

ARTICLE 4. APPEARANCE AND GREENING REGULATIONS

The regulations contained in this Article are intended to ensure land use compatibility, promote the greening of development, improve aesthetics, ensure adequate provision of open space, and protect trees.

4.1 BUFFERYARDS

4.1.1 DEFINITION

The bufferyard is a unit of yard together with the planting, fences, walls, and other screening devices required thereon.

4.1.2 PURPOSE

The purpose of a bufferyard is to ameliorate any adverse impact between adjacent land uses, and promote land use compatibility.

4.1.3 WHERE REQUIRED

Bufferyards shall be required for new uses or substantially expanded uses (over 50 percent gross floor area) in accord with the requirements of Table 3.

Proposed Use*	Existing Uses						
	Agricultural	Single-Family Dwelling, R-1 Zone	Single-Family Neighborhood	All Other Residential Uses	Office / Institutional	Commercial / Industrial Uses	Street
Major Residential Subdivision	2	2	2	1	0	2	1
Multi-Family / Manufactured Home Park	0	3	3	0	1	2	1
Low Impact Commercial and Office / Institutional	0	3	2	1	0	0	1*
Commercial	1	4	3	2	0	0	1*
Industrial	2	4	4	3	2	0	1
High Impact Industrial	3	<i>Type 4 or above. See Article 3 for buffer requirements for specific uses.</i>				3	1

*Bufferyard not required for commercial uses with buildings less than 5,000 square feet unless located in a Design Overlay District.

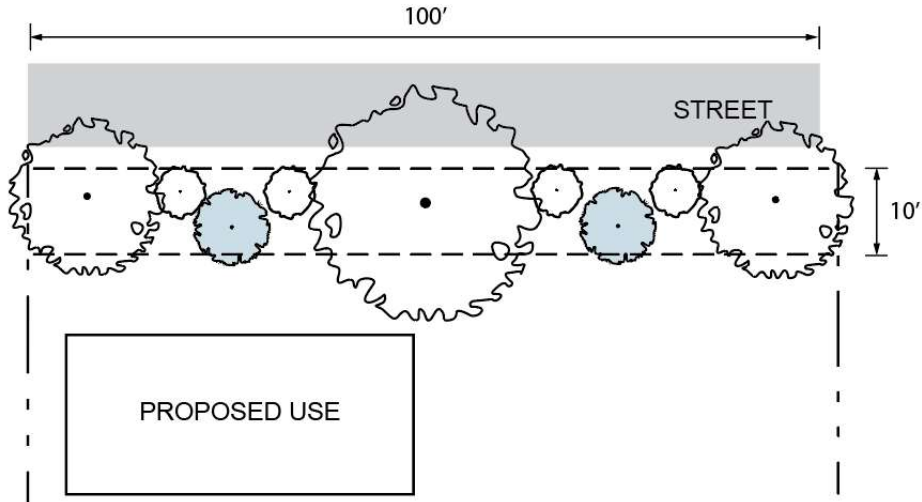
4.1.4 SPECIFICATIONS AND OPTIONS

From Table 3, match the abutting use with the proposed new or expanded use to determine the type of bufferyard required. Should a question arise as to the land use classification of a proposed or abutting use the Zoning Administrator shall determine the classification. Next, refer to the Bufferyard Illustrations to determine the amount of bufferyard required. Several options of landscaping are available under each bufferyard. The requirements are given in 100-foot units as measured along the property line. Whenever a wall or fence is required, the location of the structure may be on either side of the required bufferyard.

Evergreen shrubs or trees are required for 50% of plantings in Bufferyards 2, 3 and 4.

A. Bufferyard Types

BUFFERYARD #1 (STREETYARD / AESTHETIC BUFFER)

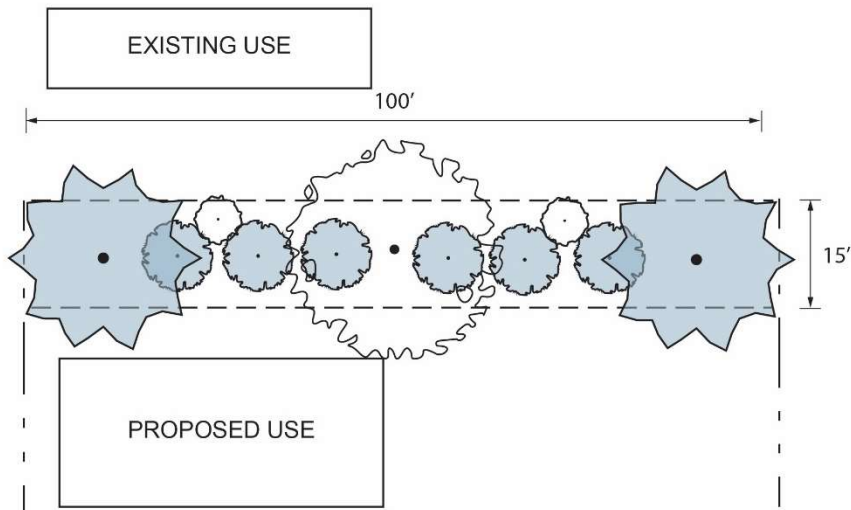


Bufferyard #1 Planting Options

- Option 1: 5 trees
- Option 2: 1 Large tree, 2 small or medium trees & 6 shrubs*
- Option 3 (allowed only if power lines present a conflict): 12 shrubs & 6 ornamental grasses

