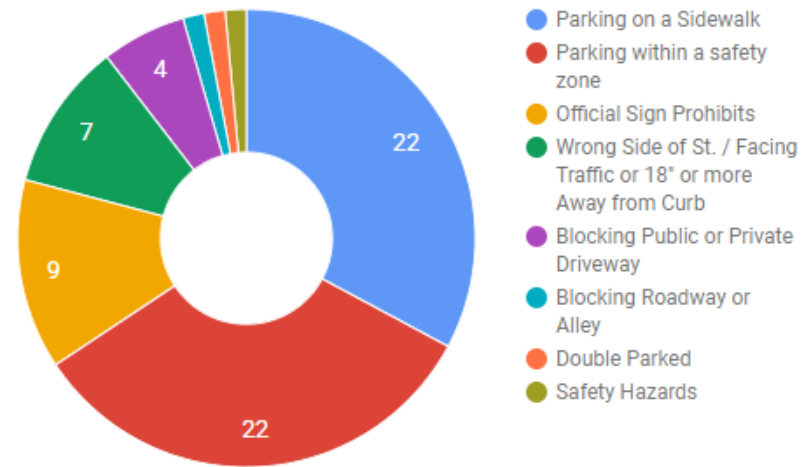
Total Count: 67 As of 9/25/2024, 12:00:00 AM

Tickets By Location Last 30 Days



Total Count: 67 As of 9/25/2024, 12:00:00 AM

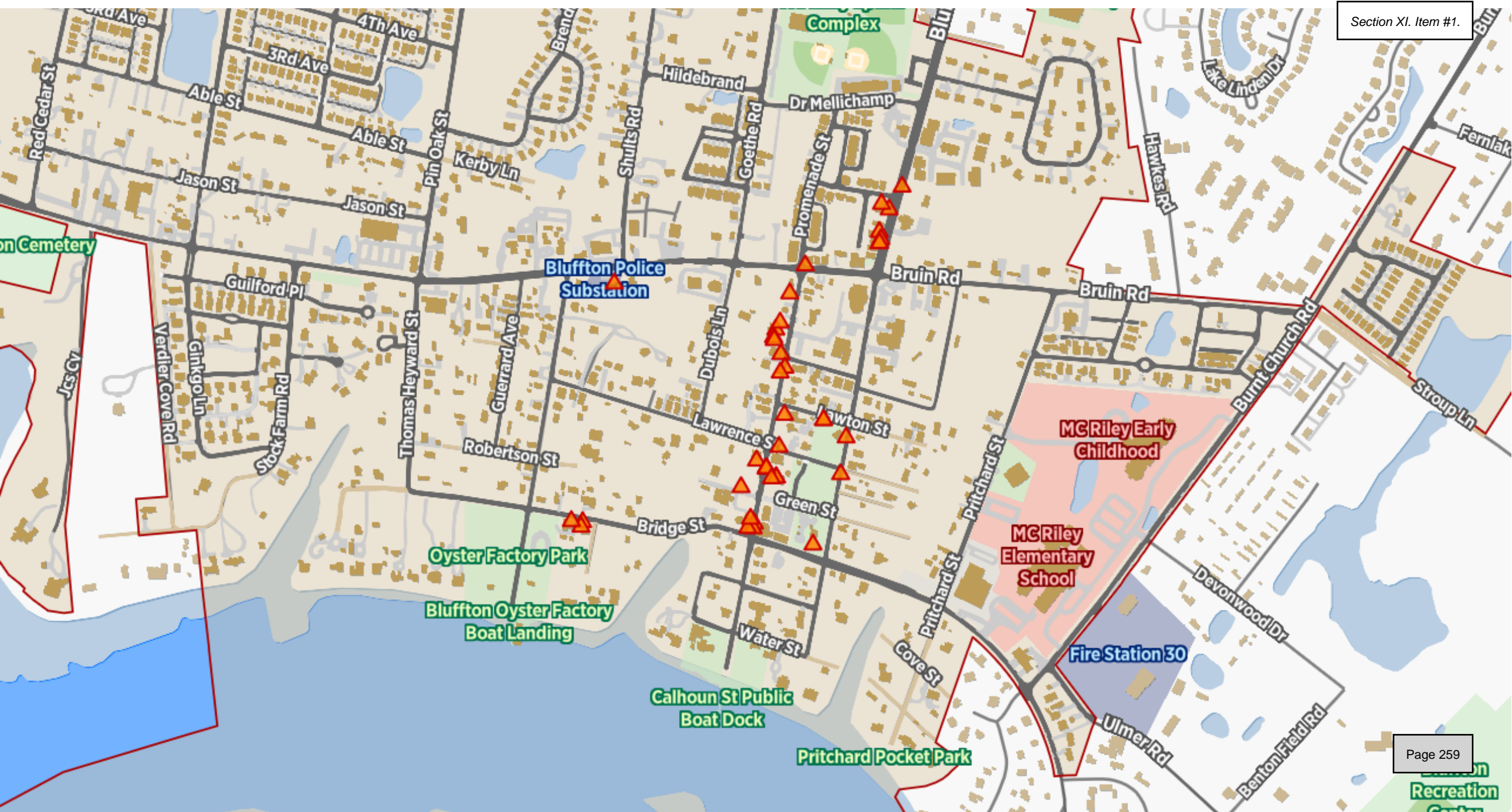
Tickets By Violation Last 30 Days



Total Count: 67 As of 9/25/2024, 12:00:00 AM

DOWNTOWN CITATIONS (67) – September 2024

Section XI. Item #1.



Code Enforcement:

William Bonhag

Signs

- Multiple Business advertisement signs removed from Old Town and various locations throughout Bluffton.
- *Presently working on mailing and delivering letters from codes for businesses that have been delinquent with their license renewals, a few hundred so far. Ongoing until completed. Working on HTAX & ATAX letters as well.

Complaints / Property Checks / Follow-ups / Ordinance Letters

- 1238 ,1240,1242 May River Road, working with this group as they are cleaning up these locations that have been longtime neglected. Status ongoing progress.
- 160 Simmonsville,158 & 156 Building Safety as we have several violations for this location. This is a Frazier property with occupants failing to leave is our understanding.
- Florence from Cypress ridge called in a complaint pertaining to a painting business at 2318 Blakers Blvd. Also, a commercial trailer for food at 2354 Blakers Blvd.
- Dan Frazier referred a dumpster be removed by Riverside animal hospital.

1238 May River Road

- August 20,2024 Court for 1238 May River Road for illegal dumping and running business from location with building materials need to be removed. Failed to appear. 8/20/24; 2 NOV's issued for compliance date of Monday 8/26/24, failure to comply shall result in 2 more Summons to be issued.

36 Gideon Way

- Notification via email from Sidney Holland TOB regarding this property concerning their additions w/o building permits and possible illegal sewer pumping above ground.
- Codes Team to visit on 9/24/24 at 2pm
- Visitation took place and denied access to backyard. Matter being handled by Marcus Noe.

218 Buck Island rd / owner Norberto Angeles

- August 7,2023 was another 30 days given deadline for clean-up of property and removal of all RV occupants in accordance with town codes. (non-compliant)
- The property is sold 6/6/24 to Norberto Angeles.
- All motor vehicles are off property.
- Mr. Todd is no longer residing on site.
- Major progress has been made with this property and will follow up soon w/ before and after photos as requested by Town Manager Stephen Steese.

Code Enforcement continued:

75 Goethe Road

- Residents complained about this location's abundance of tires, vehicles not registered on location and needs to be cleaned-up. Spoke to son Jonathan as he advised me that he will clean up this location. Indicated he is having his tire machines fixed to open back up his tire business, unfortunately, he does not fully comprehend that this area is zoned residential only and the town will not issue a license for this place. Vehicles covered at this time; scattered tires are being addressed.
- This will be placed on a must visit with Codes Team and PD; they have no business license; this is also a residential zone, and all commercial containers need to be removed.

131 Goethe Road

- Claudia Gomez Aguilar was issued letters pertaining to her blatant display of party chairs, tables, along with a possible construction business operating from this location. Tried to open communication with a male subject in the driveway in a work truck, advised him everything needs to be removed and cleaned up.
- Will be re visiting to deliver NOV as operating w/o a BL from this location, which is zoned Residential Only area.
- Pending issuance of summons.

218 Simmonsville Road

- 3/14/24 Due to several violations, this location was boarded up.
- Viewed the property from 220 Simmonsville Road noticed and took photo as backdoor board was removed for illegal entry.
- Vehicle on site w/o plates as of 3/25/24
- 5/15/24 second notice issued from Building Safety allocating 30 Days to repair all or demolish. 6/15/24 next step for a hearing in front of Building Board.
- This matter is pending actions by Building Safety upon receipt of property ownership email or contact by Mrs. Mitchell to Robert Cullen. Unfortunately, Mrs. Mitchell has passed, and this matter is on hold with Building Department.

73 Shults Road

- • Issued NOV for commercial dumpster and HVAC items dispersed amongst the area.
- • Met with Homeowners 9/13/24 and rectified matter for all items to be removed.

Attended Bike Bluffton Meeting

Attended BCSD Meeting with Superintendent of Schools

Participated in Command Staff Interview for new Police Applicant

Attended 9/11 Ceremony at Veterans Park

Attended Town of Bluffton Wellness Fair

Participated in Captain Promotional Process

Attended Greater Bluffton Chamber of Commerce Food Truck Event

Participated in Cookout with Cops at Lakes at New Riverside.

Attended Safe Assessment Teams Meeting regarding Municipal Court.

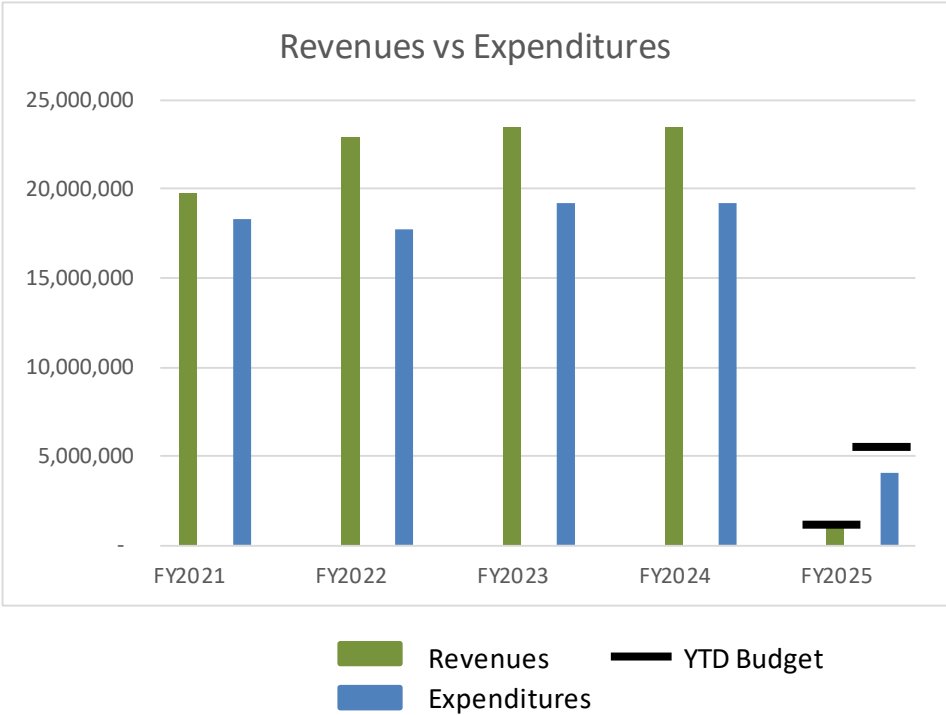
**TOWN COUNCIL
STAFF REPORT
Finance & Administration Department**



MEETING DATE:	October 08, 2024
PROJECT:	Consent Agenda: Year-to-date Financial Report
PROJECT MANAGER:	Natalie Majorkiewicz, CGFO, Director of Finance & Administration

General Fund Financial Overview:

The chart below shows the revenue collections and expenditures trend for the last four full years and FY2025 year-to-date (YTD) through August 2024. Revenues have been higher than expenditures for the last four full years.



FY2025 YTD through August shows General Fund revenues above the total budgeted amount. YTD August expenditures in total are tracking below the budgeted amounts.

FY25 General Fund Financial Overview

Revenues		Expenditures
\$1,272k	<i>YTD</i>	\$4,003k
101.5%	<i>% of Budget</i>	70.6%
\$1,254k	<i>YTD Budget</i>	\$5,667k

ATTACHMENTS:

1. General Fund
2. Stormwater Fund
3. Capital Improvement Program Fund
4. Debt Service Fund
5. Special Revenue Funds
6. Business License Statistics
7. Grant Index
8. Community Foundation of the Lowcountry Fund Balances



Town of Bluffton
Actual Versus Budget
For Period Ending August 31, 2024

Section XI. Item #1.

	Month of August 2024					Year-to-Date thru August 31, 2024				
	FY 2024	FY 2025	More/(Less)	Budget	Over / (Under)	FY 2024	FY 2025	More/(Less)	Budget	Over / (Under)
Revenues										
Property Taxes	\$ 88,301	\$ 156	\$ (88,145)	\$ 96,779	\$ (96,623)	\$ 88,301	\$ 156	\$ (88,145)	\$ 96,779	\$ (96,623)
Licenses & Permits										
Business Licenses	145,361	73,991	(71,370)	143,498	(69,507)	211,482	113,314	(98,168)	195,469	(82,155)
MASC Telecommunications	-	-	-	-	-	-	-	-	-	-
MASC Insurance Tax Collection	-	-	-	-	-	-	-	-	-	-
Franchise Fees	76,701	91,816	15,115	90,151	1,665	149,509	91,816	(57,693)	175,726	(83,910)
Building Safety Permits	226,731	321,434	94,703	138,089	183,345	477,041	527,003	49,962	309,452	217,551
Application Fees	7,115	5,655	(1,460)	6,220	(565)	12,240	13,055	815	10,700	2,355
Total Licenses & Permits	455,908	492,896	36,988	377,958	114,938	850,272	745,188	(105,084)	691,347	53,841
Grants and Entitlements	170,507	179,032	8,525	245,001	(65,969)	170,507	179,032	8,525	245,001	(65,969)
Intergovernmental	-	-	-	-	-	-	-	-	-	-
Service Revenues	64,766	25,264	(39,502)	62,551	(37,287)	117,388	90,847	(26,541)	98,115	(7,268)
Fines & Fees	12,279	8,893	(3,386)	11,926	(3,033)	22,867	16,959	(5,909)	22,144	(5,185)
Interest Income	34,704	30,411	(4,293)	45,551	(15,140)	65,668	59,325	(6,343)	86,192	(26,867)
Miscellaneous Revenues	9,045	134,546	125,501	8,531	126,015	15,212	181,459	166,247	14,335	167,124
Total Revenues	835,510	871,198	35,688	848,297	22,901	1,330,215	1,272,965	(57,250)	1,253,913	19,052
Other Financing Sources	-	-	-	-	-	-	-	-	-	-
Transfers In	-	-	-	-	-	-	-	-	-	-
Total Other Financing Sources & Transfers In	-	-	-	-	-	-	-	-	-	-
Total Revenues and Other Financing Sources	<u>\$ 835,510</u>	<u>\$ 871,198</u>	<u>\$ 35,688</u>	<u>\$ 848,297</u>	<u>\$ 22,901</u>	<u>\$ 1,330,215</u>	<u>\$ 1,272,965</u>	<u>\$ (57,250)</u>	<u>\$ 1,253,913</u>	<u>\$ 19,052</u>
Expenditures										
Town Council	\$ 10,384	\$ 10,802	\$ 418	\$ 14,703	\$ (3,901)	\$ 17,479	\$ 21,492	\$ 4,013	\$ 24,750	\$ (3,258)
Executive	135,471	166,552	31,081	187,802	(21,250)	191,082	265,870	74,788	264,895	975
Economic Development	41,785	45,700	3,915	52,656	(6,956)	100,745	106,228	5,483	126,954	(20,726)
Human Resources	46,555	48,672	2,117	64,867	(16,195)	59,883	81,314	21,431	83,437	(2,123)
Communications and Community Outreach	54,732	52,794	(1,938)	113,688	(60,894)	116,869	113,040	(3,829)	242,758	(129,718)
Police	866,321	1,070,606	204,285	1,275,301	(204,695)	1,309,929	1,496,018	186,089	1,958,714	(462,696)
Municipal Judges	9,958	6,363	(3,595)	14,363	(8,000)	15,662	14,909	(753)	22,590	(7,681)
Municipal Court	33,149	41,087	7,938	40,235	852	47,682	61,175	13,493	57,875	3,300
Finance	89,633	113,948	24,315	127,081	(13,133)	120,526	167,626	47,100	170,881	(3,255)
Information Technology	255,339	259,009	3,670	333,076	(74,067)	369,111	430,835	61,724	481,486	(50,651)
Customer Service	26,741	27,507	766	35,059	(7,552)	37,855	41,569	3,714	49,630	(8,061)
Planning & Community Development	194,205	151,297	(42,908)	269,106	(117,809)	329,498	242,332	(87,166)	456,579	(214,247)
Building Safety	84,818	86,449	1,631	108,909	(22,460)	112,719	131,369	18,650	144,735	(13,366)
Project Management	89,238	85,937	(3,301)	85,496	441	119,475	113,869	(5,606)	114,466	(597)
Public Works	195,228	221,925	26,697	292,965	(71,040)	275,673	333,663	57,990	413,684	(80,021)
Town Wide	159,692	198,508	38,816	230,720	(32,212)	729,336	381,795	(347,541)	1,053,732	(671,937)
Total Expenditures	2,293,249	2,587,156	293,907	3,246,027	(658,871)	3,953,524	4,003,104	49,580	5,667,166	(1,664,062)
Other Financing Uses										
Contribution to Fund Balance	-	-	-	-	-	-	-	-	-	-
Transfers Out to Capital Improvements Program Fund	-	-	-	-	-	-	-	-	-	-
Total Transfers	-	-	-	-	-	-	-	-	-	-
Total Expenditures and Other Financing Uses	<u>\$ 2,293,249</u>	<u>\$ 2,587,156</u>	<u>\$ 293,907</u>	<u>\$ 3,246,027</u>	<u>\$ (658,871)</u>	<u>\$ 3,953,524</u>	<u>\$ 4,003,104</u>	<u>\$ 49,580</u>	<u>\$ 5,667,166</u>	<u>\$ (1,664,062)</u>



Town of Bluffton
Actual Versus Budget
For Period Ending August 31, 2024

	Month of August 2024					Year-to-Date thru August 31, 2024				
	FY 2024	FY 2025	More/(Less)	Budget	Over / (Under)	FY 2024	FY 2025	More/(Less)	Budget	Over / (Under)
Revenues										
Stormwater Utility Fee	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Licenses & Permits										
NPDES Plan Review Fee	6,725	8,250	1,525	5,474	2,776	13,275	14,400	1,125	10,806	3,594
NPDES Inspection Fee	31,200	29,050	(2,150)	16,098	12,952	57,700	41,200	(16,500)	29,771	11,429
Total Licenses & Permits	<u>37,925</u>	<u>37,300</u>	<u>(625)</u>	<u>21,572</u>	<u>15,728</u>	<u>70,975</u>	<u>55,600</u>	<u>(15,375)</u>	<u>40,577</u>	<u>15,023</u>
Total Revenues	<u>37,925</u>	<u>37,300</u>	<u>(625)</u>	<u>21,572</u>	<u>15,728</u>	<u>70,975</u>	<u>55,600</u>	<u>(15,375)</u>	<u>40,577</u>	<u>15,023</u>
Total Revenues and Other Financing Sources	<u>\$ 37,925</u>	<u>\$ 37,300</u>	<u>\$ (625)</u>	<u>\$ 21,572</u>	<u>\$ 15,728</u>	<u>\$ 70,975</u>	<u>\$ 55,600</u>	<u>\$ (15,375)</u>	<u>\$ 40,577</u>	<u>\$ 15,023</u>
Expenditures										
Watershed Management	\$ 129,015	\$ 132,535	\$ 3,520	\$ 275,703	\$ (143,168)	\$ 172,419	\$ 203,398	\$ 30,979	\$ 368,456	\$ (165,058)
Total Expenditures	<u>129,015</u>	<u>132,535</u>	<u>3,520</u>	<u>275,703</u>	<u>(143,168)</u>	<u>172,419</u>	<u>203,398</u>	<u>30,979</u>	<u>368,456</u>	<u>(165,058)</u>
Other Financing Uses										
Transfers Out to Capital Improvements Program Fund	-	-	-	-	-	-	-	-	-	-
Transfers Out to General Fund	-	-	-	-	-	-	-	-	-	-
Transfer Out to Debt Service	-	-	-	-	-	-	-	-	-	-
Contribution to Fund Balance	-	-	-	-	-	-	-	-	-	-
Total Transfers	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>
Total Expenditures and Other Financing Uses	<u>\$ 129,015</u>	<u>\$ 132,535</u>	<u>\$ 3,520</u>	<u>\$ 275,703</u>	<u>\$ (143,168)</u>	<u>\$ 172,419</u>	<u>\$ 203,398</u>	<u>\$ 30,979</u>	<u>\$ 368,456</u>	<u>\$ (165,058)</u>



Town of Bluffton
Budget and Actual - Capital Improvement Program Fund
For Period Ending August 31, 2024

	YTD Actual	Adopted Budget	Budget Amendments and Transfers	Revised Budget	Actual vs Budget Difference	Actual as % of Budget
Economic Development						
Buckwalter Place Multi-County Commerce Park Phase 2	\$ 23,517	\$ 3,204,420	\$ -	\$ 3,204,420	\$ 3,180,903	0.7%
Total Economic Development	23,517	3,204,420	-	3,204,420	3,180,903	0.7%
Facilities						
Town Hall Improvements	5,051	-	-	-	(5,051)	N/A
Squire Pope Carriage House	67,075	615,000	-	615,000	547,925	10.9%
Law Enforcement Center Facility Improvements	-	405,000	-	405,000	405,000	0.0%
Sarah Riley Hooks Cottage	9,035	1,411,432	-	1,411,432	1,402,397	0.6%
Town Facilities ADA Compliance Plan - NEW	-	100,000	-	100,000	100,000	0.0%
Total Facilities	81,161	2,531,432	-	2,531,432	2,450,271	3.2%
Housing						
Affordable Housing Project	6,040	1,478,480	-	1,478,480	1,472,440	0.4%
Total Housing	6,040	1,478,480	-	1,478,480	1,472,440	0.4%
Information Technology Infrastructure						
Community Safety Cameras Phase 6	5,737	195,000	-	195,000	189,263	2.9%
Network Improvements	85,688	241,000	-	241,000	155,312	35.6%
Total Parks	91,425	436,000	-	436,000	344,575	21.0%
Land						
Land Acquisition	5,892	2,959,387	-	2,959,387	2,953,495	0.2%
Total Land	5,892	2,959,387	-	2,959,387	2,953,495	0.2%
Parks						
Park Improvements	27,542	236,228	-	236,228	208,686	11.7%
Oyster Factory Park	14,768	433,048	-	433,048	418,280	3.4%
Oscar Frazier Park	70,932	112,000	-	112,000	41,068	63.3%
New Riverside Park/Barn Site	2,381,858	7,335,254	-	7,335,254	4,953,396	32.5%
New River Trail	30,367	2,460,430	-	2,460,430	2,430,063	1.2%
Buckwalter Place Park Improvements	12,846	774,190	-	774,190	761,344	1.7%
Public Art	6,750	200,000	-	200,000	193,250	3.4%
Total Parks	2,545,063	11,551,150	-	11,551,150	9,006,087	22.0%
Roads						
Pathway Pedestrian Safety Improvements	10,178	532,418	-	532,418	522,240	1.9%
Calhoun Street Streetscape	5,022	434,008	-	434,008	428,986	1.2%
Boundary Street Streetscape	-	1,887,675	-	1,887,675	1,887,675	0.0%
Townwide Wayfinding Signage System	-	65,000	-	65,000	65,000	0.0%
Historic District Overhead Power Conversion	-	74,000	-	74,000	74,000	0.0%
Ghost Roads	42	377,412	-	377,412	377,370	0.0%
Total Roads	15,242	3,370,513	-	3,370,513	3,355,271	0.5%
Stormwater and Sewer						
Sewer Connections Policy	890	498,730	-	498,730	497,840	0.2%
Buck Island Sewer Phase 5	689	-	-	-	(689)	N/A
Historic District Sewer Extension Phase 4	230	575,760	-	575,760	575,530	0.0%
Historic District Sewer Extension Phase 5	-	523,920	-	523,920	523,920	0.0%
Historic District Sewer Extension Phase 6	-	646,200	-	646,200	646,200	0.0%
Bridge Street Streetscape	46,247	1,162,969	-	1,162,969	1,116,722	4.0%
Comprehensive Drainage Plan Improvements	14,710	676,400	-	676,400	661,690	2.2%
May River Action Plan Impervious Restoration/Water Quality Project	15,300	220,634	-	220,634	205,334	6.9%
Stoney Crest Campground/Old Palmetto Bluff Rd	175	1,100,000	-	1,100,000	1,099,825	0.0%
Pritchard Street Drainage Improvements	-	1,742,231	-	1,742,231	1,742,231	0.0%
Shults Road Drainage Improvements	-	272,888	-	272,888	272,888	0.0%
Total Stormwater and Sewer	78,241	7,419,732	-	7,419,732	7,341,491	1.1%
Total CIP Expenditures	\$ 2,846,581	\$ 32,951,114	\$ -	\$ 32,951,114	\$ 30,104,533	8.6%



**Town of Bluffton
Actual Versus Budget
For Period Ending August 31, 2024**

Section XI. Item #1.

	Month of August 2024					Year-to-Date thru August 31, 2024				
	FY 2024	FY 2025	More/(Less)	Budget	Over / (Under)	FY 2024	FY 2025	More/(Less)	Budget	Over / (Under)
Revenues										
Property Taxes										
Real & Personal Property Tax (TIF)	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
GO Bond Debt Service Property Tax	4,079	-	(4,079)	4,350	(4,350)	4,079	-	(4,079)	4,350	(4,350)
Total Property Tax	4,079	-	(4,079)	4,350	(4,350)	4,079	-	(4,079)	4,350	(4,350)
Licenses & Permits										
Municipal Improvement District Fee	-	-	-	-	-	-	-	-	-	-
Interest Income										
	10,579	11,348	769	4,499	6,849	20,498	21,782	1,284	8,717	13,065
Miscellaneous Revenues										
Total Revenues	14,658	11,348	(3,310)	8,849	2,499	24,577	21,782	(2,795)	13,068	8,714
Other Financing Sources										
Transfers In	-	-	-	-	-	-	-	-	-	-
Total Other Financing Sources & Transfers In	-	-	-	-	-	-	-	-	-	-
Total Revenues and Other Financing Sources	\$ 14,658	\$ 11,348	\$ (3,310)	\$ 8,849	\$ 2,499	\$ 24,577	\$ 21,782	\$ (2,795)	\$ 13,068	\$ 8,714
Expenditures										
Series 2014 TIF Bonds Debt Service										
Principal	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Interest	-	-	-	-	-	-	-	-	-	-
Series 2022 TIF Bonds Debt Service										
Principal	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Interest	-	-	-	-	-	-	-	-	-	-
Series 2020 GO Bonds Debt Service										
Principal	-	-	-	-	-	-	-	-	-	-
Interest	67,150	61,025	(6,125)	56,212	4,813	67,150	61,025	(6,125)	56,212	4,813
Series 2020A GO Bonds Debt Service										
Principal	-	-	-	-	-	-	-	-	-	-
Interest	-	-	-	-	-	-	-	-	-	-
Miscellaneous										
Total Expenditures	67,150	61,025	(6,125)	56,212	4,813	67,150	61,025	(6,125)	56,212	4,813
Other Financing Uses										
Transfers Out to Capital Improvements Program Fund	-	-	-	-	-	-	-	-	-	-
Total Transfers	-	-	-	-	-	-	-	-	-	-
Total Expenditures and Other Financing Uses	\$ 67,150	\$ 61,025	\$ (6,125)	\$ 56,212	\$ 4,813	\$ 67,150	\$ 61,025	\$ (6,125)	\$ 56,212	\$ 4,813



Town of Bluffton
Special Revenue Accounts
For Period Ending August 31, 2024

	FY2025												Original Estimate		
	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	Period 13	YTD	
Revenues															
State Accommodations Tax	1,571	1,830												3,401	1,022,605
Local Accommodations Tax	2,700	60,640												63,340	1,342,930
Hospitality Tax	8,468	281,963												290,431	4,140,747
Total Revenues	12,739	344,433	-	-	-	-	-	-	-	-	-	-	-	357,172	6,506,282

	FY2024												Original Estimate		
	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	Period 13	YTD	
Revenues															
State Accommodations Tax	1,533	1,721	1,963	237,553	1,773	2,006	249,085	1,857	2,041	161,350	1,868	1,570	457,086	1,121,406	1,030,150
Local Accommodations Tax	5,551	152,136	108,061	124,885	176,611	171,277	117,868	70,760	89,999	183,177	210,129	186,173	269,837	1,866,464	1,597,500
Hospitality Tax	54,512	340,435	282,100	283,048	355,917	349,776	385,693	223,058	314,287	383,243	392,360	423,103	345,958	4,133,490	3,788,036
Total Revenues	61,596	494,292	392,124	645,486	534,301	523,059	752,646	295,675	406,327	727,770	604,357	610,846	1,072,881	7,121,360	6,415,686

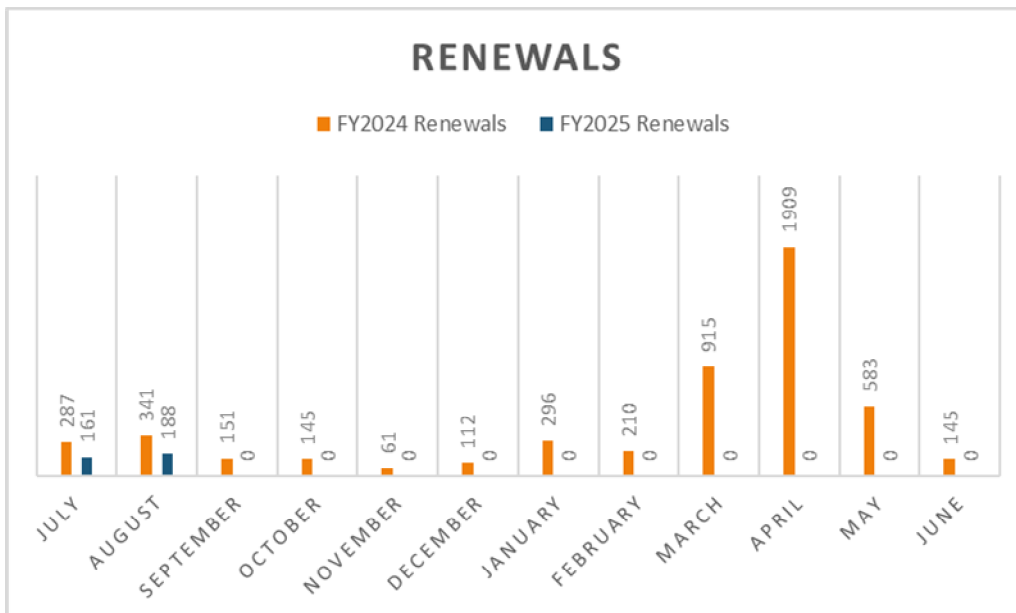
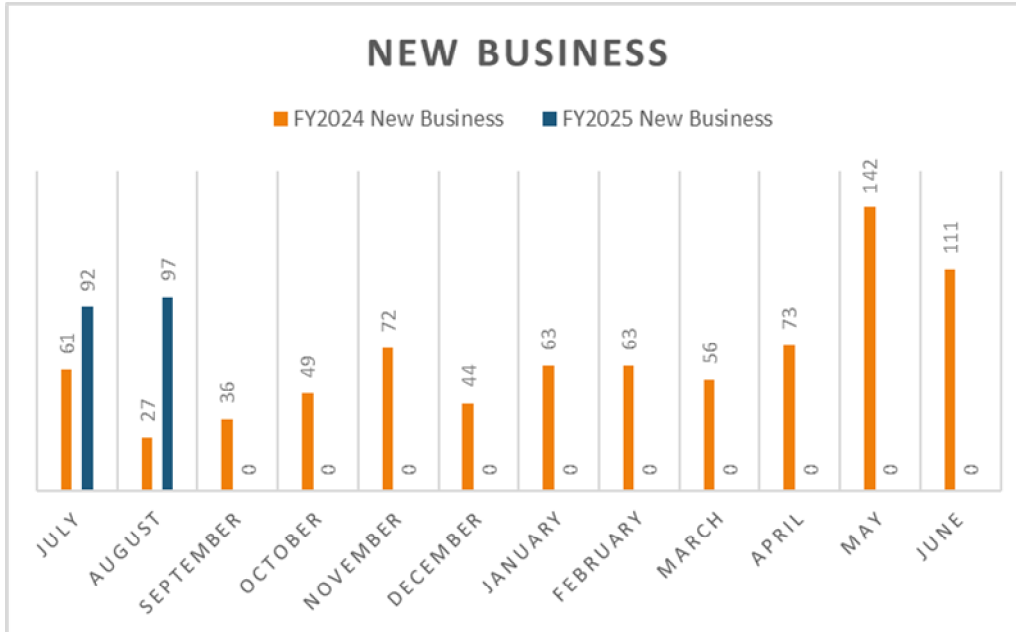
	FY2025 VS FY2024 (more / (less))														
	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	Period 13	YTD	
Revenues															
State Accommodations Tax	38	109												(1,118,005)	
Local Accommodations Tax	(2,851)	(91,496)												(1,803,124)	
Hospitality Tax	(46,044)	(58,472)												(3,843,059)	
Total Revenues	(48,857)	(149,859)	-	-	-	-	-	-	-	-	-	-	-	(6,764,188)	

	FY2023												Original Estimate		
	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	Period 13	YTD	
Revenues															
State Accommodations Tax	400	468	509	256,141	783	897	229,281	916	1,155	145,283	1,388	1,466	484,835	1,123,522	1,175,700
Local Accommodations Tax	614	173,603	126,868	137,517	152,941	158,074	114,639	63,354	83,215	24,975	331,683	187,863	176,432	1,731,779	1,577,800
Hospitality Tax	4,685	255,181	281,079	312,591	335,754	307,857	291,337	235,565	310,100	87,619	491,342	352,679	405,875	3,671,664	2,730,300
Total Revenues	5,699	429,252	408,456	706,249	489,478	466,828	635,257	299,835	394,471	257,876	824,412	542,009	1,067,142	6,526,964	5,483,800

	FY2024 VS FY2023 (more / (less))														
	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	Period 13	YTD	
Revenues															
State Accommodations Tax	1,133	1,253	1,454	(18,588)	990	1,109	19,804	941	886	16,067	480	104	(27,749)	(2,116)	
Local Accommodations Tax	4,937	(21,467)	(18,807)	(12,632)	23,670	13,203	3,229	7,406	6,784	158,202	(121,554)	(1,690)	93,405	134,685	
Hospitality Tax	49,827	85,254	1,021	(29,543)	20,163	41,919	94,356	(12,507)	4,187	295,624	(98,982)	70,424	(59,917)	461,826	
Total Revenues	55,897	65,040	(16,332)	(60,763)	44,823	56,231	117,389	(4,160)	11,856	469,894	(220,055)	68,837	5,739	594,396	

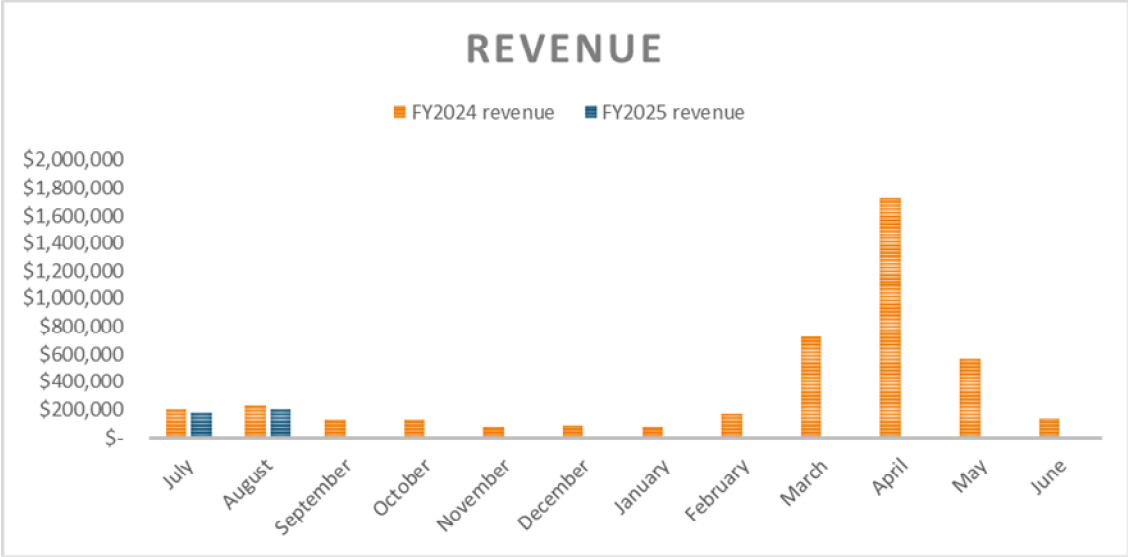
Business License Statistics:

Business License applications for FY2025 through August total 538 (189 new business and 349 renewals) compared to FY2024's total of 783 (155 new business and 628 renewals).



