

PART TWO: REGULATIONS IMPLEMENTING RULES FOR ENVIRONMENTAL PLANNING CRITERIA

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§2-1 GROUNDWATER RECHARGE AREAS

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[See Commentary]

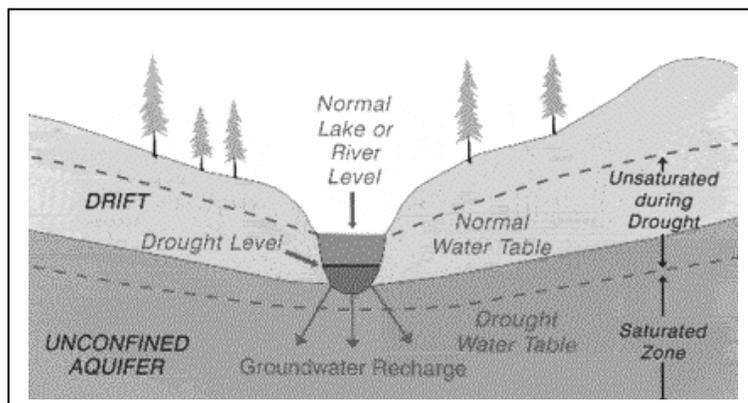
§2-1-1 TITLE

This ordinance shall be known and may be cited as an “Ordinance to Protect Groundwater Recharge Areas.”

§2-1-2 PURPOSE AND INTENT

Groundwater is among the Nation's most important natural resources. It provides drinking water to urban and rural communities, supports irrigation and industry, sustains the flow of streams and rivers, and maintains riparian and wetland ecosystems. In many areas of the Nation, the future sustainability of ground-water resources is at risk from over use and contamination. Because groundwater systems typically respond slowly to human actions, a long-term perspective is needed to manage this valuable resource. This ordinance is intended to implement rules of the Georgia Department of Natural Resources' Environmental Protection Division known as the “Rules for Environmental Planning Criteria” as they specifically relate to groundwater recharge areas (Rule 391-3-16-.02). It is essential to the health, safety, and welfare of the public that the quality of subsurface public drinking water be maintained. Groundwater resources exist in underground reservoirs known as aquifers. These aquifers are zones of rock beneath the earth's surface that are capable of providing water for a well. They occupy vast regions of the subsurface and are replenished by infiltration of surface water runoff in zones of the surface, known as groundwater recharge areas. Groundwater is susceptible to contamination when development occurs within groundwater recharge areas. Certain land use

activities, such as septic tanks, underground tanks, and chemical spills, pose a significant threat to the quality of groundwater supplies. Therefore, it is necessary to manage land uses within groundwater recharge areas in order to ensure that pollution threats and development impacts are minimized. To this end, this ordinance establishes minimum lot sizes to provide for the orderly and safe development of property utilizing on-site sewage management systems.



**Recharge of Groundwater from Surface Water
During Normal and Drought Conditions**

Source: <http://metro council.org/planning/wrfig08.htm>

§2-1-3 DEFINITIONS

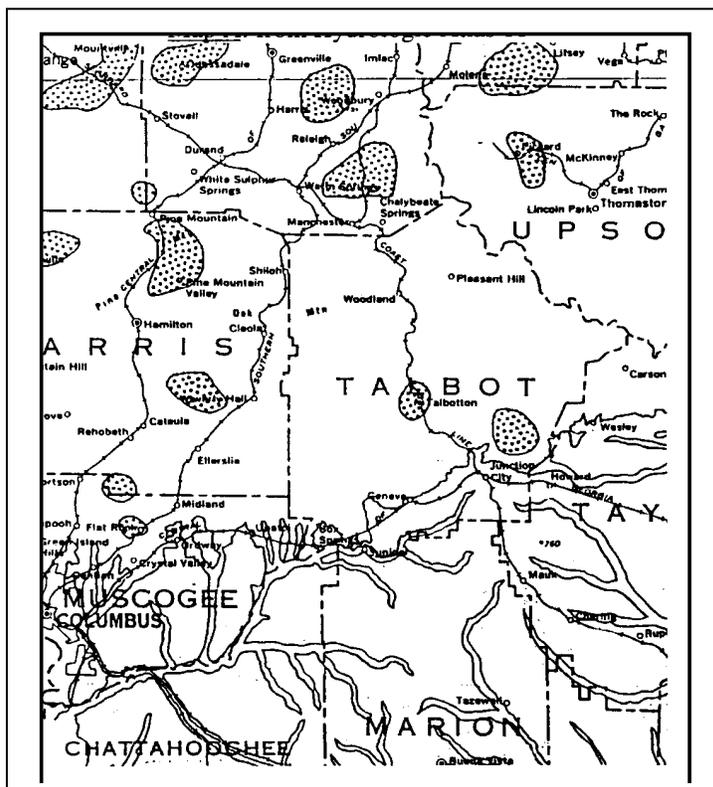
[See Commentary]