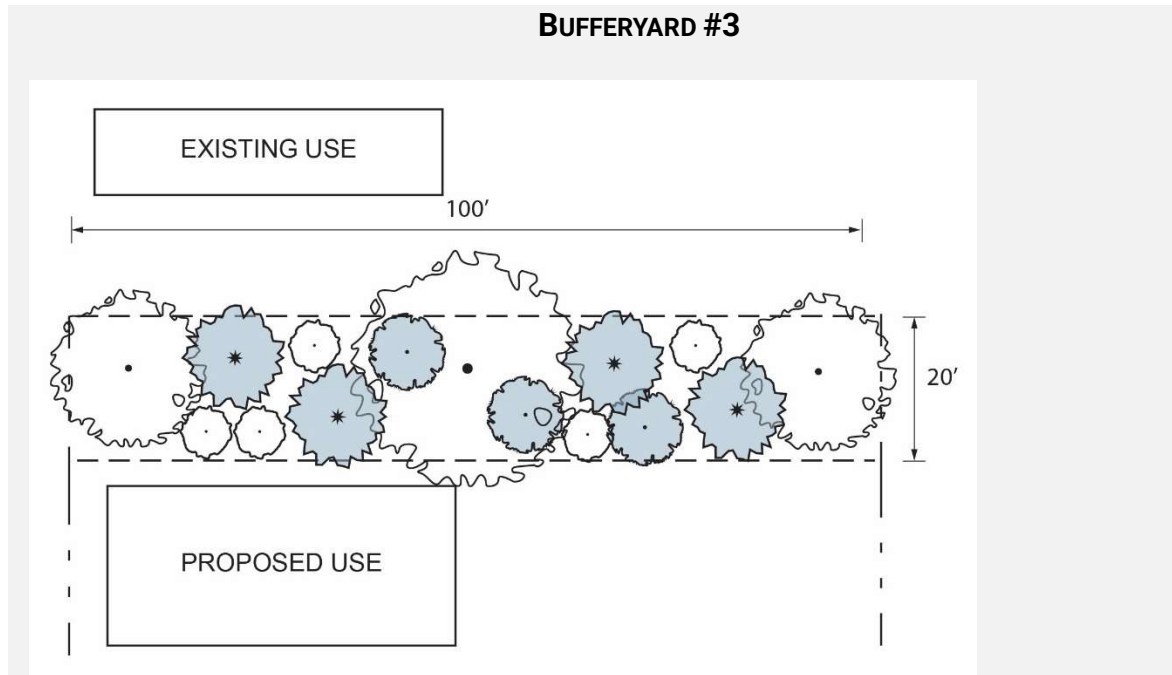
**Note 50% of required shrubs can be substituted for ornamental grasses*

BUFFERYARD #2



Bufferyard #2 Planting Options

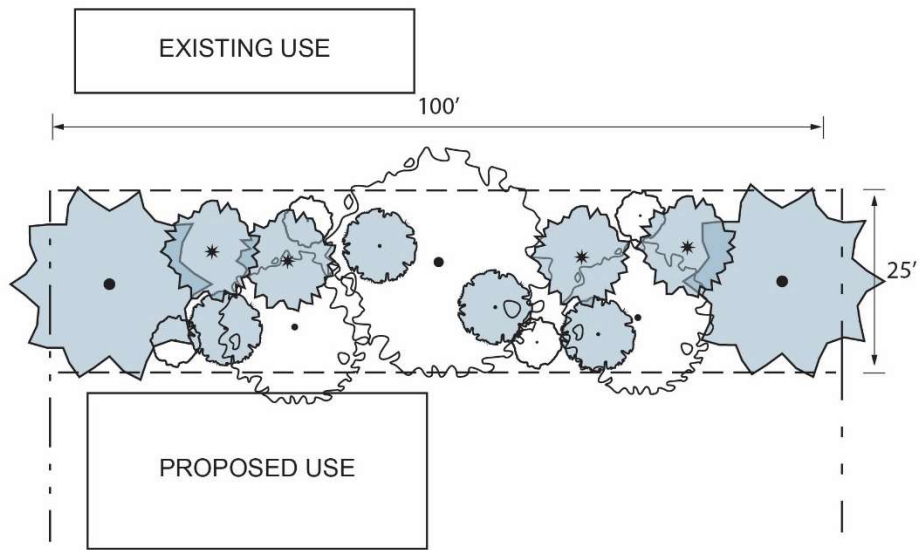
- Option 1: 6 trees
- Option 2: 1 large tree, 2 small or medium trees & 8 shrubs
- Option 3: 6' wood fence or berm & 6 shrubs or trees



Bufferyard #3 Planting Options

- Option 1: 1 large tree, 6 small or medium trees & 8 shrubs
- Option 2: 8 small or medium trees & 10 shrubs
- Option 3: 6' wood fence or berm & 10 shrubs or trees

