

COUNTY COUNCIL OF BEAUFORT COUNTY

Beaufort County Planning & Zoning

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PROCEDURES TO REQUEST A RIVER BUFFER WAIVER

1. Five (5) copies of a plat/site plan with the following information:
 - a. OCRM Critical line and signature from OCRM certifying the critical line location.
 - b. Setbacks of proposed house. (Front, side and setback and buffer from critical line).
 - c. A current tree survey is required and the footprint of the proposed house should be super-imposed on the tree survey, along with the septic system, on-lot storm-water (rain-garden) location, silt fence location and tree protection fencing for remaining trees. This plat/site plan should also have the OCRM certification. If there are no trees on the property, the surveyor shall place a statement "No Trees on Site" on the plat.
2. Letter from the property owner requesting the waiver. (Applicant shall submit the total square foot of the proposed house – heated and unheated to include porches, decks, garages.
3. If applicable, septic system permit from DHEC.
4. Please understand, the Staff Review Team (SRT) will not be able to grant the waiver unless:
 - (a) Please refer to the attached excerpt from the Community Development Code (CDC) outlining the conditions on which a waiver can be granted. Applicant must address the paragraphs that pertain to the standard that would allow the Staff to grant the waiver. (e.g. the average size of homes within five lots on either side of the proposed house, or the floor area ratio on the lot of three-tenths (0.30), or maximum building footprint (livable area) of 15% of the total lot, whichever is less shall guide the need for a waiver etc.)
5. Pictures of the River Buffer area to ensure the remaining buffer is vegetated.
6. Silt fence and rain gardens shall not be permitted within the remaining buffer area.
7. Filing fee - \$75.00.
8. The property owner or a representative must submit the application to the Zoning Department, because a posting notice must be issued for the property with the hearing date.

****Please Note: Applicant shall include entire footprint of proposed house to include, decks, porches, and attached or detached garages. ****

Division 5.11: Resource Protection Standards

Table 5.11.60.A: River Buffer Setbacks						
District	River Buffer	Single Family/Duplex Setback	Other Residential Buildings and Nonresidential Buildings Setback	Parking Lots and Drives Setback	Septic Tank/Tile Field Setback	Agriculture/Golf Course Setback
T1 and T2	50 feet	60 feet	100 feet	100 feet	100 feet	150 feet
Conventional & CP Districts; PUDs	50 feet	60 feet	100 feet	100 feet	100 feet	150 feet
T3 Edge	40 feet	50 feet	75 feet	100 feet	100 feet ¹	150 feet
T3	25 feet	35 feet	35 feet	100 feet	100 feet ¹	150 feet
T4	20 feet	30 feet	30 feet	50 feet	100 feet ¹	150 feet

¹Or as approved by SCDHEC.

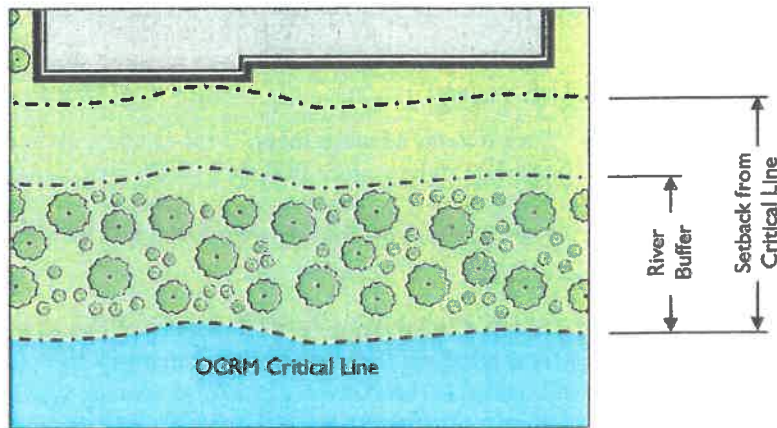


Figure 5.11.60.A: Relationship between the river buffer width and building setback from the OCRM Critical Line

- C. **Uses Allowed Between Building Setback and River Buffer.** The area located between the building setback and river buffer (see Table 5.11.60.A) is called the transitional buffer. The purpose of this buffer is to allow for a construction envelop between the building and river buffer in order for the river buffer to be protected from construction damage. The following uses are permitted within the transitional buffer once construction is completed:
1. Residential – playgrounds, fire pits, outdoor furniture, pervious hardscapes, uncovered decks, pools, etc. *Steps*
 2. Non-Residential – picnic shelters, pervious hardscapes such as sidewalks and patios, etc.
- D. **Setback Waiver.** Where existing lots (conforming or nonconforming) are so small that a single-family house cannot be developed on the lot and comply with the required setbacks from the OCRM critical line established in Table 5.11.60A, the Director may grant a waiver from these setbacks in accordance with the following standards:
1. **OCRM Critical Line Setback Significantly Limits House Size.** The applicant shall demonstrate that the size of the home (GFA) would have to be less than the average

size of homes (GFA) within five lots on either side of the lot for which the waiver is requested, due to the OCRM critical line. If there are no homes within five lots of either side of the lot for which the waiver is requested a floor area ratio of three-tenths or a maximum building footprint (heated area) of 15 percent of the total lot area, whichever is less, shall guide the need for a waiver.

2. **Reduction of Street or Front Yard Setback to Avoid Waiver.** The Director may reduce the street or front yard setback by up to 30 percent in order to avoid the need for a waiver where such reduction is not in conflict with any applicable covenant or restriction.
3. **Limit on Reduction of OCRM Critical Line Setback.** The OCRM critical line setback shall not be reduced to less than a 35-foot setback, except in areas where homes that already exist are located closer than 35 feet to the OCRM critical line setback. In those cases, the average critical line setback of adjoining lots shall be used, provided that in no case shall a setback of less than 20 feet be granted though an administrative waiver unless the setback is to preserve a specimen tree, historic resource, or to prevent a lot from becoming unbuildable with comparable houses as described in Subsection D.1 above. Where the setback is to preserve a specimen tree or historic resource, the building envelope allowed shall optimize the protection of the resources.
4. **Stormwater Management.** If the house and lot do not drain into a stormwater management system that uses BMPs in accordance with the requirements of Subsection E below, the landowner shall provide the necessary stormwater management on the lot; See Section 5.12.30.A (On-Lot Volume Control).

E. **Drainage.**

1. **Apply Stormwater Best Management Practices (BMPs).** Development adjacent to and affecting the river buffer shall apply BMPs in accordance with the County Manual for Stormwater BMPs, as amended, in the design of drainage and detention basins. Additional special engineering may be required where the County Engineer determines it is necessary to protect nearby waters or wetlands.
2. **Divert Drainage Away from OCRM Critical Line.** All drainage shall be diverted away from the OCRM critical line, through a County-approved stormwater system employing BMPs.
3. **Lots Adjoining River Buffer.** Lots adjoining the river buffer shall be designed and engineered to prevent direct discharge from impervious surfaces across the river buffer. All discharges shall be diverted into the development's stormwater system and treated in accordance with the requirements of this Development Code.
4. **Stormwater Runoff.** Stormwater runoff generated closer than 50 feet from the OCRM critical line shall be directed to County approved treatment before discharge.

F. **Buffer Disturbance.** There shall be no disturbance of the river buffer established in Table 5.11.60.A, except as allowed for bulkheads, rip-rap and erosion control devices, view corridors, and other allowable disturbances authorized in this Section.

1. **Re-vegetation.** Any disturbance of the shoreline within the river buffer landwards of the OCRM critical line shall require submission of a re-vegetation plan. A principle objective of the plan is to preserve and replace as much of the on-site pre-construction native vegetation to the extent possible. Other acceptable landscaping plants are found in the SCDHEC publication entitled "*Backyard Buffers*", publication CR-003206 (11/00). The re-vegetation plan shall be prepared by a landscape designer