Acre-foot: The volume (as of irrigation water) that would cover one acre to a depth of one foot.

Aquifer: Any stratum or zone of rock beneath the surface of the earth capable of containing or providing water for a well.

DRASTIC: The standardized system for evaluating groundwater pollution potential using the hydrogeologic settings described in U.S. Environmental Protection Agency document EPA-600-2-87-035. (Note: the DRASTIC methodology is the most widely used technique for evaluating pollution susceptibility).

Hydrologic Atlas 18: A map prepared by the Georgia Department of Natural Resources (DNR) and published by the Georgia Geologic Survey in 1989, which identifies the most significant groundwater recharge areas of Georgia as spotted areas labeled as “areas of thick soils.” (See Figure).



Excerpt from Hydrologic Atlas 18

The circles on the map containing dots are significant recharge areas in the Piedmont; the map pattern resembling tree branches are significant recharge areas in the Coastal Plain.

Hydrologic Atlas 20: A multicolored map of Georgia at a scale of 1:500,000, prepared by the Georgia DNR using the DRASTIC methodology and published by the Georgia Geologic Survey in 1992, which shows areas of high, average (or medium), and low susceptibility of groundwater to pollution in Georgia. This map is also commonly known as the Groundwater Pollution Susceptibility Map of Georgia.

Pollution susceptibility: The relative vulnerability of an aquifer to being polluted from spills, discharges, leaks, impoundments, applications of chemicals, injections and other human activities in the recharge area. Each significant recharge area shown on Hydrologic Atlas 18 is classified on Hydrologic Atlas 20 as high, medium, or low, and these classifications are relevant in this ordinance.

Recharge Area: Any portion of the earth's surface where water infiltrates into the ground to replenish an aquifer.

Significant Recharge Areas: Those areas mapped by the Georgia DNR in Hydrologic Atlas 18 (1989 edition) within the County [City] of _____. Each significant recharge area shall be

determined to have a pollution susceptibility of high, medium, or low based on Hydrologic Atlas 20.

§2-1-4 ADOPTION OF HYDROLOGIC ATLAS 18 BY REFERENCE

Hydrologic Atlas 18, as defined by this ordinance is hereby adopted and made a part of this ordinance as if fully set forth herein.

[See Commentary]

§2-1-5 ADOPTION OF HYDROLOGIC ATLAS 20 BY REFERENCE

Hydrologic Atlas 20, as defined by this Resolution [Ordinance] is hereby adopted and made a part of this Resolution [Ordinance] as if fully set forth herein.

[See Commentary]

§2-1-6 APPLICABILITY

This ordinance shall apply to all lands within the County [City] of _____ that are mapped as significant recharge areas as defined by this ordinance.

§2-1-7 PERMIT REQUIRED

No land use permit or building permit shall be issued by the Land Use Officer for a building, structure, or manufactured home to be served by a septic tank, unless the land use or building conforms to the requirements of this ordinance. Prior to a land use permit or building permit being issued, the Land Use Officer shall require a site plan or subdivision plat in sufficient detail to review the proposed development for compliance with the provisions of this ordinance.