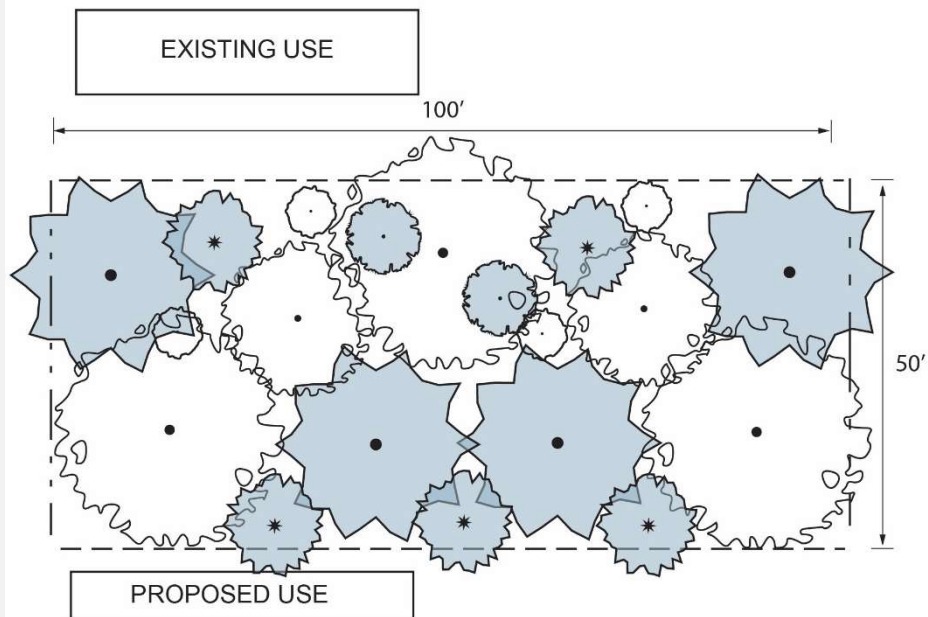
BUFFERYARD #4



Bufferyard #4 Planting Options

- Option 1: 12 trees
- Option 2: 3 large trees, 6 small or medium trees & 8 shrubs
- Option 3: 6' wood fence or berm & 14 shrubs or trees

BUFFERYARD #5

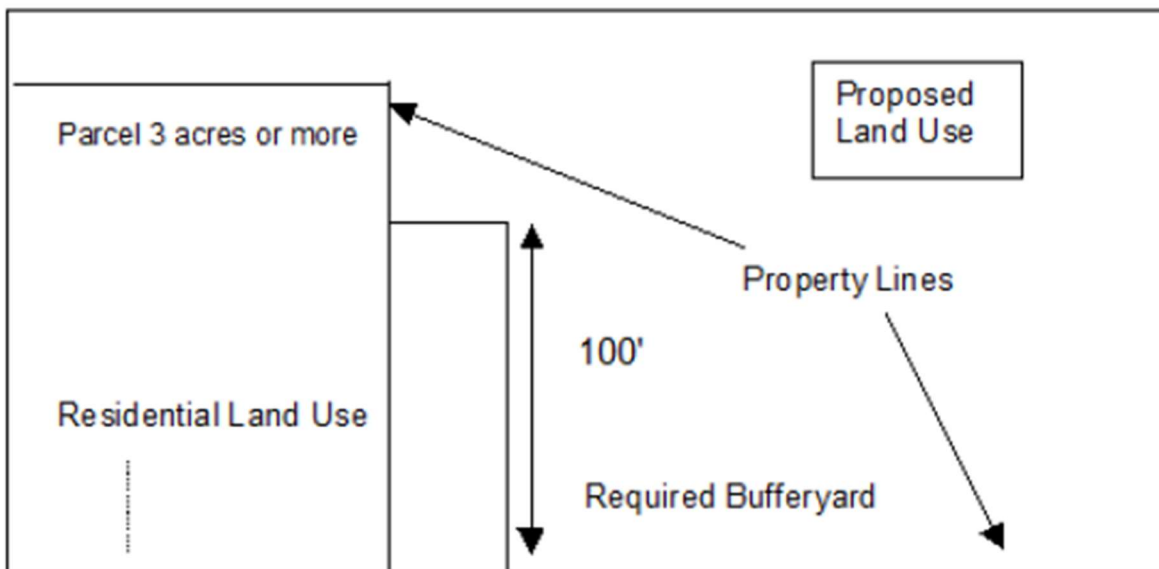


Bufferyard #5 Planting Options

- Option 1: 7 large trees, 7 small or medium trees & 6 shrubs
- Option 2: 6' wood fence or berm & 28 shrubs
- Option 3: 6' masonry wall & 14 shrubs

B. Length of Bufferyard

The length of a bufferyard shall extend the length of the property line separating two uses, except for property lines in excess of 200 feet, where the bufferyard need only extend 100 feet beyond either end of the existing building or use to be buffered.



4.1.5 USE OF EXISTING VEGETATION

Existing vegetation, including all trees of any dimension, shall be retained to the extent practical and feasible. Significant Trees shall be inventoried and shown on

the Landscaping Plan. The Zoning Administrator may eliminate or reduce buffer requirements in exchange for preservation of mature trees that adequately fulfill the intent of the bufferyard requirements. The Zoning Administrator may require additional plantings to complement the presence of such trees with appropriate shrubs and other vegetation to meet all requirements of this Section.

4.1.6 MATERIALS

To achieve the desired results, only plants suitable for local conditions shall be used. When structures are used, the materials shall be durable and suitable for screening.

4.1.7 PLANT SIZE AND CALIPER

The minimum tree at planting shall be 6 to 7 feet in height and two (2) inches in diameter at a height of 18 inches above the ground. The minimum shrub shall be 18-24 inches in height. Both trees and shrubs shall be nursery stock with well-developed root systems unless plants found in place can be used. If the existing vegetation provides a screen equal to or greater than that which would be planted, no other plant material shall be required. In case of open woods, an additional planting of shrubs may be needed to improve screening. A wooded site does not change fencing requirements.

4.1.8 SUBSTITUTIONS

The following substitutions for opaque walls, fences, and plant materials may be made:

1. Berms may be used as a substitution for fences.
2. Chain link fences with evergreen hedge on the outbound side may be substituted for wooden fences. All plants must be sized and spaced to obscure the chain link fence within five (5) years of planting.
3. Any existing plant material that otherwise satisfies the requirements of this section may be substituted and counted toward satisfying the requirements of this section.