Attach

Business license renewals reflect a decrease of 45% or 153 and revenue collections decreased 10% or \$6,855 for the month of August when comparing to last year. This decrease continues to be due to the efficiencies the new business license software, Evolve, which significantly reduced the huge backlog of pending renewals the Business License Division would have to process well past the renewal due date. In contrast, business license revenue generated through permits increased by 53% or \$67,906.



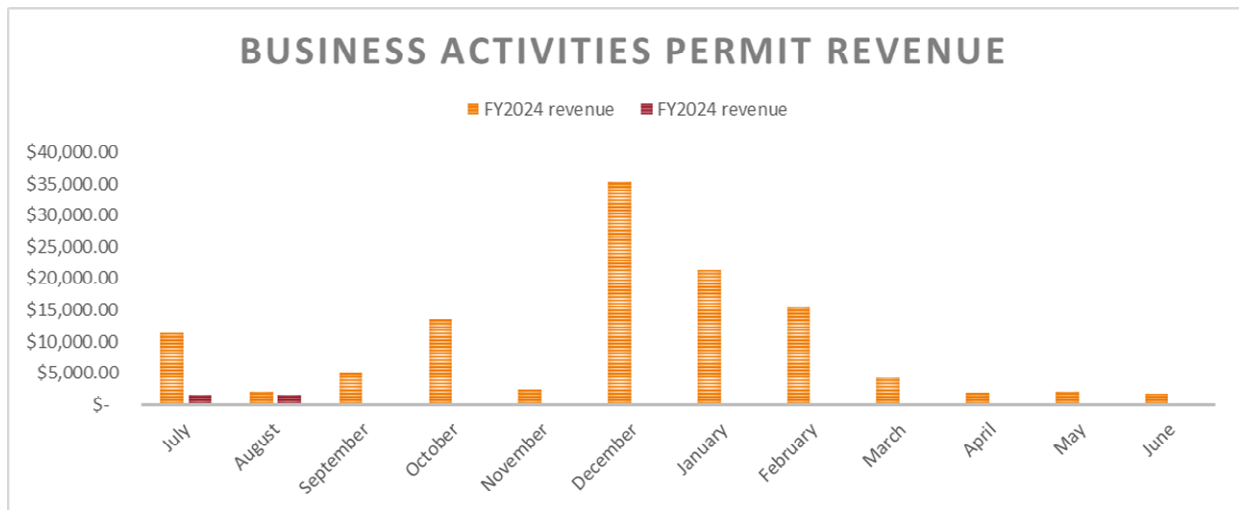
The amended ordinance that went into effect January 1st, 2019 included additional incentives for new businesses and businesses with multiple locations within the Town. For the 2024 business license renewals, six hundred, seventy-six (676) business have qualified for the Town’s incentives for a total revenue reduction of \$220,022.

Incentive	Number of Businesses	Gross Income Deducted	Total Incentive Amount
10%	190	\$ 7,598,058	\$ 10,472
20%	243	11,987,652	16,239
40%	173	9,852,200	14,149
CAP	9	161,674,934	163,044
2+	61	16,976,813	16,118
Grand Total	592	\$ 208,089,657	\$ 220,022

Rate Class	Number of Businesses	Total Incentive Amount
1	170	\$ 165,133
2	15	3,710
3	43	1,365
4	96	6,031
5	61	5,615
7	245	17,944
8.1	40	4,694
8.51	1	51
8.6	1	300
9.3	4	15,179
Grand Total	676	\$ 220,022

Included in the Business License Revenue are permits for both Mobile Vending and Short-Term Rental.

- Mobile Vending Permit (MVP): \$400 for a calendar year
 - Four (4) 2024 MVPs issued in August
 - Twenty-eight (28) are compliant
 - One (1) is non-compliant
 - None are pending
 - There are twenty-nine (29) identified Mobile Vending businesses
- Short-Term Rental Permit (STRP): \$325 for a calendar year
 - Four (4) 2024 STRPs issued in August
 - Two hundred and three (203) STRPs are compliant with a permit
 - Eighty (80) are non-compliant
 - Twelve (12) are in-process
 - There are two hundred and ninety-five (295) properties identified



Grant Program / Name	Federal/ State/ Other	Grant #	Town Project Description	Department	Status	Amount Funded by Grant	Town's Match	Total Project Amount	Date of Award	Grant Start Date	Grant Expiration
South Carolina Infrastructure Investment Program (SCIIP)	Federal	A-23-C015	Stoney Crest area septic to sewer; local match split equally among Town, Beauf.Co, and BJWSA.	Stormwater	AWARDED TO BJWSA	\$ 5,925,000.00	\$1,975,000 divided equally among Town, County, and BJWSA	\$7,900,000.00	04/27/23	04/24/23	6/1/2026
American Rescue Plan Act (ARPA) grant from the State and Local Fiscal Recovery Fund (SLFRF)	Federal	SLT-5134	coronavirus recovery, Entitlement community with Tier 5 reporting	Finance	Active	\$ 1,982,471.00	none	\$1,982,471.00	05/27/21	03/03/21	obligated by 12/31/2024 expended by 12/31/2026
Community Development Block Grant (CDBG)	Federal	4-A-19-001	BIS sanitary sewer, Phase 5	CIP	Active	\$ 500,000.00	\$ 3,002,282.00	\$3,502,282.00	10/14/19	10/14/19	12/30/2023
Land and Water Conservation Fund	Federal	45-01131	New Riverside Barn Park	CIP	Active	\$ 500,000.00	\$ 500,000.00	Phase I > \$1M	10/18/21	10/19/21	10/31/2023; extended to 7/31/2024
Bureau of Justice Assistance Office Programs Bulletproof Vest Partnership - 2021	Federal	Not Provided	Bulletproof Vests for Police Officers	Police	closed	\$ 1,637.10	\$ 1,637.10	\$ 3,274.20	04/28/22	09/30/21	8/31/2023
Section 319(h) Nonpoint Source Pollution, Assistance Program	Federal	EQ-0-263	May River Watershed Action Plan Phase IV; sewer connections (Poseys Court, Pritchard Street, Bridge Street)	Stormwater / CIP	Active	\$ 365,558.36	\$ 243,830.00	\$ 609,388.36	06/21/19	09/25/19	7/24/2023; extended to 9/30/2024
Nonpoint Source Implementation Program - Section 319(h) of the Clean Water Act	Federal	EQ-1-599	May River Watershed Action Plan, Phase V - stormwater retrofit (Bridge St)	Stormwater / CIP	closed	\$ 228,165.15	\$ 152,110.10	\$ 380,275.25	10/01/20	12/04/20	12/3/2023
FFY 2023 Justice Assistance Grant (JAG)	Federal	5G003322	Domestic Violence Investigator and Community Mental Health Officer	Police	closed	\$ 141,404.40	\$ 15,711.60	\$ 157,116.00	10/14/22	10/01/22	9/30/2023
Nonpoint Source Implementation Program - Section 319(h) of the Clean Water Act	Federal	EQ-3-544	May River Watershed Action Plan, Phase VI - stormwater retrofit (Pritchard St)	Stormwater / CIP	Active	\$ 124,577.00	\$ 83,398.00	\$ 207,975.00	11/16/22	11/16/22	11/15/2025
Nonpoint Source Implementation Program - Section 319(h) - Clean Water Act	Federal	EQ-4-318	May River Phase VII - HD Sewer Phases 4-6	CIP	Active	\$ 529,850.00	\$ 367,920.00	\$ 897,770.00	6/16/2023	2/29/2024	9/30/2027

FY24 Park and Recreation Development Fund (PARD)	State	Project Number 2023057	New River Trail Restroom Shelter	CIP	Active	\$ 26,000.00	\$ 6,500.00	\$ 32,500.00	05/08/23	05/08/23	5/8/2026
School Safety Program FY24 (School Resource Officer)	State	SR-076-C0702-24	SRO funding for six officers	Police	Active	\$ 893,422.29	none	\$ 893,422.29	6/16/2023	7/1/2023	6/30/2024
FY24 State Appropriation Act	State	none	New River Linear Trail	CIP	Active	\$ 2,000,000.00	\$ 705,172.00	\$2,705,172.00	10/16/2023	10/16/2023	10/16/2026
FY24 State Appropriation Act	State	none	Agility Course	Police	Active	\$ 50,000.00	none	\$ 50,000.00	9/8/2023	9/8/2023	6/15/2024
StimulateSC	State	2024SSC-01	DRCI Artificial Intelligence Training Program	DRCI	Active	\$ 10,450.00	\$ 10,450.00	\$ 20,900.00	1/2/2024	1/15/2024	10/15/2024
National Opioid Guaranteed Political Subdivision Subfund	State	none	Opioid settlement money	Police	Active	\$ 30,400.00	none	\$ 30,400.00	7/15/2024	7/1/2024	6/30/2024
School Safety Program FY25 (School Resource Officer)	State	SR-113-C0702-25	continued funding for six SROs	Police	Active	\$ 522,025.00	none	\$ 522,025.00	8/6/2024	7/1/2024	6/30/2025
						\$ 8,061,483.30					

Sen Graham appropriation FFY24 / COPS Law Enforcement Technology	Federal		equipment for PD	Police	Federal budget approved; pending grant agreement from Dept of Justice	\$ 1,348,178.00	\$ 337,045.00	\$1,685,223.00			9/30/2024
Building Resilient Infrastructure and Communities (BRIC)	Federal		Historic District drainage	Watershed	submitted 12/14/2023	\$ 278,550.00	\$ 30,950.00	\$ 309,500.00			36 months from date of award
Sen Graham appropriation FFY25 / National Park Service	Federal		New River Linear Trail ADA Enhancement Phase II	CIP	submitted 4/29/2024; look for Congress to pass appropriation legislation between Oct and Dec 2024	\$ 500,000.00	\$ 1,492,056.00	\$1,992,056.00			
Site Readiness Fund (SRF) Grant	State		economic development for Buckwalter MCIP, Building A	Exec	submitted 12/6/2023	\$ 1,000,000.00	\$ 2,845,365.00	\$3,845,365.00			

	As of August 2024					
	Bluffton Police Department Bnevolence Fund		Mayor's Stay Safe Bluffton Scholarship Fund		Town of Bluffton Parks & Public Art Fund	
	FY through		FY through		FY through	
	August 2024	August 2024	August 2024	August 2024	August 2024	August 2024
Beginning Balance	\$ 101,873.32	\$ 100,846.75	\$ 16,140.72	\$ 16,140.72	\$ -	\$ -
Contributions & Investement Activity						
Contributions to Fund	\$ -	\$ 500.00	\$ -	\$ -	\$ 3,800.00	\$ 3,800.00
Interest & Dividend Income	0.09	332.84	0.01	53.25	-	-
Investment Income & Losses	211.60	405.42	33.70	64.72	4.58	4.58
Total Contributions & Investment Activity	211.69	1,238.26	33.71	117.97	3,804.58	3,804.58
Expenses						
Distributions - Grants	-	-	-	-	-	-
Distributions - Program Expenses	-	-	-	-	-	-
Fees - Administrative & Investment	-	-	-	-	-	-
Fees - Credit Card Processing	-	-	-	-	-	-
Total Expenses	-	-	-	-	-	-
Net Change to Fund Balance	\$ 211.69	\$ 1,238.26	\$ 33.71	\$ 117.97	\$ 3,804.58	\$ 3,804.58
Pending Contributions						
Total Pending Contributions		\$ -		\$ -		\$ -
Pending Expenses						
Total Pending Expenses		-		-		-
Projected Ending Balance		\$ 102,085.01		\$ 16,258.69		\$ 3,804.58

TOWN COUNCIL



STAFF REPORT
Human Resources Department

MEETING DATE:	October 8, 2024
PROJECT:	September 2024 Activity Report
PROJECT MANAGER:	Anni Evans, Director of Human Resources

Human Resources Summary:

New Hires: 5

Danielle Boyd
Title: Police Recruit
Start Date: September 5, 2024
Department: Police

Christopher Cash
Title: Police Recruit
Start Date: September 19, 2024
Department: Police

Vaughn Dyer
Title: Public Services IV – Trades Specialist
Start Date: September 19, 2024
Department: Public Services

Osmar Sandoval
Title: Public Services II – Grounds Maintenance
Start Date: September 19, 2024
Department: Public Services

Abdiel Maldonado
Title: Public Services II – Grounds Maintenance
Start Date: September 19, 2024
Department: Public Services

Exits: 2

Katie Peterson
Title: Senior Planner
Date: September 3, 2024
Department: Growth Management

Donald Chandler
Title: Police Captain
Date: September 13, 2024
Department: Police

Promotions: 2

Daniel Rickett
 Title: Police Sergeant
 Date: September 5, 2024
 Department: Police

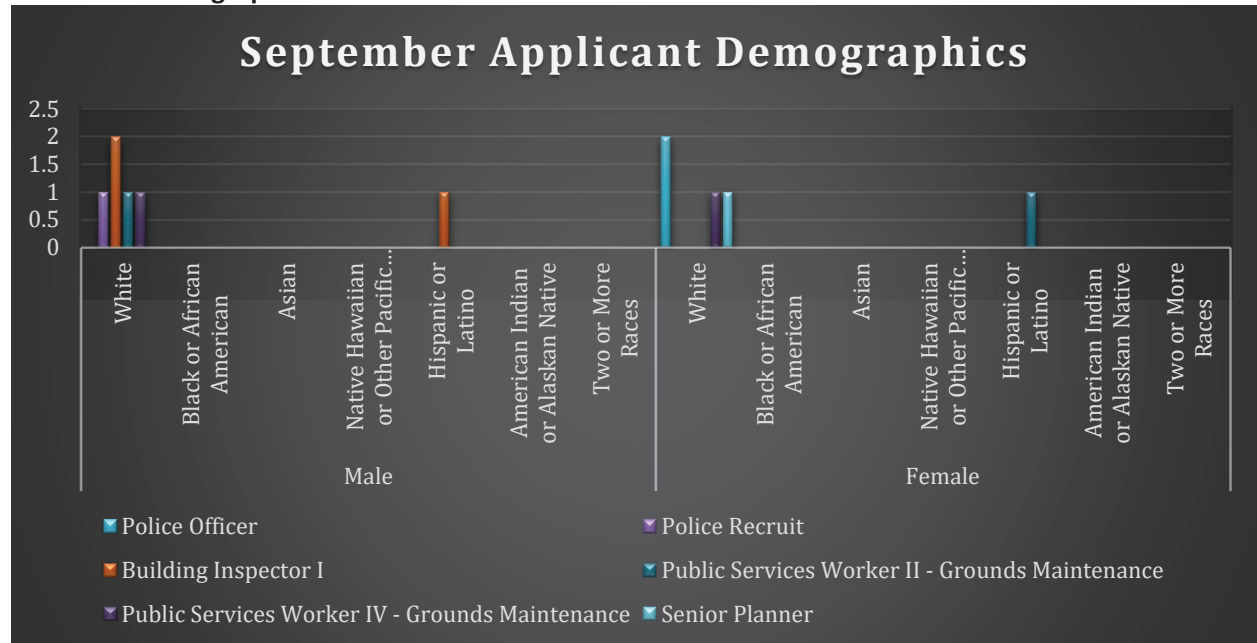
Daniel Marciano
 Title: Police Lieutenant
 Date: September 19, 2024
 Department: Police

Jobs posted:

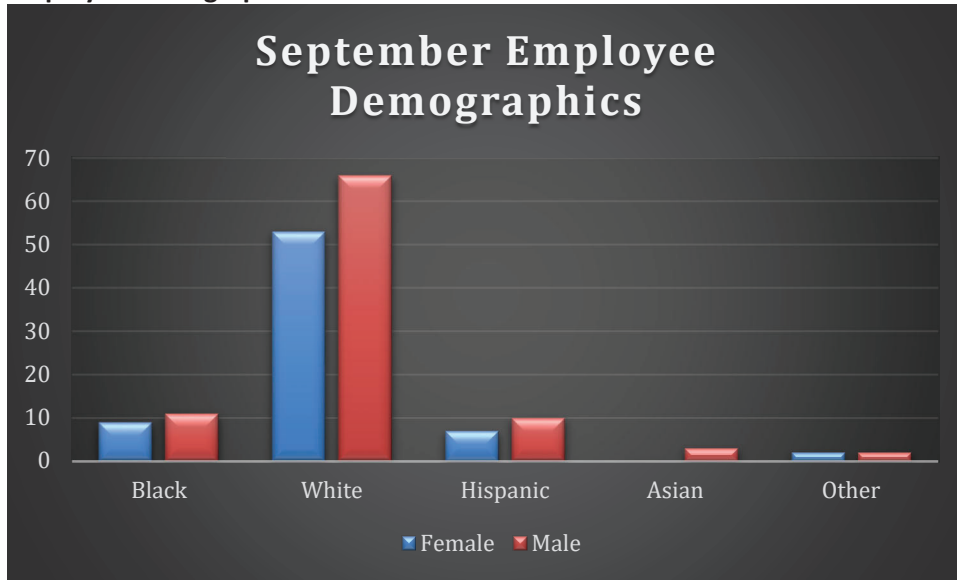
Police Officer
 Police Recruit
 Crossing Guard
 Building Inspector I
 Public Services II, IV Grounds Maintenance
 Senior Planner

- Birthday/Anniversary Celebration – September 18 Oddbirds Bakery
- Wellness Event:
 - Suicide Awareness Month – emails circulated for information
 - Inaugural Town of Bluffton Employee Wellness Fair: September 12
 - 47 biometric screenings
 - 47 flu shots
 - Several other screenings to include: skin screenings, breast screenings, BMI screenings, grip tests, strength classes, samples from local health food stores
- Attended Job Fair at Allen University (HBCU): September 19

Candidate demographics:



Employee demographics:



TOWN COUNCIL



STAFF REPORT
Municipal Court Department

MEETING DATE:	October 8, 2024
PROJECT:	August Activity Report
PROJECT MANAGER:	Lisa Cunningham, Clerk of Court

Court Summary

Town of Bluffton Municipal Court convenes every Tuesday morning. In August 2024 a total of four morning sessions. The Municipal Court currently has 370 cases pending which is a combination of 334 criminal/traffic cases, 15 jury trial requests, and 21 defendants enrolled in alternative programs.

Indigent Defense cases

Town of Bluffton currently contracts with the 14th Circuit Public Defenders Office to provide Indigent Defense Counsel to all defendants who meet the Annual Federal Poverty Guidelines. Year to date our Indigent Defense Attorney has 726 cases which is a combination of 55 pending and 671 disposed on the docket as of August 2024.

Alternative Programs

Defendants are sometimes offered the opportunity to complete Alternative Programs in lieu of convictions on their traffic and/or criminal record.

There are currently 2 active participants in the Conditional Discharge Program. The Conditional Discharge Program requires the completion of 40 hours of community service as well as a drug and alcohol program. Participants must also pay a program fee of \$150.00 upon completion.

There are currently 6 active participants in the Alive@25 classes which are offered through the National Safety Council. Alive@25 classes are for traffic offenders under 25 years of age who have never had a traffic infraction and the current charge pending carries no more than 4 points.

Traffic Education Program referred to as TEP has 5 active participants. The TEP Program cost is \$280.00 plus the cost of online driving class. It is designed for offenders who have pending moving violations except for Driving under the Influence, Driving under Unlawful Alcohol Concentration, and Reckless Driving.

Alcohol Education Program referred to as AEP has 0 active participants. AEP is only inclusive for alcohol related charges such as minor in possession of alcohol or false identification for

offenders between the ages of 17-21. AEP costs \$250.00 plus the cost of online driving class and alcohol education classes.

Pre-Trial Intervention referred to as PTI has 8 active participants. PTI is a program for first-time offenders charged with non-violent crimes all charges are accepted in the program except for Driving Under Influence (DUI) or Driving under Unlawful Alcohol Concentration (DUAC). Program cost \$350.00 plus the cost of online driving class, counseling and/or drug testing.

TEP, AEP, and PTI are directly managed through the Solicitors office. The Court provides a referral and the Solicitors Office provides a completion or termination report upon completion date.

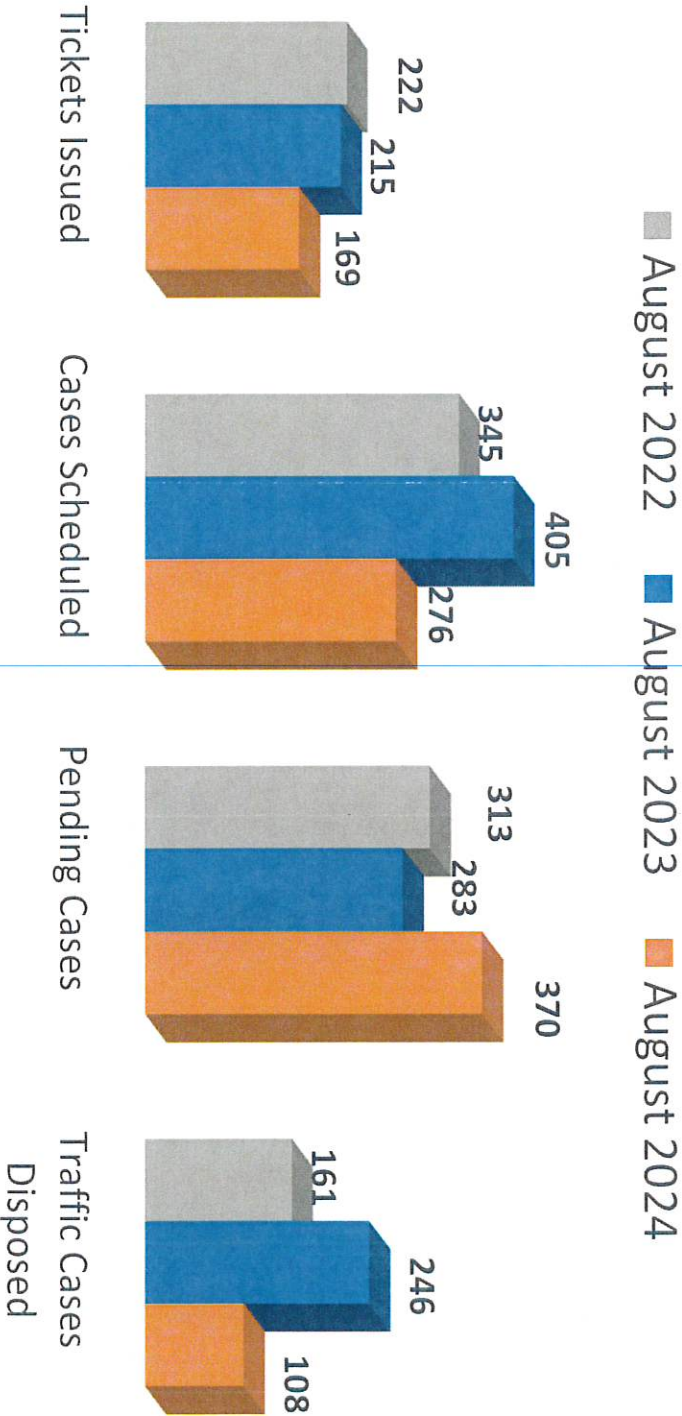
Town of Bluffton Municipal Court Statistics for August 2024

Presented by:
Lisa Cunningham, Clerk of Court



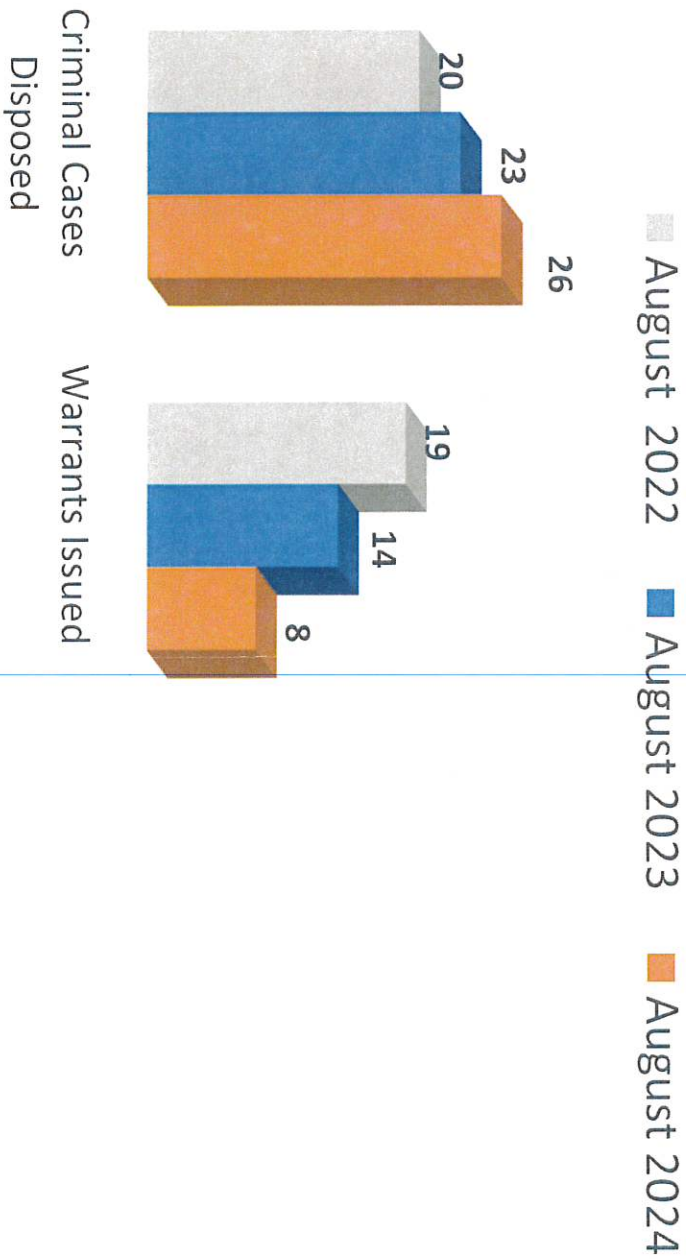


Town of Bluffton Municipal Court



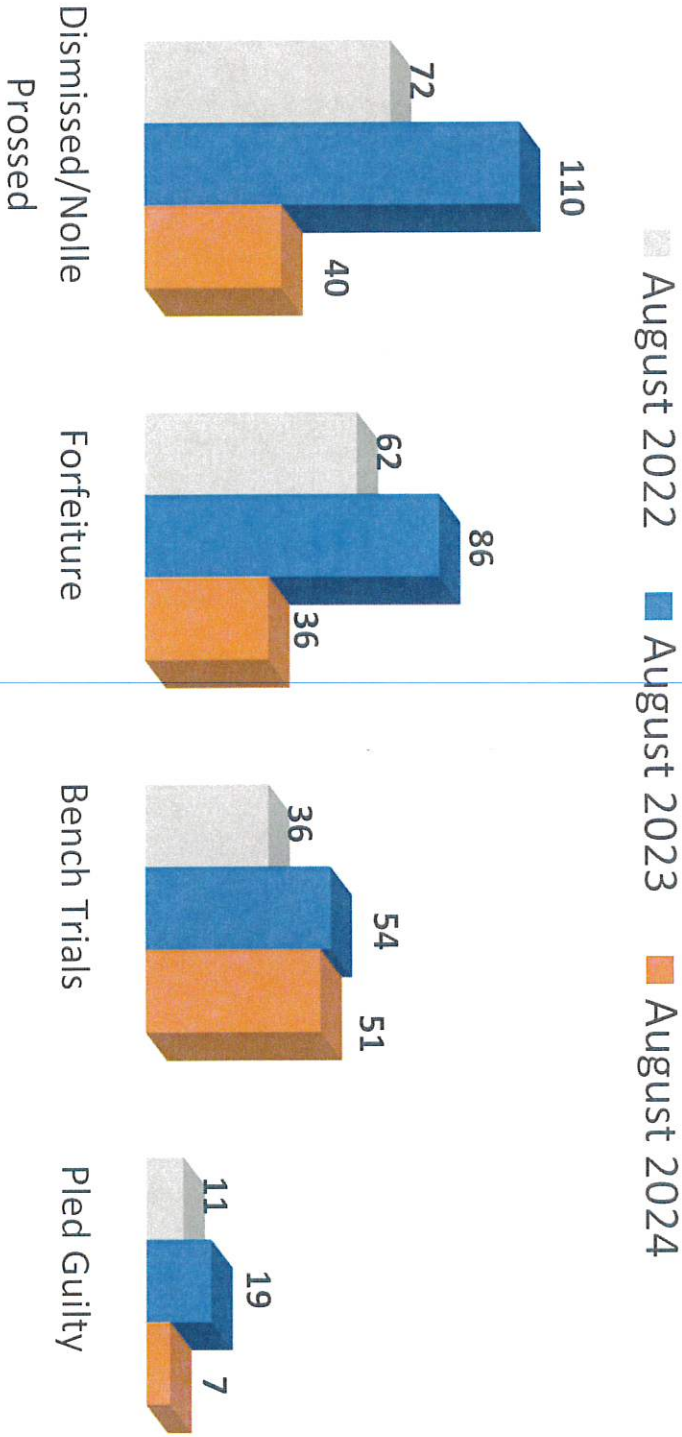


Town of Bluffton Municipal Court





Town of Bluffton Municipal Court





Town of Bluffton Municipal Court

Terminology

- **Disposition** the ruling of the court, the final outcome of the violation.
- **Dismissed** no prosecution because either a program was completed, or motion granted.
- **Nolle Prosequi** the prosecutor or officer did not wish to prosecute the case.
- **Forfeiture** the bond was posted, and defendant did not appear for court, so it was converted to a fine.
- **Guilty Bench Trial** the Judge ruled in favor of the State.
- **Not Guilty Bench Trial** the Judge ruled in favor of the Defendant.
- **Pled Guilty** the defendant did not contest the violations.
- **Disposed** the case is no longer pending and a disposition has been indicated.
- **Pending** the cases awaiting trial or currently enrolled in a program

TOWN COUNCIL



STAFF REPORT
Projects and Watershed Resilience Department

MEETING DATE:	October 8, 2024
SUBJECT:	Projects and Watershed Resilience Department Monthly Report
PROJECT MANAGER:	Kimberly Washok-Jones, Director of Projects and Watershed Resilience

CAPITAL IMPROVEMENTS PROGRAM (CIP) UPDATE

PATHWAYS

1. **Buck Island-Simmons ville Neighborhood Sidewalks and Lighting**
 - Construction of the Phase 6B sidewalks, drainage and lighting is **complete**.
 - **Next Steps**
 - Final closeout with SCDOT continues.

2. **New River Linear Trail**
 - Received \$26,000 PARD grant award and \$2 million in SC appropriations.
 - Easement donation from New Riverside Community Association, Inc. approved at 3/14/23 Town Council.
 - Groundbreaking completed 5/30/24.
 - Bathroom, well, security cameras and entry gate **completed**.
 - **Next Steps**
 - Continue engineering design and permitting for Phases 1 and 2.
 - Negotiations are ongoing with Central Electric and Santee Cooper for cost sharing terms and bridge maintenance.
 - Continue coordination of boardwalk connection for Four Seasons.
 - Submit Encroachment Permit and Phase 1 Construction Contract to Town Council for approval this Fall.

SEWER & STORMWATER

1. **Buck Island-Simmons ville Sewer (Phases 5A-D)**
 - Mainlines and laterals are constructed.
 - **Next Steps**
 - Mainline and lateral As-builts to be approved by BJWSA prior to Permit to Operate issuance from SC Department of Environmental Services (SCDES) (former DHEC).
 - Install house connections and decommission septic tanks upon receiving Permit to Operate.

2. Historic District Sewer Extension Phases 4 through 6 – Lawrence, Green and Water Streets

- Design for Phases 4, 5, & 6 were submitted to BJWSA for review.
- DRC review on 9/18/24.
- **Next Step**
 - BJWSA to submit to SCDES for permit to construct.
 - Construction implementation is pending permit approvals and easement acquisitions.

3. May River Watershed Action Plan Impervious Restoration Water Quality Projects

- Initial site investigations including geotechnical investigations and reports are complete for 8 of the 11 participating project sites.
- Palmetto Pointe Towns, Lowcountry Community Church and Apartment One declined to participate in the Program at this time.
- Fee-in-Lieu and Enterprise Fund establishment/administration Policy Document has been completed and pending Finance final review.
- Initial Property Owner contacts for the selected 15 Additional Sites within municipal limits have been made and concept plan development is in process.
- **Next Steps**
 - Preliminary Design of each of the 8 original sites in process.
 - Fee-in-Lieu Document under final review.
 - Adoption of related Master Fee Schedule items.

4. Shults Road Drainage Improvements

- Design Agreement with Sturre Engineering Approved.
- Geotechnical assessment completed by GHD.
- Design is 30% completed for drainage improvements for homeowner discussion and easement needs.
- Based on geotechnical assessment, infiltration feasibility deemed not likely due to groundwater elevation and soils.
- **Next Steps**
 - Project on hold and site/drainage issues will be assessed as part of a larger Comprehensive Drainage Assessment in FY25.

5. Stoney Creek/Palmetto Bluff Sewer Partnership

- 2022 updated cost-estimate for the project from BJWSA is \$7.2 million + contingencies. BJWSA is the Project Manager as the awardee of the RIA SCIIP grant.
- Finalized IGA with Town, County, and grant splitting sewer extension costs and BJWSA funding water extension costs.
- Project partner meeting held 9/12/24.
- **Next Steps**
 - BJWSA continues with community outreach with Town support and continues with design of the system. <https://bjwsa.org/251/Go2Sewer-for-a-Cleaner-Stoney-Creek>.

HISTORIC DISTRICT IMPROVEMENTS**1. Boundary Street Lighting**

- TC approved contract with Dominion to install street lighting on the west side of Boundary Street.
- **Next Steps**
 - Dominion to install street lighting in FY25.

2. Squire Pope Carriage House Preservation

- Building Construction substantially complete.
- Landscape improvements being completed by Hilton Head Landscape.
- Staff furniture was procured through state contact.
- **Next Steps**
 - Complete landscaping and hardscape mid-October.
 - Staff furniture install scheduled for 11/4/24.

3. Bridge Street Streetscape

- Phase 1 **complete**.
- Initial Stakeholder meeting with Montessori and Hargray **complete**.
- **Next Steps**
 - Continue engineering design for SCDOT permitting.
 - Continue stakeholder meetings.
 - Continue planning and design for underground power and lighting plan.

4. Boundary Street Streetscape

- Engineering Design is 70% complete and submitted to Watershed for stormwater initial review.
- Met with Dominion Energy on 5/13/24 and received a partial underground power layout on 6/14/24.
- Approved Change Order with Thomas and Hutton for additional structural design services for the Lawrence Street outfall.
- Approved Geotechnical Services with GHD for the Lawrence Street outfall.
- **Next Steps**
 - Continue coordinating with Dominion Energy to obtain underground power layout and facility locations.
 - Continue with engineering design and permitting.
 - Prepare easement exhibits and begin appraisals in FY25.
 - Construction to begin in calendar year 2025, subject to acquisition of all required easements.

5. Calhoun Street Streetscape

- Preliminary engineering design is 40% complete.
- Met with Dominion Energy on 5/13/24. Awaiting underground conversion plans from Dominion Energy.
- **Next Steps**
 - Continue negotiations with May River Road property owners for main transmission line easements. Once the main transmission line easements have

been completed, then continue with engineering design through FY25.

- Prepare easement acquisition plats for Phase 1 in FY25 and begin easement acquisition.
- Phased construction is planned to begin in FY26 pending budget approval and acquisition of all required easements.

6. Pathway Pedestrian Safety Improvements

- **Completed** Historic District crosswalk study identifying and prioritizing future intersection/crosswalk improvements to meet ADA compliance.
- Phase 1 ADA sidewalk improvements along Goethe Road were **completed** on 1/23.
- Contract with ICE approved at 9/12/23 Town Council meeting.
- Finalized Phase 2 design plans.
- **Next Steps**
 - Follow up with property owners for Phase 2 easement acquisitions.
 - Draft Phase 2 solicitation.
 - Finalize Phase 3 analysis.
 - Acceptance of Phase 2 easement donations scheduled for 10/8/24 Town Council meeting.

7. Comprehensive Drainage Plan Improvements

- Consultant field work to identify and assess condition of stormwater assets in Crooked Cove and Guerrard Cove **completed** 5/12/24.
- Processing of field data in process.
- **Next Steps**
 - Develop 2D Hydrologic/Hydraulic model.
 - Final Draft of Individual Stormwater Asset Reports for Heyward Cove identifying results and needed work by asset owner (SCDOT, County, School District, Town and private) being prepared. Letter to accompany report to Asset Owners being drafted for review, approval, and issuance.

8. Pritchard Street Drainage Improvements

- Project scope increased to include streetscape elements, pedestrian connectivity, street lighting and traffic calming evaluation.
- Growth Management and Stormwater Pre-Application meeting held 10/17/23. Updated 95% design received from consultant, design review complete, and comments discussed with consultant. Permit applications have been submitted. DRC Public Project was held 3/28/2024.
- Design Review meeting and field walk with consultant to discuss/review comments on 95% design submission held 5/30/24. 100% design completed and review comments issued to Consultant, pending Public Meeting comments. Responses to permitting agencies in process.
- Met with School District on 9/6/24 to discuss project status, needed easements, schedule, project phasing needs, and parking lot Cost Share Agreement (to be drafted).
- Presentation to School District Operations Committee performed 9/19/24 to give overview of project work, easement acquisition needs, project schedule, project

phasing needs, and parking lot Cost Share Agreement (to be drafted, finalized and signed by parties).

