



MEMORANDUM

To: Beaufort County Planning Commission
From: Anthony Criscitiello, Beaufort County Director of Planning & Development TC
Subject: Amendment to the ZDSO – River Buffer
Date: April 14, 2011

Summary of proposed amendments: Clarification of disturbance allowed in the river buffer.

Justification: The Codes Enforcement department has been unable to successfully prosecute buffer violations because the judge(s) state the existing ordinance does not clearly outline that disturbance is not allowed in the river buffer.

Recommendation: Amend Article VII Resource Protection, Site Capacity and Open Space, Division 3 Natural Resources Protection Standards, Sec. 106-1845 as noted below by **bold and underlined** for additions.

Sec. 106-1845. River buffer.

The river buffer extends inland 50 feet from all tidal waters and wetlands beginning at the OCRM critical line. The following standards are required for all development affecting the river buffer:

- (1) *Drainage.* [Ed. Note: no changes proposed.]
- (2) *Bulkheads, rip-rap and erosion control devices.* [Ed. Note: **language provided for information only – no changes proposed.**] All bulkheads, rip-rap or other erosion control devices in the river buffer are limited uses, subject to the required standards below.
 - a. A permit to construct the bulkhead, rip-rap or erosion control device must have been issued by OCRM.
 - b. Application for a permit for the installation of a bulkhead, rip-rap or other erosion control device more than 48 inches in total vertical height from the existing ground elevation must submit design plans, including certification from a South Carolina registered professional engineer as to the adequacy of the design standards included to prevent collapse or other failure.

- c. The provisions of subsection 106-1846(b), tree protection and specimen trees, must be met.
 - d. Any disturbance of shoreline within the river buffer landward of the SC critical line shall require submission of a revegetation plan. A principal objective of the plan is to preserve and replace as much of the on-site preconstruction native vegetation to the extent possible. Other acceptable landscaping plants are found in the SC DHEC publication entitled "Backyard Buffers", publication CR-003206 (11/00). Such plantings shall be in the quantities set forth in Table 106-1680(e) for a maritime forest on a disturbed area prorated acre basis, i.e., a one-tenth of an acre disturbance requires one-tenth of the bufferyard planting, unless soil conditions are unfavorable to establish this type of forestation, in which case a revegetation plan more suitable for the type of soil conditions will be accepted.
 - e. Revegetation of areas landward of the critical line, having sloping topography in excess of 1:3 slope, shall also include slope stabilization measures in compliance with SCDOT standards, as set forth in section 205, Embankment Construction, of the SCDOT Standard Specifications for Highway Construction, Edition of 2000.
 - f. Landscaping and construction design plans will be submitted to the zoning development administrator (ZDA), who shall issue a development permit for construction and land disturbance if these criteria are satisfied. Inspection of the construction and landscaping shall be done by the Beaufort County Building Inspection Department as provided for building permits.
- (3) *View corridor.* [Ed. Note: language provided for information only – no changes proposed.] The landowner may provide a view corridor through the river buffer. The following standards shall apply:
- a. Such a view corridor shall not extend for more than 75 feet or one-third of the lot width, whichever is less.
 - b. The view corridor shall generally involve only pruning to provide views. However, a landowner may submit a selective clearing and selective landscaping program for the view corridor. This shall only be approved by the DRT if the net result provides both ample screening of the shoreline and filtering of runoff from lawns on the lots.
- (4) *Setbacks.* [Ed. Note: no changes proposed.]
- (5) *Waiver.* [Ed. Note: no changes proposed.]

(6.) Buffer Disturbance. There shall be no disturbance of the river buffer except as allowed for bulkheads, rip-rap and erosion control devices and view corridors as outlined in subsections (2) and (3) above. A buffer disturbance violation shall require a revegetation plan prepared by a landscape designer or landscape architect to be submitted for review and approval by county staff. The plant back requirements shall minimally meet those requirements outlined in subsection (2)d above. Removal of trees shall require plant back inch for inch of trees removed. If it is determined by staff that all tree inches can not be planted back on site due to site constraints, the remaining tree inches shall be subject to a general reforestation fee.