

## Sec. 5.4 Natural Resources: Wetlands

*Proposed Change: To provide a cross-reference to Section 5.10.7, Wetland Riparian Buffers.*

No provisions of this Ordinance shall be construed to relieve the Applicant or Property Owner from the requirement to obtain permits from the United States Army Corps of Engineers and/or the State of South Carolina, as applicable, prior to the commencement of any land disturbance activity within the boundaries of a wetland or wetland buffer. See Section 5.10.7 for specific wetland riparian buffer requirements.

## Sec. 5.10.7 Stormwater

*Proposed Changes: 1) Addition of wetlands setback requirement under 5.10.7 and 2) Move current 5.10.7 "Violations, Enforcement, and Penalties" to new 5.10.8.*

### Sec. 5.10.1 – 5.10.6.

No changes.

### Sec. 5.10.7. ~~Violations, Enforcement, and Penalties~~ Wetland Riparian Buffer Required

~~The Town is authorized to enforce the provisions of this Article as described in Article 8, Penalties and Enforcement. Any action or inaction that violates the provisions of this Article or Design Manual requirements shall be subject to enforcement actions. Any such action or inaction that is continuous with respect to time is deemed to be a public nuisance and may be abated by injunctive or other equitable relief.~~ This Section shall apply to all building, development, redevelopment, and site alteration on any land located on or immediately adjacent to wetlands as defined by the National Wetlands Inventory Map. No provisions of this Ordinance shall be construed to relieve the Applicant or Property Owner from the provisions of Section 5.4.

A riparian buffer shall be established for all building, development, redevelopment, or site alteration when the land on which the action is proposed is located on or is adjacent to wetlands as identified on the National Wetlands Inventory Map.

Riparian buffers shall comply with the following:

- A. For any land disturbance activity, a 25-foot minimum undisturbed riparian buffer shall be established adjacent to a wetland unless a larger buffer is required by OCRM. The buffer shall be measured from the edge of the wetland.
- B. All vegetation within the riparian buffer shall be retained, including but not limited to groundcover, shrubs and trees.
- C. No utilities shall be located within wetlands or the riparian buffer. If ruled unfeasible by the UDO Administrator, any utility encroachment into a wetland or riparian buffer shall be routed to minimize any impacts and potential hazards.

#### Sec. 5.10.8 – Violations, Enforcement, and Penalties

The Town is authorized to enforce the provisions of this Article as described in Article 8, Penalties and Enforcement. Any action or inaction that violates the provisions of this Article or Design Manual requirements shall be subject to enforcement actions. Any such action or inaction that is continuous with respect to time is deemed to be a public nuisance and may be abated by injunctive or other equitable relief.

#### Sec. 9.2 Natural Resources: Wetlands

*Proposed Change: To provide a definition of “wetlands.”*

**Wetlands:** Any areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.