4.1.9 TREE TYPES

A. Tree definitions

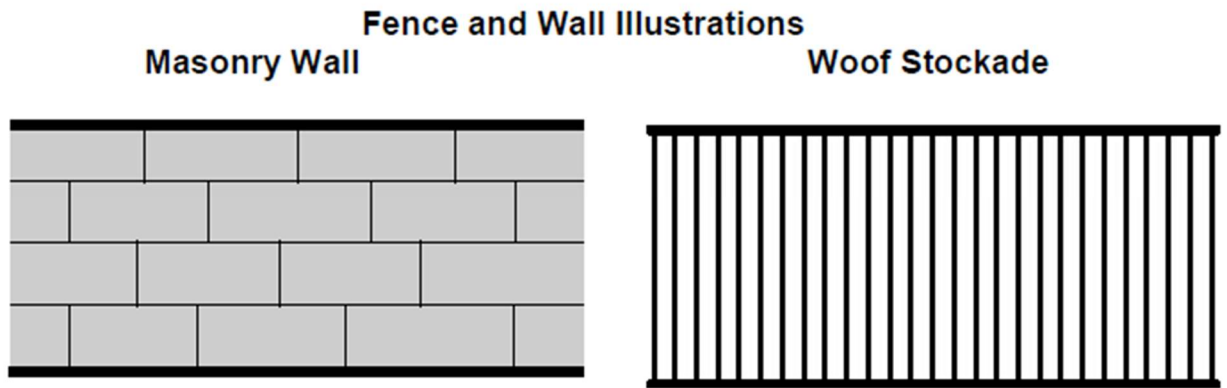
These definitions are based on the South Carolina Urban Tree Species Guide provided by the South Carolina Forestry Commission:

- B. Large tree – Single trunk whose canopy dimensions have the potential to reach at least 50 feet in height at maturity.
- C. Medium tree – Single trunk whose canopy dimensions have the potential to reach between 25 and 50 feet in height at maturity.
- D. Small tree – Single trunk or multi-stem whose canopy dimensions have the potential to reach between 15 and 25 feet in height at maturity.
- E. Recommended tree species can be found in Appendix A: South Carolina Urban Tree Species Guide. The Zoning Administrator can permit other species,

provided they are not considered Exotic Invasive Species, in accordance with Appendix B: Prohibited Plant Species for Landscaping.

4.1.10 FENCE AND WALL SPECIFICATIONS

All fences and walls used as part of the bufferyard requirement must have the finished side facing outward. Fences shall be wooden or other durable or opaque material approved by the Zoning Administrator. Wooden fences shall be made of rot resistant material such as locust, cedar or redwood. If made of pine, the post shall be rated for soil contact and the boards rated for outside use. Chain link fences with wood, plastic, or metal strips are expressly prohibited. However, a chain link fence with evergreen hedge is acceptable. Walls must be made of masonry materials including poured concrete, concrete block covered with stucco, and brick.



4.1.11 RESPONSIBILITY

It shall be the responsibility of the proposed new use to provide the bufferyard where required by this Ordinance, except that no new detached single-family dwelling or duplex shall be required to provide such bufferyard.

4.1.12 REQUIRED MAINTENANCE

The maintenance of required bufferyards shall be the responsibility of the property owner. All such areas shall be properly maintained so as to ensure continued buffering. All planted areas shall be provided with an irrigation system or a readily available water supply to ensure continuous healthy growth and development. Dead trees shall be removed; debris and litter shall be cleaned; and berms, fences, and walls shall be maintained at all times. Failure to do so is a violation of this Ordinance and may be remedied in the manner prescribed for other violations.

4.1.13 USE OF BUFFERYARDS

A bufferyard may be used for passive recreation and may be interrupted by utility corridors and access driveways not exceeding 20 feet in width (exceptions for uses requiring wide curb cuts may be approved by the Zoning Administrator). All other uses are prohibited, including off-street parking.

4.1.14 SIGHT CLEARANCE

Bufferyards may not obscure a clear line of sight for vehicular traffic. Therefore, bufferyards should be placed no closer than 20 feet from street/road surface and at least 5 feet from the edge of the road right-of-way.

4.2 SCREENING

4.2.1 DEFINITION

Screening is a type of buffer that is designed to block or obscure a particular element or use from view. Screening can be utilized with natural vegetation, wall or berm.

4.2.2 PURPOSE

The purpose of screening is to minimize if not eliminate entirely the visual impact of potentially unsightly open storage areas and refuse disposal facilities.

4.2.3 WHERE REQUIRED

Screening specified by this section shall be required of all open storage areas not devoted to retail sales visible from any public street, including open storage areas for shipping containers, building materials, appliances, trash containers of 4 or more cubic yards, salvage materials and similar un-enclosed uses.

4.2.4 TYPE SCREENING REQUIRED

Screening shall be accomplished by an opaque divide not less than six (6) feet high or the height of the object to be screened, whichever is greater. Screening may be accomplished by the use of sight obscuring plant materials (generally evergreens), earth berms, walls, fences, proper siting of disruptive elements, building placement or other design techniques approved by the Zoning Administrator.

4.3 LANDSCAPING

4.3.1 DEFINITION

Landscaping is a type of open space permanently devoted and maintained for the growing of shrubbery, grass, other plants and decorative features to the land.

4.3.2 PURPOSE

The purpose of landscaping is to improve the appearance of vehicular use areas and development abutting public rights-of-way; to enhance environmental and visual characteristics; to promote the greening of development, the reduction of noise pollution, storm water run off, air pollution, and artificial light glare; and to safeguard property values, protect public and private investments and promote high-quality development.

4.3.3 WHERE REQUIRED

No proposed commercial, institutional, industrial or other non-residential use, or multi-family project or manufactured home park, shall hereafter be established or re-established in an existing building or structure and subsequently used, unless landscaping is provided in accord with the provisions of this section. No existing building, structure, or vehicular use area shall be enlarged by 50 percent or more

unless the minimum landscaping required by the provisions of this section is provided throughout the building site.

4.3.4 LANDSCAPING PLAN

A landscaping plan is required as part of the Preliminary Plat or Site Plan submittal process. The plan shall:

1. Designate areas to be reserved for landscaping. The specific design of landscaping shall be sensitive to the physical and design characteristics of the site.
2. Indicate the location and dimensions of landscaped areas, plant materials, decorative features, etc.

4.3.5 LANDSCAPING REQUIREMENTS

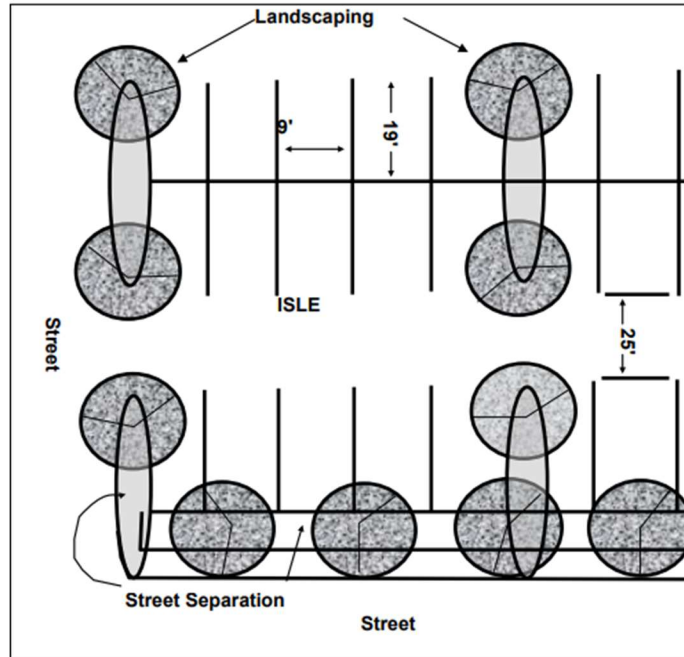
Required landscaping shall be provided as follows:

1. A landscape plan shall be submitted demonstrating how the development is meeting the requirements set forth in this section below.
2. Along the outer perimeter of a lot or parcel, where required by the bufferyard provisions of this Article, to buffer and separate incompatible land uses. The amount specified shall be as prescribed by Section 4.1, Bufferyards.
3. Within the interior, peninsula or island type landscaped areas shall be provided for any open vehicular use area containing 20 or more parking spaces. Landscaped areas shall contain one broad leaf canopy tree per 10 parking spaces. Landscaped areas shall be located in such a manner as to divide and break up the expanse of paving and at strategic points to guide travel flow and direction.
4. Elsewhere, landscaped areas shall be designed to soften and complement the building site, and where a retention pond is included in the site design, said pond shall be properly landscaped.

At a minimum, interior lot landscaping shall be provided as follows.

Use	% of Lot
Institutional	20%
Industrial/wholesale/storage	10%
Office	10%
Commercial-retail-service	10%
Multi-family Projects	25%
Manufactured Home Parks	25%

Landscaping along exterior building walls and structures is suggested to separate with greenery the building from the vehicular surface area.



4.3.6 LANDSCAPED AREAS

All landscaped areas in or adjacent to parking areas shall be protected from vehicular damage by a raised concrete curb or an equivalent barrier of six (6) inches in height. The barrier need not be continuous. Landscaped areas must be at least 36 square feet in size. These areas will be maintained for the life of the development with mulch or groundcover. Dead shrubs or trees will be replaced and maintained.

4.3.7 REQUIRED MAINTENANCE

The maintenance of required landscaped areas shall be the responsibility of the property owner. All such areas shall be properly maintained so as to assure their survival and aesthetic value, and shall be provided with an irrigation system or a readily available water supply. Failure to monitor such areas is a violation of this Ordinance, and may be remedied in the manner prescribed for other violations.

4.4 COMMON OPEN SPACE

4.4.1 DEFINITION

Common open space is land and/or water bodies used for recreation, amenity or buffer; it shall be freely accessible to all residents and property owners of a development, where required by this Ordinance. Open space shall not be occupied by buildings or structures other than those in conjunction with the use of open space, roads, or parking nor shall it include the yards or lots of residential dwelling units required to meet minimum lot area or parking area requirements.

4.4.2 PURPOSE

The purpose of this section is to ensure adequate open space for high density residential development; to integrate recreation, landscaping, greenery, and/or natural areas into such projects; to promote the health and safety of residents of

such projects; and to compensate for the loss of open space inherent in single-family residential projects.

4.4.3 WHERE REQUIRED

The following uses/projects consisting of seven (7) or more units shall provide common open space in the amounts prescribed:

Proposed Uses/Projects	Ratio (% Lot)
Conservation Subdivisions	40%
Planned Development Districts	20%
Townhouse Projects	20%
Manufactured Home Parks	20%
Multi-family Projects	20%
Tiny Home Village	30%
Patio and Zero Lot Line Housing	15%

Note: Landscaped buffer areas provided to meet the requirements of Section 4.3 for multi-family projects and manufactured home parks may be applied toward meeting the above requirements if held in common ownership

New Sites: No proposed development, building or structure in connection with the above shall hereafter be erected or used unless common open space is provided in accord with the provisions of this section.

Existing Sites: No existing development, building or structure in connection with the above shall be expanded or enlarged unless the minimum common open space required by the provisions of this section are provided to the extent of the alteration or expansion.

4.4.4 COMMON OPEN SPACE PLAN

Proposed uses/projects set forth in 4.4-3 shall submit an open space or landscaping plan as part of the application for a building permit. The plan shall:

Designate areas to be reserved as open space. The specific design of open space shall be sensitive to the physical and design characteristics of the site.

Designate the type of open space which will be provided, and indicate the location of plant materials, decorative features, recreational facilities, etc.