- Planning for Project Public Meeting in process.
- **Next Steps**
 - Coordinate approval for proposed improvements with Beaufort County School District and Beaufort County on pool operation impacts.
 - Consultant addressing design and permit review comments for 100% design submittal.
 - Follow-up/complete permitting submissions and bid document formulation.
 - Continue Dominion street lighting agreement coordination.
 - Coordinate stakeholder meeting for Pritchard St. residents, anticipated in late October 2024.

PARK DEVELOPMENT

1. Oyster Factory Park

- Civil construction and landscape of parking area and event area are **complete**.
- Contractor completing final punch list items for the event area and providing quotes for additional services for the repairs to the existing pavilion, adding steps and access drive stabilization.
- Assessing drainage improvement alternatives for construction.
- **Next Steps**
 - Prepare plans for the restroom expansion and other FY25 improvements.

2. Oscar Frazier Park

- Rotary Center hardscape improvements **complete** and under 1 year maintenance agreement.
- Obtained SCDES permit for Splash Pad on 1/9/24 and began construction on 7/15/24.
- **Next Steps**
 - Complete construction of splash pad and landscaping in October.
 - Obtain quotes for shade structure at the playground.

3. New Riverside Barn/Park

- JS Construction **completed** phase 1 site construction in November 2023.
- The contract has been executed with Nix Construction for Construction Manager at Risk Services with a GMP for Phase 2 (barn, restroom, playground, and common areas).
- Restrooms are nearing completion.
- Steel structures / trellis in the restroom area are **installed**.
- Large and small pavilions are erected. The playground drainage is **complete**.
- Sidewalks and drainage at playground area are **complete**.
- Playground equipment installation is done. Poured in place preparation has started.
- All barn framing has been completed. The building is dried in. Mechanical rough in has started.
- Well for future irrigation has been **installed**.
- Irrigation throughout the park has started.

- Dominion installed all light poles. They are energized and working.
 - **Next Steps**
 - Nix Construction to continue all the above.
- 4. New Riverside Village**
- Lighting contract approved at 4/9/24 Town Council.
 - Design plan approved by POA/Developer.
 - **Installed** trellis swings, dog stations, trash cans and lighting conduit.
 - Rules sign approved at 8/13/24 Town Council. Under fabrication.
 - **Next Steps**
 - Continue design of wayfinding signage plan.
 - Dominion light pole installation scheduled for fall 2024.
- 5. Miscellaneous Park Improvements**
- Shade sail installation was completed at Buckwalter Place Park playground.
 - **Next Steps**
 - Continue design of landscape and shade structure enhancements at various town parks in 2025.
- 6. Buckwalter Place Park Improvements**
- Plans presented to Town Council on 1/16/24.
 - Conceptual landscaping plan **complete**.
 - Sabal palm installation **complete**.
 - **Next Steps**
 - Finalize hardscape plans for FY25 scope.
 - Continuing design, construction drawings of bathroom renovation.
 - Discussion of planned park improvements scheduled for 10/8/24 Town Council meeting.

TOWN FACILITIES AND MISCELLANEOUS PLANNING

- 1. Town of Bluffton Affordable Housing Project – The May**
- **Next Steps**
 - Provide financial assistance to joint venture partner for planning, design and permitting of Affordable/Workforce Housing at 1095 May River Road.
 - Staff continues to review progress and applications for payment.
- 2. Law Enforcement Center Facility Improvements**
- PD **completed** improvements to evidence room.
 - PS to add AON system to HVAC.
 - **Next Steps**
 - Begin design in FY25 for impound lot and canine facility. Further work pending results of space needs assessment by Creech and Associates.

3. Sarah Riley Hooks Cottage

- Meadors Architectural Design is underway and planned to be complete in
- September final site plan complete and distributed to engineers for final design.
- Civil engineering, structural engineering and landscape design is underway and planned to be complete in 2024.
- Presented plans for a pre-application meeting on 8/16/2024.
- **Next Steps**
 - Update survey and prepare an exempt plat for lot recombination.
 - Begin restoration construction of cottage in FY25.
 - Begin site and landscape development construction in FY26.

4. Ghost Roads

- Surveying and easement exhibits are **complete**.
- Bridge Street Quit Claim Deeds are **complete**. Pritchard and Colcock Streets Quit Claim Deeds are 99% **complete**.
- Staff is currently working with Lawrence, Lawton, Green, Pope, Allen, and Water Street property owners to obtain Quit Claim Deeds.
- **Next Steps**
 - Continue acquisition of remaining Quit Claim Deeds for Historic District Ghost Roads or have legal initiate quiet title proceedings.

5. Document Management

- RFP contract was awarded in March 2022.
- Electronic Document Management system is live.
- Documents for 6 departments have been transitioned to DMS.
- **Next Steps:**
 - Historical documents for the remaining departments will transition through FY26.

6. Network Infrastructure

- Replaced core switches at Town Hall and the Law Enforcement Center.
- Replaced two VMWare hosts for a more stable server environment.
- Migration of Munis and Energov systems to a hosted environment completed.
- Implemented ExecuTime to replace Intime.
- **Next Steps:**
 - Replacing two more VMWare hosts.

WATERSHED MANAGEMENT UPDATE

1. Administrative Update

- Staff continues to update ClearGov for Strategic Planning.
- Wetlands Protection and Resiliency Ordinances:
 - Staff modified the Wetlands Ordinance Expression of Interest (EOI) for wetland and resiliency protections. The original proposal and project costs provided by a Town's Master Service Agreement (MSA) firm has been modified for a second time following on-going discussions with staff. Staff is reviewing all documents.
 - Watershed Management Division staff met with Growth Management personnel to discuss the Wetlands and Resiliency Ordinance proposed scope of work on 9/04/24.

2. SC Department of Environmental Services May River Shellfish Harvesting Monitoring Data Year-to-Date and May River Shellfish Harvesting Status Exhibit – *Attachments 1 and 1a*

3. May River Watershed Action Plan Implementation Summary – *Attachment 2*

- Water Environmental Consultants (WEC) has provided staff with final reports for flow monitoring work in the Rose Dhu Creek, Stoney Creek, and Palmetto Bluff subwatersheds. These final reports are currently under review.
- Dr. Tye Pettay, University of South Carolina Beaufort (USCB) Water Quality Laboratory, is conducting a statistical review of the Town's water quality monitoring data to better understand the Town's water quality results and improve day-to-day management decisions.
- Staff drafted a Comprehensive Water Quality Monitoring Program Plan. This document is currently under internal review prior to finalization.

4. Resiliency

- Established a Memorandum of Agreement (MOA) with College of Charleston executed to conduct the Resiliency Analysis. This analysis will include modeling storms and sea level rise throughout Town watersheds, a review of the Town's UDO, Municode, SC Code of Ordinances, and Stormwater Design Manual, and stakeholder engagement through surveys and events.
 - Two public engagement events have been held to date. The next engagement event will be held 10/19/24 at Historic Bluffton Arts and Seafood Festival.
 - Staff provided the College of Charleston with Resiliency Analysis GIS data on 07/23/24. This data included shapefiles for future land use, watershed information, and stormwater infrastructure.
 - The public flooding survey is available online at <https://arcg.is/10a5Sn>.
- Staff will provide a resiliency update to Council during Strategic Planning.
- Staff attended two (2) virtual National Oceanic and Atmospheric Administration (NOAA) training sessions called Steps to Resilience for the Government Champion on 9/11/24 and 9/18/24.
- Staff attended the Regional Resilience Accelerator Workshop on 9/12/24.

5. **Municipal Separate Storm Sewer System (MS4) Program Update**
 - Staff are currently editing the Stormwater Management Plan with an anticipated date of 11/01/24 for submittal to SC Department of Environmental Services (SCDES).
 - Staff received feedback on the Southern Lowcountry Stormwater Design Manual from engineering firms as part of its public comment period and staff are working to incorporate these edits.

6. **MS4 Minimum Control Measure (MCM) - #1 Public Education and Outreach, and MS4 MCM - #2 Public Participation and Involvement**
 - Staff held an informational session for HOA/POAs on stormwater management on 8/19/24.
 - The May River Watershed Action Plan Advisory Committee (WAPAC) meeting scheduled for 9/26/24 was canceled due to a lack of agenda items. – **Attachment 3**

7. **MS4 MCM – #3 Illicit Discharge Detection and Elimination**
 - Stormwater Infrastructure Inventory Map – **Attachment 4a**
 - *E. coli* Concentrations Trend Map – **Attachment 4b**
 - Monthly, Microbial Source Tracking (MST) Maps – **Attachments 4c and 4d**
 - SC Department of Environmental Services (SCDES) collects MST samples for the Town concurrently with their routine shellfish harvesting water quality sampling at stations 19-19, 19-19A, 19-19B, 19-19C, and 19-24. SCDES collected samples on 9/09/24. The human genetic marker was not detected in any of the samples collected.
 - Illicit Discharge Investigations – **Attachment 4e**

8. **MS4 MCM – #4 Construction Site Stormwater Runoff Control – Attachment 5**

9. **MS4 MCM – #5 Stormwater Plan Review and Related Activity – Attachment 6**

10. **MS4 MCM – #6 Good Housekeeping (Staff Training/Education)**
 - Staff attended NOAA Social Science Basics for Coastal Managers Training on 9/16/24.

11. **MS4 MCM – #6 Good Housekeeping (Ditch, Drainage and Roadside Maintenance)**
 - Public Services performed weekly street sweeping on Calhoun Street, Highway 46, Bruin Road, May River Road, Pin Oak Street, and curbs and medians on Simmonsville and Buck Island Roads.
 - Performed ditch inspections.
 - Arrow ditch (2,569 LF)
 - Red Cedar ditch (966 LF)
 - Buck Island roadside ditch (15,926 LF)
 - Simmonsville roadside ditch (13,792 LF)
 - Ongoing roadside mowing, litter clean-up and maintenance of Masters' Way, McCracken Circle, Hampton Parkway, Buck Island and Simmonsville Roads, Goethe Road, Shults Road, Jason and Able Streets, Whispering Pine Road, May River Road, and Eagles Field.

- 12. Citizen Drainage, Maintenance, and Inspections Concerns Map – Attachment 7**
- 13. Citizen Request for Watershed Management Services & Activities – Attachment 8**

Attachments

- 1. SCDES Shellfish Harvesting Monitoring Data Year-to-Date
 - a. SCDES May River Shellfish Harvesting Status Exhibit
- 2. May River Watershed Action Plan Implementation Summary
- 3. MS4 Minimum Control Measures #1 and #2 – WAPAC Cancellation Notice 09/26/24
- 4. MS4 Minimum Control Measure #3 – Illicit Discharge Detection and Elimination
 - a. Stormwater Infrastructure Inventory Map
 - b. *E. coli* Concentrations Trend Map
 - c. Microbial Source Tracking Trend Map – All Sources
 - d. Microbial Source Tracking Map – Human Sources
 - e. Illicit Discharge Investigations
- 5. MS4 Minimum Control Measure #4 – Construction Site Stormwater Runoff Control
- 6. MS4 Minimum Control Measure #5 – Stormwater Plan Review and Related Activity
- 7. Citizen Drainage, Maintenance, and Inspections Concerns Map
- 8. Citizen Request for Watershed Management Services and Activities Map
- 9. CIP Master Project Schedules

	19-19				19-19A				19-19B				19-19C				19-24				19-16			
	2021	2022	2023	2024	2021	2022	2023	2024	2021	2022	2023	2024	2021	2022	2023	2024	2021	2022	2023	2024	2021	2022	2023	2024
	Fecal Coliform (MPN)	Fecal Coliform (MPN)	Fecal Coliform (MPN)	Fecal Coliform (MPN)	Fecal Coliform (MPN)	Fecal Coliform (MPN)	Fecal Coliform (MPN)	Fecal Coliform (MPN)	Fecal Coliform (MPN)	Fecal Coliform (MPN)	Fecal Coliform (MPN)	Fecal Coliform (MPN)	Fecal Coliform (MPN)	Fecal Coliform (MPN)	Fecal Coliform (MPN)	Fecal Coliform (MPN)	Fecal Coliform (MPN)	Fecal Coliform (MPN)	Fecal Coliform (MPN)	Fecal Coliform (MPN)	Fecal Coliform (MPN)	Fecal Coliform (MPN)	Fecal Coliform (MPN)	Fecal Coliform (MPN)
December	79.0	33.0	33.0		49.0	49.0	33.0		4.5	17.0	7.8		17.0	49.0	13.0		6.8	6.8	7.8		7.8	13.0	17.0	
November	33.0	33.0	13.0		33.0	13.0	2.0		7.8	7.8	4.5		4.0	4.5	4.5		4.5	6.1	2.0		2.0	13.0	4.5	
October	49.0	23.0	33.0		26.0	46.0	23.0		13.0	13.0	17.0		23.0	23.0	33.0		23.0	11.0	2.0		17.0	14.0	6.8	
September	33.0	540.0	23.0		11.0	350.0	13.0		17.0	350.0	13.0		13.0	170.0	7.8		2.0	79.0	17.0		11.0	33.0	13.0	
August	49.0	23.0	23.0	33.0	49.0	23.0	49.0	23.0	23.0	11.0	6.8	23.0	49.0	13.0	13.0	49.0	14.0	17.0	23.0	49.0	14.0	11.0	2.0	13.0
July	350.0	920.0	350.0	31.0	64.0	49.0	920.0	31.0	79.0	95.0	70.0	32.0	33.0	130.0	49.0	32.0	33.0	23.0	33.0	33.0	13.0	46.0	17.0	32.0
June	49.0	13.0	14.0	7.8	79.0	4.5	7.8	7.8	13.0	11.0	23.0	6.8	17.0	2.0	13.0	4.5	22.0	1.8	33.0	2.0	2.0	9.3	13.0	2.0
May	2.0	4.5	23.0	27.0	49.0	4.5	33.0	22.0	23.0	4.0	17.0	23.0	23.0	1.8	13.0	17.0	23.0	1.8	33.0	7.8	7.8	2.0	21.0	4.0
April	33.0	4.5	170.0	49.0	23.0	4.5	130.0	17.0	22.0	1.8	110.0	17.0	17.0	2.0	70.0	4.0	7.8	1.8	NS	11.0	2.0	1.8	7.8	23.0
March	33.0	33.0	23.0	49.0	11.0	23.0	49.0	31.0	17.0	2.0	17.0	11.0	13.0	4.5	17.0	4.5	2.0	2.0	17.0	22.0	2.0	2.0	17.0	4.5
February	79.0	23.0	540.0	49.0	70.0	31.0	350.0	49.0	79.0	17.0	240.0	11.0	23.0	22.0	240.0	22.0	7.8	2.0	33.0	7.8	6.8	11.0	33.0	11.0
January	17.0	49.0	33.0	49.0	17.0	22.0	33.0	23.0	13.0	33.0	13.0	4.5	23.0	7.8	33.0	4.5	17.0	7.8	7.8	7.8	7.8	7.8	4.5	2.0
** Truncated GeoMetric Mean	36.0	40.0	38.0	37.0	26.0	28.0	30.0	27.0	18.0	18.0	17.0	16.0	15.0	14.0	16.0	14.0	10.0	9.0	9.0	9.0	8.0	9.0	8.0	8.0
** Truncated 90th Percentile	139.0	192.0	211.0	185.0	69.0	91.0	152.0	145.0	58.0	72.0	77.0	74.0	39.0	54.0	71.0	76.0	35.0	41.0	44.0	42.0	33.0	32.0	26.0	29.0

NS = No Sample

SCDES Regulatory Requirements:

Geometric Mean ≤ 14

90th Percentile ≤ 43

** Town staff calculations utilizing SCDES statistics

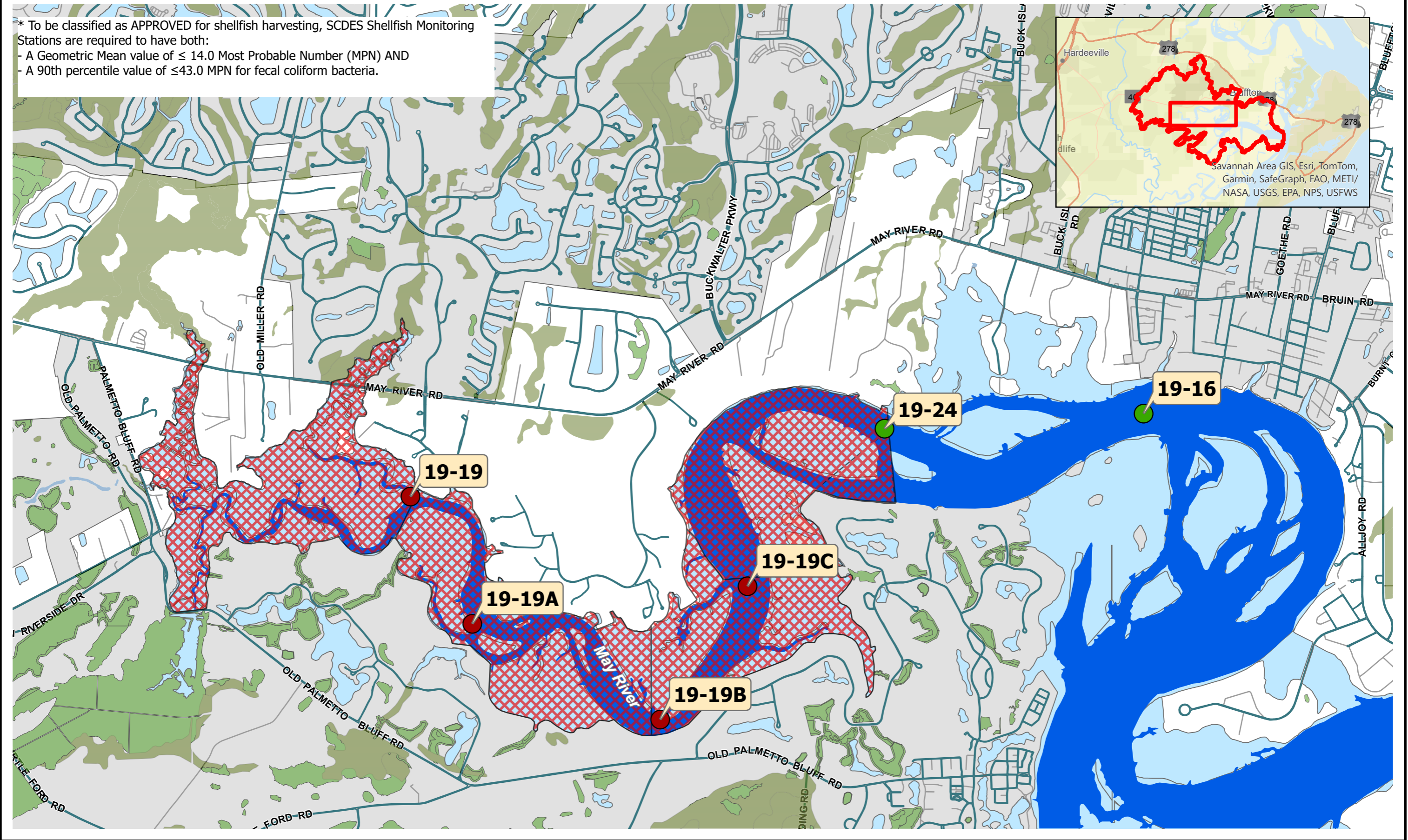
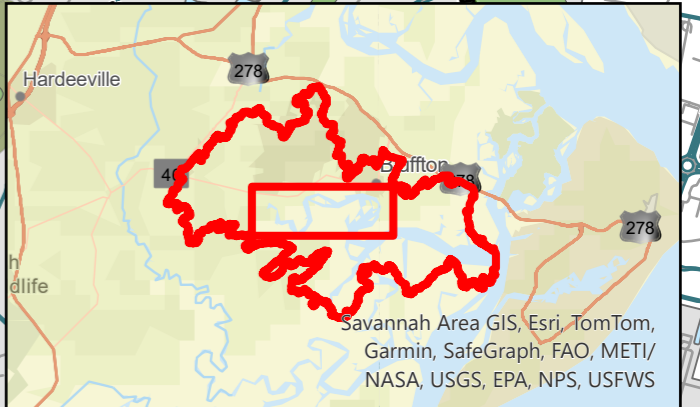
Note:

December 2024 ends the data collection period for 2025 shellfish harvesting season.

2024 fecal coliform data is part of the 2025 classification data collection period.

* To be classified as APPROVED for shellfish harvesting, SCDES Shellfish Monitoring Stations are required to have both:

- A Geometric Mean value of ≤ 14.0 Most Probable Number (MPN) AND
- A 90th percentile value of ≤ 43.0 MPN for fecal coliform bacteria.



- Town Bluffton Jurisdiction
- Beaufort County Jurisdiction
- Restricted 2024/2025 Shellfish Season
- Streets
- Water
- Wetlands
- Open Shellfish Monitoring Station
- Closed Shellfish Monitoring Station

Town of Bluffton
Beaufort County, SC
SCDES SHELLFISH HARVESTING STATUS

0 0.17 0.35 0.7 Miles
Date: 7/22/2024 1:16 PM



May River Watershed Action Plan Update & Modeling Report Implementation Summary

Background

- *May River Watershed Action Plan Update & Modeling Report* (Action Plan Update & Modeling Report) was completed November 2020.
- Town Council adopted the Action Plan Update & Modeling Report as a supporting document to the Comprehensive Plan in February 2021.
- The Action Plan Update & Modeling Report included the development of watershed-water quality models (WQ Model) for the four (4) May River Headwaters subwatersheds (Stoney Creek, Rose Dhu Creek, Duck Pond, and Palmetto Bluff) where the shellfish impairments are located.
- The purpose of the modeling effort was to better understand fecal coliform (FC) fate and transport in the Headwaters subwatersheds to develop strategies ultimately intended to open all shellfish stations to harvesting. To capture the variety of storm events and environmental conditions, the Project Team developed a continuous simulation of both water quantity and quality.
- The Action Plan Update & Modeling Report included new water quality improvement projects resulting from the WQ Model. Additionally, the potential fecal bacteria reduction benefits of septic to sewer conversion in the four (4) Headwaters subwatersheds was modeled.

May River Watershed Action Plan Impervious Restoration Water Quality Projects

- Initial site investigations are complete for 8 of the 11 participating project sites.
- Palmetto Pointe Towns, Lowcountry Community Church and Apartment One declined to participate in the Program at this time.
- Geotechnical investigations and reports for each of the remaining 8 original have been completed.
- Fee-in-Lieu and Enterprise Fund establishment/administration Policy Document has been completed and pending Finance final review.
- Initial Property Owner contacts for the selected 15 Additional Sites within municipal limits have been made and concept plan development is in process.
- **Next Steps**
 - Preliminary Design of each of the 8 original sites in process.
 - Fee-in-Lieu Document under final review.
 - Adoption of related Master Fee Schedule items.

Septic to Sewer Project: Stoney Creek/Palmetto Bluff Sewer Partnership

- 2022 updated cost-estimate for the project from BJWSA is \$7.2 million + contingencies. BJWSA is the Project Manager.
- BJWSA awarded the RIA SCIPP grant in support of Stoney Creek/Palmetto Bluff Sewer Extension with the Town and Beaufort County.
- Finalized IGA with Town, County, and grant splitting sewer extension costs and BJWSA funding water extension costs.
- **Next Steps**
 - BJWSA continues with community outreach and design of the system.
<https://bjwsa.org/251/Go2Sewer-for-a-Cleaner-Stoney-Creek>.

May River Watershed Action Plan Water Quality Program Status

- The Microbial Source Tracking (MST) Laboratory has completed the development of additional MST genetic markers for dog, horse, deer, and bird in addition to human.
- Staff has completed data (precipitation, bacteria, continuous flow, and intermittent flow) collection in the four (4) May River Headwaters subwatersheds.
- Water Environmental Consultants (WEC) has deployed a water elevation gauge on the Palmetto Bluff Bridge for the Duck Pond subwatershed.
- **Next Steps**
 - Implement additional MST markers in strategic May River Watershed water quality monitoring locations.
 - WEC final reports for the May River Headwaters (Stoney Creek, Rose Dhu Creek, and Palmetto Bluff subwatersheds) anticipated to be received prior to the end of September 2024. Once received, staff will review.
 - WEC Duck Pond water elevation data collection until January 2025. WEC final report following data collection.
 - Procure services for calibration of the Town’s WQ Model in the May River Headwaters.



PUBLIC NOTICE

The May River Watershed Action Plan Advisory Committee
(WAPAC) meeting scheduled for

Thursday, September 26, 2024

has been

CANCELLED

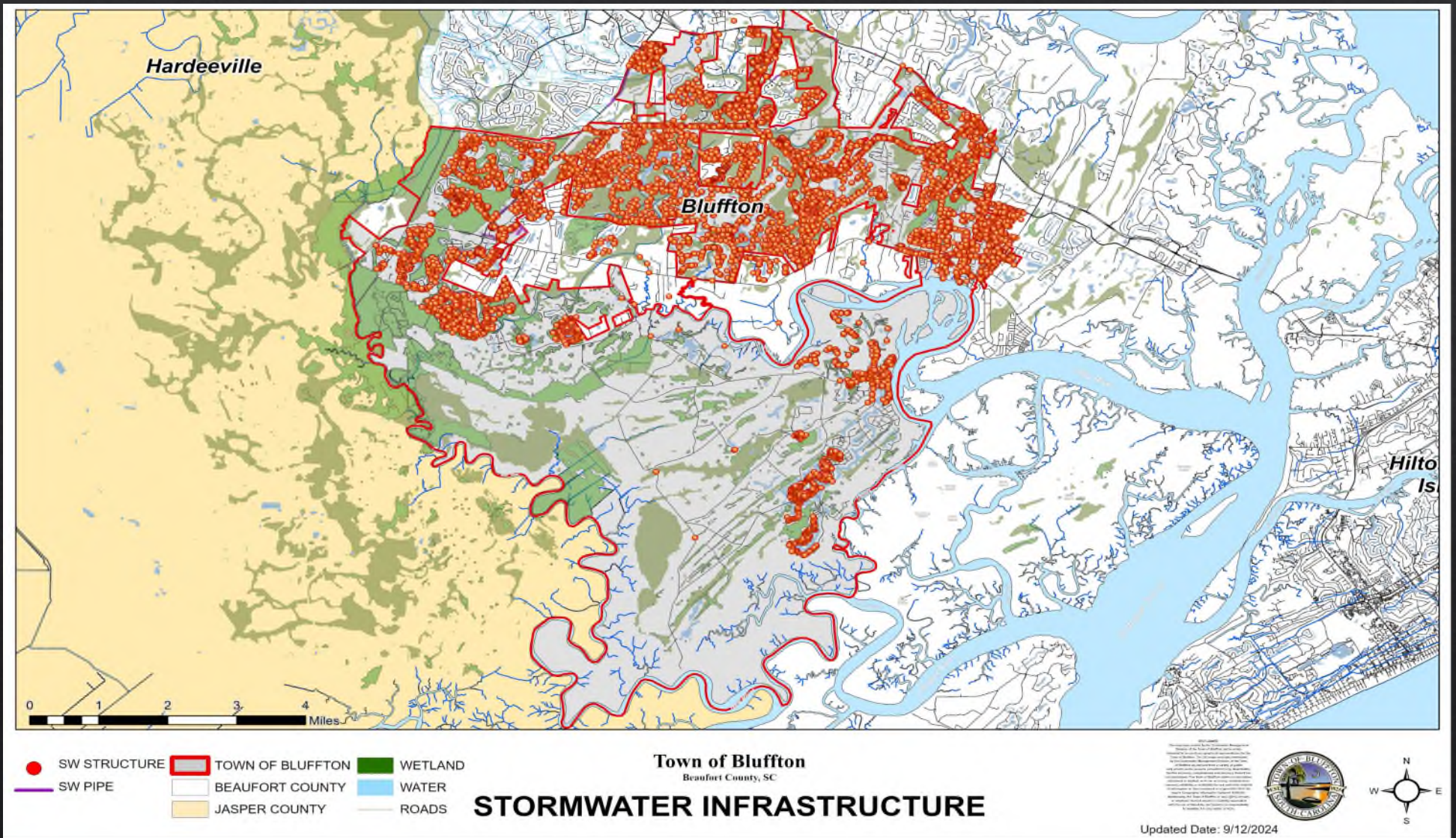
due to lack of agenda items.

The next meeting is scheduled for

Thursday, October 24, 2024

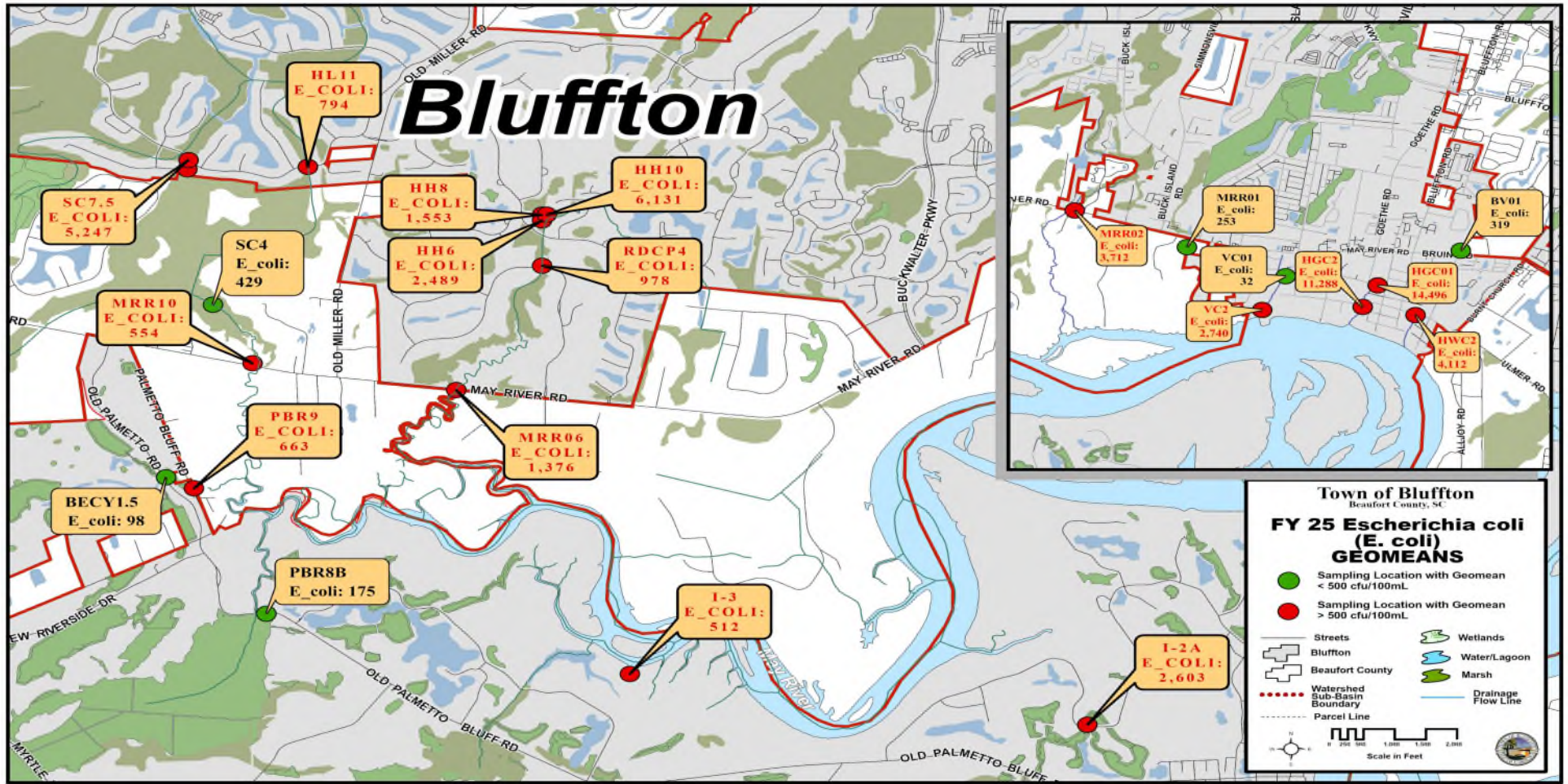
If you have questions, please contact
the Watershed Management Division
at: 843-540-6958

MS4 Minimum Control Measure #3 – IDDE (Illicit Discharge Detection & Elimination): Stormwater Infrastructure Inventory



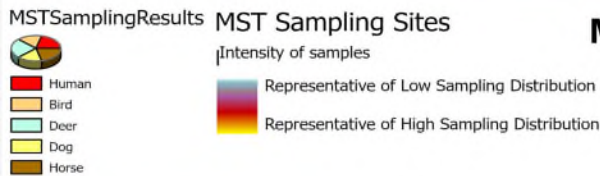
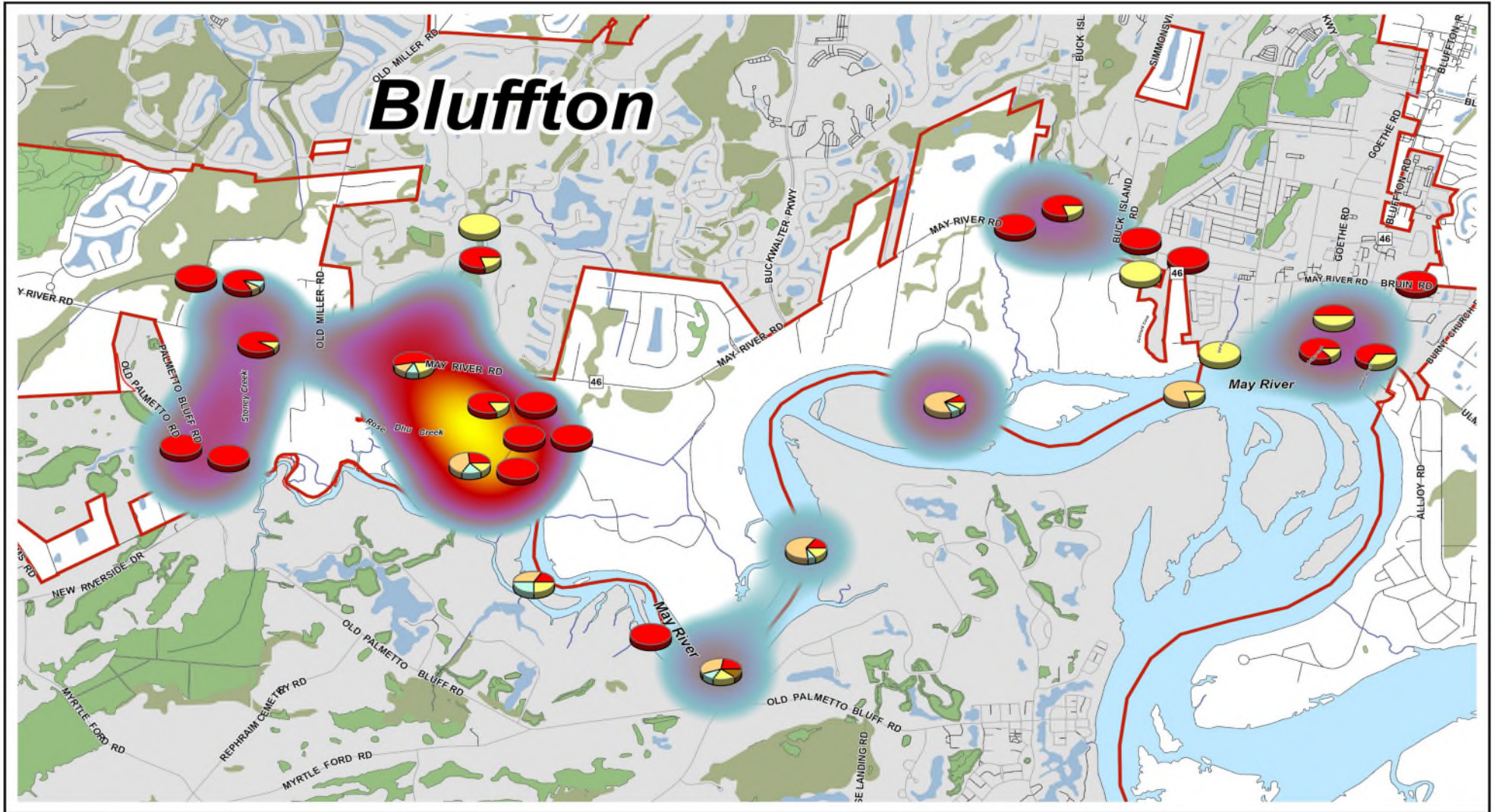
Stormwater Infrastructure Inventory Collection Status	
Collection Totals	17,509
FY 2025 YTD	275

MS4 Minimum Control Measure #3 – IDDE: *E. coli* Concentrations Trend Map



	USCB Water Quality Samples	Microbial Source Tracking Samples	MS4 Quarterly Samples Collected
FY 2025 YTD Totals	99	19	27
FY 2024 Totals	620	62	209
FY 2023 Totals	584	108	108