§2-1-8 COUNTY HEALTH DEPARTMENT APPROVAL OF PERMIT REQUIRED

No land use permit or building permit shall be issued by the Land Use Officer for a building, structure, or manufactured home to be served by a septic tank, unless the _____ County Health Department first approves the proposed septic tank installation as meeting the requirements of the Georgia Department of Human Resources Manual for On-Site Sewage Management Systems (hereinafter DHR Manual) and this ordinance.

§2-1-9 MINIMUM LOT SIZE

Within an area governed by this ordinance, new homes or land uses served by a septic tank/drain field system shall be on lots having minimum lot sizes as follows, based on application of Table MT-1 of the DHR Manual (hereinafter DHR Table MT-1). The minimums set forth in DHR Table MT-1 may be increased further based on consideration of other factors set forth in Sections A-F of the DHR Manual, as determined by the _____ County Health Department.

- (a) 150% of the subdivision minimum lot size calculated based on application of DHR Table MT-1 if they are within a high pollution susceptibility area.
- (b) 125% of the subdivision minimum lot size calculated based on application of DHR Table MT-1 if they are within an average or medium pollution susceptibility area.

- (c) 110% of the subdivision minimum lot size calculated based on application of DHR Table MT-1 if they are within a low pollution susceptibility area.

Any lot of record approved prior to the adoption of this ordinance shall be exempt from the minimum lot size requirements of this section. Within an area governed by this ordinance, no subdivision plat shall be recorded until and unless said plat has been reviewed and approved by the Land Use Officer as being in compliance with the minimum lot sizes established by this section.

[See Commentary]

§2-1-10 MOBILE HOME PARKS

Within an area governed by this ordinance, new mobile home parks served by septic tank/drainfield systems shall have lots or spaces having minimum areas in square feet as follows, based on application of Table MT-2 of the DHR Manual (hereinafter DHR Table MT-2). The minimums set forth in Table MT-2 may be increased further based on consideration of other factors set forth in Sections A-F of the DHR Manual, as determined by the _____ County Health Department.

- (a) 150% of the subdivision minimum lot or space size calculated based on application of DHR Table MT-2 if they are within a high pollution susceptibility area;
- (b) 125% of the subdivision minimum lot or space size calculated based on application of DHR Table MT-2 if they are within an average or medium pollution susceptibility area;
- (c) 110% of the subdivision minimum lot or space size calculated based on application of DHR Table MT-2 if they are within a low pollution susceptibility area.

Within an area governed by this ordinance, no site plan for a mobile home park or manufactured home park shall be considered valid until and unless said site plan has been reviewed and approved by the Land Use Officer as being in compliance with the minimum space sizes established by this section.

§2-1-11 AGRICULTURAL WASTE IMPOUNDMENT SITES

New agricultural waste impoundment sites in a significant recharge area, as specified below, shall contain a liner consisting of compacted clay having a thickness of one-foot and a vertical hydraulic conductivity of less than 5×10^{-7} cm/sec or other criteria established by the Natural Resource and Conservation Service:

- (a) Any agricultural waste impoundment site located in a high pollution susceptibility area;
- (b) Any agricultural waste impoundment site within an average or medium pollution susceptibility area which exceeds 15 acre-feet; or,
- (c) Any agricultural waste impoundment site within a low pollution susceptibility area that exceeds 50 acre-feet.

§2-1-12 ABOVE GROUND CHEMICAL OR PETROLEUM STORAGE TANKS

Within an area governed by this ordinance, new above-ground chemical or petroleum storage tanks having a minimum volume of 660 gallons shall have secondary containment for 110% of

the volume of such tanks or 110% of the volume of the largest tank in a cluster of tanks. Such tanks used for agricultural purposes are exempt, provided they comply with all federal requirements.

§2-1-13 HAZARDOUS MATERIALS HANDLING FACILITIES

Within an area governed by this ordinance, new facilities that handle hazardous materials of the types listed in section 312 of the Resource Conservation and Recovery Act of 1976 (excluding underground storage tanks) and in amounts of 10,000 pounds or more on any one day, shall perform their operations on impervious surfaces and in conformance with any applicable federal spill prevention requirements and any adopted County [City] or applicable (state) fire code requirements.

§2-1-14 STORMWATER INFILTRATION BASINS

Permanent storm water infiltration basins shall not be constructed in significant recharge areas having high pollution susceptibility.

§2-2 WATER SUPPLY WATERSHEDS

§2-2-1	TITLE
§2-2-2	PURPOSE AND INTENT
§2-2-3	DEFINITIONS
§2-2-4	ADOPTION BY REFERENCE OF WATERSHED PROTECTION MAP
§2-2-5	APPLICABILITY
§2-2-6	EXEMPTIONS
§2-2-7	HAZARDOUS MATERIALS HANDLING FACILITIES
§2-2-8	REQUIREMENTS FOR LARGE WATER SUPPLY WATERSHEDS WITH RESERVOIRS
§2-2-9	REQUIREMENTS FOR SMALL WATER SUPPLY WATERSHEDS
§2-2-10	WATER SUPPLY RESERVOIRS

[See Commentary]

§2-2-1 TITLE

This ordinance shall be known and may be cited as the “Water Supply Watersheds Protection Ordinance.”

§2-2-2 PURPOSE AND INTENT

The quality of public drinking water supplies must be assured. Land-disturbing activities associated with development can increase erosion and sedimentation, which threaten the storage capacity of reservoirs and impair the quality of public drinking water supplies. Stormwater runoff, particularly from impervious surfaces, can introduce toxins, nutrients, and sediments into drinking water supplies, making water treatment more complicated and expensive, and rendering water resources unusable for recreation and other uses. Industrial land uses that involve the manufacture, use, transport, and storage of hazardous or toxic waste materials result in potential risks of contamination of nearby public drinking water supplies. Therefore, land use activities within water supply watersheds must be regulated to ensure that public water supplies remain clean. This ordinance establishes standards consistent with the Georgia Department of Natural Resources’ Rules for Environmental Planning Criteria for Water Supply Watersheds (Rule 391-3-16-01) to ensure water quality in the watershed system is not compromised by land activities such as grading, septic systems, and accidental release of contaminants. The intent of this ordinance is to minimize the transport of pollutants and sediment to the water supply, to maintain the yield of water supply watersheds, and to ensure water can be treated to meet federal and state drinking water standards.

§2-2-3 DEFINITIONS

Buffer: A natural or enhanced vegetated area with no land disturbances except as may be specifically permitted within a buffer, located adjacent to water supply reservoirs or perennial streams within water supply watersheds.

Corridor: All land within the buffer areas established adjacent to water supply reservoirs or perennial streams within water supply watersheds and within other setback areas specified in this ordinance.

Impervious surface: A man-made structure or surface that prevents the infiltration of stormwater into the ground below the structure or surface. Examples are buildings, roads, driveways, parking lots, decks, swimming pools, and patios.

Large water supply watershed: A watershed containing 100 square miles or more of land within the drainage basin upstream of a governmentally owned public drinking water supply intake.

Perennial stream: A stream that flows throughout the whole year as indicated by a solid blue line on a United States Geological Survey Quadrangle map.

Reservoir boundary: The edge of a water supply reservoir defined by its normal pool level.

Small water supply watershed: A watershed that contains less than 100 square miles of land within the drainage basin upstream of a governmentally owned public drinking water supply intake.

Utility: Public or private water or sewer piping systems, water or sewer pumping stations, electric power lines, fuel pipelines, telephone lines, roads, driveways, bridges, river/lake access facilities, stormwater systems and railroads or other utilities identified by a local government.

Watershed protection map: A map prepared for the local jurisdiction which identifies water supply watersheds and water supply reservoirs, which are the subject of this ordinance. The watershed protection map also identifies public water supply intake points and perennial streams within the watershed that are upstream of water supply intake points or water supply reservoirs, and the seven-mile radius line from each water intake or water supply reservoir boundary.

Water supply reservoir: A governmentally owned impoundment of water for the primary purpose of providing water to one or more governmentally owned public drinking water systems. This excludes the multipurpose reservoirs owned by the U.S. Army Corps of Engineers.