Specify the manner in which common open space shall be perpetuated, maintained and administered.

4.4.5 TYPES OF COMMON OPEN SPACE AND REQUIRED MAINTENANCE

The types of common open space, which may be provided to satisfy the requirements of this Ordinance together with the maintenance required for each, are as follows:

Natural areas are areas of undisturbed vegetation or areas replanted with vegetation after construction. Woodlands and wetlands are specific types of natural areas. Maintenance is limited to removal of litter, dead trees, plant materials, and brush. Natural watercourses are to be maintained as free flowing and devoid of debris. Stream channels shall be maintained so as not to alter floodplain levels.

Recreational areas are designed for specific active recreational uses such as tot lots, tennis courts, swimming pools, ball fields, and similar uses. Recreational areas shall be accessible to all residents of the development. Maintenance is limited to ensuring that there exist no hazards, nuisances, or unhealthy conditions.

Greenways are linear green belts linking residential areas with other open space areas. These greenways may contain bicycle paths, footpaths, and bridle paths. Connecting greenways between residences and recreational areas are encouraged. Maintenance is limited to a minimum or removal and avoidance of hazards, nuisances, or unhealthy conditions.

Landscaped areas shall consist of lawns and required buffer areas, including creative landscaped areas with gravel and tile, so long as the tile does not occupy more than two percent of the required open space. Lawns, with or without trees and shrubs, shall be watered regularly to ensure survival and mowed regularly to ensure neatness. Landscaped areas shall be trimmed and cleaned regularly.

4.4.6 PRESERVATION OF OPEN SPACE

Land designated as common open space may not be separately sold, subdivided or developed. Open space areas shall be maintained so that their use and enjoyment as open space are not diminished or destroyed. Open space areas may be owned, preserved and maintained as required by this section by any of the following mechanisms or combinations thereof:

1. Dedication of and acceptance by the County.
2. Common ownership of the open space by a homeowner's association that assumes full responsibility for its maintenance.
3. Deed restricted, private ownership, which shall prevent development and/or subsequent subdivision of the open space land and provide the maintenance.

In the event that any private owner of open space fails to maintain same, the county may in accordance with the Open Space Plan and following reasonable notice, demand that deficiency of maintenance be corrected, and enter the open space to maintain same. The cost of such maintenance shall be charged to those persons having the primary responsibility for maintenance of the open space.

4.5 TREE PROTECTION

4.5.1 PURPOSE

The purpose of this section is to protect and sustain the intrinsic value of trees and their ability to promote the public safety, health, and welfare through the benefits such vegetation provides, including, but not limited to:

1. Absorbing carbon dioxide and returning oxygen,
2. Reducing air pollution,
3. Providing shade and making outdoor areas more habitable,
4. Reducing soil erosion and increasing infiltration, and
5. Providing wildlife habitat, thus helping control insects.

4.5.2 PROTECTED TREES AND PROTECTED TREE AREAS

A full site tree survey is required for parcels under 5 acres proposed for land development and shall identify all trees 8" or greater. For parcels equal to or greater than 5 acres, a tree survey is required within 100 ft of property line and perennial and intermittent streams. Trees 8" or greater need to be identified. The results of the tree survey need to be included in the Landscaping Plan as part of a Preliminary Plat or Site Plan submittal process.

Any tree measuring 24" DBH (Diameter Breast High) shall constitute a "significant tree" for purposes of this section and shall be protected to the extent practical and feasible. To this end, no person, firm, organization, society, association or corporation, or any agent or representative thereof shall directly or indirectly destroy or remove any tree in violation of the terms of this section.

4.5.3 EXCEPTIONS

Commercial timber, tree farms and nurseries, public utilities, agricultural operations and land disturbing activity of less than one acre on a single lot or parcel are exempt from the protective requirements of this Section. Commercial land development less than one acre is not exempt. Existing developed lots and existing lots of record intended for single-family residential use also are exempt from the requirements of this Section. Property cleared under the exemptions of this section shall not be redeveloped and the county shall withhold any development permit for a period of 24 months.

4.5.4 SITE DESIGN/PLAN APPROVAL

The design of any land development project or subdivision shall take into consideration the location of all significant trees identified on the tree survey. Lot and site design shall minimize the need to fell significant trees, of which no more than 25 percent may be removed to accommodate a proposed use or development. Where more than 25% of the number of Significant trees located within the surveyed area are required to be removed prior to construction, a replacement schedule, approved by the Zoning Administrator, shall specify the number, species, DBH, and location of replacement trees. The cumulative DBH of replacement trees shall at least equal the cumulative caliper of the significant trees removed, on "inch for inch" basis, with individual replacement trees being not

less than two (2) inches DBH. Where the Zoning Administrator determines that planting the required number of trees on the site will result in an unacceptable density of trees based upon good forestry management, the Zoning Administrator may reduce the number.

The site design shall be presented on a site plan showing:

- Existing location and size of all significant trees

- Trees to be removed

- Trees to be preserved, including area surrounding the tree to be preserved.

- Areas to be cleared

- Areas for proposed structures and improvements

- Number and location of replacement trees

Site plan approval by the Zoning Administrator shall be prerequisite to the issuance of a grading and/or building permit.

4.5.5 TREE PROTECTION AND REPLACEMENT

Prior to Development. Where a grading permit, building permit or subdivision approval has not been issued, the destruction of any significant tree, as defined by this Ordinance, without prior approval of the Zoning Administrator, which approval shall not be unreasonable withheld, shall be prohibited.