MS4 Minimum Control Measure #3 – IDDE: Microbial Source Tracking (MST) Trend Map



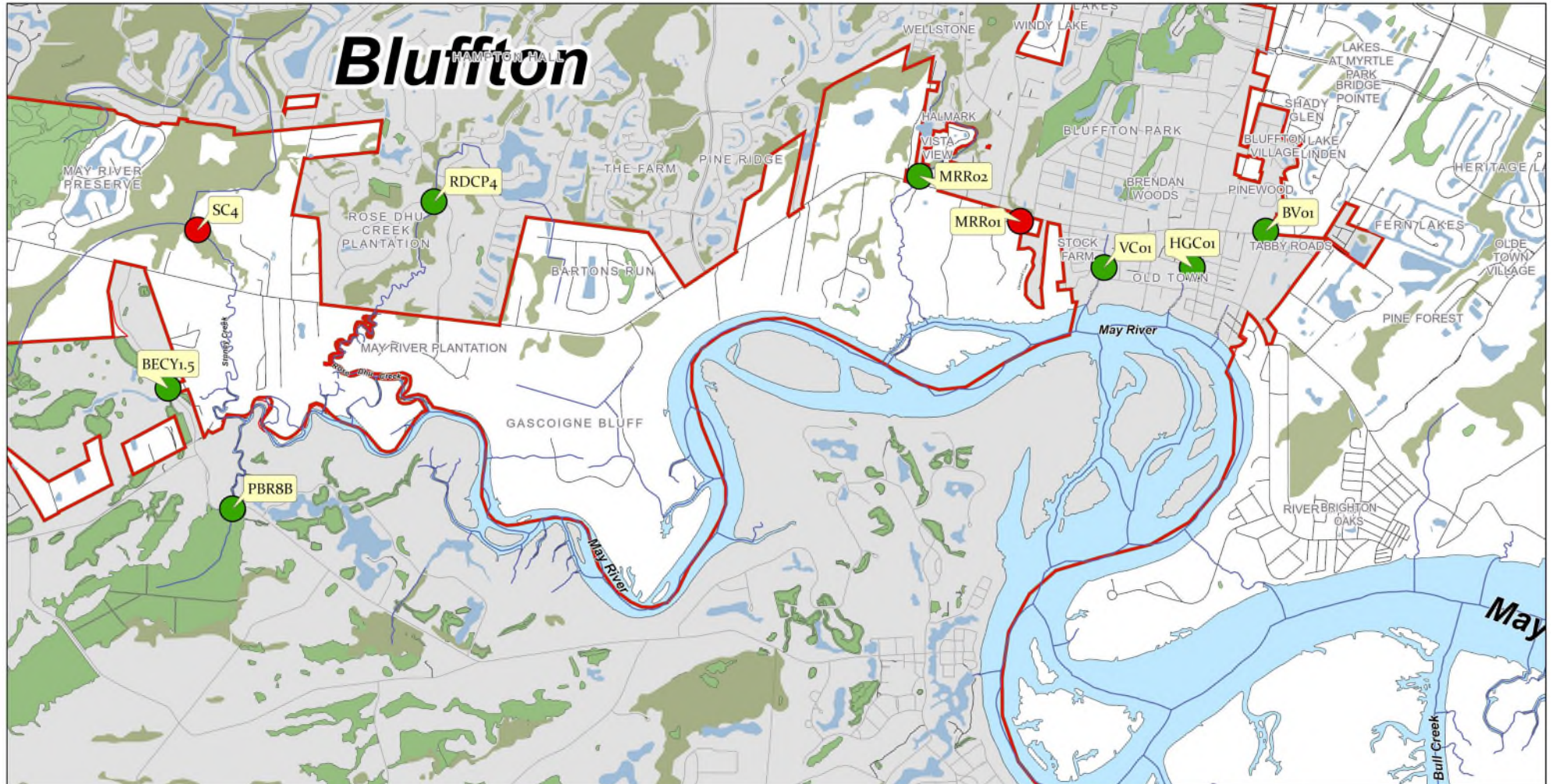
MICROBIAL SOURCE TRACKING (MST) LOCATIONS

Samples at Sites With Positive Detection and the Intensity of Positive Hits

Town of Bluffton
Beaufort County, SC



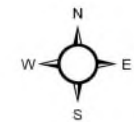
MS4 Minimum Control Measure #3 – IDDE: Microbial Source Tracking (MST) Map – Human Sources



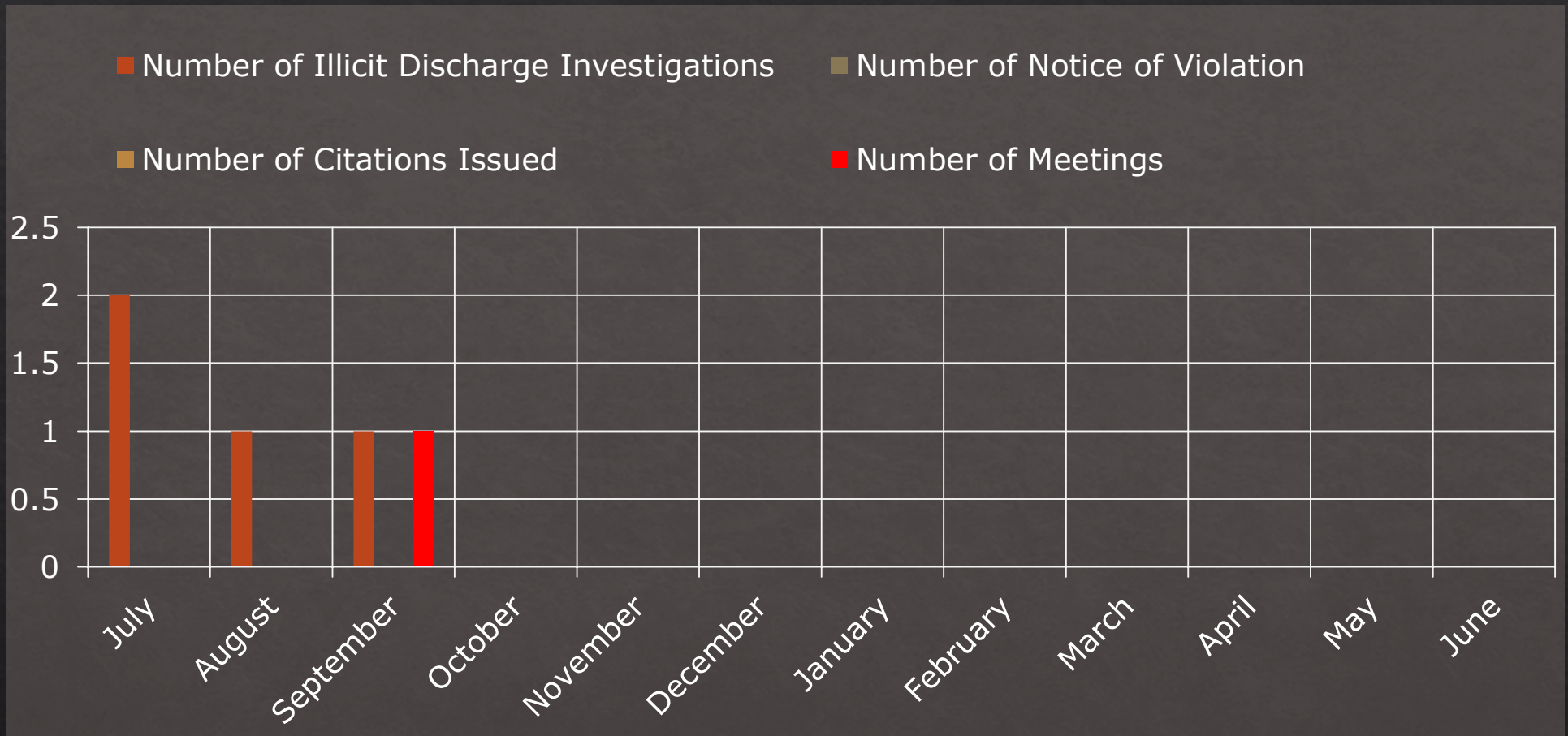
- MST Sampling Location Without Human Genetic Marker Detection
- MST Sampling Location With Human Genetic Marker Detection
- Flowline
- Street
- Town Jurisdiction
- County Jurisdiction

MICROBIAL SOURCE TRACKING LOCATIONS Sampling Results September 14, 2024 MS4 Sampling

Town of Bluffton
Beaufort County, SC

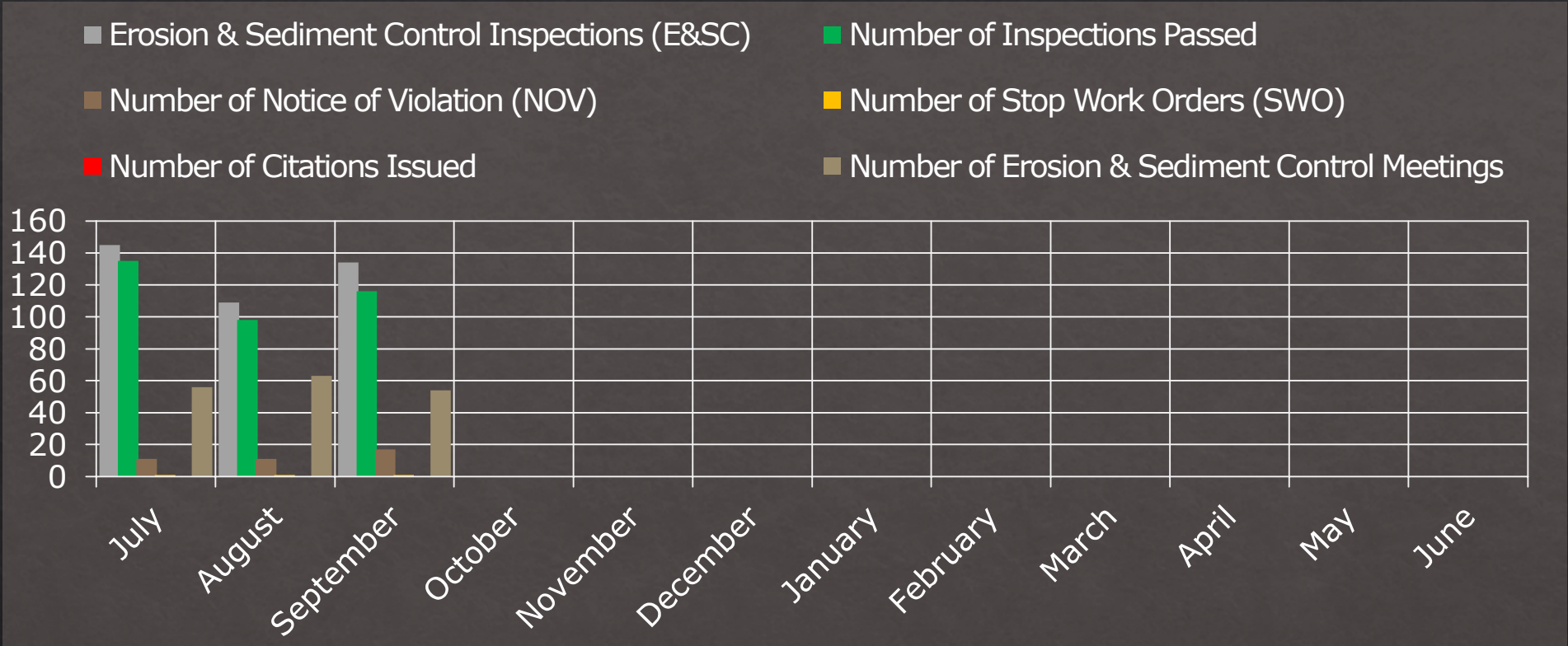


MS4 Minimum Control Measure #3 – IDDE: Illicit Discharge Investigations



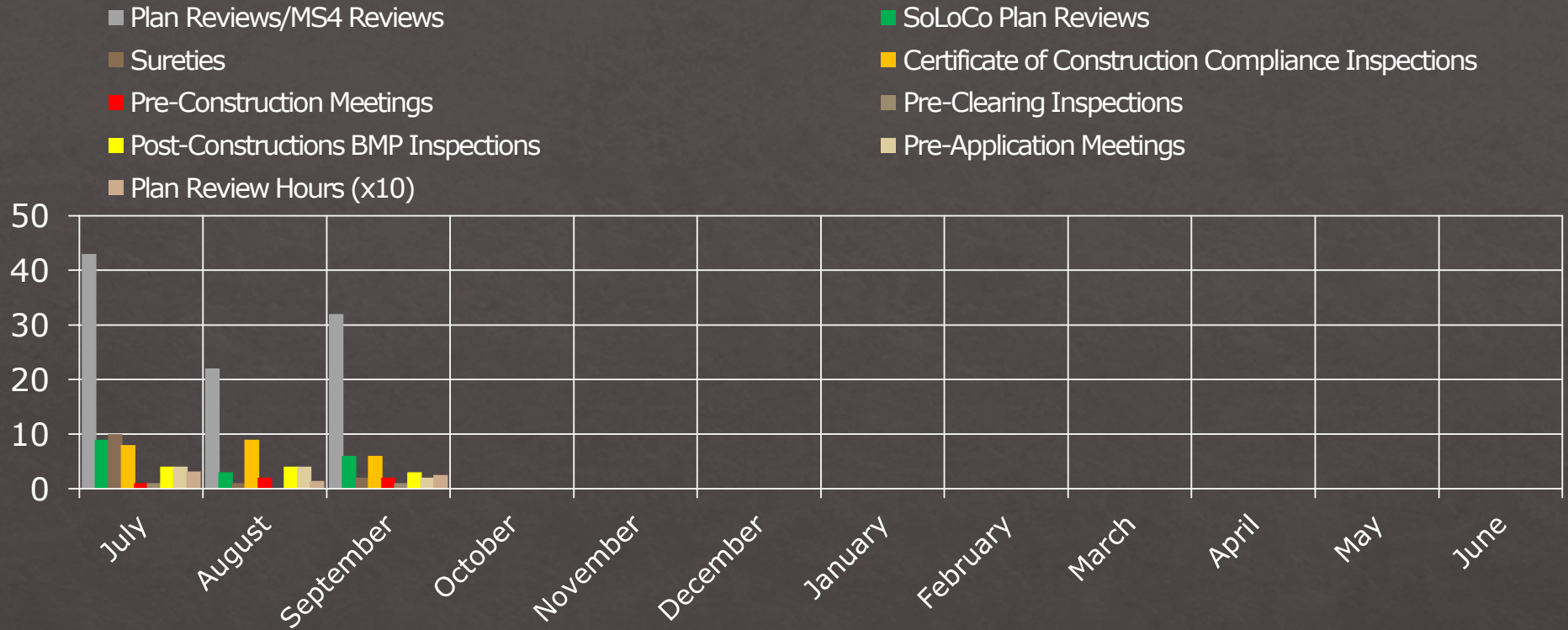
	Number of Illicit Discharge Investigations	Number of Notices of Violation Issued	Number of Citations Issued	Number of Meetings
FY 2025 YTD Totals	4	0	0	1
FY 2024 Totals	33	15	15	35
FY 2023 Totals	27	8	1	20

MS4 Minimum Control Measure #4 - Construction Site Stormwater Runoff Control



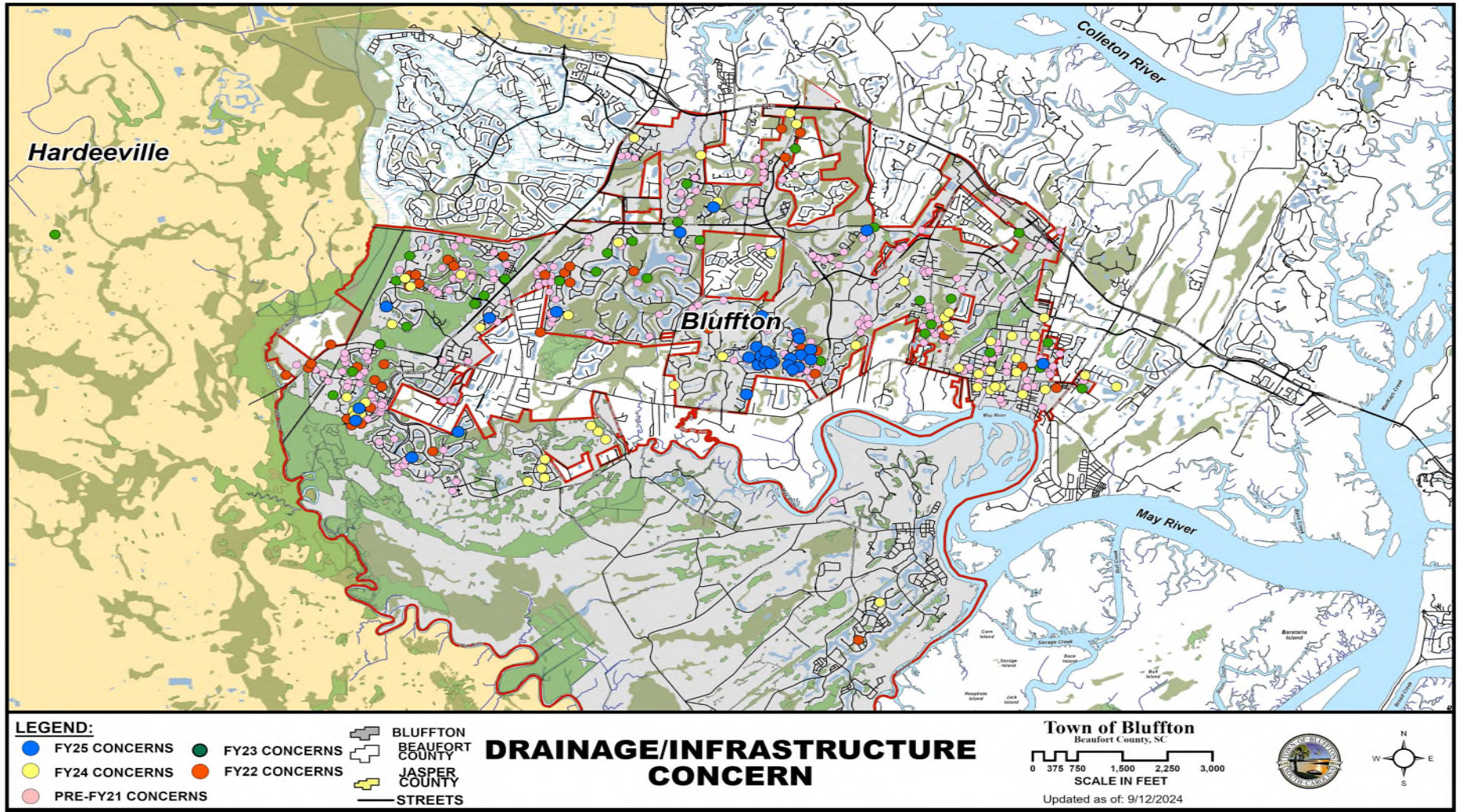
	Number of Sediment & Erosion Control Inspections	Number of Inspections Passed	Number of NOV's Issued	Number of SWO Issued	Number of Citations Issued	Number of E&SC Meetings
FY 2025 YTD Totals	388	349	39	3	0	173
FY 2024 Totals	1,875	1,767	103	10	0	526
FY 2023 Totals	2,321	2,030	266	26	0	577

MS4 Minimum Control Measure #5 Stormwater Plan Review & Related Activity



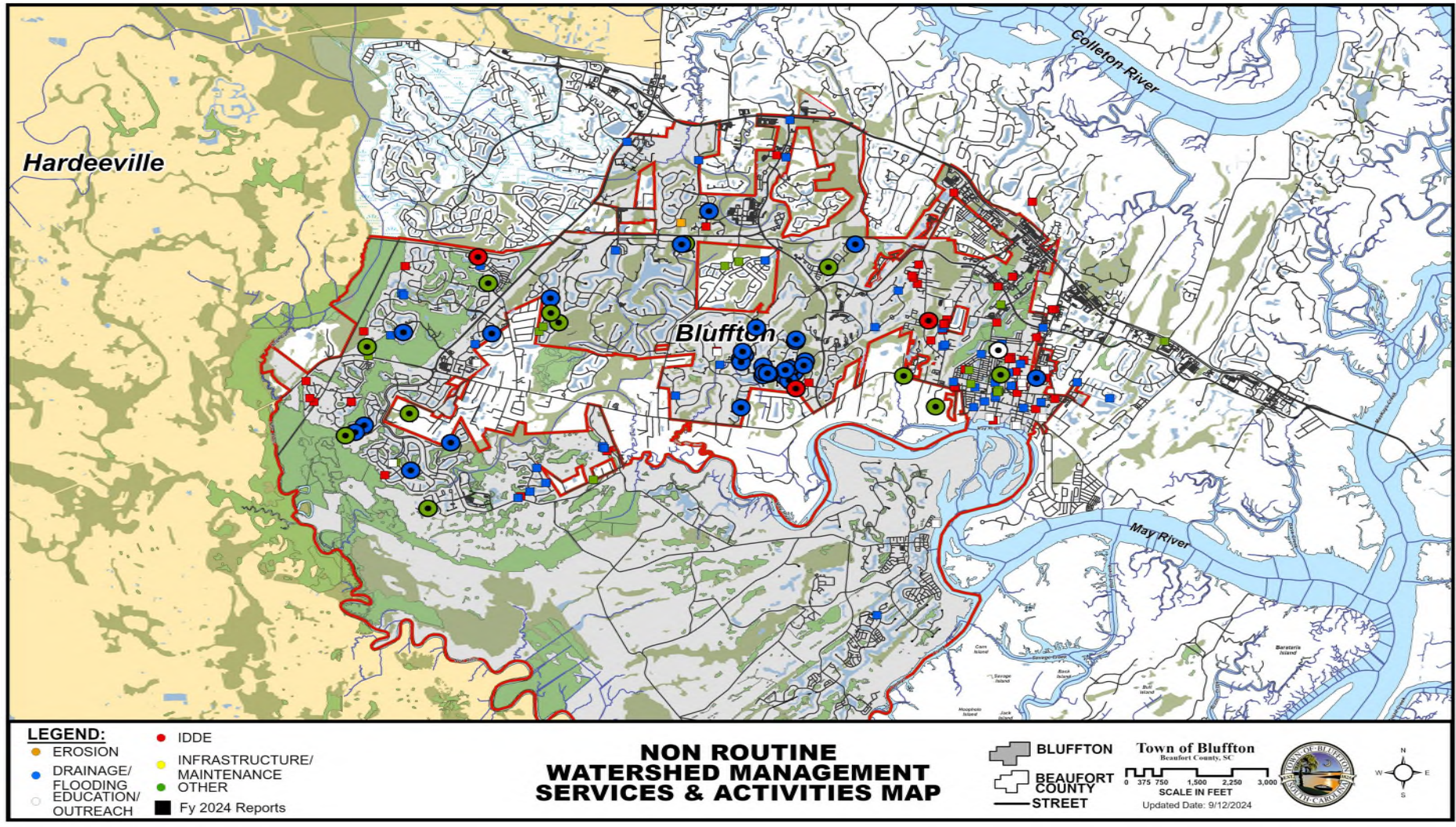
	Plan Reviews MS4 Reviews	SoLoCo Plan Reviews	Sureties	CCC Inspections	Pre-Construction Meetings	Pre-Clearing Inspections	Post Construction BMP Inspections	Pre-Application Meetings	Total Plan Review Hours
FY 2025 YTD	97	18	13	23	5	2	11	10	70.50 Hrs.
FY 2024 Totals	330	63	27	69	37	28	48	47	283 Hrs.
FY 2023 Totals	297	67	42	40	15	13	45	50	386 Hrs.

Citizen Drainage, Maintenance and Inspections Concerns Map



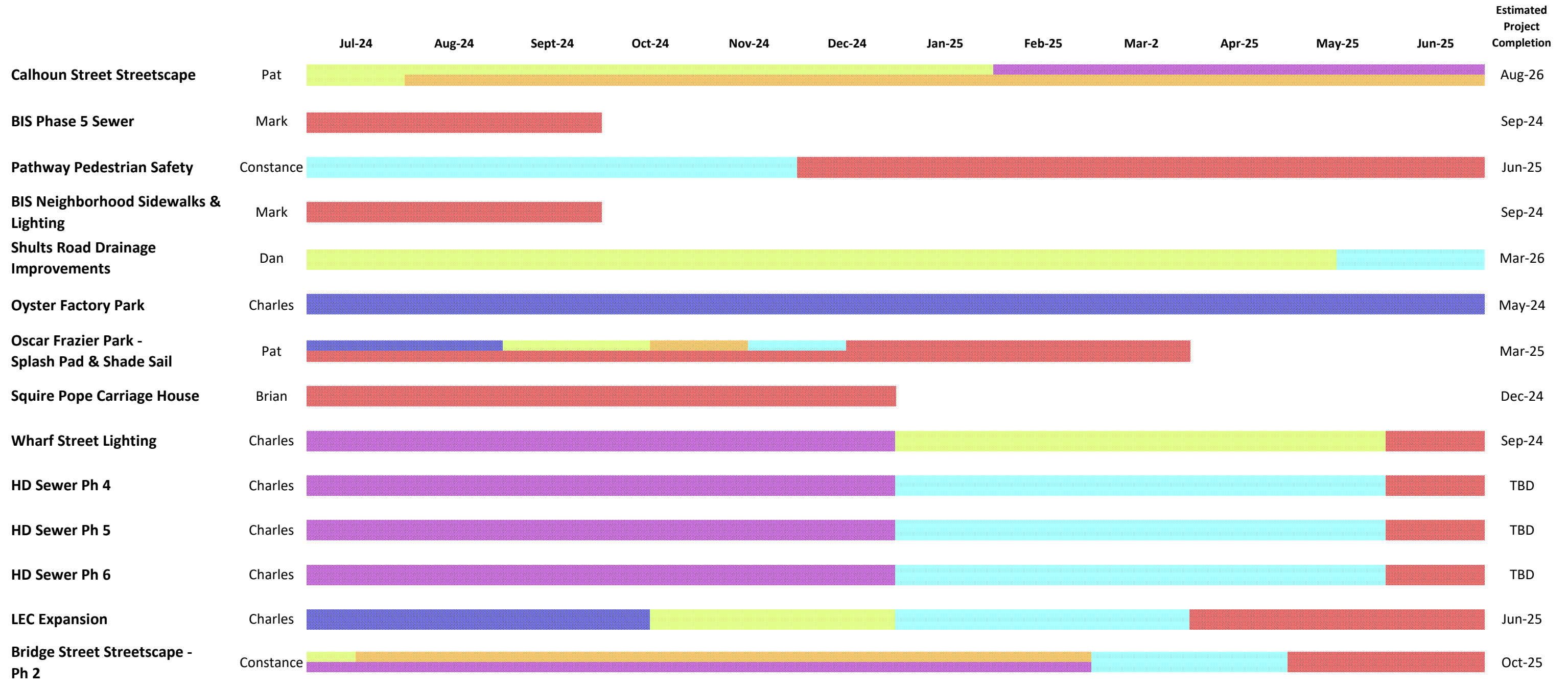
	Number of Drainage Concerns Investigated	Number of Meetings
FY 2025 YTD Totals	7	0
FY 2024 Totals	47	13
FY 2023 Totals	61	52

Citizen Request for Watershed Mngt. Services & Activities Map



	Number of Citizen Requests Investigated	Number of Meetings
FY 2025 YTD Totals	21	4
FY 2024 Totals	137	40
FY 2023 Totals	46	23

FY25 CIP Master Project Schedule



■ Planning & Conceptual Design
 ■ Final Design & Construction Documents
 ■ Permitting
 ■ Easement & Land Acquisition
 ■ Bidding & Contracts
 ■ Construction

SUBJECT TO CHANGE

FY25 CIP Master Project Schedule



TOWN COUNCIL



STAFF REPORT

Public Services Department

MEETING DATE:	October 8, 2024
SUBJECT:	Public Services Department Monthly Report
DIRECTOR:	Larry Beckler, Director of Public Services

PUBLIC SERVICES UPDATE

1. **MS4 MCM – #6 Good Housekeeping (Ditch, Drainage and Roadside Maintenance)**
 - **Street Sweeping** - Performed weekly street sweeping on Calhoun Street, Highway 46, Bruin Road, May River Road, Pin Oak Street, Bridge Street, Church Street, Lawton Street, Lawrence Street, Allen Street, Water Street, Boundary Street, and curbs and medians on Simmonsville and Buck Island Roads.
 - **Ditch Inspections** - Performed ditch inspections
 - Arrow ditch (2,569 LF)
 - Red Cedar ditch (966 LF)
 - Buck Island roadside ditch (15,926 LF)
 - Simmonsville roadside ditch (13,792 LF)
 - **Ongoing Roadside Mowing, Litter Clean-up and Maintenance** of Hampton Parkway, Buck Island and Simmonsville Roads, Goethe Road, Shults Road, Jason and Able Streets, Whispering Pine Road, May River Road, Bluffton Road, Boundary, Calhoun, Bridge Street, Pritchard Street, Buckwalter Boulevard, Bruin Road, Green Street, James Gadson Drive, Thomas Heyward, Church St, Water St, Lawton St. and Colcock St.

2. **FACILITIES**
 - **Ongoing Maintenance** of Town Hall, Law Enforcement Center, Public Services, Rotary Community Center, Watershed Management, Police Sub-station, Don Ryan Center, and general repairs of the Garvin House and Sarah Riley.

3. **PARKS**

- **Ongoing Park Facilities and Landscape Maintenance** of Dubois Park, Martin Family Park, Oscar Frasier, Field of Dreams, Buckwalter Place Park, Oyster Factory Park, Pritchard Pocket Park, May River Pocket Park, Wright Family Park, Eagles Fields, New Riverside Barn, New River Trail, and the newly acquired Evercore Park.

4. **ADDITIONAL ACTIVITIES**

- Dubois Park Pavilion Rebuild: All framing & rough Electric complete- Roofing started (Completion anticipated end of September)
- Support activities for Splash Pad- Excess fill removed
- Installed new trash receptacles Oyster Factory Park
- Bench donation – Bench & slab installed– deNeeve Family
- Install newly renovated picnic tables at Martin Family
- Install patriotic Banners
- Swing install Wright Family Park
- Clean up & repair of leak in Records Storage room @ Town Hall
- All budgeted new equipment purchases started to arrive
- Palmetto Coastal - Road Maintenance Contract starts Sept 23rd
- Installed metal edging & shell mix at perimeter of Garvin Garvey House

5. **PREPPING FOR SPECIAL AND CIVIC EVENTS**

- Set-up & support for following events:
 - Reggae on the River
 - Roots & River event
 - Bluffton Chamber Food Truck event
 - Sept 11 memorial event
 - River Sweep
 - Oyster Factory Concert Series
 - SOLOCO
 - Department Lunch 9/25/2024

6. **BEAUTIFICATION PROGRAM**

- **Committee met 9/19/2024-** Agenda attached

7. **ATTACHMENTS**

- **Public Services Monthly Cost Report** – Attachment 1
- **Beautification Committee Agenda** - Attachment 2

Public Services Monthly Cost Reports - September 2024

(Cost Includes Labor and Equipment)

ASSETS AND EVENTS	COST
FACILITIES	\$15,710.42
PARKS	\$7,642.55
ROADS AND TRAILS	\$6,817.42
SPECIAL EVENTS	\$819.00



Beautification Committee Meeting

Thursday, September 19, 2024 at 9:00 AM

Theodore D. Washington Municipal Building, Henry “Emmett” McCracken Jr. Council Chambers, 20 Bridge Street, Bluffton, SC

AGENDA

- I. CALL TO ORDER
- II. ROLL CALL
- III. ADOPTION OF MINUTES
- IV. PUBLIC COMMENT
- V. OLD BUSINESS
 - 1. Discussion of approved grants
- VI. NEW BUSINESS
 - 1. Upcoming Tour of parks
- VII. DISCUSSION
 - 1. Update on Parks and Town Projects
- VIII. ADJOURNMENT

NEXT MEETING DATE: Thursday, October 17, 2024

“FOIA Compliance – Public notification of this meeting has been published and posted in compliance with the Freedom of Information Act and the Town of Bluffton policies.”

In accordance with the requirements of Title II of the Americans with Disabilities Act of 1990 (“ADA”), the Town of Bluffton will not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs, or activities. The Town of Bluffton Council Chambers are ADA compatible. Auditory accommodations are available. Any person requiring further accommodation should contact the Town of Bluffton ADA Coordinator at 843.706.4500 or adacoordinator@townofbluffton.com as soon as possible but no later than 48 hours before the scheduled event.

Executive Session – The public body may vote to go into executive session for any item identified for action on the agenda.

**Please note that each member of the public may speak at one public comment session and a form must be filled out and given to the Town Clerk. To submit a public comment online, please click here: <https://www.townofbluffton.sc.gov/FormCenter/Town-15/Public-Comment-60>
Public comment is limited to 3 minutes per speaker.*



**Director’s Report – Don Ryan Center for Innovation (DRCI)
September 2024**

Overview:

The Don Ryan Center for Innovation remains a key driver of economic growth in Bluffton by empowering both emerging startups and expanding businesses to thrive. Our programs continue to attract and nurture companies that contribute to the local economy, fostering innovation and job creation in the community.

This month, we are excited to showcase the diverse range of companies in our programs, from early-stage startups developing cutting-edge solutions to established businesses scaling their operations. These companies are making significant contributions to Bluffton’s growing economy and reinforcing the region’s reputation as a hub for entrepreneurship and business development.

Beyond our core entrepreneur programs, we are actively engaged in a variety of strategic initiatives aimed at enhancing Bluffton’s business environment. These economic development efforts are focused on driving commercial growth, attracting new investments, and ensuring long-term economic vitality for our region.

As we look ahead, the Don Ryan Center remains committed to fostering innovation, supporting local businesses, and ensuring Bluffton remains a prime destination for entrepreneurial success and economic development.

Groundbreaking of “Building A”

We are excited that on September 26 at 11 AM the groundbreaking for “Building A” in Buckwalter Place Commerce Park will occur.

This building, owned by the Don Ryan Center will house not only our landing pad called "The HIVE" but also the childcare facility that the Town of Bluffton and the DRCI selected after a through diligence process.

In addition to a lobby walk up coffee shop that will be Class A office space for rent on both floors. The goal is for this building to fund the majority of the DRCI’s annual budget once the entire building is leased. DRCI Board members, mentors, staff and innovators express gratitude to Town Council, Town

staff, Palmetto Electric, the SC Power Team, and the Beaufort County Economic Development Corporation for having the vision to make the next major step in the evolution of the DRCI.

Entrepreneur Program Update

STARTUP Companies:

The Don Ryan Center for Innovation continues to be a fertile ground for burgeoning startups, driving innovation and economic growth in Bluffton. This month, we are proud to list our Program Companies.

- Hardee Greens
- ChangePoint
- OPFOB
- Dance Canapé
- Part of the Family
- Dig Your Photos
- Mencias Cleaning

GROWTH Companies:

Our support extends beyond STARTUPS to include established companies poised for expansion. These businesses are scaling their operations and contributing significantly to the local economy:

- Beachside Tire
- Bluffton Electric
- LaSource
- Delta Roofing
- Custom Audio Video
- Universal Bookkeeping
- Noble Hearts Human Resources

Economic Development Update

Key Efforts in September:

- **Childcare RFP:** We were advised that the Childcare Lease needs to be done by ordinance. To avoid rushing it and to remain transparent we removed the item from the Town Council agenda for September and will add it to October’s agenda as an approval of an ordinance authorizing the lease. There are no concerns with this item otherwise.

- **Bluffton Yards** – Follow-up with the approved grant paperwork and status of the project. The developer is working with the Town’s Growth Management Division as the next phase of the process is beginning
- **Encompass** – After a hiatus, the Company is interested in restarting the process related to the Economic Development Ordinance. The developer has been notified that they need to submit to the Town a change to their phase plan. This is in process. We anticipate this grant coming in front of town council in early 2025

Operations and Marketing

- **AI Speaking Requests:** New requests from the Beaufort Digital Corridor and Sea Pines. In September we presented to The Hilton Head Bluffton Chamber of Commerce Staff and the Womens networking group at Hampton Lake. DRCI has given the AI prestation to more than 700 people as of the end of September. We are being recognized in the community as a thought leader in the field of artificial intelligence. This is one of our strategic initiatives
- **Survey:** Working on Clemson survey creation for interviewing DRCI graduates
- **By Law Changes:** In our October board meeting we will propose small changes to the existing bylaws. If passed by the Board, the changes will go to Council for approval at the November Council meeting
- **Chamber Leadership Program:** We are pleased to announce that DRCI’s own Paul Arvantides has been selected to participate in the Hilton Head Island/ Bluffton Chamber of Commerce Leadership Program. This is a well respected and wide-ranging program. We were pleased to have another Town of Bluffton employee and of course a DRCI employee representing our Town and our organization. Congratulations to Paul!

Events and Meetings:

The next DRCI Board meeting will occur on Thursday October 10th at 5:00pm

Mentor Program

Mentorship Network:

- **72 Mentors:** Our expansive network of 70 mentors continues to provide invaluable guidance and support to our entrepreneurs, fostering growth and innovation.

Partnerships

Key Collaborations:

- **Hardeeville:** Scheduled Lunch and Learn with SBAC for early fall.
- **BlacQuity:** Fall Cohort started at The HUB.
- **Beaufort County Economic Development Corporation:** Ongoing collaboration on multiple impactful projects including collaboration meeting with Beaufort Digital Corridor and BCEDC.
- **Greater Bluffton Chamber:** Participated in numerous ribbon cuttings, showcasing the growth and expansion of local businesses and attended. Hosted 2 Lunch and Learns for the GBCC this month and are planning more.
- **Hilton Head – Bluffton Chamber:** Attended several groundbreakings and ribbon cuttings, and working an AI Education Series with the Chamber. Paul is in the Leadership Program for 2025 and DRCI is hosting their meetings at The HUB
- **Hispanic Business Association of the Lowcountry:** Registered to be a vendor at the Hispanic Business Associations Expo October 5. Attending their food festival. Working with Mencias Cleaning who we met at an HBA speaking event.
- **SBAC –** Working on Lunch and learn with SBAC to be held on October 2nd. The topic is “Funding for Small Business”. Paul Arvantes is on the SBAC board and attends their meetings and events.
- **Beaufort County Airport Board:** David Nelems is a member of this Board and attends each monthly meeting

This report underscores the Don Ryan Center for Innovation’s pivotal role in driving economic development, fostering innovation, and building a resilient entrepreneurial ecosystem in Bluffton. Our initiatives continue to position the Town as a beacon of progress and opportunity.



