

Section 118-6-8. - Exceptions for Accessory Structures.

- (a) Exceptions to waive any or all of the performance criteria and requirements of this Chapter for the construction of accessory structures and uses to principal structures that were established as of July 1, 1993, in accordance with all applicable provisions of the County Code in effect at the time of establishment, may be approved subject to the following conditions:
  - (1) The accessory structure or use shall not result in the creation of 1,000 square feet or more of additional impervious area within an RPA, or the creation of additional impervious area within an RPA that exceeds two percent of the lot area up to a maximum limit of 2,500 square feet, whichever amount is greater. The maximum additional impervious area shall be applied to each lot recorded prior to July 1, 1993, in accordance with all applicable provisions of the County Code in effect at the time of recordation, and shall be a cumulative measure based on the amount of impervious area added to the particular lot after July 1, 1993, for all uses on the lot requiring an exception or waiver. Additions to impervious area shall be allowed to such lots until the maximum additional impervious area allowed is reached on the particular lot. The cumulative limit on the maximum additional impervious area measure shall continue indefinitely, regardless of ownership of the property; and
  - (2) Where practicable, a vegetated area that will maximize water quality protection, mitigate the effects of the buffer encroachment, and is equal to the area of encroachment into the buffer area shall be established elsewhere on the lot or parcel.
- (b) Exceptions to waive any or all of the performance criteria and requirements of this Chapter for the construction of accessory structures and uses to principal structures established between July 1, 1993, and November 18, 2003, in accordance with all applicable provisions of the County Code in effect at the time of establishment, on lots that did not require RPAs to be designated on them under the provisions of this Chapter in effect at the time the principal structures were established, may be approved subject to the following conditions:
  - (1) The accessory structure or use shall not result in the creation of 1,000 square feet or more of additional impervious area within an RPA, or the creation of additional impervious area within an RPA that exceeds two percent of the lot area up to a maximum limit of 2,500 square feet, whichever amount is greater. The maximum additional impervious area shall be applied to each lot recorded prior to November 18, 2003, in accordance with all applicable provisions of the County Code in effect at the time of recordation, and shall be a cumulative measure based on the amount of impervious area added to the particular lot after November 18, 2003, for all uses on the lot requiring an exception or waiver. Additions to impervious area shall be allowed to such lots until the maximum additional impervious area allowed is reached on the particular lot. The cumulative limit on the maximum additional impervious area measure shall continue indefinitely, regardless of ownership of the property; and

- (2) Where practicable, a vegetated area that will maximize water quality protection, mitigate the effects of the buffer encroachment, and is equal to the area of encroachment into the buffer area shall be established elsewhere on the lot or parcel. (32-03-118.)

Section 118-6-9. - General Resource Protection Area Encroachment Request.

Exceptions to the criteria and requirements of this Chapter to permit encroachment into the RPA that do not qualify for review under Section 118-6-7 or Section 118-6-8 may be granted provided that the exception meets the required findings listed in Section 118-6-6 and subject to the additional finding that the water quality benefits resulting from the proposed facility or improvement exceed the associated water quality detriments. Where practicable, a vegetated area that will maximize water quality protection, mitigate the effects of the buffer encroachment, and is equal to the area of encroachment into the buffer area shall be established elsewhere on the lot or parcel. (32-03-118; 29-06-118; 16-07-118.)