



COUNTY COUNCIL OF BEAUFORT COUNTY

Beaufort County Zoning & Development

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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 and on-lot storm-water (rain-garden) location. 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).
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. Filing fee - \$75.00.
6. 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. ****

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 or landscape architect. The re-vegetation plan shall be designed so that upon plant maturity, the disturbed area is completely vegetated.

Division 5.11: Resource Protection Standards

2. **Removal of Trees.** Except for invasive species; see Section 5.11.100.G (Removal of Invasive Tree Species), removal of any tree within a river buffer shall require a tree removal permit; see Section 7.2.50 (Tree Removal Permit). Removal of trees shall require plant back inch for inch (DBH) of trees removed. If all tree inches cannot be planted back on site due to site constraints, the remaining tree inches shall be subject to a general county reforestation fee; see Section 5.11.100.D.3 (Reforestation Fee).
 3. **Slope Stabilization of Re-Vegetated Areas.** Re-vegetation of areas landward of the OCRM critical line with slope topography in excess of a 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, as amended.
- G. **Bulkheads, Rip-Rap, and Erosion Control Devices.** All bulkheads, rip-rap, or other erosion control devices in the river buffer shall comply with the following:
1. **Approved by OCRM.** A permit to construct the bulkhead, rip-rap or erosion control device shall be approved by OCRM.
 2. **Bulkhead, Rip-Rap, or Other Erosion Control Device More Than 48 Inches High.** A proposal to install a bulkhead, rip-rap, or other erosion control device more than 48 inches in total vertical height from the existing ground elevation shall be accompanied by design plans and certification from a South Carolina registered professional engineer stating the design is adequate to prevent collapse or other failure.
 3. **Tree Protection.** The bulkhead, rip-rap, or erosion control device shall be in compliance with Section 5.11.100 (Tree Protection).
 4. **Re-vegetation.** Any disturbance of shoreline within the river buffer landwards of the OCRM critical line shall require submission of a re-vegetation plan in compliance with Subsection F.1. above.
- H. **View corridor.** A view corridor across the river buffer may be established by a landowner in accordance with the following:
1. **Width.** The width of the view corridor crossing the river buffer shall be no more than 75 feet or one-third of the lot width, whichever is less.
 2. **Management.** Management of vegetation within the view corridor shall be limited to only pruning needed to provide views, except that a landowner may submit a selective clearing and selective landscaping program for the view corridor, prepared by a landscape designer or landscape architect, which shall be approved if the net result provides both ample screening of the shoreline and filtering of runoff from lawns on the lots.
- I. **Access.** Public/private road crossings and access drives are allowed as a Special Use; see Section 7.2.130 (Special Use Permit), in the river buffer only where no reasonable alternative exists.
- J. **Sewer/Water.** Crossings for sewer/potable water facilities are allowed as a Special Use; see Section 7.2.130 (Special Use Permit), in the river buffer only where no reasonable alternative exists.
- K. **Private Trails.** Private trails shall be permitted to cross the river buffer at reasonable intervals for access to the water. Horizontal trails through the river buffer, such as walking paths and bikeways, will be allowed with the following requirements: