



## Jasper County Planning Department

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### Jasper County Planning Commission Staff Report

<b>Meeting Date:</b>	September 15, 2009
<b>Project:</b>	Zoning Ordinance Amendment- Article 7:4 Riparian Buffers
<b>Applicant:</b>	Staff-Initiated
<b>Tax Map Number:</b>	N/A
<b>Submitted For:</b>	Action- Recommendation to County Council
<b>Recommendation:</b>	Approval

**Background:** After review of Zoning Ordinance Section 7:4, Riparian Buffers, it is the opinion of Staff and Engineering consultants (ATM, Inc) that the regulations are excessively restrictive. The section may be more burdensome than intended, as it currently places a blanket 50' riparian buffer on all water bodies and wetlands for all development.

**Description:** While the original thought was to lessen restriction on isolated wetlands, this Ordinance has been revised to reflect the minimum State and Federal standards for tidelands and all types of wetlands. However, Staff has added that buffer requirements 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. Average buffer widths are also incorporated. While all wetlands (even isolated) again have some type of buffer requirement, flexibility is now incorporated with the waiver and average width provision.

Regarding rivers and streams, the current County standard of 50' stream and river buffer has been maintained. However, in the case of individual home sites or property not subject to State or Federal review, buffers have been lessened to 25'.

Also included are revised definitions for critical area, riparian buffer, tideland, wetland, as well as regulation of activities within the buffer (remains unchanged from August).

**Recommendation:** Staff recommends approval of the Riparian Buffer Ordinance.

**Attachments:**

1. Current Ordinance
2. Proposed Ordinance

**Attachment 1  
Current Ordinance**

§ 7:4 RIPARIAN BUFFERS.

A Riparian Buffer setback not less than 50 feet or one-third the depth of a lot or parcel (minimum of twenty five (25) feet), whichever is greater, shall be provided along the banks of all wetlands, marsh areas, streams and rivers. The buffer setback area for tidal waters shall be measured from the Critical Line as established by OCRM. 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 be in accordance with all State and Federal Regulations.

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

1. Limbing of trees to twenty (20) feet high.
2. Clearing of under brush down to two (2) inches above grade.
3. Cutting of unprotected trees three (3) inch caliper and below.