During Development. During grading and construction, a protected area equal to one foot for every inch of DBH of each tree shall be provided within which paving, grading, or the storage of dirt, building materials, debris, or any other materials or any other equipment shall not be allowed. Each protected area shall be enclosed by a barrier constructed in a manner required and approved by the Zoning Administrator prior to issuance of a grading permit. Failure to maintain barriers may result in revocation of the building and/or grading permit. For projects not requiring a grading permit, the required barriers shall be constructed by the property owner and approved by the Zoning Administrator prior to issuance of a building permit. Protective barriers shall be maintained until issuance of a Certificate of Occupancy. The protected area shall be permanent and maintained by the property owner. No pavement shall be installed in the protected area. The Zoning Administrator may reduce the protected area or allow intrusions into it if such actions would not adversely affect the survival and health of the tree.

After Development. No person shall break, damage, remove, cut, kill or cause to be killed any significant tree, except for the following:

- In the event that any tree shall be determined to endanger the public health, safety or welfare and require removal, written authorization may be given by the Zoning Administrator and the tree or parts thereof (i.e. dead limbs) removed.

During the period of an emergency, such as a hurricane, tornado, ice storm, flood or any other act of nature, the Zoning Administrator may waive the requirements of this section.

Where due to unusual site conditions or circumstances, the requirements of this section pose a constraint to development and/or the use of a site or parcel, the Zoning Administrator may adjust the requirements as necessary to moderate the constraint.

Trees involved in wetland mitigation.

Unhealthy trees, with approval of the Zoning Administrator.

Nothing in this section shall be construed to prevent an individual home owner from cutting down a significant tree on his or her residential property without review and approval of the Zoning Administrator.

4.5.6 SIGNIFICANT TREES REMOVED WITHOUT PERMITS

Where significant trees have been removed or where removal is necessitated at any time due to acts of negligence, or where sites were cleared of significant trees in violation of this section, replacement trees shall be planted in accord with a replacement schedule approved by the Zoning Administrator, who shall specify the number, species, DBH, and location of replacement trees, using the following criteria: Combined DBH of replacement trees is equal to or greater than three (3) times the DBH of the tree removed or; Individual replacement trees are of the largest transplantable DBH available.

4.6 RESERVOIR BUFFERS

A. Lake Wateree

A riparian buffer setback not less than 50' shall be provided on all undeveloped lots fronting on the banks of Lake Wateree. The setback and buffer area shall be measured horizontally from the full pond elevation (225.5 feet MSL) on Lake Wateree. The buffer area shall remain largely undisturbed, subject to the following exceptions.

Trees less than six (6) inches DBH, and dead, diseased or damaged trees may be removed using manual labor and hand or chain saws.

Underbrush (defined as nuisance bushes, vines, and similar rank plant growth beneath the tree canopy) may be removed provided that such work is performed manually and without the use of vehicular or mechanical equipment or chemical applications. Pruning and trimming is permitted beginning at the ground and extending up the tree trunk no more than one half of the total height of the tree.

Tree removal to allow for view corridors no greater than 15 feet in width may be created. Access corridors no greater than 15 feet in width also may be created, where required for utility approved shoreline projects. Any tree removal shall be manually performed using hand or chain saws, and no other disturbance of the natural terrain is permitted. Any view corridor or open area created through the

utilization of this provision shall be stabilized and improved with shrubs, low-growing trees, or other natural groundcover plantings within thirty (30) days of completion.

Structures within the buffer area shall be limited to walkways, boardwalks, piers, docks, benches, steps, retaining walls, decks and outdoor furniture. Sitting areas attached to docks and decks are allowed; provided no more than 200 square feet of such structures are within the buffer area. (Ord. 599, 2-27-12)

Additional building or use activity of developed lots shall not expand or infringe into the required setbacks.(Ord. 599, 2-27-12)

B. Lake Monticello

A riparian buffer setback not less than 50' shall be provided on all undeveloped lots fronting on the banks of Lake Monticello. The setback and buffer area shall be measured horizontally from full pond elevation. The buffer area shall remain largely undisturbed, subject to the following exceptions.

Trees less than six (6) inches DBH, and dead, diseased or damaged trees may be removed using manual labor and hand or chain saws.

Underbrush (defined as nuisance bushes, vines, and similar rank plant growth beneath the tree canopy) may be removed provided that such work is performed manually and without the use of vehicular or mechanical equipment or chemical applications. Pruning and trimming is permitted beginning at the ground and extending up the tree trunk no more than one half of the total height of the tree.

Tree removal to allow for view corridors no greater than 15 feet in width may be created. Access corridors no greater than 15 feet in width also may be created, where required for utility approved shoreline projects. Any tree removal shall be manually performed using hand or chain saws, and no other disturbance of the natural terrain is permitted. Any view corridor or open area created through the utilization of this provision shall be stabilized and improved with shrubs, low-growing trees, or other natural groundcover plantings within thirty (30) days of completion.

Structures within the buffer area shall be limited to walkways, boardwalks, piers, docks, benches, steps, retaining walls, decks and outdoor furniture. Sitting areas attached to docks and decks are allowed; provided no more than 200 square feet of such structures are within the buffer area.

Additional building or use activity of developed lots shall not expand or infringe into the required setbacks.

4.7 WATER QUALITY BUFFERS

4.7.1 APPLICABILITY

Water quality buffers are required along all perennial and intermittent streams and wetlands according to a USACE jurisdictional determination, to be submitted from the developer and approved by the Zoning Administrator or their designee.

