

**STATE OF SOUTH CAROLINA
COUNTY OF JASPER**

ORDINANCE # ___ - ___

**AN ORDINANCE
OF JASPER COUNTY COUNCIL**

To revise requirements for development adjacent to tidelands, rivers and streams in Jasper County; to add or revise definitions of the terms critical area, riparian buffer, tideland, and wetland within Article 4 of the Jasper County Zoning Ordinance; to amend Article 7:4, as amended of the Jasper County Zoning Ordinance.

NOW THEREFORE BE IT ORDAINED by the Jasper County Council in council duly assembled and by the authority of the same:

1. Article 4 of the Zoning Ordinance of Jasper County, as amended, is further amended to add or revise the definitions of the following terms to be inserted alphabetically within the definitions set forth in the said Article 4;

Critical Area: Defined by OCRM as tidelands, coastal waters and the beach/sand dune system. OCRM determines the jurisdictional boundary, which is referred to as the "critical line". A permit is required from OCRM prior to any alteration to the critical areas of South Carolina.

Riparian Buffer: A vegetated buffer strip along tidelands, streams and rivers that serves the purpose of: filtering stormwater; providing wildlife habitat; protecting water quality; and mitigation of shoreline erosion, flooding and storm surge.

Tideland: All coastal waters, marshes and wetlands influenced by the tide. Tidelands are considered "critical area" and are under the protective jurisdiction of the South Carolina Department of Health and Environmental Control, Ocean and Coastal Resource Management (OCRM).

Wetland: Areas inundated or saturated by surface or ground water at a frequency and duration sufficient to support a prevalence of vegetation typically adapted to life in saturated soil conditions. Wetlands are determined by the USACE and are categorized by the USACE as jurisdictional and non-jurisdictional.

2. Article 7, Section 7:4 of the Zoning Ordinance of Jasper County, as amended, is further amended to be revised to the following:

§ 7:4 RIPARIAN BUFFERS.

A riparian buffer shall be provided along tidelands, wetlands, streams and rivers. Buffers are measured from OCRM designated critical lines for tidelands; delineation lines for wetlands; and from stream and river banks.

The buffer area shall remain undeveloped, except for piers, docks and pervious access paths to the water or wetlands bank. Any disturbance of the buffer area shall adhere to OCRM’s Best Management Practices (BMPs). Riparian Buffers shall also be in accordance with any applicable State and Federal Regulation.

Buffer widths are based on land use. In the event that a setback standard in Section 7:3 is less than the required buffer width, the required buffer regulation applies.

Riparian Buffer Table

Water Resource	Individual Dwelling Unit	Single Family Residential Development	Multi-Family Residential	Non-Residential
Critical Area (Coastal Waters, Tidelands, Beach/Dune System)	15'	25' *	35' *	50' *
Jurisdictional Wetlands, Saltwater or Freshwater	15'	25' *	35' *	50' *
Non-Jurisdictional Wetlands, Saltwater or Freshwater	15'	25' *	35' *	50' *
Rivers, Streams (non-critical area)	25'	50'	50'	50'
The above setbacks are total average widths; with widths not to be less than 15 feet for a 25-foot buffer, 20 feet for a 35-foot buffer, and 30 feet for a 50-foot buffer.				
*- Buffer requirement may be waived if applicant provides an OCRM land disturbance permit and/or approved wetland mitigation plan as part of a PDD, Subdivision or Development Plan submittal.				

Maintenance within a Riparian Buffer will adhere to the following limitations:

1. Trees can be limbed up to fifteen (15) feet.
2. Under brush can be cleared down to no less than four (4) inches above grade.
3. Unprotected trees under three (3) inch caliper can be cut.

This Ordinance shall take effect upon approval by Council.

Dr. George M. Hood
Chairman

ATTEST:

Judith M. Frank
Clerk to Council

ORDINANCE: # ___ - ___

First Reading: _____

Second Reading: _____

Public Hearings: _____ & _____

Adopted: _____

Considered by the Jasper County Planning Commission at it's meeting on
_____, 2009 and recommended for approval.

It is required that the following Exhibit be attached before the second reading:

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Reviewed for form and draftsmanship by the Jasper County Attorney.

Marvin C. Jones

Date