GROWTH MANAGEMENT UPDATE

October 8, 2024

1. Town Council Appointed Boards/Commissions/Committees/Citizen Group Meetings:

- a. **Planning Commission:** September 25, 2024, meeting agenda attached. Next meeting scheduled for Wednesday, October 23, 2024.
- b. **Historic Preservation Commission:** September 4, 2024, cancellation notice attached. Next meeting scheduled for Wednesday, October 2, 2024.
- c. **Board of Zoning Appeals:** September 3, 2024, cancellation notice attached. Next meeting scheduled for Tuesday, October 1, 2024.
- d. **Development Review Committee:** September 4, 18 & 25, 2024 meeting agendas attached. September 11, 2024 cancellation notice attached. Next meeting scheduled for Wednesday, October 2, 2024.
- e. **Historic Preservation Review Committee:** September 3, 9 & 30, 2024, meeting agendas attached. September 16 & 23, 2024, cancellation notices attached. Next meeting scheduled for Monday, October 7, 2024.
- f. **Construction Board of Adjustment and Appeals:** September 24, 2024, cancellation notice attached. Next meeting scheduled for Tuesday, October 22, 2024.
- g. **Affordable Housing Committee:** September 5, 2024, meeting agenda attached. Next meeting scheduled for Thursday, October 3, 2024.

2. Community Development / Affordable Housing Committee Work Program:

Neighborhood Assistance Program.

The budget for the Neighborhood Assistance Program for FY 2025 has been approved at \$400,000 by Town Council. An additional \$144,000 was added to the budget by a grant awarded to the program by Beaufort Jasper Housing Trust on August 22. That brings the 2025 fiscal year budget to \$544,000.00.

Thirteen homes have received home repairs at a total of \$92,592.

Six homes have been serviced for septic pump out or plumbing services at a total of \$6,766.

One home has been serviced for tree service at a total of \$200.00

Four homes are in the queue to have contractors visit for estimates. Those repairs consist of roofing, flooring and bathroom repairs.

ATTACHMENTS:

1. Planning Commission meeting agenda for September 25 2024.
2. Historic Preservation Commission cancellation notice for September 4, 2024.
3. Board of Zoning Appeals cancellation notice for September 3, 2024.
4. Development Review Committee meeting agendas for September 4, 18 & 25, 2024 and cancellation notice for September 11, 2024.
5. Historic Preservation Review Committee meeting agenda for September 3, 9 & 30, 2024 and cancellation notices for September 16 & 23, 2024.
6. Construction Board of Adjustments and Appeals cancellation notice for September 24, 2024.
7. Affordable Housing Committee meeting agenda for September 5, 2024.
8. Building Permits and Planning Applications:
 - a. Building Permits Issued FY 2018-2025 (to September 17, 2024).
 - b. Building Permits Issued Per Month FY 2018-2025 (to September 17, 2024).
 - c. Value of Construction FY 2018-2025 (to September 17, 2024).
 - d. New Single Family Residential Building Permits Issued Per Month FY 2018-2025 (to September 17, 2024).
 - e. New Single Family Residential Building Permits Issued by Neighborhood FY 2018-2025 (to September 17, 2024).
 - f. New Single-Family Certificates of Occupancy Issued by Neighborhood FY 2018-2025 (to September 17, 2024).
 - g. New Commercial Construction/Additions Heated Square Footage FY 2018-2025 (to September 17, 2024).
 - h. Planning and Community Development Applications Approved FY 2018-2025 (to September 17, 2024).
 - i. Multi Family Apartments Value FY 2018-2025 (to September 17, 2024).
 - j. Multi Family Apartments Square Footage FY 2018-2025 (to September 17, 2024).
 - k. Multi Family Apartments Total Units FY 2018-2025 (to September 17, 2024).
9. Planning Active Application Report



Planning Commission Meeting

Wednesday, September 25, 2024 at 6:00 PM

Theodore D. Washington Municipal Building, Henry “Emmett” McCracken Jr. Council Chambers,
20 Bridge Street, Bluffton, SC

AGENDA

This meeting can be viewed live on [BCTV](#), on Hargray Channel 9 and 113 or on Spectrum Channel 1304.

I. CALL TO ORDER

II. ROLL CALL

III. NOTICE REGARDING ADJOURNMENT

The Planning Commission will not hear new items after 9:30 p.m. unless authorized by a majority vote of the Commission Members present. Items which have not been heard before 9:30 p.m. may be continued to the next regular meeting or a special meeting date as determined by the Commission Members.

IV. ADOPTION OF MINUTES

1. August 28, 2024 Minutes

V. PUBLIC COMMENT

VI. OLD BUSINESS

VII. NEW BUSINESS

- 1. Venture at Okatie Bluffs (Street Naming):** A request by Willy Powell of Ward Edwards, Inc., on behalf of Adrien Dannemiller of Okatie Bluffs Owner LLC for approval of a Street Naming Application. The Applicant is proposing three street names that will provide access to the site from both Gibbet Rd and HWY 170, which will include interconnections to future developments. The project proposes six multifamily buildings, four garage buildings, a clubhouse, and associated amenities and infrastructure. The property is zoned Buckwalter Planned Unit Development and consists of approximately 22.0 acres identified by tax map number R610 028 000 0921 0000 located within the Parcel B-1 Master Plan. (STR-08-24-019274) (Staff - Angie Castrillon)
- 2. Magnolia Square (Street Naming):** A request by Willy Powell of Ward Edwards, Inc., on behalf of Ed Goas of ERB Enterprises for LLC for approval of a Street Naming Application. The project consists of three internal streets for the Magnolia Square mixed-use development. The property contains three lots zoned Neighborhood General-HD (NG-HD), one lot zoned

Neighborhood Core (NC), and two lots zoned Residential General (RG) and consists of approximately 3.43 acres identified by tax map numbers R610 039 000 0114 0000, R610 039 000 0093 0000, R610 039 000 0094 0000, R610 039 000 0095 0000, R610 039 000 0096 0000, R610 039 000 0107 0000 located at 1203-1217 May River Road and 15-19 Jason Street. (STR-07-24-019249) (Staff-Angie Castrillon)

- 3. Public Hearing and Recommendation to Town Council for that Certain Properties Owned by Rose Kitty and Ferrellgas Inc., Consisting of a Total of 1.38 Acres, More or Less, Located at 328, 330 and 332 Buck Island Road and identified by Beaufort County Tax Map Numbers R610 03 000 0016 0000 (328 and 330 Buck Island Road) and R610 039 000 018C 0000 (332 Buck Island Road). (Staff-Dan Frazier)

A. Consideration of an Amendment to the Town of Bluffton Comprehensive Plan "Blueprint Bluffton" to Amend the Said Properties from the Future Land Use Designation of Suburban Living to Neighborhood Center;

B. Consideration of a Zoning Map Amendment to Rezone the Subject Properties from the Residential General (RG) Zone District to the Light Industrial (LI) Zone District.

VIII. DISCUSSION

IX. ADJOURNMENT

NEXT MEETING DATE: Wednesday, October 23, 2024

"FOIA Compliance – Public notification of this meeting has been published and posted in compliance with the Freedom of Information Act and the Town of Bluffton policies."

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Executive Session – The public body may vote to go into executive session for any item identified for action on the agenda.

**Please note that each member of the public may speak at one public comment session and a form must be filled out and given to the Town Clerk. To submit a public comment online, please click here:*

<https://www.townofbluffton.sc.gov/FormCenter/Town-15/Public-Comment-60>

Public comment is limited to 3 minutes per speaker.



PUBLIC NOTICE

THE HISTORIC PRESERVATION COMMISSION (HPC)

Meeting scheduled for

Wednesday, September 4, 2024 at 6:00
P.M.

has been CANCELED
due to a lack of agenda items.

The next meeting is scheduled for
Wednesday, October 2, 2024.

If you have questions, please contact
Growth Management at: 843-706-4500



PUBLIC NOTICE

The Board of Zoning Appeals (BZA)
Meeting scheduled for

Tuesday, September 3, 2024, at 6:00 p.m.

Has been CANCELED
due to a lack of agenda items.

The next meeting is scheduled for Tuesday,
October 1, 2024.

If you have questions, please contact
Growth Management at: 843-706-4500



Development Review Committee Meeting

Wednesday, September 04, 2024 at 1:00 PM

Theodore D. Washington Municipal Building, Henry “Emmett” McCracken Jr. Council Chambers,
20 Bridge Street, Bluffton, SC

AGENDA

All Applications can be viewed on the Town of Bluffton’s Permit Finder page
<https://www.townofbluffton.us/permit/>

I. CALL TO ORDER

II. ROLL CALL

III. PUBLIC COMMENT

IV. OLD BUSINESS

V. NEW BUSINESS

- Palmetto Bluff Block M7 (Development Plan):** A request by Drew Lonker of Thomas & Hutton, on behalf of Palmetto Bluff Uplands, LLC for approval of a Preliminary Development Plan. The project consists of 12 single family residential lots with associated infrastructure. The property consists of approximately 27.35 acres identified by tax map numbers R614 045 000 0024 0000 and R614 046 000 0062 0000 and located within the Palmetto Bluff PUD. (DP-07-24-019259)(Staff – Dan Frazier)
- May River Elementary School (Public Project):** A request by Conor Blaney of Ward Edwards Engineering, on behalf of Robert Oetting of Beaufort County School District for the approval of a Public Project. The project proposes the construction of a new 68,960 SF Elementary School with the capacity to hold approximately 800 students, associated access, parking, sports fields, and other supporting infrastructure. The property is zoned New Riverside PUD and consists of approximately 224.51 acres identified by R610 044 000 0125 0000 and located Northeast of the existing May River High School on New Riverside Road. (DP-07-24-019241)(Staff - Dan Frazier)

VI. DISCUSSION

VII. ADJOURNMENT

NEXT MEETING DATE: Wednesday, September 11, 2024

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Public comment is limited to 3 minutes per speaker.



PUBLIC NOTICE

THE DEVELOPMENT REVIEW COMMITTEE (DRC) Meeting scheduled for

Wednesday, September 11, 2024 at 1:00
P.M.

has been CANCELED
due to a lack of agenda items.

The next meeting is scheduled for
Wednesday, September 18, 2024.

If you have questions, please contact
Growth Management at: 843-706-4500



Development Review Committee Meeting

Wednesday, September 18, 2024 at 1:00 PM

Theodore D. Washington Municipal Building, Orlando Conference Room, 20 Bridge Street,
Bluffton, SC

AGENDA

All Applications can be viewed on the Town of Bluffton's Permit Finder page
<https://www.townofbluffton.us/permit/>

I. CALL TO ORDER

II. ROLL CALL

III. PUBLIC COMMENT

IV. OLD BUSINESS

V. NEW BUSINESS

- 1. Washington Square Lot 2J (Subdivision):** A request by Speyside Partners LLC for approval of a Subdivision application. The project consists of creating a separate lot, 2J, out of Lot 2 (R610 022 000 1129), at the intersection of Bleecker Street North and Mott Street for the construction of a building at Washington Square (DP-10-19-013630). The size of the lot is 0.266 acres. Access and parking is available to the building through two entry roads off of Bleecker Street and parking areas east of the square. The property is zoned Buckwalter PUD and consists of approximately 4.243 acres and located within the Buckwalter Commons Master Plan. (SUB-08-24-019286) (Staff-Dan Frazier)
- 2. HD Sanitary Sewer Extensions Phases 4, 5, & 6 (Public Project)** - A request by Charles Savino on behalf of the Town of Bluffton for approval of a Public Project. The project consists of the installation of sewer mains and sewer lateral for parcels within the Old Town Bluffton Historic District. The project also includes connection of a dwelling to the sewer main. The work areas are located in the ROW of Water Street, Green Street, Lawrence Street, and will include encroachments into Boundary Street. (DP-08-24-019296) (Staff-Dan Frazier)

VI. DISCUSSION

VII. ADJOURNMENT

NEXT MEETING DATE: Wednesday, September 25, 20234

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Public comment is limited to 3 minutes per speaker.



Development Review Committee Meeting

Wednesday, September 25, 2024 at 1:00 PM

Theodore D. Washington Municipal Building, Henry "Emmett" McCracken Jr. Council Chambers,
20 Bridge Street, Bluffton, SC

AGENDA

All Applications can be viewed on the Town of Bluffton's Permit Finder page
<https://www.townofbluffton.us/permit/>

I. CALL TO ORDER

II. ROLL CALL

III. PUBLIC COMMENT

IV. OLD BUSINESS

V. NEW BUSINESS

1. **Venture at Okatie Bluffs (Subdivision):** A request by Adrien Dannemiller of Okatie Bluffs Owner LLC, on behalf of Parcel 8, LLC for approval of a Subdivision application. The application consists of subdividing Parcel B-1, approximately 21.68 acres, into six (6) parcels, including access easements, to support the development of Venture at Okatie Bluffs (DP-10-23-018564). The property is zoned Buckwalter Planned Unit Development identified by tax map number R610 028 000 0921 0000 and located within the Parcel B-1 Master Plan. (SUB-08-24-019309) (Staff - Dan Frazier)

VI. DISCUSSION

VII. ADJOURNMENT

NEXT MEETING DATE: Wednesday, October 2, 2024

“FOIA Compliance – Public notification of this meeting has been published and posted in compliance with the Freedom of Information Act and the Town of Bluffton policies.”

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Public comment is limited to 3 minutes per speaker.



Historic Preservation Review Committee Meeting

Tuesday, September 03, 2024 at 4:00 PM

Theodore D. Washington Municipal Building, Henry "Emmett" McCracken Jr. Council Chambers,
20 Bridge Street, Bluffton, SC

AGENDA

I. CALL TO ORDER

II. ROLL CALL

III. PUBLIC COMMENT

IV. OLD BUSINESS

V. NEW BUSINESS

1. **95 Green Street:** A request by Sam Liberti with Low Tide Designs, Inc., on behalf of the owner, Glenda Mikulak Roberts, for review of a Certificate of Appropriateness - HD to construct a new 2-story house of approximately 1,987 SF at 95 Green Street, in the Old Town Bluffton Historic District and zoned Neighborhood General-HD. (COFA-08-24-019275)(Staff – Charlotte Moore)

VI. DISCUSSION

VII. ADJOURNMENT

NEXT MEETING DATE: Monday, September 9, 2024

“FOIA Compliance – Public notification of this meeting has been published and posted in compliance with the Freedom of Information Act and the Town of Bluffton policies.”

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Executive Session – The public body may vote to go into executive session for any item identified for action on the agenda.

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<https://www.townofbluffton.sc.gov/FormCenter/Town-15/Public-Comment-60>

Public comment is limited to 3 minutes per speaker.



Historic Preservation Review Committee Meeting

Monday, September 09, 2024 at 4:00 PM

Theodore D. Washington Municipal Building, Henry "Emmett" McCracken Jr. Council Chambers,
20 Bridge Street, Bluffton, SC

AGENDA

I. CALL TO ORDER

II. ROLL CALL

III. PUBLIC COMMENT

IV. OLD BUSINESS

V. NEW BUSINESS

1. **50 Pritchard Street:** A request by Ansley H. Manuel, architect, on behalf of the owner, Beth McHugh, for review of a Certificate of Appropriateness - HD for a proposed 1-story addition of approximately 595 SF, deck addition, and new metal porch roof located at 50 Pritchard Street in the Old Town Bluffton Historic District and zoned Neighborhood General - Historic District. (COFA-08-24-019280) (Staff-Charlotte Moore)

VI. DISCUSSION

VII. ADJOURNMENT

NEXT MEETING DATE: Monday, September 16, 2024

“FOIA Compliance – Public notification of this meeting has been published and posted in compliance with the Freedom of Information Act and the Town of Bluffton policies.”

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<https://www.townofbluffton.sc.gov/FormCenter/Town-15/Public-Comment-60>

Public comment is limited to 3 minutes per speaker.



PUBLIC NOTICE

THE HISTORIC PRESERVATION REVIEW COMMITTEE (HPRC)

Meeting scheduled for

Monday, September 16, 2024 at 4:00
P.M.

has been CANCELED
due to lack of agenda items.

The next meeting is scheduled for
Monday, September 23, 2024.

If you have questions, please contact
Growth Management at: 843-706-4500



PUBLIC NOTICE

THE HISTORIC PRESERVATION REVIEW COMMITTEE (HPRC)

Meeting scheduled for

Monday, September 23, 2024 at 4:00
P.M.

has been CANCELED
due to lack of agenda items.

The next meeting is scheduled for
Monday, September 30, 2024.

If you have questions, please contact
Growth Management at: 843-706-4500



Historic Preservation Review Committee Meeting

Monday, September 30, 2024 at 4:00 PM

Theodore D. Washington Municipal Building, Henry "Emmett" McCracken Jr. Council Chambers,
20 Bridge Street, Bluffton, SC

AGENDA

I. CALL TO ORDER

II. ROLL CALL

III. PUBLIC COMMENT

IV. OLD BUSINESS

V. NEW BUSINESS

1. **42 Wharf Street:** A request by John Montgomery, applicant and owner, for review of a Certificate of Appropriateness - HD to construct a new 2-story residential structure of approximately 2,006 SF at 42 Wharf Street in the Old Town Bluffton Historic District and zoned Neighborhood General-Historic District. (COFA-04-24-019070)(Staff-Charlotte Moore).

VI. DISCUSSION

VII. ADJOURNMENT

NEXT MEETING DATE: Monday, October 7, 2024

“FOIA Compliance – Public notification of this meeting has been published and posted in compliance with the Freedom of Information Act and the Town of Bluffton policies.”

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Public comment is limited to 3 minutes per speaker.



PUBLIC NOTICE

The Construction Board of
Adjustments and Appeals (CBAA)
Meeting scheduled for

Tuesday, September 24, 2024, at 6:00 P.M.

has been CANCELED
due to lack of agenda items.

The next meeting is scheduled for
Tuesday, October 22, 2024.

If you have questions, please contact
Growth Management at: 843-706-4500



Affordable Housing Committee Meeting

Thursday, September 05, 2024 at 10:00 AM

Theodore D. Washington Municipal Building, Henry "Emmett" McCracken Jr. Council Chambers,
20 Bridge Street, Bluffton, SC

AGENDA

This meeting can be viewed live on [Beaufort County Channel](#), on Hargray Channel 9 and 113 or on Spectrum Channel 1304.

EnterTextHere

I. CALL TO ORDER

II. ROLL CALL

III. ADOPTION OF MINUTES

1. July 11, 2024

IV. PUBLIC COMMENT

V. OLD BUSINESS

VI. NEW BUSINESS

1. FY2025 Neighborhood Assistance Program Budget Update

VII. DISCUSSION

1. Incentive Workshop Follow-up

VIII. ADJOURNMENT

NEXT MEETING DATE: Thursday, October 3, 2024

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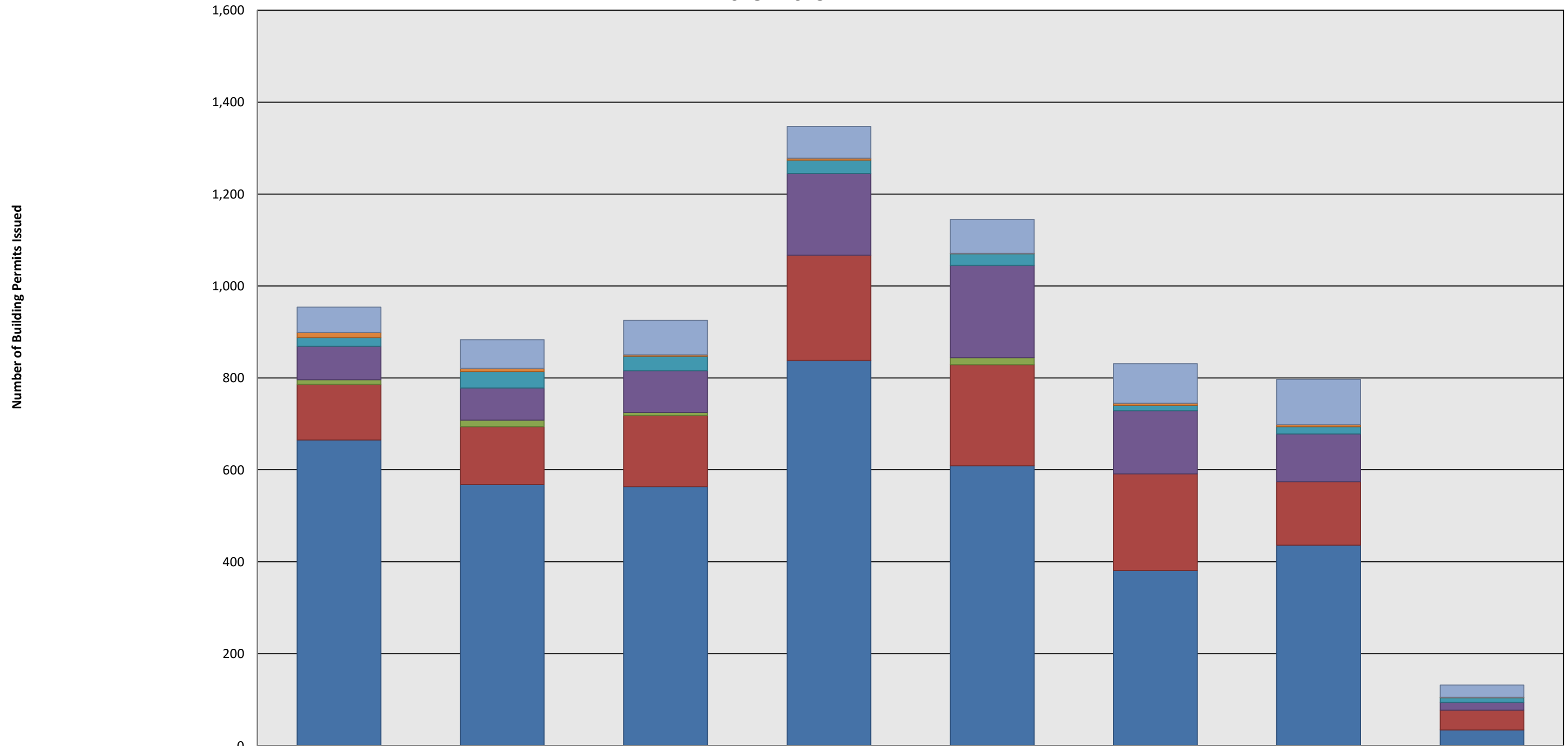
Executive Session – The public body may vote to go into executive session for any item identified for action on the agenda.

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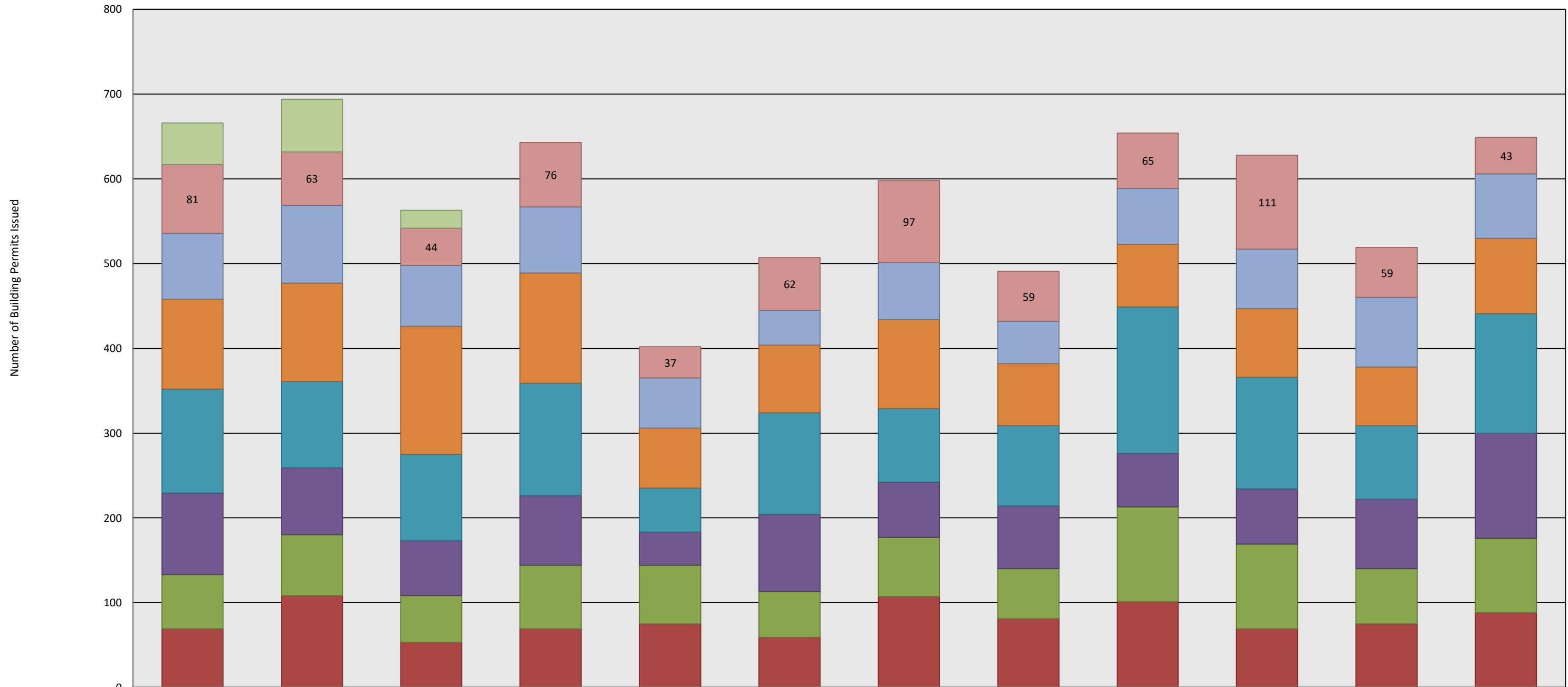
**Town of Bluffton
Building Permits Issued
FY 2018 - 2025**



Year	FY2018 (July 2017 - June 2018)	FY 2019 (July 2018 - June 2019)	FY 2020 (July 2019 - June 2020)	FY 2021 (July 2020 - June 2021)	FY 2022 (July 2021 - June 2022)	FY 2023 (July 2022 - June 2023)	FY 2024 (July 2023 - June 2024)	FY 2025 (July 2024- June 2025)
Other Commercial	55	62	75	69	74	86	99	27
Commercial Addition	11	7	3	4	1	5	4	1
New Commercial Construction/ Tenant Upfit	19	36	31	29	25	11	16	10
Other Residential	73	70	91	178	201	138	104	17
New Multi Family - Apartments	10	14	7	0	15	0	0	0
Residential Addition	121	126	155	229	220	210	138	43
New Single Family	665	568	563	838	609	381	436	34

Notes: 1. Building Permits Issued excludes those Building Permits which were voided or withdrawn.
 2. Residential addition includes: additions, screen enclosures, carport, re-roof, modular.
 3. Other residential includes: new accessory structure, new accessory residence.
 4. Commercial addition includes: additions, screen enclosure, shell.
 5. Other commercial includes: remodel and accessory structure.

Town of Bluffton
Building Permits Issued Per Month
FY 2018 - 2025

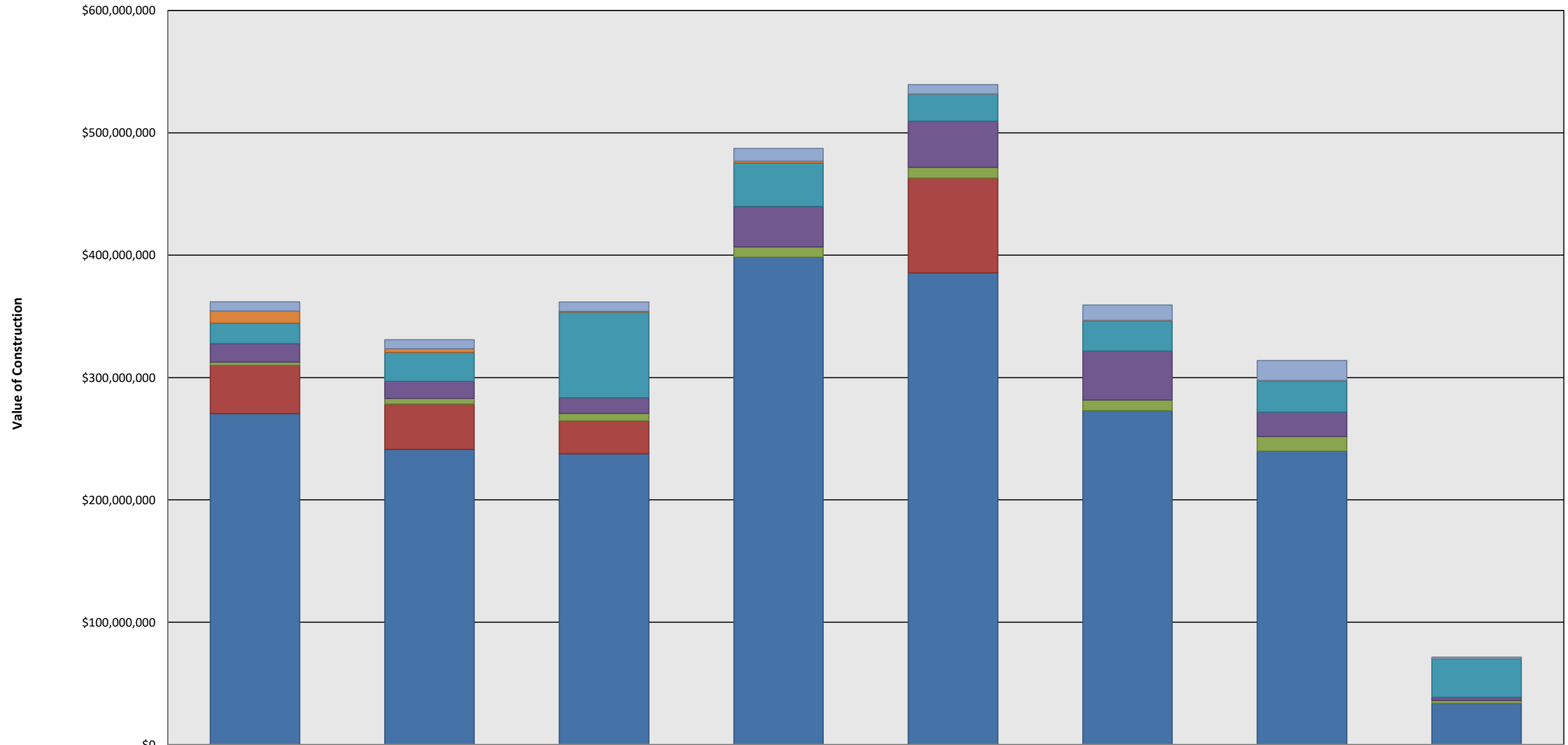


Month	July	August	September	October	November	December	January	February	March	April	May	June
FY 2025 (July 2024 - June 2025)	49	62	21									
FY 2024 (July 2023 - June 2024)	81	63	44	76	37	62	97	59	65	111	59	43
FY 2023 (July 2022 - June 2023)	78	92	72	78	59	41	67	50	66	70	82	76
FY 2022 (July 2021 - June 2022)	106	116	151	130	71	80	105	73	74	81	69	89
FY 2021 (July 2020 - June 2021)	123	102	102	133	52	120	87	95	173	132	87	141
FY 2020 (July 2019 - June 2020)	96	79	65	82	39	91	65	74	63	65	82	124
FY 2019 (July 2018 - June 2019)	64	72	55	75	69	54	70	59	112	100	65	88
FY 2018 (July 2017 - June 2018)	69	108	53	69	75	59	107	81	101	69	75	88

Notes: 1. Building Permits Issued excludes those Building Permits which were voided or withdrawn.

**Town of Bluffton
Value of Construction
FY 2018 - 2025**

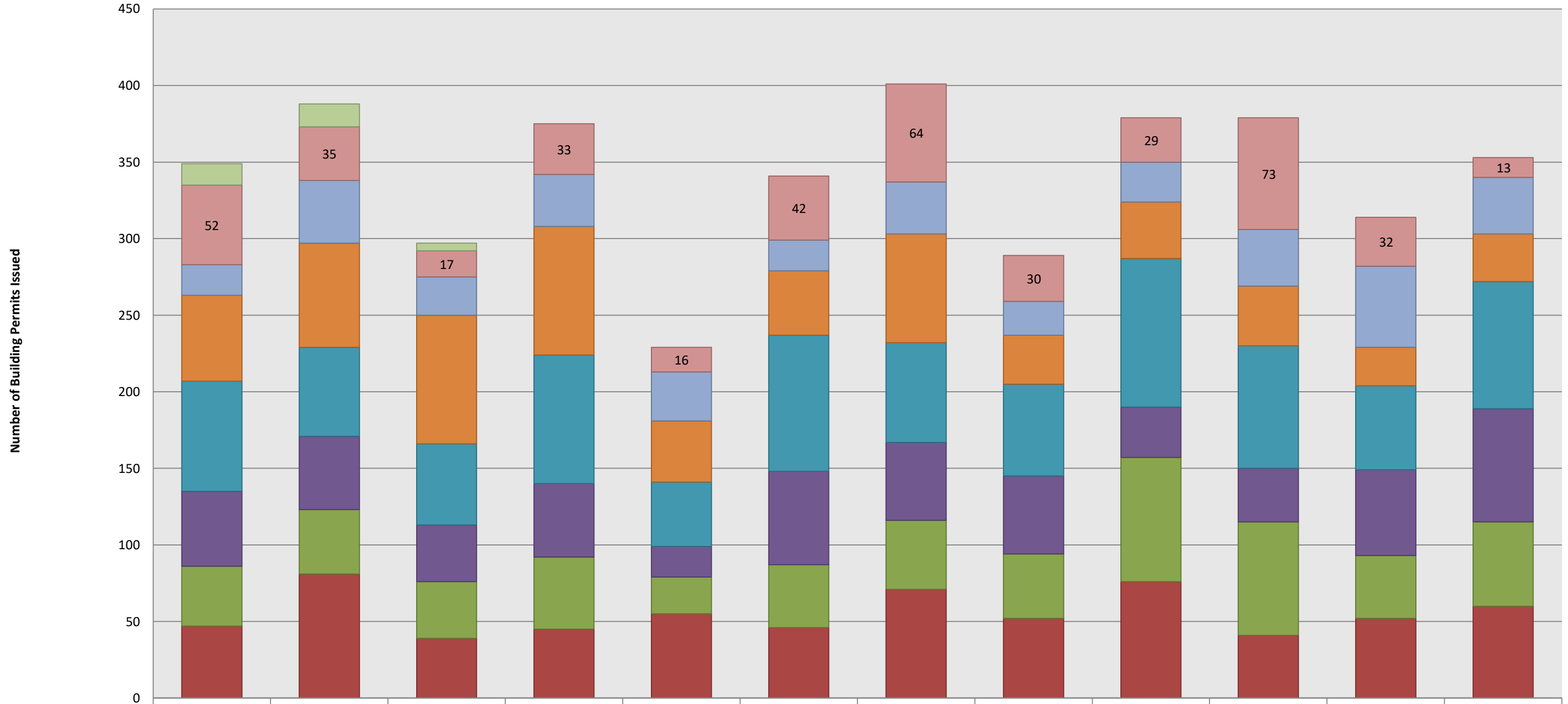
Attachment 8c



Year	FY2018 (July 2017 - June 2018)	FY 2019 (July 2018 - June 2019)	FY 2020 (July 2019 - June 2020)	FY 2021 (July 2020 - June 2021)	FY 2022 (July 2021 - June 2022)	FY 2023 (July 2022 - June 2023)	FY 2024 (July 2023 - June 2024)	FY 2025 (July 2024- June 2025)
Other Commercial	\$7,509,862	\$7,263,366	\$7,579,860	\$10,412,995	\$7,596,115	\$12,475,855	\$16,317,280	\$1,504,355
Commercial Additions	\$9,937,826	\$3,041,168	\$656,000	\$1,492,691	\$7,550	\$526,290	\$413,300	\$2,000
New Commercial/ Tenant Upfits	\$16,738,641	\$23,614,625	\$69,976,821	\$35,480,001	\$22,266,766	\$24,611,903	\$25,409,903	\$31,380,728
Other Residential	\$15,179,326	\$13,979,443	\$12,794,241	\$33,207,203	\$37,696,800	\$40,039,634	\$19,926,881	\$2,507,790
Residential Additions/ Renovations	\$2,537,580	\$4,691,023	\$6,005,043	\$8,363,040	\$8,762,565	\$8,683,202	\$11,994,064	\$2,633,098
New Multi Family - Apartments	\$39,452,102	\$36,975,720	\$27,045,609	\$-	\$77,664,502	\$-	\$-	\$0
New Single Family	\$270,548,460	\$241,300,026	\$237,647,960	\$398,345,907	\$385,446,946	\$272,946,813	\$239,843,210	\$33,498,750

Notes: 1. Residential addition includes: additions, screen enclosures, carport, re-roof, modular.
 2. Other residential includes: new accessory structure, new accessory residence.
 3. Commercial addition includes: additions, screen enclosure, shell.
 4. Other commercial includes: remodel and accessory structure.

New Single Family Residential Building Permits Issued Per Month FY 2018 - 2025

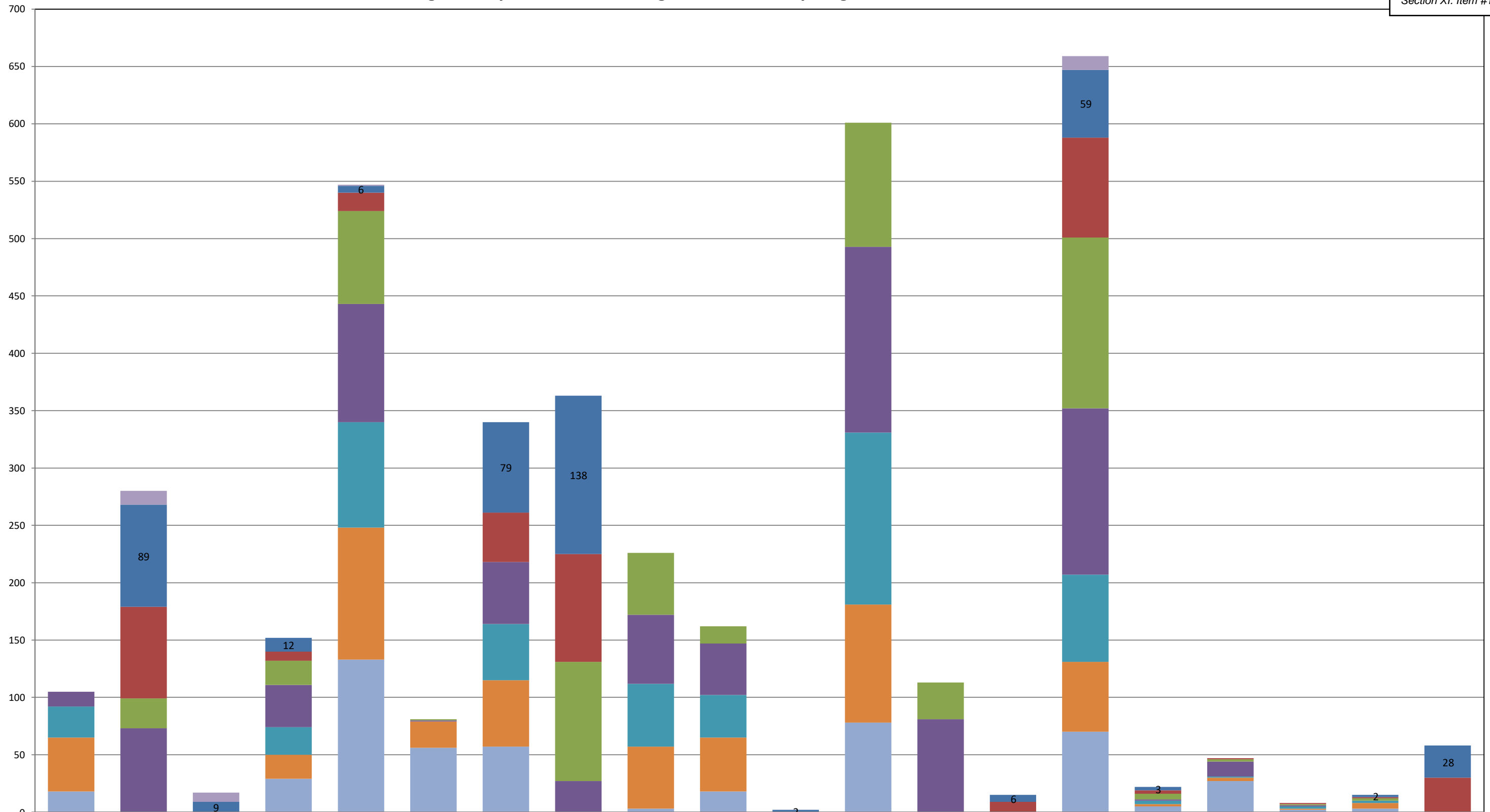


	July	August	September	October	November	December	January	February	March	April	May	June
FY 2025 (July 2024- June 2025)	14	15	5									
FY 2024 (July 2023 - June 2024)	52	35	17	33	16	42	64	30	29	73	32	13
FY 2023 (July 2022 - June 2023)	20	41	25	34	32	20	34	22	26	37	53	37
FY 2022 (July 2021 - June 2022)	56	68	84	84	40	42	71	32	37	39	25	31
FY 2021 (July 2020 - June 2021)	72	58	53	84	42	89	65	60	97	80	55	83
FY 2020 (July 2019 - June 2020)	49	48	37	48	20	61	51	51	33	35	56	74
FY 2019 (July 2018 - June 2019)	39	42	37	47	24	41	45	42	81	74	41	55
FY2018 (July 2017 - June 2018)	47	81	39	45	55	46	71	52	76	41	52	60

Note: Building Permits Issued excludes those Building Permits which were voided or withdrawn.

Town of Bluffton New Single Family Residential Building Permits Issued by Neighborhood FY 2018 -2025

Number of Building Permits Issued

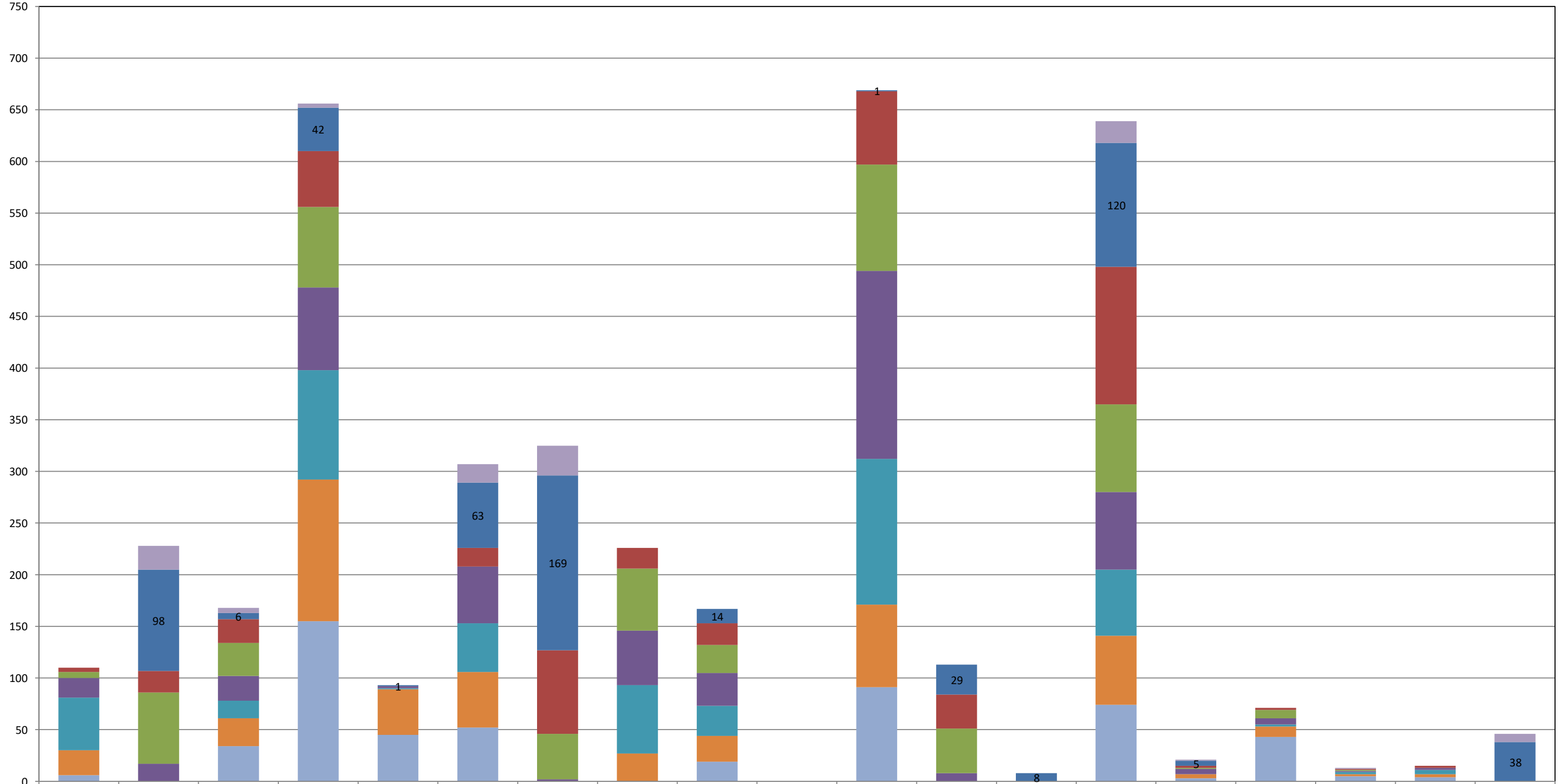


Neighborhood	Alston Park	Four Seasons at Carolina Oaks	Hamilton Grove	Hampton Hall	Hampton Lake	Haven at New Riverside	Heritage at New Riverside	Lakes at New Riverside	Landings at New Riverside	Lawton Station	Midpoint	Mill Creek at Cypress Ridge	New Riverside Forest	New Riverside Village	Palmetto Bluff	Rose Dhu Creek Plantation	Shell Hall	Stock Farm	Tabby Roads	Washington Square	
FY 2025 (July 2024 - June 2025)		12	8		1										12						
FY 2024 (July 2023 - June 2024)		89	9	12	6		79	138			2			6	59	3			2	28	
FY 2023 (July 2022 - June 2023)		80		8	16		43	94						9	87	3	1	1	1	30	
FY 2022 (July 2021 - June 2022)		26		21	81	1		104	54	15		108	32	9	149	5	2	1	2		
FY 2021 (July 2020 - June 2021)	13	73		37	103	1	54	27	60	45		162	81		145	1	13	1			
FY 2020 (July 2019 - June 2020)	27			24	92		49		55	37		150			76	3	1	2	2		
FY 2019 (July 2018 - June 2019)	47			21	115	23	58		54	47		103			61	2	3	1	5		
FY 2018 (July 2017 - June 2018)	18			29	133	56	57		3	18		78			70	5	27	2	3		

Town of Bluffton

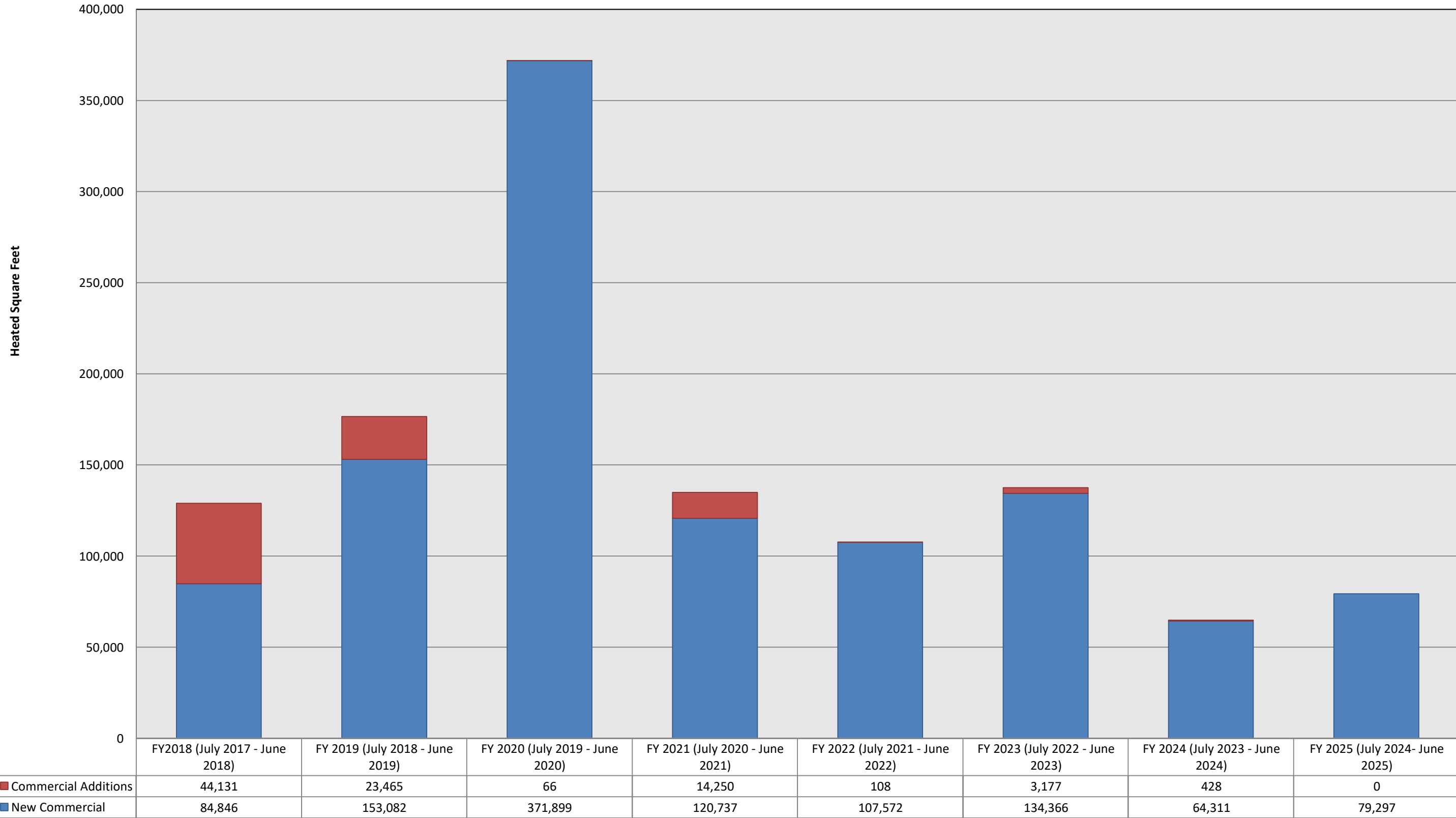
New Single Family Certificates of Occupancy Issued by Neighborhood FY 2018 - 2025

Number of New Housing Starts



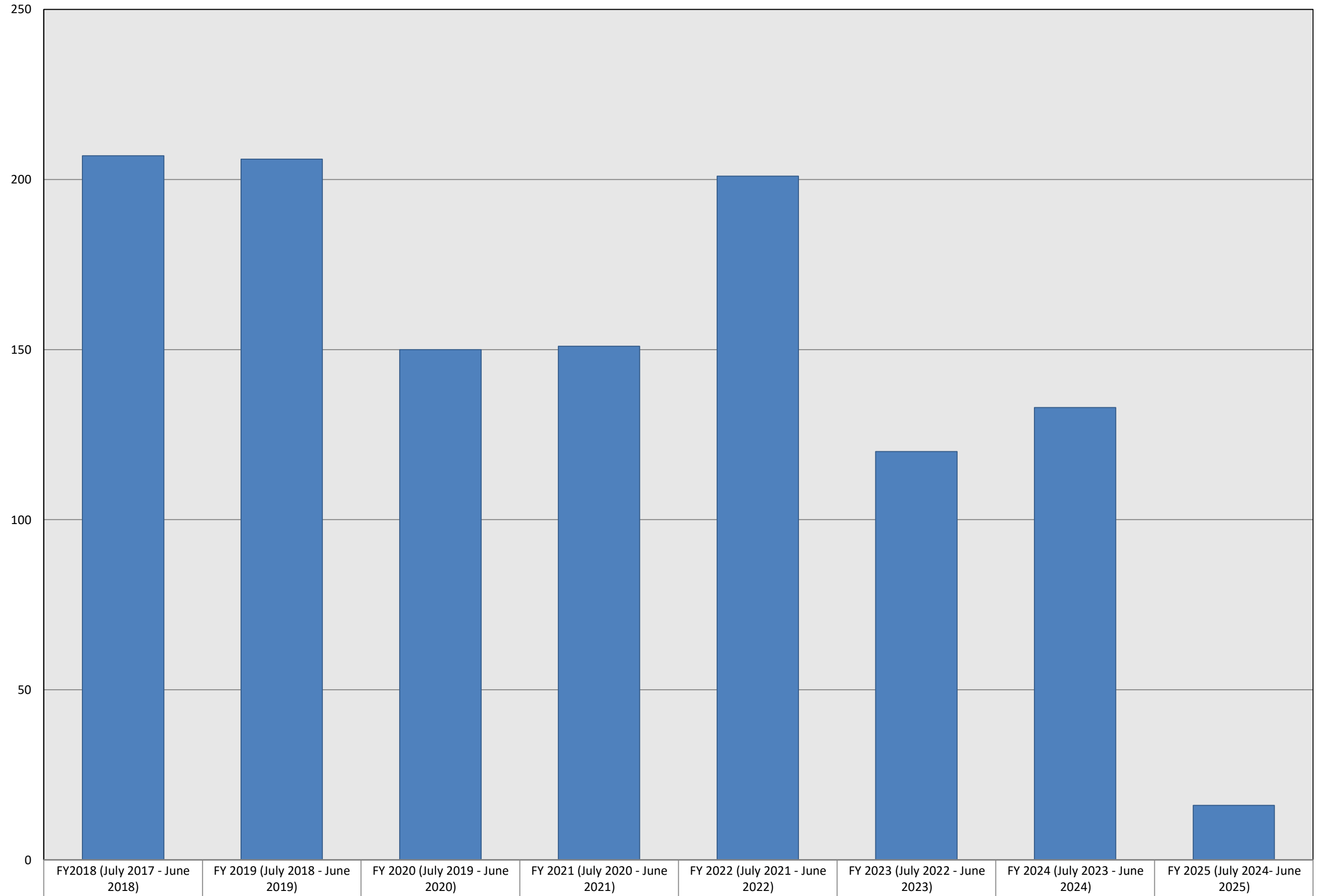
	Alston Park	Four Seasons at Carolina Oak	Hampton Hall	Hampton Lake	Haven at New Riverside	Heritage at New Riverside	Lakes at New Riverside	Landings at New Riverside	Lawton Station	Midpoint	Mill Creek at Cypress Ridge	New Riverside Forest	New Riverside Village	Palmetto Bluff	Rose Dhu Creek Plantation	Shell Hall	Stock Farm	Tabby Roads	Washington Square
FY 2025 (July 2024 - June 2025)		23	5	4		18	29							21	1		1		8
FY 2024 (July 2023 - June 2024)		98	6	42	1	63	169		14		1	29	8	120	5				38
FY 2023 (July 2022 - June 2023)	4	21	23	54		18	81	20	21		71	33		133	2	2	1	2	
FY 2022 (July 2021 - June 2022)	6	69	32	78			44	60	27		103	43		85	1	8	1		
FY 2021 (July 2020 - June 2021)	19	17	24	80	2	55	2	53	32		182	8		75	5	6	1	2	
FY 2020 (July 2019 - June 2020)	51		17	106	1	47		66	29		141			64		2	2	4	
FY 2019 (July 2018 - June 2019)	24		27	137	44	54		27	25		80			67	4	10	2	3	
FY2018 (July 2017 - June 2018)	6		34	155	45	52			19		91			74	3	43	5	4	

Town of Bluffton
New Commercial Construction and Additions Heated Square Footage
FY 2018 - 2025



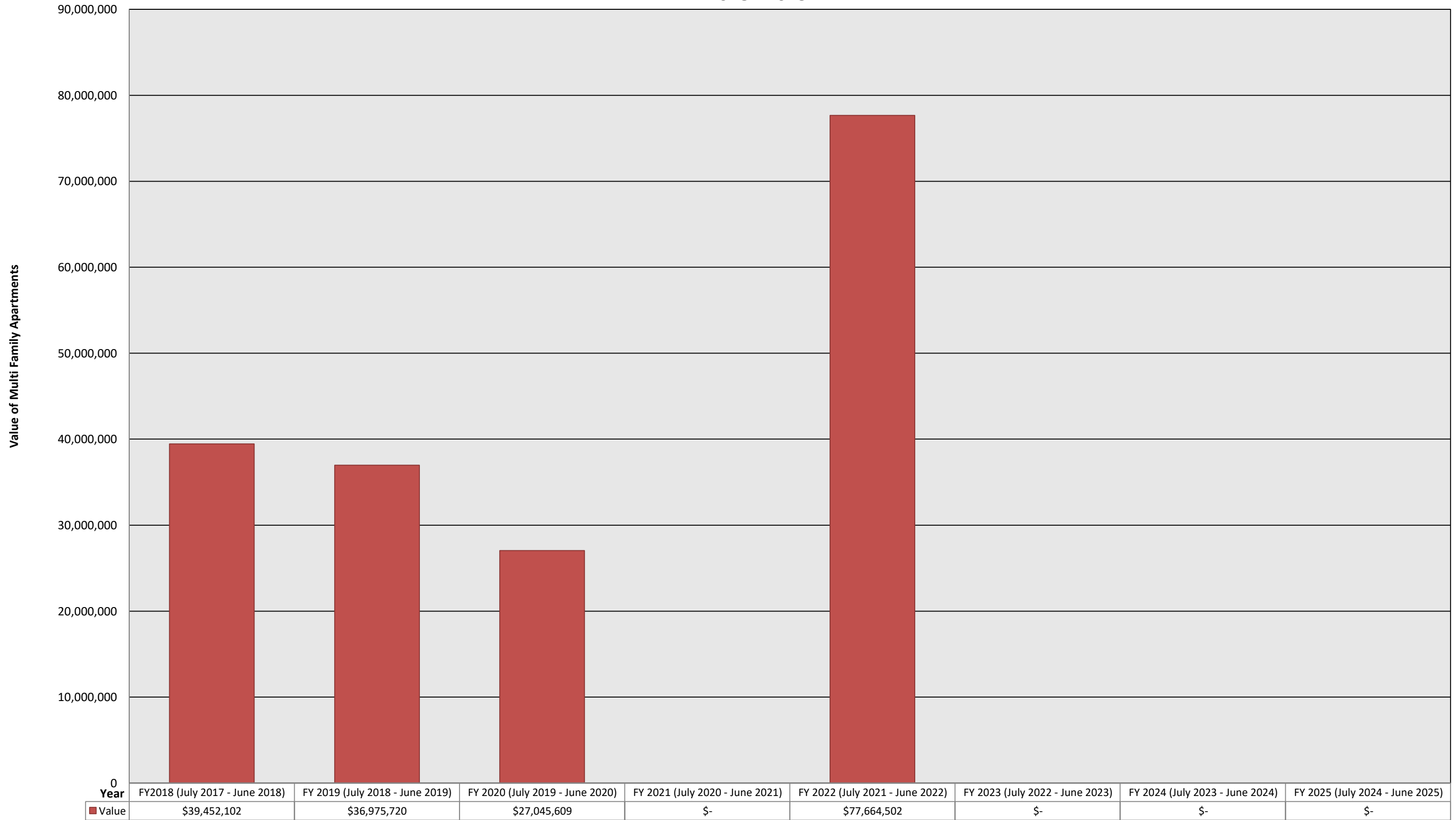
Town of Bluffton
Planning & Community Development Applications Completed
FY 2018 - 2025

Number of Applications Completed



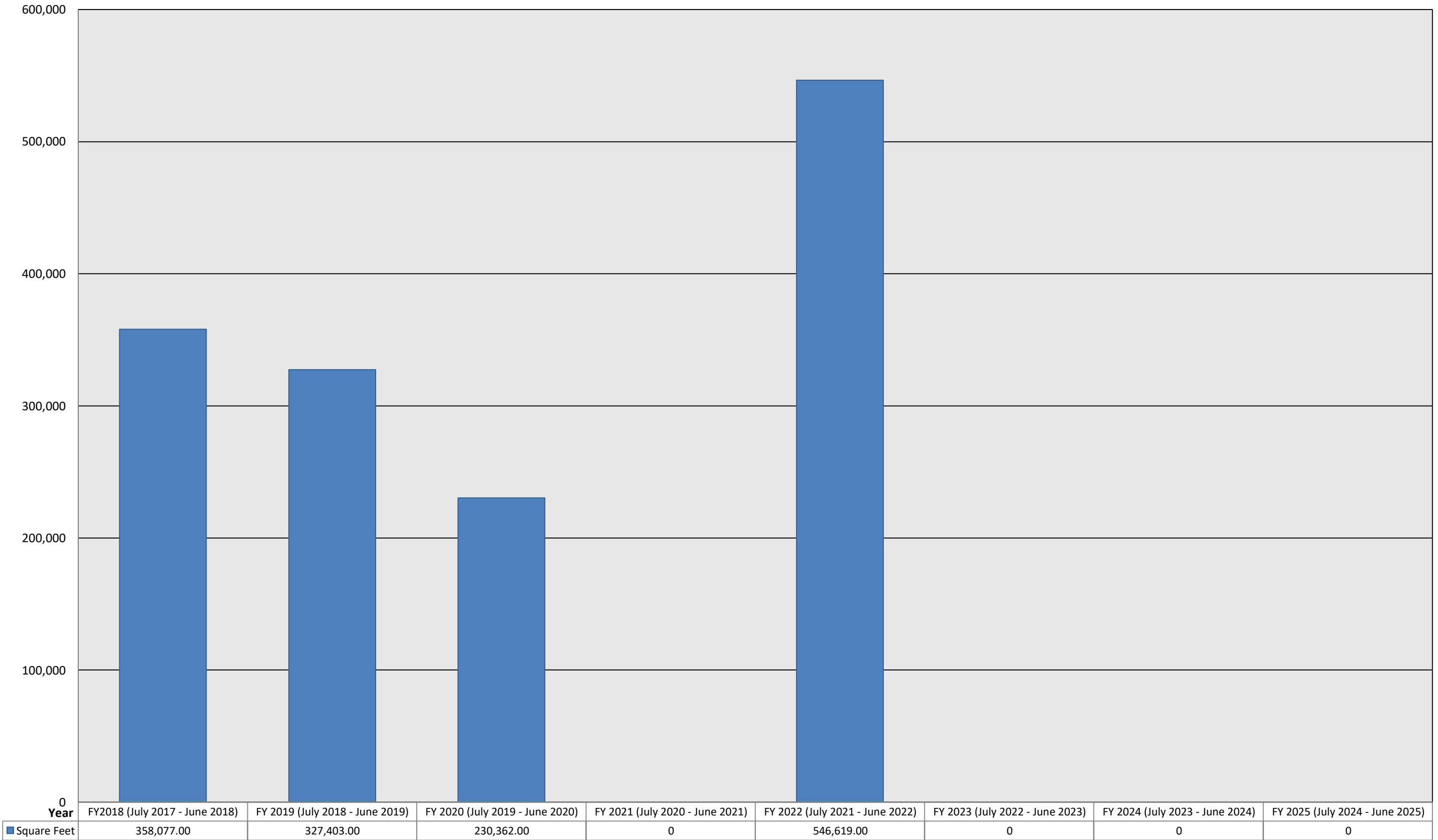
■ Planning & Community Development Applications

**Town of Bluffton
Multi Family Apartments Value
FY 2018 - 2025**



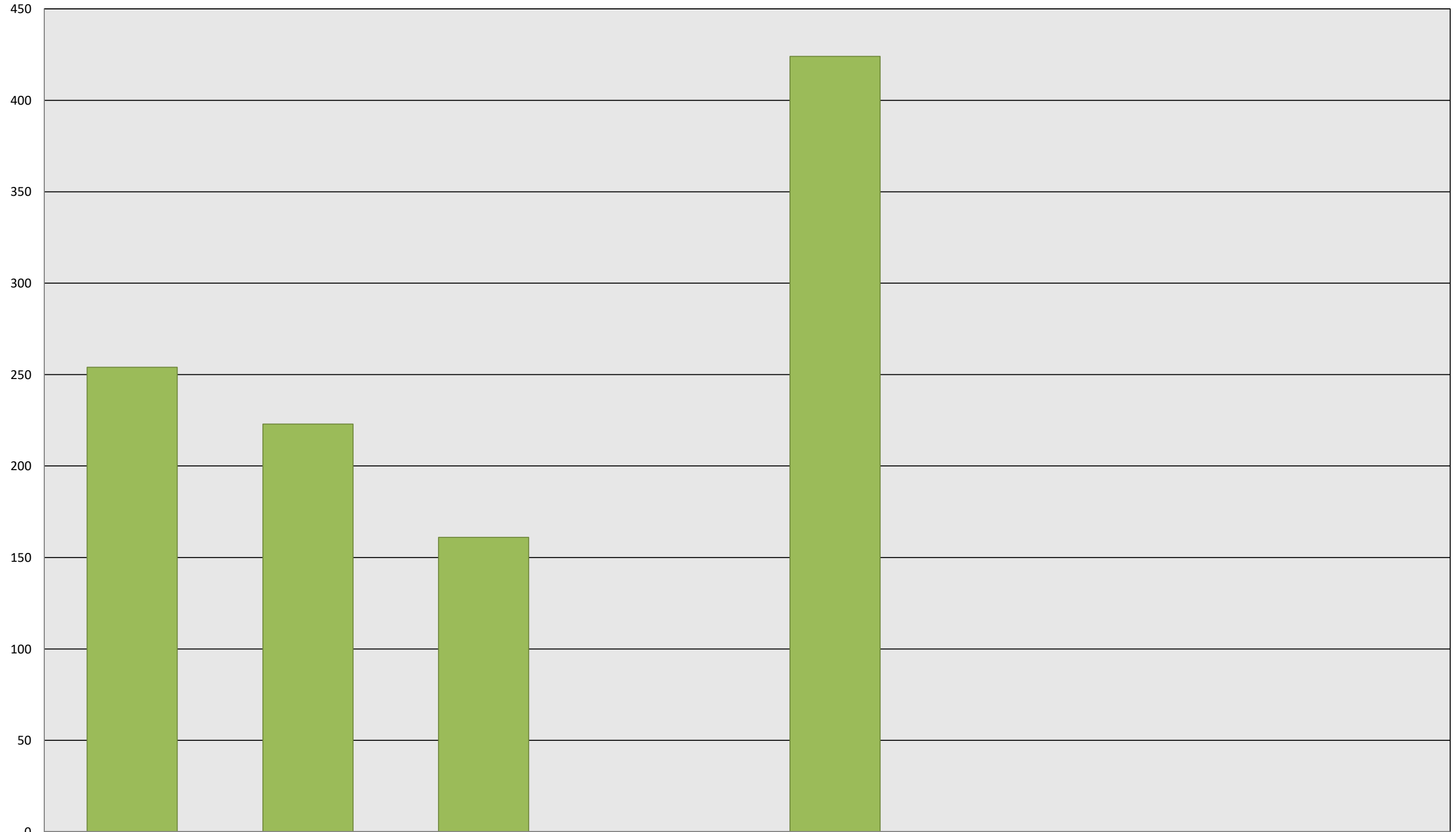
Town of Bluffton
Multi Family Apartments Square Footage
FY 2018 - 2025

Square Footage of Multi Family Apartments



Town of Bluffton
Multi Family Apartments Total Units
FY 2018 - 2025

Multi Family Apartments Total Units



Year	FY2018 (July 2017 - June 2018)	FY 2019 (July 2018 - June 2019)	FY 2020 (July 2019 - June 2020)	FY 2021 (July 2020 - June 2021)	FY 2022 (July 2021 - June 2022)	FY 2023 (July 2022 - June 2023)	FY 2024 (July 2023 - June 2024)	FY 2025 (July 2024 - June 2025)
Dwelling Units	254	223	161	0	424	0	0	0



Growth Management Application Update Report

Attachment Section XI. Item #1.

Town of Bluffton
Department of Growth Management
Office of Planning and Community Development
20 Bridge Street P.O. Box 386 Bluffton, South Carolina 29910

Case Number	Application Date	Property Address	Plan Type	Plan Status	Plan Mgr
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Active Cases

Annexation Petition

100%

ANNX-03-24-019045	03/14/2024		Annexation Petition	Active	Aubrie Giroux
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Applicant: Bryant and Son Trucking Company **Owner:** Bryant and Son Trucking Company

PLAN DESCRIPTION: A request by the applicant and property owner Johnnie Bryant III, for approval of an annexation application. The property is located at 30 Davis Road and consists of approximately 2.14 acres identified by tax map number R600 029 000 0028 0000 and currently zoned T2R Rural in unincorporated Beaufort County. This application is associated with the following zoning map amendment request; ZONE-03-24-019046.

STATUS: This request was heard at the May 22, 2024, Planning Commission Meeting as a Public Workshop item.
STATUS: The Public Hearing for the zoning map amendment and comprehensive plan amendment are tentatively scheduled for the July 24, 2024, Planning Commission meeting.

PROJECT NAME:

ANNX-11-23-018624	11/01/2023		Annexation Petition	Active	Aubrie Giroux
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Applicant: University Investments **Owner:** University Investments

PLAN DESCRIPTION: annexation and rezoning of parcel 12D , part of the Grande Oaks Property at the NW corner of the intersection of Buckwalter Pkwy and lake point Dr into buckwalter PUD. Annexation and rezoning of parcels 12D, 14A, 14 & 16. Part of the Grande Oaks Property at the NW corner of the intersections of Buckwalter Pkwy and Lake Point Dr into the Buckwalter PUD as Grande Oaks Commons. This application is associated with the following requests; COMP-01-24-018844, ZONE-01-24-018840 (Map), ZONE-02-24-018991 (Text), DAA-01-24-018842, and CPA-01-24-018845.

STATUS: Comments on the associated Concept Plan Amendment were heard at the March 27, 2024 meeting of the DRC.
STATUS: This request was heard at the May 22, 2024, Planning Commission Meeting as a Public Workshop item.
STATUS: The Public Hearing for the zoning map amendment and comprehensive plan amendment are tentatively scheduled for the July 24, 2024, Planning Commission meeting.

PROJECT NAME:

Total Annexation Petition Cases: 2



Growth Management Application Update Report

Town of Bluffton
Department of Growth Management
Office of Planning and Community Development
20 Bridge Street P.O. Box 386 Bluffton, South Carolina 29910

Attachment Section XI. Item #1.

Case Number	Application Date	Property Address	Plan Type	Plan Status	Plan Mgr
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Active Cases

Certificate of Appropriateness

Highway Corridor Overlay District

COFA-08-22-017145	08/31/2022	6201 JENNIFER COURT	Certificate of Appropriateness	Active	Katie Peterson
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Applicant: Witmer Jones Keefer Ltd.

Owner: Micheal Bradley Holdings LLC

PLAN DESCRIPTION: The River Dog Brewing project involves the construction of a ±50,000 SF two-story building, housing a brewing production facility, retail sales area, and restaurant/bar upon three existing lots on Jennifer Court at the intersection of Buck Island Road and May River Road. As a brief history – back in 2000 AEC permitted the Bright Commercial Subdivision master-planned for five individual commercial development parcels involving a new connector roadway between Buck Island Road and May River Road, incorporating both wet and dry utilities as well as storm drainage stub outs to each parcel. The development was designed, permitted and constructed under the Beaufort County development ordinance prior to annexation by the Town of Bluffton. Subsequently, Parker’s convenience store was constructed upon two of the five parcels and, due to greater stormwater regulation, was required to provide additional water quality treatment consisting of shallow bioretention ponds/swales. The River Dog Brewing project parcels are identified as R600 039 000 0021 0000, R610 039 000 0756 0000, and R610 039 000 0757 0000. The property is zoned Neighborhood Core with the adjacent properties being the same.

STATUS[11.17.2022]: The application was approved with conditions at the November 16, 2022 Planning Commission meeting. Awaiting resubmitted documents addressing Planning Commission conditions.

7.18.23: Have not yet received resubmittal.

1.5.2024: Architectural items have been addressed by 1/5 resubmittal. Exempt plat, Development Plan and Lighting resubmittal still required.

PROJECT NAME: BUCK ISLAND/SIMMONSVILLE



Growth Management Application Update Report

Attachment Section XI. Item #1.

Town of Bluffton
Department of Growth Management
Office of Planning and Community Development
20 Bridge Street P.O. Box 386 Bluffton, South Carolina 29910

Case Number	Application Date	Property Address	Plan Type	Plan Status	Plan Mgr
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Active Cases

Certificate of Appropriateness

COFA-09-24-019336	09/13/2024	5812 GUILFORD PLACE	Certificate of Appropriateness	Active	Charlotte Moore
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Applicant: Court Atkins	Owner: Walter Strong III
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PLAN DESCRIPTION: Project Description

The Alair Homes Office is a proposed 2 Story Building with a connected 2 Story Carriage House in the Neighborhood General Historic District in Bluffton, located in the Stock Farm development.

Existing Conditions

Currently, 5812 Guilford Place is an empty lot with trees and foliage. There is a 2 Story building to the East and an empty lot to the West, with residential construction on the other side of Guilford Place.

Proposed Building Construction

The proposed architectural program for the project is a 2 story main structure with a 1170 SF tenant space on the first floor and the 1250 SF Alair Homes office on the second floor. The adjacent connected carriage house has a 525 SF tenant space on each floor. The expected occupancy for each space is Business. There are two exterior stairs, one off of May River Road and the other between the structures.

There are two tabby parapet walls, similar in character to the adjacent Hair and So On Salon and nearby Kelly Caron Designs. Trellises wrap the two-story entry porch off of May River Road, allowing plants to climb the building.