- A. The provisions of this section apply to the following:
1. Except as provided in subsections B (Exemptions) and C (Waiver) below, all development within the County;
 2. All surface mining operations except active surface mining operations which are operating in compliance with an approved DHEC surface mining permit, provided that a copy of the approved surface mining permit shall be provided to the Zoning Administrator or their designee;
 3. The construction of agricultural structures in accordance with this Ordinance; and
 4. Except as provided in subsections B (Exemptions) and C (Waiver) below, all parcels of land, structures, and activities which are causing or contributing to:
 - Pollution, including non-point pollution, of the waters of the County;
 - Erosion or sedimentation of stream channels; or
 - Degradation of aquatic or riparian habitat.
- B. Exemptions

The requirements of this section shall not apply to the following:

1. Ephemeral streams, ditches, man-made ponds, and lakes, which are outside of natural hydrologic connectivity;
2. Any existing structure or structure under construction located within the buffer area, provided the land owner can document prior existence;
3. The addition or expansion to an existing structure, provided it does not result in an increase in the total impervious area within the buffer area;
4. Activities associated with emergency operations, such as hazardous materials removal, flood or fire control, evacuations, and storm damage clean up;
5. Single-family parcels of land, which exist as individual lots that are two acres or less and are not part of a new subdivision development, as of January 1, 2025;

C. Waiver

An applicant may request and the Zoning Administrator or their designee may grant a waiver to alter a buffer required by this section, based on the following procedure:

1. Request

The request shall include specific reasons justifying the waiver. The Zoning Administrator or their designee may require an alternative analysis that clearly

demonstrates that no other feasible alternative exists and that minimal impact will occur as a result of the project or development.

2. Decision

The Zoning Administrator or their designee shall make a decision on the application in accordance with the waiver requirements below (Decision Standards for Water Quality Buffer Waiver). The Zoning Administrator or their designee's decision shall be one of the following:

Approve the application as submitted;

Approve the application subject to conditions of approval; or

Deny the application.

Conditions of approval may address site design, landscape planting, fencing, the placement of signs, and the establishment of water quality best management practices in order to reduce adverse impacts on water quality, streams, wetlands, and floodplains.

3. Appeal to Planning Commission

Any person having a substantial interest in the decision of the waiver request may appeal the decision to the Planning Commission within 30 days after the decision. Such appeal shall be in writing and shall state the basis or reason for the appeal. The Planning Commission shall make all final determinations and decisions on the application.

4. Decision Standards for Water Quality Buffer Waiver

A waiver from the requirements of the water quality buffer shall be granted only on determining the applicant demonstrates all of the following:

a. A hardship exists and the requested relief meets the general purpose and intent of this section;

b. If the buffer is located in a Water Quality Protection Area, alternative protection measures can be provided that exceed the protection afforded by the established buffer;

c. The waiver will not result in a water quality buffer being reduced to less than 25 feet from the jurisdictional line;

d. The project will not add to an already established TMDL; and

e. The requested waiver meets any of the following criteria:

1. The project involves construction of one single-family home for residential use by the owner of the property, and the property has an unusual shape or topography and there is no opportunity to develop under any reasonable design configuration that protects the entire buffer; or

2. The project involves the construction or repair of a structure which, by its nature, must be located within the buffer, including:

Dams;

Public water supply intakes;

Waste water discharges;

Docks, and boat launches;

Stabilization areas of public access to water; or

Buffer intrusion is necessary to provide access to the property.

3. The project meets the following requirements:

Requires a Wetland Permit from USACE for impacts to jurisdictional wetlands;

The USACE has approved a mitigation plan; and

Implementation of the plan in a 404 permit condition

4.7.2 STREAM BUFFER REQUIREMENTS

Stream buffers shall be considered a “no disturb zone” along jurisdictional lines. Vegetation shall not be disturbed, removed, or replanted unless a buffer restoration plan has been approved by the Zoning Administrator or their designee. The buffer shall be at least 50 feet perpendicular from the jurisdictional line on each side of the waterway. If the floodway exceeds the width of the required stream buffer, then floodway protections apply.

During construction, the buffer shall be clearly marked with signs stating “Water Quality Buffer. Do Not Disturb.”

Buffers shall be designated on all construction plans and final plats, with a note stating “There shall be no clearing, grading, construction or disturbance of vegetation except by the County.”

4.7.3 STREAM BUFFER AVERAGING

Buffer averaging may be utilized to adjust the required buffer width, allowing some flexibility for site development. Using buffer averaging, the width of the buffer can be varied with the criteria stated below, as long as a minimum average width of 50 feet from the jurisdictional line is maintained.

An overall average buffer width of 50 feet, depending on the water quality buffer requirement, shall be achieved within the boundaries of the property to be developed.

The average width shall be calculated based upon the entire length of the stream bank or shoreline that is located within the boundaries of the property to be developed. When calculating the buffer length, the natural stream channel should be followed.

Stream buffer averaging shall be applied to each side of a stream independently. If the property being developed includes both sides of a stream, buffer averaging can be applied to both sides of the stream, but shall be applied to each side of the stream independently.

That portion of buffers in excess of 100 feet shall not be credited toward the buffer averaging formula within the boundaries of the property to be developed. The total width of the buffer shall not be less than 25 feet, or the width of the floodway at any location, except at approved stream crossings. Those areas of the buffer having a minimum width of 25 feet (or less at approved stream crossings) can comprise no more than 50 percent of the buffer length.

Buffer averaging may not be used when the development includes the following uses:

- Developments or facilities that include on-site sewage disposal and treatment systems (i.e. septic systems), raised septic systems, subsurface discharges from a wastewater treatment plant, or land application of biosolids or animal waste;
- Landfills (including demolition landfills, permitted landfills, and closed-in-place landfills);
- Junkyards;
- Commercial or industrial facilities that store and/or service motor vehicles;
- Commercial greenhouses or landscape supply facilities;
- Developments or facilities that have commercial or public pools;
- Animal care facilities, kennels, and commercial/business developments or facilities that provide short-term or long-term care of animals; and

Other land uses deemed by the Zoning Administrator or their designee to have the potential to generate higher than normal pollutant loadings.