The architectural massing of the building includes simple roof forms with standing seam and asphalt shingle roofing. The exterior materials for the building will be cementitious fiber siding (horizontal and vertical). The porch railing will be metal.

PROJECT NAME: OLD TOWN



Growth Management Application Update Report

Town of Bluffton
 Department of Growth Management
 Office of Planning and Community Development
 20 Bridge Street P.O. Box 386 Bluffton, South Carolina 29910

Case Number	Application Date	Property Address	Plan Type	Plan Status	Plan Mgr
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Active Cases

Certificate of Appropriateness

COFA-08-24-019275	08/09/2024	95 GREEN ST STREET	Certificate of Appropriateness	Active	Charlotte Moore
Applicant: Low Tide Designs, Inc.		Owner: Glenda Mikulak			
PLAN DESCRIPTION: A request by Sam Liberti with Low Tide Designs, Inc., on behalf of the owner, Glenda Mikulak Roberts, for review of a Certificate of Appropriateness - HD to construct a new 2-story house of approximately 1,987 SF at 95 Green Street, in the Old Town Bluffton Historic District and zoned Neighborhood General-HD. Status: Application is being reviewed and has been placed on the September 3, 2024 HPRC Agenda. Status (9/4): Awaiting Final Plan submission.					
PROJECT NAME: OLD TOWN					
COFA-08-24-019280	08/13/2024	50 PRITCHARD ST STREET	Certificate of Appropriateness	Active	Charlotte Moore
Applicant: Manuel Studio, LLC		Owner: Beth Boeke McHugh			
PLAN DESCRIPTION: A request by Ansley H. Manuel, architect, on behalf of the owner, Beth McHugh, for review of a Certificate of Appropriateness - HD for a proposed 1-story addition of approximately 595 SF, deck addition, and new metal porch roof located at 50 Pritchard Street in the Old Town Bluffton Historic District and zoned Neighborhood General. STATUS: This item will be heard at the September 9, 2024 Historic Preservation Review Committee meeting.					
PROJECT NAME: OLD TOWN					
COFA-01-24-018816	01/05/2024	22 BRUIN RD ROAD	Certificate of Appropriateness	Active	Katie Peterson
Applicant: Sean Lewis		Owner: Bertha Wooten			
PLAN DESCRIPTION: A request by Sean A. Lewis, on behalf of the Owner, Bertha Wooten, for a review of a Certificate of Appropriateness - HD to construct a new 1-story of approximately 1,695 with attached Carriage House of approximately 697 SF, to be located at 22 Bruin Road, in the Old Town Bluffton Historic district and zoned Neighborhood General- HD zoning District. Status 1.5.2024: The Application is being reviewed and will be placed on the 1/29/2024 HPRC Agenda. Status 1.30.24: Comments provided to the applicant. Awaiting final submittal.					
PROJECT NAME: OLD TOWN					



Growth Management Application Update Report

Town of Bluffton
 Department of Growth Management
 Office of Planning and Community Development
 20 Bridge Street P.O. Box 386 Bluffton, South Carolina 29910

Case Number	Application Date	Property Address	Plan Type	Plan Status	Plan Mgr
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Active Cases

Certificate of Appropriateness

COFA-05-24-019119	05/07/2024	35 C THOMAS HEYWARD ST STREET	Certificate of Appropriateness	Active	Katie Peterson
Applicant: Brad Clark		Owner: Brad Clark			
PLAN DESCRIPTION: Residential: A request by Brad Clark for review of a Certificate of Appropriateness- HD for the renovation of the existing single family structure to move the front door and patio stairs to the center of the house and reconfigure the windows on the front and left elevations at 35 C Thomas Heyward Street, in the Old Town Bluffton Historic District and zoned Neighborhood General-HD. Status: The Application will be heard at the June 3, 2024 HPRC meeting. Status 6.4.2024: Awaiting final submittal					
PROJECT NAME:		OLD TOWN			

COFA-05-24-019155	05/24/2024	68 PRITCHARD ST STREET	Certificate of Appropriateness	Active	Katie Peterson
Applicant: Tony Pressley		Owner: Tony & Alyssa Pressley			
PLAN DESCRIPTION: A request by Tony and Alyssa Pressley for review of a Certificate of Appropriateness - HD to construct a new 2-story Carriage House of approximately 800 SF at 68 Pritchard Street, in the Old Town Bluffton Historic District and zoned Neighborhood General-HD. Status: The Conceptual Application will be reviewed at the June 17, 2024 HPRC meeting. Status 6.20.2024: Awaiting final Submittal.					
PROJECT NAME:		OLD TOWN			

COFA-08-24-019268	08/02/2024	60 BRUIN RD ROAD	Certificate of Appropriateness	Active	Charlotte Moore
Applicant: Sarah Kepple		Owner: Chris Dalzell			
PLAN DESCRIPTION: A request by Sarah Kepple with Pearce Scott Architects, on behalf of the owners, Chris Dalzell and Prestige Worldwide Properties, LLC, for review of a Certificate of Appropriateness - HD to construct a new 2-story Commercial Office structure of approximately 4,220 SF and Commercial Carriage House of approximately 1,100 SF at 60 Bruin Road, Lot 23 in the Tabby Roads Development, in the Old Town Bluffton Historic District and zoned Neighborhood General-HD Status: Conceptual application is being reviewed and will be placed on the August 26, 2024 HPRC Agenda. STATUS: HPRC meeting held. Awaiting resubmittal to take back to HPC.					
PROJECT NAME:		OLD TOWN			



Growth Management Application Update Report

Attachment Section XI. Item #1.

Town of Bluffton
 Department of Growth Management
 Office of Planning and Community Development
 20 Bridge Street P.O. Box 386 Bluffton, South Carolina 29910

Case Number	Application Date	Property Address	Plan Type	Plan Status	Plan Mgr
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Active Cases

Comprehensive Plan Amendment

COMP-01-24-018844	01/11/2024		Comprehensive Plan Amendment	Active	Aubrie Giroux
Applicant: University Investments		Owner: University Investments			

PLAN DESCRIPTION: Town Comprehensive Plan Amendment of the Future Land Use Map. This application is associated and will run concurrently with University Investment's applications for annexation, rezoning, Buckwalter PUD Text Amendment to create a new Land Use Tract to be known as Grande Oaks Commons, Buckwalter Development Agreement Amendment, and Buckwalter Concept Plan Amendment for parcels 12D, 14A, 14 & 16 which are currently part of the Grande Oaks PUD and located at the NW corner of the intersections of Buckwalter Pkwy and Lake Point Drive. This application is associated with the following requests; ANNX-11-23-018624, CPA-01-24-018845, ZONE-01-24-018840 (Map), ZONE-02-24-018991 (Text), and DAA-01-24-018842.

STATUS: Comments on the associated Concept Plan Amendment were heard at the March 27, 2024 meeting of the DRC.
 STATUS: This request was heard at the May 22, 2024, Planning Commission Meeting as a Public Workshop item.
 STATUS: The Public Hearing for the zoning map amendment and comprehensive plan amendment are tentatively scheduled for the July 24, 2024, Planning Commission meeting.

PROJECT NAME:

COMP-06-24-019187	06/17/2024	332 BUCK ISLAND RD ROAD	Comprehensive Plan Amendment	Active	Dan Frazier
Applicant: Town of Bluffton		Owner: Town of Bluffton			

PLAN DESCRIPTION: A request by the Town of Bluffton for a Comprehensive Plan Amendment of approximately 1.38 acres, located at 328, 330 and 332 Buck Island Road identified as Beaufort County Tax Map Numbers R 610 039 000 0016 0000 (328 and 330 Buck Island Road) and R610 039 000 018C 0000 (332 Buck Island Road) to change the Future Land Use Map Designation from Suburban Living to Neighborhood Center.

PROJECT NAME: BUCK ISLAND/SIMMONSVILLE



Growth Management Application Update Report

Attachment Section XI. Item #1.

Town of Bluffton
Department of Growth Management
Office of Planning and Community Development
20 Bridge Street P.O. Box 386 Bluffton, South Carolina 29910

Case Number	Application Date	Property Address	Plan Type	Plan Status	Plan Mgr
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Active Cases

Comprehensive Plan Amendment

COMP-05-24-019139	05/16/2024		Comprehensive Plan Amendment	Active	Aubrie Giroux
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Applicant: Town of Bluffton **Owner:** Town of Bluffton

PLAN DESCRIPTION: A request for Comp Plan Amendment for approximately 2.14 acres located at 30 Davis Road and identified by Beaufort County Tax Map No. R600 029 000 0028 0000 to rezone the subject property to the Residential General (RG) District.
STATUS: This request was heard at the May 22, 2024, Planning Commission Meeting as a Public Workshop item.
STATUS: The Public Hearing for the zoning map amendment and comprehensive plan amendment are tentatively scheduled for the July 24, 2024, Planning Commission meeting.

PROJECT NAME:

Total Comprehensive Plan Amendment Cases: 3

Concept Plan Amendment

Concept Plan Amendment

CPA-01-24-018845	01/11/2024		Concept Plan Amendment	Active	Dan Frazier
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Applicant: University Investments **Owner:** University Investments

PLAN DESCRIPTION: A request by the property owner, Jake Reed of University Investments LLC, for approval of a concept plan amendment. The applicant is requesting to amend the Buckwalter Tract Development Agreement and Concept Plan to add 65.59 acres as Grande Oaks Commons, including an additional 32.0 acres of General Commercial acreage. The properties are currently zoned Grande Oaks Planned Unit Development in unincorporated Beaufort County and consist of 65.59 acres identified by tax map numbers R600-029-000-2410-0000 and R600-029-000-0014-0000 located in the northwest corner of the intersection of Buckwalter Parkway and Lake Point Drive. This application is associated with the following requests; ANN-11-23-018624, COMP-01-24-018844, ZONE-01-24-018840 (Map), ZONE-02-24-018991 (Text), and DAA-01-24-018842.

STATUS: Comments on this application were heard at the March 27, 2024 meeting of the DRC.
STATUS: This request was heard at the May 22, 2024, Planning Commission Meeting as a Public Workshop item.
STATUS: The Public Hearing for the zoning map amendment and comprehensive plan amendment are tentatively scheduled for the July 24, 2024, Planning Commission meeting.

PROJECT NAME:



Growth Management Application Update Report

Attachment Section XI. Item #1.

Town of Bluffton
Department of Growth Management
Office of Planning and Community Development
20 Bridge Street P.O. Box 386 Bluffton, South Carolina 29910

Case Number	Application Date	Property Address	Plan Type	Plan Status	Plan Mgr
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Active Cases

Concept Plan Amendment

Total Concept Plan Amendment Cases: 1

Development Agreement

Development Agreement

DA-01-24-018842	01/11/2024		Development Agreement	Active	Aubrie Giroux
Applicant: University Investments		Owner: University Investments			
PLAN DESCRIPTION: Annexation and rezoning of parcels 12D, 14A, 14 & 16. Part of the Grande Oaks Property at the NW corner of the intersections of Buckwalter Pkwy and Lake Point Dr into the Buckwalter PUD as Grande Oaks Commons. This application is associated with the following requests; ANNX-11-23-018624, CPA-01-24-018845, ZONE-01-24-018840 (Map), ZONE-02-24-018991 (Text), and COMP-01-24-018844.					
STATUS: Comments on the associated Concept Plan Amendment were heard at the March 27, 2024 meeting of the DRC.					
STATUS: This request was heard at the May 22, 2024, Planning Commission Meeting as a Public Workshop item.					
STATUS: The Public Hearing for the zoning map amendment and comprehensive plan amendment are tentatively scheduled for the July 24, 2024, Planning Commission meeting.					
PROJECT NAME:					

Total Development Agreement Cases: 1

Development Plan

Development Plan



Growth Management Application Update Report

Attachment Section XI. Item #1.

Town of Bluffton
Department of Growth Management
Office of Planning and Community Development
20 Bridge Street P.O. Box 386 Bluffton, South Carolina 29910

Case Number	Application Date	Property Address	Plan Type	Plan Status	Plan Mgr
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Active Cases

Development Plan

DP-10-23-018541	10/05/2023	3000 BIG HOUSE PLANTATION ROAD	Development Plan	Active	Dan Frazier
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Applicant: Thomas & Hutton - USE THIS ACCOUNT **Owner:**

PLAN DESCRIPTION: A request by Drew Lonker of Thomas & Hutton, on behalf of Palmetto Bluff Uplands, LLC, for approval of a preliminary development plan. The project consists of general clearing, installation of water and sewer utilities, 2 sanitary sewer pump stations, dry utilities, storm drainage infrastructure and a pervious paver roadway to serve the proposed 31 single-family residential lots. The property is zoned Palmetto Bluff Planned Unit Development and consists of +/- 52.8 acres identified by tax map numbers R614 057 000 0001 0000 and R614 058 000 0001 0000, located east of the intersection of Old Anson Road and Bighouse Plantation Road, and includes Long Island and the adjacent causeway.
STATUS 11/9/23: Staff comments on the preliminary development plan application were heard at the November 8, 2023, meeting of the DRC. Awaiting final development plan submittal.

PROJECT NAME: Palmetto Bluff

DP-03-24-019033	03/08/2024	224 MORELAND ROAD	Development Plan	Active	Dan Frazier
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Applicant: Thomas & Hutton - USE THIS ACCOUNT **Owner:** Palmetto Bluff Uplands, LLC / May River Forest, LLC

PLAN DESCRIPTION: A request by Drew Lonker of Thomas & Hutton, on behalf of May River Forest, LLC, for approval of a preliminary development plan application. The project consists of creating 26 single family lots with associate infrastructure. The property is identified by tax map numbers R614-045-000-0024-0000, R614-046-000-0062-0000, R614-052-000-0059-0000, R614-057-000-0001 -0000, R614-057-000-0002-0000 and consists of 48.9 acres located along Old Moreland Road within the Palmetto Bluff PUD. Status: Staff comments on the Preliminary Plan were heard at the April 17, 2024 meeting of the DRC. Awaiting final submittal.

PROJECT NAME:



Growth Management Application Update Report

Attachment Section XI. Item #1.

Town of Bluffton
Department of Growth Management
Office of Planning and Community Development
20 Bridge Street P.O. Box 386 Bluffton, South Carolina 29910

Case Number	Application Date	Property Address	Plan Type	Plan Status	Plan Mgr
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Active Cases

Development Plan

DP-02-23-017662	02/09/2023	1215 MAY RIVER ROAD	Development Plan	Active	Dan Frazier
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Applicant: Ward Edwards, Inc. - USE THIS ACCOUNT **Owner:** ERB Enterprises, LLC

PLAN DESCRIPTION: A request by Anna Petitgout of Ward Edwards Engineering on behalf of Ed Goeas of ERB Enterprises LLC for approval of a preliminary development plan application. The applicant proposes to construct site infrastructure, including an internal streetscape, drives, parking, walks, utilities, drainage, and stormwater to serve four mixed-use lots, one commercial lot and four residential lots. The subject property contains three lots zoned Neighborhood General – HD (NG-HD), one lot zoned Neighborhood Core (NC), and two lots zoned Residential General (RG) and consists of 3.43 acres identified by tax map numbers R610 039 000 0114 0000, R610 039 000 0093 0000, R610 039 000 0094 0000, R610 039 000 0095 0000, R610 039 000 0096 0000, R610 039 000 0107 0000 located at 1203 – 1217 May River Road and 15 - 19 Jason Street,
STATUS: Comments on the preliminary development plan were reviewed at the June 14, 2023, meeting of the DRC.
STATUS: The preliminary development plan was approved at the September 27, 2023, Planning Commission meeting. Awaiting final development plan submittal.
STATUS: The final development plan will be heard at the July 10, 2024 meeting of the DRC.
STATUS: A final development plan resubmittal was received on 9/10/24.

PROJECT NAME: VAUX PROPERTY

DP-09-23-018499	09/21/2023	26 BRUIN RD ROAD	Development Plan	Active	Dan Frazier
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Applicant: Maria Drawdy **Owner:** Alljoy DC, LLC

PLAN DESCRIPTION: A request by Maria Drawdy on behalf of Troy Derda for approval of a preliminary land development application. The project consists of a two story building with a donut shop on the first floor and a residential unit on the second floor, associated parking and infrastructure. The property is identified by tax map number R610 039 00A 0416 0000 and consists of .21 acres located at 26 Bruin Road in the Neighborhood General Historic District.

STATUS: Comments on the preliminary development plan were heard at the October 25, 2023 DRC Meeting.
STATUS: The preliminary development plan was resubmitted on 11/20/23.
STATUS: The Preliminary Development Plan was approved at the 12/20/23 Planning Commission Meeting. Awaiting final development plan submittal.

PROJECT NAME: OLD TOWN



Growth Management Application Update Report

Attachment Section XI. Item #1.

Town of Bluffton
 Department of Growth Management
 Office of Planning and Community Development
 20 Bridge Street P.O. Box 386 Bluffton, South Carolina 29910

Case Number	Application Date	Property Address	Plan Type	Plan Status	Plan Mgr
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Active Cases

Development Plan

DP-01-23-017616	01/27/2023	17 BUCKHEAD BAY ROAD	Development Plan	Active	Dan Frazier
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Applicant: Thomas & Hutton - USE THIS ACCOUNT **Owner:**

PLAN DESCRIPTION: A request by John Paul Moore of Thomas & Hutton, on behalf of the property owner Citadel Bluffton, LLC for approval of a preliminary development plan. The project consists of the construction of one (1) 40,750 S.F. first floor and 30,000 S.F. second floor building consisting of storage units and 30 covered parking spaces. The property is zoned Palmetto Bluff Planned Unit Development and consists of +/- 3.2 acres identified by tax map number R614 046 000 0643 0000 located within the Palmetto Bluff Tract Master Plan.

Status: The preliminary development plan application was heard at the March 1, 2023 DRC meeting.
 Status: Comments on the final development plan application were heard at the November 15, 2023, DRC meeting. Awaiting re-submittal.

PROJECT NAME:

DP-05-23-018081	05/23/2023		Development Plan	Active	Dan Frazier
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Applicant: Sturre Design & Development, LLC **Owner:**

PLAN DESCRIPTION: A request by Jen Townsley of Palmetto Coastal Landscaping, on behalf of Hampton Lake Community Association, Inc., for the approval of a preliminary Development Plan. The project proposes to construct an enclosed storage area including a gravel storage yard, gravel access drive, stormwater BMP, and water service to utilize as vehicle and equipment storage for landscaping operations. The property is zoned Buckwalter PUD and consists of approximately 10.9 acres, identified by tax map number R614-029-000-1985-0000 located on Parklands Drive within the Brightwater Master Plan.

STATUS: Staff comments were heard at the June 28, 2023, meeting of the DRC. Awaiting re-submittal.
 STATUS: The preliminary development plan was resubmitted on 11/22/23.
 STATUS: The Preliminary Development Plan was approved at the 12/20/23 Planning Commission Meeting. Awaiting final development plan submittal.

PROJECT NAME:



Growth Management Application Update Report

Attachment Section XI, Item #1.

Town of Bluffton
Department of Growth Management
Office of Planning and Community Development
20 Bridge Street P.O. Box 386 Bluffton, South Carolina 29910

Case Number	Application Date	Property Address	Plan Type	Plan Status	Plan Mgr
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Active Cases

Development Plan

DP-08-22-017074	08/12/2022		Development Plan	Active	Dan Frazier
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Applicant: Thomas & Hutton **Owner:**

PLAN DESCRIPTION: A request by Michael Hughes of Thomas & Hutton on behalf of May River Forest, LLC for approval of a development plan. The project consists of the general clearing, installation of utilities, drainage, grading and paving for +/- 5 miles of Old Anson Road beginning near the intersection of Old Moreland Road and Big House Landing Road and terminating on Big House Island near the Anson Marina. The property is zoned Palmetto Bluff PUD and consists of approximately 110.0 acres identified by tax map numbers R614 046 000 0062 0000, R614 052 000 0059 0000, R614 045 000 0024 0000, R614 045 000 0026 0000, and R614 057 000 0001 0000 located within the Palmetto Bluff Master Plan.

STATUS: Staff comments were reviewed at the September 14, 2022 meeting of the DRC.

STATUS: The final development plan application was submitted on May 19, 2023. Comments on the FDP submittal were reviewed at the June 21, 2023, meeting of the DRC. Awaiting re-submittal addressing FDP Staff Comments.

PROJECT NAME:

DP-06-24-019202	06/27/2024		Development Plan	Active	Dan Frazier
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Applicant: Thomas & Hutton - USE THIS ACCOUNT **Owner:** Pulte Group

PLAN DESCRIPTION: A request by Sam Bellock of Pulte Home Company for approval of a Preliminary Development Plan for Phase 4 of Midpoint at New Riverside. The project consists of 90 single family lots, open space and associated infrastructure. The property is zoned New Riverside Planned Unit Development and consists of approximately 32.0 acres identified by tax map number R610 044 000 0012 0000 located within the Midpoint at New Riverside Initial Master Plan.

STATUS: Comments on the Preliminary Development Plan will be reviewed at the July 31, 2024, meeting of the DRC.

STATUS: Awaiting Final DP submittal.

PROJECT NAME: MIDPOINT AT NEW RIVERSIDE



Growth Management Application Update Report

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20 Bridge Street P.O. Box 386 Bluffton, South Carolina 29910

Case Number	Application Date	Property Address	Plan Type	Plan Status	Plan Mgr
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Active Cases

Development Plan

DP-04-22-016574	04/07/2022	58 CALHOUN ST	Development Plan	Active	Dan Frazier
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Applicant: Ward Edwards, Inc. - USE THIS ACCOUNT **Owner:** May River Montessori

PLAN DESCRIPTION: A request by Conor Blaney of Ward Edwards Engineering, on behalf of May River Montessori, Inc., for approval of a preliminary development plan. The project consists of the construction of a new classroom building adjacent to the existing May River Montessori facility. The property is zoned Neighborhood Center Historic District (NCE-HD) and consists of approximately 0.65 acres identified by tax map number R610 039 00A 0123 0000 located at 58 Calhoun Street.

STATUS: Development plan comments were reviewed at the 5/11/22 meeting of the DRC.

STATUS: At the June 22, 2022, Planning Commission meeting, the applicant requested "withdrawal of the application to provide additional information".

STATUS: The Applicant resubmitted on July 28, 2022.

STATUS: The preliminary development plan was approved with conditions at the September 28, 2022, Planning Commission meeting.

STATUS: Staff comments on the final development plan were heard at the February 1, 2023 meeting of the DRC. Awaiting resubmittal.

STATUS: Project is still active as of July 5, 2023. The applicant would like to obtain the Town's site development permit once the state land disturbance permit is obtained.

PROJECT NAME: OLD TOWN

DP-08-22-017076	08/15/2022	2411 OKATIE HWY HIGHWAY	Development Plan	Active	Dan Frazier
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Applicant: Dan Keefer **Owner:** Charlie and Brown

PLAN DESCRIPTION: A request by Dan Keefer of Witmer Jones Keefer, Ltd, on behalf of the property owner, Charlie and Brown, LLC for approval of a preliminary development plan. The project consists of the construction of a +/-20,000 sq. ft. two-story Clubhouse and 5 buildings divided into +/- 31 high-end garage condominium units. The property is zoned Village at Verdier PUD and consists of approximately 5.00 acres, identified by tax map number R610-021-000-0808-0000 and located on Highway 170 approximately 1,200 feet south of Seagrass Station Road.

STATUS 9-14-22: Staff courtesy review comments were reviewed at the September 21 meeting of the DRC.

STATUS: Staff comments were reviewed at the June 21, 2023 meeting of the DRC.

STATUS: The application was approved at the July 26, 2023, Planning Commission Meeting.

STATUS: The Final Development Plan was heard at the December 20, 2023 DRC Meeting. Project received NPDES Permit on January 31, 2024. Awaiting resubmittal.

PROJECT NAME:



Growth Management Application Update Report

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Town of Bluffton
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Case Number	Application Date	Property Address	Plan Type	Plan Status	Plan Mgr
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Active Cases

Development Plan

DP-09-22-017188	09/13/2022		Development Plan	Active	Dan Frazier
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Applicant: Witmer Jones Keefer Ltd. **Owner:**

PLAN DESCRIPTION: A request by Carey Levow of Crowne at Buck Island, Limited Partnership on behalf of the property owner, Buck Island Partners, LLC for approval of a preliminary development plan application. The project consists of an apartment complex containing 4 proposed 4 story multi-family buildings and associated open space, amenities, parking, and stormwater management. The property is zoned Light Industrial and consists of approximately 10.11 acres identified by tax map number R610 039 000 0180 0000 located at 412 Buck Island Road.

STATUS: Staff comments on the preliminary development plan were reviewed at the October 19, 2022 meeting of the DRC.
 STATUS: The Applicant resubmitted on November 14, 2022.
 STATUS: The Preliminary Development Plan was approved at the December 14, 2022, Planning Commission. Awaiting Final Development Plan submittal,

PROJECT NAME: BUCK ISLAND/SIMMONSVILLE

DP-03-24-019066	03/26/2024	9 BRUIN ROAD	Development Plan	Active	Dan Frazier
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Applicant: Witmer Jones Keefer Ltd. **Owner:** Eugene Marks

PLAN DESCRIPTION: A request by Jonathan Marsh of Witmer Jones Keefer, Ltd, on behalf of the property owner, Eugene Marks of JOHA LLC, for approval of a preliminary development plan. The project proposes the installation of site infrastructure including internal drive, access, parking, walks, utilities, drainage, and stormwater infrastructure to support one existing residential unit and the future development of three mixed-use commercial lots and two mixed-use carriage houses for a combined total square footage of +/- 19,100 SF. The property is zoned Neighborhood Commercial – Historic District (NC-HD) and consists of approximately 0.79 acres identified by tax map number R610 039 00A 0021 0000 located at the northeast corner of Bluffton Road and Bruin Road.

Status: Staff comments on the preliminary development plan was heard at the May 1, 2024, meeting of the DRC.
 Status: The preliminary development plan application was approved at the June 26, 2024 Planning Commission agenda. Awaiting final development plan submittal.

PROJECT NAME: OLD TOWN



Growth Management Application Update Report

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Town of Bluffton
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Case Number	Application Date	Property Address	Plan Type	Plan Status	Plan Mgr
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Active Cases

Development Plan

DP-10-23-018564	10/12/2023		Development Plan	Active	Dan Frazier
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Applicant: Ward Edwards, Inc. - USE THIS ACCOUNT **Owner:**

PLAN DESCRIPTION: A request by Willy Powell of Ward Edwards, Inc., on behalf of the property owner Okatie Bluffs Owner LLC/Adrien Dannemiller for approval of a preliminary development plan. The project consists of the construction of six multifamily buildings, four garage buildings, a clubhouse, amenities, and associated infrastructure. The property is zoned Buckwalter Planned Unit Development and consists of approximately 22.0 acres identified by tax map number R610 028 000 0921 0000 located within the Parcel B-1 Master Plan.

STATUS: Comments on the preliminary development plan application were reviewed at the November 15, 2023, meeting of the DRC.

STATUS: The preliminary development plan was resubmitted on 11/22/23.

STATUS: The Preliminary Development Plan was approved at the 12/20/23 Planning Commission Meeting.

STATUS: The final development plan application was submitted and staff comments were heard at the August 21, 2024 meeting of the DRC.

STATUS 8/29/24: Awaiting resubmittal.

PROJECT NAME:

DP-06-24-019190	06/18/2024	4 PARKSIDE DRIVE	Development Plan	Active	Dan Frazier
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Applicant: Joel Taylor **Owner:** Parcel C5 LLC

PLAN DESCRIPTION: A request by Joel C. Taylor of Tenet Healthcare, on behalf of Parcel C5 LLC, for approval of a Preliminary Development Plan. The project consists of a free-standing emergency department and medical offices in a single building to include approximately 50,250 SF. Proposed drives, parking, landscaping, utilities and supporting infrastructure. The property is zoned Buckwalter PUD and consists of approximately 10.9 acres identified by tax map numbers R610 022 000 1073 0000, R610 022 000 1081 0000, R610 022 000 1082 0000, R610 022 000 1084 0000 and located on the southeast corner of Buckwalter Parkway and Parkside Drive within the Buckwalter Commons.

Status: The preliminary development plan application was heard at the July 24, 2024 meeting of the Development Review Committee. The application was resubmitted on July 31, 2024.

STATUS: The Preliminary Development Plan will be considered at the 8/28/24 Planning Commission Meeting.

STATUS: The Preliminary Development Plan is APPROVED. Awaiting Final DP submittal.

PROJECT NAME:



Growth Management Application Update Report

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Town of Bluffton
 Department of Growth Management
 Office of Planning and Community Development
 20 Bridge Street P.O. Box 386 Bluffton, South Carolina 29910

Case Number	Application Date	Property Address	Plan Type	Plan Status	Plan Mgr
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Active Cases

Development Plan

DP-03-23-017728	03/03/2023	62 OLD PALMETTO BLUFF RD	Development Plan	Active	Dan Frazier
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Applicant: Thomas & Hutton - USE THIS ACCOUNT **Owner:** Cleland Site Prep

PLAN DESCRIPTION: A request by John Paul Moore of Thomas & Hutton on behalf of Pritchard Farm, LLC for approval of a preliminary development plan. The project consists of 144 single family residential lots, open space, and associated infrastructure. The property is zoned New Riverside Planned Unit Development and consists of approximately 48.9 acres identified by tax map numbers R610 044 000 0143 0000 and R610 044 000 0002 0000 located within Parcel 9 of the New Riverside Concept Master Plan.
 STATUS: Staff comments on the Preliminary Development Plan were reviewed at the April 12, 2023, meeting of the DRC. Awaiting resubmittal.
 STATUS: The applicant submitted Final Development Plans on October 23, 2023.
 STATUS: Staff comments on the Final Development Plan will be heard at the November 29, 2023 meeting of the DRC.
 STATUS 12/4/23: The final development plan is APPROVED.
 STATUS 7/3/24: A Development Plan Amendment (re-phasing of Phase 5) will be reviewed at the July 10, 2024, meeting of the DRC.
 STATUS 8/29/24: Awaiting resubmittal.

PROJECT NAME: NEW RIVERSIDE -PARCEL 9

DP-06-22-016804	06/01/2022	6201 JENNIFER CT	Development Plan	Active	Dan Frazier
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Applicant: Witmer-Jones-Keefer, Ltd. **Owner:** Michael Bradley Holdings, LLC

PLAN DESCRIPTION: A request by Witmer Jones Keefer, Ltd for approval of a preliminary development plan application. The project proposes the construction of a ±50,000 SF two-story building that includes a +/-20,000 square foot production brewery, and a +/-30,000 square foot space allocated to restaurant tenants, retail tenants, business offices, and a tasting room. The property is zoned Neighborhood Core (NC), identified by tax map numbers R610 039 000 0021 0000, R610 039 000 0756 0000, and R610 039 000 0757 0000 and located on three existing lots on Jennifer Court at the intersection of Buck Island Road and May River Road.
 STATUS UPDATE: Staff comments were heard at the July 6 meeting of the DRC.
 STATUS UPDATE: The application was approved with conditions at the August 24, 2022, Planning Commission meeting.
 STATUS UPDATE: Staff comments on the final development plan were heard at the November 30, 2022 meeting of the DRC.
 STATUS UPDATE: Final development plans were resubmitted on December 7, 2023.
 STATUS UPDATE: Staff provided the applicant with comments on the final development plan re-submittal on December 22, 2023.

PROJECT NAME: BUCK ISLAND/SIMMONSVILLE



Growth Management Application Update Report

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Case Number	Application Date	Property Address	Plan Type	Plan Status	Plan Mgr
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Active Cases

Development Plan

DP-03-24-019067	03/26/2024	2800 MAY RIVER CROSSING	Development Plan	Active	Dan Frazier
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Applicant: Ryan Lyle **Owner:** First Chatham Bank

PLAN DESCRIPTION: A request by Ryan Lyle of Davis & Floyd, Inc on behalf of Russell Baxley of Beaufort Memorial Hospital for approval of a preliminary development plan. The project consists of the construction of a 5,000 SF medical office building with associated parking and pedestrian access. The property is zoned Jones Estate Planned Unit Development and consists of approximately 1.37 acres identified by tax map number R610 036 000 3212 0000 and located within the May River Crossing Master Plan.

Status: Staff comments on the preliminary development plan were heard at the May 1, 2024, meeting of the DRC. Resubmittal was made 5/14/24 for June 26, 2024 Planning Commission consideration.

Status: The preliminary development plan application was conditionally approved at the June 26, 2024 Planning Commission meeting. Awaiting final development plan submittal.

PROJECT NAME: May River Crossing

DP-08-23-018338	08/01/2023	1 JCS COVE	Development Plan	Active	Dan Frazier
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Applicant: Sturre Design & Development, LLC **Owner:** James Saba

PLAN DESCRIPTION: A request by Nathan Sturre of Sturre Engineering on behalf of the property owner James Saba, for approval of a preliminary development plan application. The project proposes the construction of a 2,786 SF recreation building to serve the six (6) single family residences at JC's Cove. The property is zoned Agriculture (AG) and consists of 1.53 acres identified by tax map number R610 039 000 1129 0000 located on the south side of May River Road approximately 1,200 feet east of Buck Island Road.

STATUS: Staff comments on the preliminary development plan was reviewed at the September 6, 2023 meeting of the DRC.

STATUS: The preliminary development plan was heard at the September 27, 2023, Planning Commission meeting. Conceptual COFA was heard at the 2/21/24 DRC meeting. Awaiting final development plan submittal.

PROJECT NAME: JC'S COVE



Growth Management Application Update Report

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Case Number	Application Date	Property Address	Plan Type	Plan Status	Plan Mgr
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Active Cases

Development Plan

DP-07-24-019259	07/30/2024	1W WHITEHOUSE PLANTATION ROAD	Development Plan	Active	Dan Frazier
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Applicant: Thomas & Hutton - USE THIS ACCOUNT **Owner:** Will Howard

PLAN DESCRIPTION: A request by Drew Lonker of Thomas & Hutton, on behalf of Palmetto Bluff Uplands, LLC for approval of a Preliminary Development Plan. The project scope consists of general clearing, installation of water and sewer utilities, a sanitary sewer pump station, dry utilities, storm drainage infrastructure and a asphalt roadway to serve the proposed 12 single-family residential lots. The property consists of approximately 27.35 acres identified by tax map numbers R614 045 000 0024 0000 and R614 046 000 0062 0000 and located within the Palmetto Bluff PUD.

STATUS: This item will be heard at the September 4, 2024 Development Review Committee meeting.

PROJECT NAME:

Public Project

DP-07-24-019204	07/01/2024	601 NEW RIVERSIDE RD ROAD	Development Plan	Active	Dan Frazier
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Applicant: Ward Edwards, Inc. - USE THIS ACCOUNT **Owner:** Beaufort County School District

PLAN DESCRIPTION: A request by Conor Blaney of Ward Edwards Engineering, on behalf of Robert Oetting of the Beaufort County School District, for the approval of a Public Project. The project consists of the construction of a CTE building addition of approximately 17,000 SF, and a ROTC expansion of approximately 4,000 SF. The property is zoned New Riverside Planned Unit Development and consists of approximately 224.51 acres identified by tax map number R610 044 000 0125 0000 and located at 601 New Riverside Road.

STATUS: Comments on the public project application will be reviewed at the July 31, 2024, meeting of the DRC.

STATUS: Pending resubmittal addressing DRC comments.

PROJECT NAME:



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Case Number	Application Date	Property Address	Plan Type	Plan Status	Plan Mgr
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Active Cases

Development Plan

DP-12-23-018739 12/05/2023 3829 OKATIE HWY HIGHWAY Development Plan Active Dan Frazier

Applicant: Town of Bluffton **Owner:** Town of Bluffton

PLAN DESCRIPTION: A request by Constance Clarkson on behalf of the Town of Bluffton for approval of a public project. The project consists of surface improvements to the New River Linear Trail, construction of a pier at the southern trail terminus and restroom facilities at the trailhead parking lot. The properties are zoned Jones Estate Planned Unit Development and New Riverside Planned Unit Development and consists of approximately 42.7 acres identified by tax map numbers R610 028 000 0018 0000, R610 035 000 0016 0000 and R614 035 000 0011 0000, and located within the Cypress Ridge Master Plan and Heritage at New Riverside Master Plan.
 STATUS: Comments for the public project were reviewed at the January 3, 2024, meeting of the DRC. Awaiting resubmittal.
 STATUS 03/15/24: The project manager is negotiating an easement agreement with Central Electric and Santee Cooper.
 STATUS 08/28/24: Awaiting easement agreement. Projected end of September.

PROJECT NAME:

DP-10-23-018587 10/19/2023 800 BUCKWALTER PARKWAY Development Plan Active Dan Frazier

Applicant: Wood and Partners, Inc. **Owner:** Town of Bluffton

PLAN DESCRIPTION: A request by Eric Walsnovich of Wood + Partners, Inc, on behalf of the property owner, Town of Bluffton, for approval of a public project. The project proposes the construction of four new soccer fields; a new restroom building; renovations to the existing restroom building; new parking areas, driveways and sidewalks; storm water management facilities; associated utilities; lighting; site furnishings and landscaping. The property is zoned Buckwalter Planned Unit Development and consists of approximately 142.9 acres identified by tax map number R610 038 000 0053 0000 located within the Buckwalter Recreation Center Master Plan.
 Status: Comments on the public project were reviewed at the November 15, 2023, meeting of the DRC.
 Status 4/15/24: The applicant has submitted for Stormwater Permit and it is currently under review.

PROJECT NAME:

DP-08-24-019296 08/20/2024 22 WATER ST STREET Development Plan Active Dan Frazier

Applicant: Town of Bluffton **Owner:** Town of Bluffton

PLAN DESCRIPTION: A request by Charles Savino on behalf of the Town of Bluffton for approval of a Public Project. The project consists of the installation of sewer mains and sewer lateral for parcels within the Old Town Bluffton Historic District. The project also includes connection of a dwelling to the sewer main. The work areas are located in the ROW of Water Street, Green Street, Lawrence Street, and will include encroachments into Boundary Street.
 STATUS: This item will be heard at the September 18, 2024 Development Review Committee Meeting.

PROJECT NAME: OLD TOWN



Growth Management Application Update Report

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Case Number	Application Date	Property Address	Plan Type	Plan Status	Plan Mgr
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Active Cases

Master Plan

MP-04-22-016566	04/06/2022		Master Plan	Active	Dan Frazier
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Applicant: Village Park Communities, LLC **Owner:** Village Park Communities, LLC

PLAN DESCRIPTION: A request by Dan Keefer of Witmer Jones Keefer, LTD, on behalf of Village Park Communities, LLC, for approval of Alston Park Phase 3 Master Plan. The project consists of a maximum of 76 dwelling units, park/open spaces and related infrastructure. The subject property, comprised of 2 parcels totaling approximately 63 acres, is identified by Beaufort County Tax Map numbers R610 035 000 0019 0000 and R610 035 000 0846 0000 and commonly referred to as New Riverside Parcel 5A South located within the New Riverside PUD.

STATUS: Initial Master Plan comments were reviewed at the 5/11/22 meeting of the DRC.

STATUS: The Initial Master Plan request received a recommendation of approval at the February 22, 2023, Planning Commission meeting.

STATUS 04/01/24: The Holly Hill Lane Plat is being recorded. A community meeting is tentatively scheduled for May 1, 2024. The application will advance to Town Council once the plat is recorded and the community meeting has been held.

STATUS 4/15/24: A community meeting is was held on May 14, 2024.

STATUS: Awaiting receipt of recorded plat prior to advancing to Town Council.

PROJECT NAME: ALSTON PARK

Total Master Plan Cases: 1

Subdivision Plan

General



Growth Management Application Update Report

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Case Number	Application Date	Property Address	Plan Type	Plan Status	Plan Mgr
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Active Cases

Subdivision Plan

SUB-04-23-017885	04/10/2023		Subdivision Plan	Active	Dan Frazier
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Applicant: Ward Edwards, Inc. - USE THIS ACCOUNT **Owner:** Indigo Cove LLC

PLAN DESCRIPTION: A request by Ward Edwards Engineering on behalf of Indigo Cove LLC for approval of a subdivision application. The project consists of creating 82 single family residential attached townhomes including an amenity center, access drives, parking, landscaping, open space areas, and associated infrastructure. The property is identified by tax map number R610 031 000 0002 0000 and consists of 12.7 acres located at the northeast corner of Buck Island Road and Bluffton Parkway. The property is zoned Residential General.

Status: This item is on the July 19, 2023 DRC Meeting agenda.

Status: This item was conditionally approved at the July 19, 2023 DRC Meeting. However, the status will remain active until a surety is provided for the development.

PROJECT NAME:

SUB-09-24-019334	09/12/2024		Subdivision Plan	Active	Dan Frazier
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Applicant: Thomas & Hutton **Owner:** Lamar Smith Signature Homes, LLC

PLAN DESCRIPTION: Heritage at New Riverside Phase 9 Subdivision

PROJECT NAME: HERITAGE AT NEW RIVERSIDE PHASE 8 & 9

SUB-08-24-019286	08/15/2024	151 BLEECKER ST N STREET	Subdivision Plan	Active	Dan Frazier
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Applicant: Speyside Partners LLC **Owner:** Speyside Partners LLC

PLAN DESCRIPTION: A request by Speyside Partners LLC for approval of a Subdivision application. The project consists of creating a separate lot, 2J, out of Lot 2 (R610 022 000 1129), at the intersection of Bleecker Street North and Mott Street for the construction of a building at Washington Square (DP-10-19-013630). The size of the lot is 0.266 acres. Access and parking is available to the building through two entry roads off of Bleecker Street and parking areas east of the square. The property is zoned Buckwalter PUD and consists of approximately 4.243 acres and located within the Buckwalter Commons Master Plan.

STATUS: This item will be heard at the September 18, 2024 Development Review Committee meeting.

PROJECT NAME: WASHINGTON SQUARE



Growth Management Application Update Report

Attachment Section XI. Item #1.

Town of Bluffton
Department of Growth Management
Office of Planning and Community Development
20 Bridge Street P.O. Box 386 Bluffton, South Carolina 29910

Case Number	Application Date	Property Address	Plan Type	Plan Status	Plan Mgr
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Active Cases

Subdivision Plan

SUB-08-24-019301	08/26/2024		Subdivision Plan	Active	Dan Frazier
Applicant: Thomas and Hutton		Owner: K Hovnanian Four Seasons			
PLAN DESCRIPTION: A request by Thomas Behm of Thomas and Hutton, on behalf of Steven Baker of K Hovnanian Homes for approval of a Subdivision application for the Lakes at New Riverside Phase 5. The project consists of the construction of 103 single family residential units lots with associated right-of-way and common areas. The property is zoned New Riverside Planned Unit Development and consists of approximately 31.017 acres identified by tax map numbers R610 044 000 04430 0000 through R610 044 000 0560 0000 and located within Parcel 9 of the New Riverside Concept Master Plan. STATUS: This item will, be heard at the October 2, 2024 Development Review Committee meeting.					
PROJECT NAME: NEW RIVERSIDE -PARCEL 9					

SUB-08-24-019309	08/29/2024		Subdivision Plan	Active	Dan Frazier
Applicant: Ward Edwards, Inc.		Owner: Millstone Management LLC			
PLAN DESCRIPTION: This project proposes a multifamily complex of 6 residential buildings and 4 garage buildings, clubhouse and accompanying infrastructure.					
PROJECT NAME: Buckwalter					

Total Subdivision Plan Cases: 5

Zoning Action

UDO Text Amendment



Growth Management Application Update Report

Town of Bluffton
 Department of Growth Management
 Office of Planning and Community Development
 20 Bridge Street P.O. Box 386 Bluffton, South Carolina 29910

Case Number	Application Date	Property Address	Plan Type	Plan Status	Plan Mgr
Active Cases					

Zoning Action

ZONE-03-18-011836	03/26/2018		Zoning Action	Active	Kevin Icard
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Applicant: Town of Bluffton **Owner:** Town of Bluffton

PLAN DESCRIPTION: A request by the Unified Development Ordinance Administrator for consideration of revisions to the following sections of the Town of Bluffton’s Municipal Code of Ordinances, Chapter 23, Unified Development Ordinance:

1.1.8 Activities That Do Not Constitute Development; 2.2 Establishment; 3.2 General Application Approval Process; 3.9 PUD Master Plan; 3.18 Certificate of Appropriateness – Historic District (HD); 3.19 Site Feature – Historic District (HD); 3.20.2 Applicability; 3.25 Designation of Contributing Structure; 3.26 Appeals; 4.4 Conditional Use Standards; 5.3.7 Specific Landscaping Standards; 5.15 Old Town Bluffton Historic District; 7.2.2. Illegal Nonconformities; 7.9 Nonconforming Sites Resulting from Right-Of-Way Dedication or Acquisition; 9.2 Definitions; 9.3 Interpretation of Dimensional Standards; and, 9.4 Description of Uses of Land and Buildings

STATUS: 1/29/2019 The Application was heard at the January 23, 2019 Planning Commission meeting where it was recommended for approval to Town Council with conditions related specifically to Public Projects, Minor and Major PUD Master Plans, Development Plans, requiring public notice for various projects and to include language related to appeals.

STATUS: 2/18/2019 The Application will be heard at the March 12th Town Council meeting.

STATUS: 5/28/2019 A portion of the text amendments were approved by Town Council at their March 12, meeting. Additional items will be presented to Town Council at a future date.

STATUS: 4/21/2020 Various UDO text amendments are being reviewed by Planning Commission, and Town Council over the coming months.

STATUS:4/22/2024 - Staff continues to bring forth UDO edits to be reviewed by Planning Commission, and Town Council.

PROJECT NAME:

Zoning Map Amendment

ZONE-06-24-019188	06/17/2024	332 BUCK ISLAND RD ROAD	Zoning Action	Active	Dan Frazier
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Applicant: Town of Bluffton **Owner:** Town of Bluffton

PLAN DESCRIPTION: A request by the Town of Bluffton for Zoning Map Amendment of approximately 1.38 acres located at 328, 330 and 332 Buck Island Road identified as Beaufort County Tax Map Numbers R 610 039 000 0016 0000 (328 and 330 Buck Island Road) and R610 039 000 018C 0000 (332 Buck Island Road) to Rezone the Subject Property to the Light Industrial (LI) District.

STATUS 8/29/24: The workshop was held at the July 24, 2024 Planning Commission meeting. The Public Hearing and Recommendation to Town Council is tentatively scheduled for September 25, 2024 Planning Commission meeting.

PROJECT NAME: BUCK ISLAND/SIMMONSVILLE



Growth Management Application Update Report

Attachment Section XI. Item #1.

Town of Bluffton
 Department of Growth Management
 Office of Planning and Community Development
 20 Bridge Street P.O. Box 386 Bluffton, South Carolina 29910

Case Number	Application Date	Property Address	Plan Type	Plan Status	Plan Mgr
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Active Cases

Zoning Action

ZONE-02-24-018921	02/02/2024	11 GRASSEY LANE	Zoning Action	Active	Dan Frazier
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Applicant: Sturre Design & Development, LLC **Owner:**

PLAN DESCRIPTION: A request by Nathan Sturre of Sturre Engineering on behalf of the property owners Cornerstone Church of Bluffton and Lalie Ann Mole, for approval of a zoning map amendment. The applicant is requesting to rezone two parcels from the Planned Unit Development (PUD) zone district to a mix of Agricultural (AG) and Rural Mixed Use (RMU) zoning districts. The properties are zoned Mindstream Academy Planned Unit Development and consists of approximately 43.3 acres identified by tax map numbers R610 036 000 0014 0000 and R610 036 000 014B 0000 located south of May River Road approximately 600 feet east of Stardust Lane.
 STATUS: A required Planning Commission Workshop was held on February 28, 2024. STATUS 03/27/24: The Planning Commission recommended approval of the request at the March 27, 2024, Planning Commission Meeting.
 STATUS: First reading of the Zoning Map Amendment was approved at the April 9, 2024, meeting of Town Council.
 STATUS: Public Hearing and Second & Final Reading of the Zoning Map Amendment request will approved at the May 14, 2024, meeting of Town Council.

PROJECT NAME:

ZONE-01-24-018840	01/11/2024		Zoning Action	Active	Dan Frazier
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Applicant: University Investments **Owner:** University Investments

PLAN DESCRIPTION: A request by University Investments, LLC, for a Zoning Map Amendment for approximately 65.592 acres located at the northwest corner of the intersection of Buckwalter Parkway and Lake Point Drive and identified by Beaufort County Tax Map Nos. R600 029 000 2410 0000 and R600 029 000 0014 0000 to rezone the subject property to Buckwalter Planned Unit Development (PUD) subject to a new Grande Oaks Commons Land Use Tract to be established through a Buckwalter PUD Text Amendment. This application is associated with the following requests; ANN-11-23-018624, CPA-01-24-018845, COMP-01-24-018844, ZONE-02-24-018991 (Text), and DAA-01-24-018842.
 STATUS: Comments on the associated Concept Plan Amendment were heard at the March 27, 2024 meeting of the DRC.
 STATUS: This request was heard at the May 22, 2024, Planning Commission Meeting as a Public Workshop item.
 STATUS: The Public Hearing for the zoning map amendment and comprehensive plan amendment are tentatively scheduled for the July 24, 2024, Planning Commission meeting.
 STATUS 8/29/24: The zoning map amendment and comprehensive plan amendment were heard at the July 24, 2024 Planning Commission meeting. Tentatively scheduled for the September 10, 2024 Town Council meeting for first reading.

PROJECT NAME:



Growth Management Application Update Report

Attachment Section XI. Item #1.

Town of Bluffton
Department of Growth Management
Office of Planning and Community Development
20 Bridge Street P.O. Box 386 Bluffton, South Carolina 29910

Case Number	Application Date	Property Address	Plan Type	Plan Status	Plan Mgr
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Active Cases

Zoning Action

ZONE-03-24-019046	03/14/2024		Zoning Action	Active	Dan Frazier
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Applicant: Bryant and Son Trucking Company **Owner:** Bryant and Son Trucking Company

PLAN DESCRIPTION: A request by the applicant and property owner Johnnie Bryant III, for approval of a zoning map amendment application. The property is located at 30 Davis Road and consists of approximately 2.14 acres identified by tax map number R600 029 000 0028 0000 and currently zoned T2R Rural in unincorporated Beaufort County. This application is associated with the following annexation request; ANN-03-24-019045.

STATUS: This request was heard at the May 22, 2024, Planning Commission Meeting as a Public Workshop item.

STATUS: The Public Hearing for the zoning map amendment and comprehensive plan amendment are tentatively scheduled for the July 24, 2024, Planning Commission meeting.

STATUS 8/29/24: The zoning map amendment and comprehensive plan amendment were heard at the Planning Commission meeting. The amendments were heard at the August 13, 2024 Town Council meeting for First Hearing. The Second Hearing is tentatively scheduled for October 8, 2024 Town Council Meeting.

PROJECT NAME:

Total Zoning Action Cases: 5

Total Active Cases: 68

Total Plan Cases: 68



Town of Bluffton
20 Bridge St.
PO Box 386
Bluffton, SC 29910
843.706.4500

To: Town Council
From: Stephen Steese, Town Manager
Date: September 30, 2024

Town Operations / Community Meetings

- Hurricane Helene made landfall in Florida and passed to the west of Bluffton. Helene's path shifted farther east than projected and brought strong winds to the region. The biggest impact was trees that were knocked down throughout the community. This led to blocked roads and widespread power outages. Staff responded once safe and have worked to clear trees and debris. There are brush collection locations throughout the town that will be switched out as needed. Cleanup will continue over the next week. We are entering the peak of Hurricane Season and continue to stay vigilant and prepared.
- Town Hall was closed in observance of Labor Day.

Town Council/Town Attorney Related Meetings

- Weekly Mayor / Mayor Pro Tempore / Manager meetings.
- Town Councilmembers and staff attended SOLOCO in Bluffton. SOLOCO discussed the new litter committee and the appointments from each partner agency. There was also an update from the Beaufort-Jasper Regional Housing Trust. The Child Care Subcommittee also made a presentation on the overall program they proposed and how they would be moving forward.
- We had meetings with Councilmembers throughout the month to include discussions related to the Council Meeting agenda review and other items.
- Council and staff attended several ribbon cuttings for new businesses within the Town.
- The groundbreaking of the Buckwalter Economic Development Project was cancelled due to Hurricane Helene. We are working to reschedule in October with times that work with the developer and town.

Updates and Miscellaneous Information

- We completed the reviews and interviews for the Childcare RFP. We have worked with the top candidate to finalize the business plan and will bring a lease agreement to Council in October.
- Staff from Bluffton, Beaufort County, and LCOG had our first follow-up meeting with the engineer performing the Bluffton Parkway Study.
- The Town's concert series started August 30th at the Buckwalter Amphitheatre Park. We had to cancel the concert scheduled for September 24th due to Hurricane Helene. We have one more scheduled for this season. It will be held at Buckwalter in late October.
- The Town held our Inaugural Wellness Fair for employees at the Rotary Community Center. The event allowed employees to have a biometric screening completed, attend educational sessions, and receive their annual vaccinations.
- Chris, Heather, and I attended the International City/County Manager Association's Annual Conference. We attended sessions related to economic development, public art, artificial intelligence, resiliency, strategic planning, and other topics.

TOWN COUNCIL



STAFF REPORT
Projects and Watershed Resilience Department

MEETING DATE:	October 8, 2024
PROJECT:	Consideration of a Resolution Authorizing Acceptance of Easement Donations from Property Owners Necessary to Complete the Pathway Pedestrian Safety Improvements Project
PROJECT MANAGER:	Constance Clarkson, Project Manager

REQUEST: Town Staff requests Town Council approve the Resolution (Attachment 1) authorizing the acceptance of easement donations for the purpose of completing Phase 2 of the Pathway Pedestrian Safety Improvements project.

BACKGROUND: With the approval of the Fiscal Year (FY) 2023-2024 Strategic Plan and Fiscal Year 2025 Consolidated Budget, Town staff continues with planning of Phase 2 of the Pathway Pedestrian Safety Improvements. The acquisition of these easements is necessary to complete the ramp, sidewalk and crosswalk improvements in compliance with the Americans with Disabilities Act to benefit public safety. Sample Easement is included as Attachment 2.

NEXT STEPS:

1. Town Council approve the acceptance of the easement donations.
2. Town Manager executes easements.
3. Recording of easements.

SUMMARY: Town Staff requests Town Council accepts the donation of the easement(s) and authorizes the Town Manager and Town Staff to take such actions as are necessary to complete the acceptance of the easement donation(s).

ATTACHMENTS:

1. Resolution
2. Sample Easement
3. Proposed Motion

RESOLUTION

A RESOLUTION AUTHORIZING ACCEPTANCE OF EASEMENT DONATIONS FROM PROPERTY OWNERS NECESSARY TO COMPLETE THE PATHWAY PEDESTRIAN SAFETY IMPROVEMENTS PROJECT

WHEREAS, the Town of Bluffton is pursuing Americans with Disabilities Act (ADA) compliant improvements throughout the Historic District of Bluffton to protect the health, safety, and welfare of the public and with the Pathway Pedestrian Safety Improvements Project; and,

WHEREAS, to complete the Project, the Town needs to acquire easement interests from certain owners of certain parcels of real property abutting May River Road, Thomas Heyward Road and Pin Oak Street which easements are attached hereto as Exhibit "A" (collectively, the "Easements"); and,

WHEREAS, the Town desires to accept the donations of the Easements and Town Council has determined that it is in the public interest for the Town to accept the donations and conveyances of the Easements from property owners who will, or have, voluntarily offer(ed), to execute the Easements and convey these easement interests to the Town as a donation to the Town for a public purpose; and,

WHEREAS, Town Council desires to authorize the Town Manager to execute such documents and to expend such funds as are necessary to complete the donation and conveyance of the Easements to the Town and, to the extent necessary, to ratify the Town Manager's actions related to the same.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF BLUFFTON, SOUTH CAROLINA, AS FOLLOWS:

1. The Town Council hereby authorizes the acceptance of the donation and conveyance of the Easements to the Town as a donation to the Town for any valid public purpose and approves the Easements in substantially the form attached hereto as Exhibit "A".

2. The Mayor, Town Manager, and Town Clerk are each hereby authorized to execute any and all documents necessary to effect the donation and conveyance of the Easements as a donation to the Town, including, without limitation, the acceptance and recordation of the above-referenced Easements with the Office of the Register of Deeds for Beaufort County, South Carolina. The Town Manager is hereby authorized to pay such reasonable costs of the transaction as may be necessary.

**THIS RESOLUTION SHALL BE EFFECTIVE IMMEDIATELY UPON ADOPTION.
SIGNED, SEALED AND DELIVERED AS OF THIS ____ DAY OF _____,
2024.**

Larry Toomer, Mayor
Town of Bluffton, South Carolina

ATTEST:

Marcia Hunter, Town Clerk
Town of Bluffton, South Carolina

EXHIBIT “A” (THE EASEMENTS)

	Property Owner	Tax Map Number	Address
1	1223 May River Road, LLC	R610 039 000 0121 0000	1223 May River Road
2	5824 Guilford Place, LLC	R610 039 000 1489 0000	5824 Guilford Place
3	Abigail Jean, LLC	R610 039 000 1530 0000	5766 Guilford Place
4	CEH Real Estate Bluffton, LLC	R610 039 00A 0297 0000	1283 May River Road
5	Joseph and Susan Stopka	R610 039 000 118A 0000	2 Jason Street
6	BFL Builders, LLC	R610 039 00A 0389 0000	10 Meriweather Ct.
7	BFL Builders, LLC	R610 039 00A 0224 0000	Meriweather Ct. ROW

SPACE ABOVE RESERVED FOR RECORDING PURPOSES

UPON RECORDING, PLEASE RETURN TO:
FINGER, MELNICK, BROOKS & LABRUCE, P.A.
Attn: E. Richardson LaBruce
Post Office Box 24005
Hilton Head Island, South Carolina 29925

STATE OF SOUTH CAROLINA)
) **SIDEWALK EASEMENT AGREEMENT**
COUNTY OF BEAUFORT)

THIS SIDEWALK EASEMENT AGREEMENT (the "*Agreement*") is made effective as of this ____ day of _____, 2024 (the "*Effective Date*"), by and between **1223 May River Road, LLC**, a South Carolina limited liability company, (the "*Grantor*"), and **The Town of Bluffton**, a South Carolina municipal corporation (the "*Grantee*").

WITNESSETH

WHEREAS, the Grantor is the owner of certain property located within the Town of Bluffton, commonly known as 1223 May River Road, Bluffton, South Carolina, R610-039-000-0121-0000; and,

WHEREAS, the Grantee seeks to acquire certain easement interests over portions of Grantor’s real property for a public purpose, more particularly, for the completion of improvements to existing sidewalks and walkways to render the same publicly accessible and in reasonable compliance with federal, state, and local accessibility standards (the "*Project*"); and,

WHEREAS, in order to proceed with the Project, the Grantee intends to acquire certain permanent easement interests over the above referenced real property, which parcel is more thoroughly shown on EXHIBIT "A" hereto, which by reference are fully incorporated herein (collectively, the "*Property*"); and,

WHEREAS, The Grantee desires to acquire a **80.12** Square Foot Sidewalk Easement interest over the Property as is more specifically shown, described and designated on EXHIBIT "B" hereto, which by reference is fully incorporated herein (collectively, the "*Sidewalk Easement Area*")

WHEREAS, the Grantor desires to show its support for the Project by conveying the requisite easements over the Sidewalk Easement Area to the Grantee, as more fully set forth herein; and,

WHEREAS, the Parties desire to execute this Agreement to clarify and/or set forth the scope of the easements granted to the Grantee.

AGREEMENT

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS, subject to the terms and conditions set forth herein, Grantor, for **TEN AND NO/100 (\$10.00) DOLLARS** and no other consideration, the receipt and sufficiency of which are hereby acknowledged, hereby declares, grants, bargains, sells, aligns, conveys, imposes, donates, and confirms unto the Grantee, its successors, successors-in-title and assigns, and Grantee’s contractors, tenants, invitees, customers, agents, and employees such nonexclusive, perpetual, commercial, and transmissible easements and rights-of-way, over, under, across, through, and upon the Sidewalk Easement Area, for the benefit of the Grantee for the following purposes and as more fully set forth herein, *to wit*:

1. Incorporation of Recitals. The above recitals and attached exhibit(s) are hereby incorporated herein as if restated fully and are hereby made an integral part hereof so that their contents are a substantive part of this Agreement.

2. Consideration and Acknowledgement of Just Compensation. Grantor desires and agrees to donate and convey the easements over the Easement Areas to Grantee for charitable or public uses and purposes and for no monetary consideration. Further, Grantor acknowledges that Grantor has been fully informed of Grantor’s right to receive just compensation for the easements, pursuant to the United States Constitution, the South Carolina Constitution and the South Carolina Eminent Domain Act (S.C. Code Ann. § 28-2-370). Grantor does acknowledge and agrees that Grantor willingly and voluntarily waives any right to receive just compensation for the easements over the Easement Areas granted to the Town herein and chooses to donate the same for the benefit of the Project.

3. Permanent Easements. Subject to the provisions of this Easement Agreement, the Grantor hereby grants and conveys to the Grantee a non-exclusive, perpetual, commercial, transmissible, and irrevocable easements to construct, operate and maintain certain sidewalk improvements, including but not limited to the right, privilege and authority, from time to time, to enter upon, construct, extend, inspect, operate, replace, relocate, repair, and perpetually maintain upon, over, along, across, through, and under the Sidewalk Easement Area such (a) lights, fixtures, poles, support infrastructure, communications infrastructure, conduits, wiring, meters, boxes, enclosures, transformers, hand-holes, transformer enclosures, connection boxes and/or other subsurface or above-ground lighting and electric utility improvements (the “*Utility Improvements*”), (b) any sidewalk, paver, pathway, parking, pedestrian bridge, crosswalk, crosswalk signals, emergency telephone or computer systems, walkway furniture, planters, irrigation lines, and/or other walkway improvements (the “*Sidewalk Improvements*”), and (c) drains, embankments, ditches, culverts, flumes, pipes and any other improvements used or useful in the collection, conveyance, testing and drainage of surface and storm water runoff (the “*Drainage Improvements*”)(with the Utility Improvements, the Sidewalk Improvements, and the Drainage Improvements collectively, the “*Improvements*”) together with the right of ingress, egress, and access to and from and across and upon those portions of the Property immediately adjacent to the Sidewalk Easement Area as may be necessary or convenient for the purposes connected therewith.

Together with the right, from time to time, to install any or all of the Improvements in the Sidewalk Easement Area near the easement/lot lines provided, however, any damage to the property of Grantor caused by the Grantee in the exercise of its rights hereunder shall be repaired by Grantee at its cost and expense. The parties to this Agreement agree that Grantee shall be responsible for patching any asphalt, concrete or other all-weather surface disturbed by Grantee for repair or maintenance purposes. The Grantee and its contractors, agents and employees (collectively and together with Grantee, the “*Grantee Parties*”) shall operate on the Sidewalk Easement Area in a safe and workmanlike manner, in accordance with generally accepted construction practices in the State of South Carolina, in accordance with all applicable federal, State and local laws and regulations, and in compliance with all requisite permits. Additionally, in no event shall any of the Grantee Parties materially interfere with vehicular and/or pedestrian access to and from the Property and the public thoroughfare abutting thereto and/or the business operations being conducted on the Property or otherwise utilize any Property outside of the Pathway Easement Area, except as otherwise provided herein.

Further, the Grantor shall grant and hereby grants and conveys to Grantee, its heirs, legal representatives, tenants, employees, agents, invitees, customers, successors and assigns, and any other persons whomsoever claiming under or through said parties, including but not limited to the general public (herein collectively, the “*Public*”), upon the completion of the Improvements in the Sidewalk Easement Area in accordance with the Project’s final construction plans, a perpetual, irrevocable, non-exclusive, ingress, egress, regress, pedestrian and vehicular access easement in, under, upon, about, over, across and through the Sidewalk Improvements now existing or hereafter constructed in the Sidewalk Easement Area. The Public may use the Sidewalk Easement Area for (i) ingress, egress, regress and access; (ii) the perpetual, non-exclusive and irrevocable right to use the Sidewalk Improvements now existing or hereafter constructed in the Sidewalk Easement Area for the purposes of pedestrian circulation and, (iii) all other purposes reasonably necessary for the Public’s use and enjoyment of the Sidewalk Improvements; provided, however, the Town may, in its reasonable discretion, establish certain rules, restrictions and regulations over the Public’s use of and access to the Sidewalk Easement Area and Sidewalk Improvements as determined in the sole discretion of the Town.

4. Town Council Approval. Notwithstanding anything in this Easement Agreement to the contrary, pursuant to Section 5-7-260 of the South Carolina Code of Laws, 1976, as amended, and Sections 2-13 and 2-19 of the Code of Ordinances for the Town of Bluffton, South Carolina, the Grantor acknowledges and agrees that the Town, as a South Carolina municipal corporation, may only acquire interests in real property through the adoption of a written resolution of the Bluffton Town Council at a duly held public meeting of Town Council.

5. Modifications. The terms of this Agreement may not be changed, modified, waived, discharged or terminated orally, but only by an instrument in writing, signed by each party.

6. Construction of Agreement. Each party acknowledges that it has participated in the negotiation and drafting of this Agreement. No provision of this Agreement shall be construed against or interpreted to the disadvantage of any party hereto or thereto by any court by reason of such party having or being deemed to have structured, dictated, or drafted any provision in the Agreement.

7. **Successors and Assigns.** All provisions of this Agreement shall run with the land and bind and inure to the benefit of each party and each party's respective heirs, executors, legal representatives, successors, successors in title and assigns. The words "Grantor" and "Grantee" shall include their heirs, executors, administrators, successors, and assigns, as the case may be.

8. **Merger Provision.** This Agreement contains the entire agreement between the parties with respect to the issues set forth herein. All other discussions, proposals, agreements or offers are merged into this Agreement.

9. **Continuation of Other Easements.** Nothing within this Agreement shall be deemed to nor shall operate to extinguish any other easements held or possessed by the Grantee, either individually or collectively, on the Property.

10. **Acknowledgment.** The Town acknowledges and agrees that no new boundary or property lines are created by the easements conveyed hereunder and therefore the setbacks and buffers, if any, required by applicable municipal zoning and development ordinances, including the Town's Unified Development Ordinance shall continue to extend through the Easement Areas to the boundary line of the Property and adjacent rights-of-way. Further, that the grant of these easements and the Improvements in the Easement Areas shall not serve to reduce any density available or existing on the Property prior to the date of this Agreement.

TO HAVE AND TO HOLD, subject to the conditions and limitations set forth above, all and singular, the rights, privileges and easements aforesaid unto the Grantee, its successors and assigns, forever.

GRANTOR HEREBY COVENANTS with the Grantee that Grantor is lawfully seized and possessed of the Property or, in the alternative, holds non-exclusive easement rights for the purposes of access, utilities and the like thereto, and that Grantor has good lawful right to convey the easements conveyed herein, or any part thereof, and that Grantor will forever warrant and forever defend the title thereto against the lawful claims of Grantor's successors, heirs and assigns.

(REMAINDER OF PAGE INTENTIONALLY LEFT BLANK)
(SIGNATURES ON FOLLOWING PAGES)

EXHIBIT "A"
(Property Description)

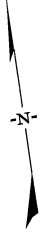
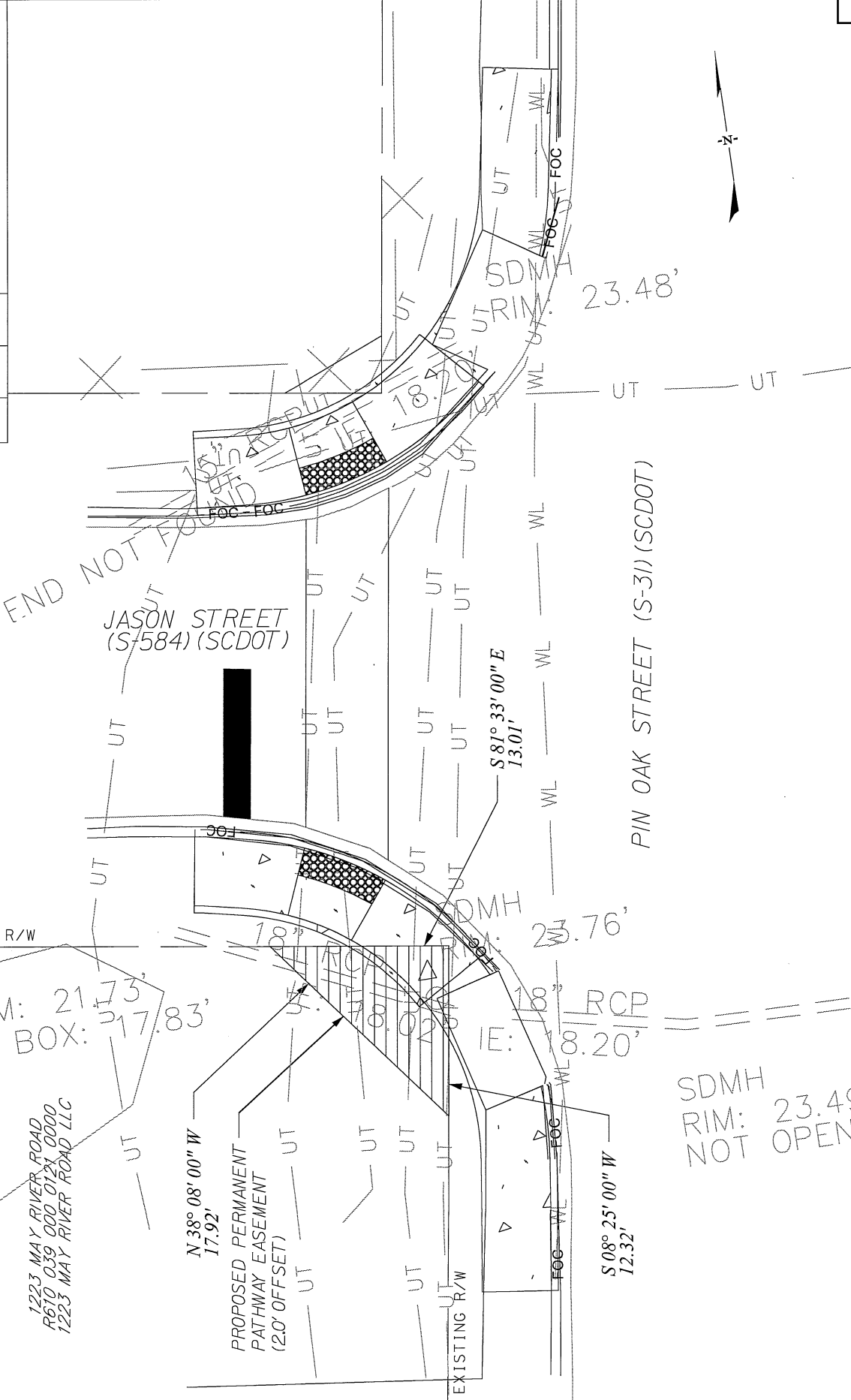
All those certain pieces, parcels or lots of land, situate, lying and being in Beaufort County, South Carolina, Town of Bluffton, and being known and designated as Lots 3, 4, 5, 6, 7, 8, 9 and 10, Block A, of Pinecrest Subdivision as shown on a Plat recorded in the Office of the Register of Deeds for Beaufort County, South Carolina in Plat Book 12, at Page 2. Said lots are bounded and described as follows: On the NORTH by First Street; on the EAST by Oak Street; on the SOUTH by S.C. Highway 46; and on the WEST by Lots 11 and 12, Block A, of Pinecrest Subdivision.

This being the same property conveyed to the within Grantor by George H. Scott Meats, Inc., said Deed dated March 3 2015 and recorded March 9, 2015 in the Office of the Register of Deeds for Beaufort County, South Carolina in Book 3383 at Page 3389.

TMP# R610 039 000 0121 0000

EXHIBIT "B"
(Easement Area Drawing)

TOWN OF BLUFFTON		SHEET
AREA OF ACQUISITION FROM TRACT 28 SITE 128		1 OF 1
REVISION NUMBER	BY	DATE
DESCRIPTION OF REVISION		



JE INFRASTRUCTURE
CONSULTING & ENGINEERING

COUNTY
BEAUFORT



PREPARED
03/15/2024

REQUIRED FROM PROPERTY	TOTAL AREA
PROPOSED PERMANENT PATHWAY EASEMENT	80.12 SF (0.002 ACRE)

--- PROPOSED PERMANENT PATHWAYS EASEMENT

**AFFIDAVIT OF TRUE CONSIDERATION AND
CLAIM FOR EXEMPTION FROM:**

STATE RECORDING FEE - S.C. CODE OF LAWS SECTION 12-24-40;
APPLICABLE COUNTY & MUNICIPAL TRANSFER FEE ORDINANCES

STATE OF SOUTH CAROLINA)
)
COUNTY OF BEAUFORT)

PERSONALLY appeared before the undersigned, who is duly sworn, deposes and says that the following is a true and correct statement concerning the CONSIDERATION for the conveyance set forth below, and concerning any EXEMPTION claimed under the laws of the State of South Carolina, County of Beaufort.

GRANTOR: 1223 May River Road, LLC
GRANTEE: THE TOWN OF BLUFFTON
GRANTEE MAILING ADDRESS: 20 Bridge Street, Bluffton, SC 29910
DATE OF CONVEYANCE: _____
TRUE CONSIDERATION: \$10.00
TAX DISTRICT/MAP/PARCEL NO: R610-039-00A-0121-0000

STATE RECORDING FEE EXEMPTION: This transfer is exempt from the statutory Recording Fee required by the State of South Carolina in accordance with Section 12-24-40(2) transferring realty subject to the federal government or to a state, its agencies and departments, and its political subdivisions, including school districts.

TRANSFER FEE EXEMPTION (if applicable): This transfer is exempt – transferring realty to state government agency.

Signed: _____
Print Name: E. Richardson LaBruce
Capacity: Finger, Melnick, Brooks & LaBruce, P.A.
 Attorney for Town

Sworn to and subscribed before me on
this ____ day of _____, 2024.

Notary Public of South Carolina
My commission expires: _____

.....
ROD OFFICE USE ONLY
.....

State Stamps Collected: \$ _____ Recording Date: _____
Transfer Fee Collected: \$ _____ Book: _____ Page: _____

**Attachment 3
Proposed Motion**

Consideration of a Resolution Authorizing Acceptance of Easement Donations from Property Owners Necessary to Complete the Pathway Pedestrian Safety Improvement Project.

Proposed Motion

*"I move to **Approve (Approve, Deny, or Approve as Amended)** a Resolution authorizing acceptance of easement donations from property owners to complete Phase 2 of the Pedestrian Pathway Safety Improvements project."*