Water supply watershed: The area of land upstream of a governmentally owned public drinking water intake.

[See Commentary]

§2-2-4 ADOPTION BY REFERENCE OF WATERSHED PROTECTION MAP

The watershed protection map, as defined by this Ordinance, is hereby adopted and made a part of this ordinance as if fully set forth herein.

§2-2-5 APPLICABILITY

This ordinance shall apply to all lands within existing and future small water supply watersheds, large water supply watersheds, and to water supply reservoirs and their immediate surroundings, as shown on the Watershed Protection Map. This ordinance does not apply to watersheds not used for public drinking water supply.

[See Commentary]

§2-2-6 EXEMPTIONS

The following land uses and activities are exempted from compliance with this ordinance.

- (a) Land uses existing prior to the adoption of this ordinance.
- (b) Mining activities permitted by the Department of Natural Resources under the Surface Mining Act.
- (c) If utilities cannot feasibly be located outside the buffer or setback areas required by this ordinance, such utility locations can be exempted from the stream corridor buffer and setback area provisions subject to the following conditions:
 - 1. The utilities shall be located as far from the stream bank as reasonably possible;
 - 2. The installation and maintenance of the utilities shall be such to protect the integrity of the buffer and setback areas as best as reasonably possible; and,
 - 3. The utilities shall not impair the quality of the drinking water stream.
- (d) Specific forestry and agricultural activities in the stream corridor buffer and setback areas in accordance with the following conditions.
 - 1. The activity shall be consistent with best management practices established by the Georgia Forestry Commission or the Georgia Department of Agriculture; and,
 - 2. The activity shall not impair the quality of the drinking water stream.

§2-2-7 HAZARDOUS MATERIALS HANDLING FACILITIES

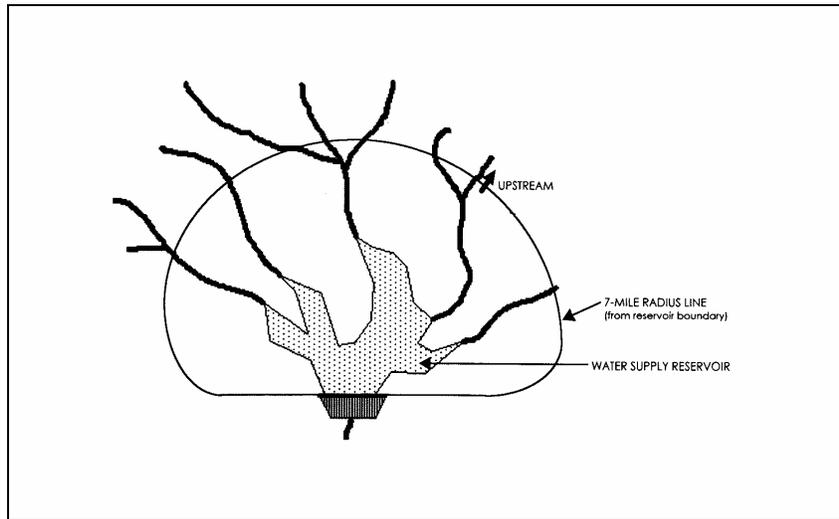
New facilities which handle hazardous materials of the types listed in Section 312 of the Resource Conservation and Recovery Act of 1976 (excluding underground storage tanks) and amounts of 10,000 pounds or more on any one day, and which will locate in a small water supply watershed or within seven miles upstream of a water supply intake or a water supply reservoir of a large water supply watershed, shall perform their operations on impervious surfaces and in conformance with any applicable federal spill prevention requirements and the requirements of any adopted or applicable Fire Prevention Code.

§2-2-8 REQUIREMENTS FOR LARGE WATER SUPPLY WATERSHEDS WITH RESERVOIRS

The following regulations shall apply to all lands within any large water supply watersheds with a water supply reservoir identified on the watershed protection map.

- (a) Maintain a buffer with a minimum width of 100 feet on both sides of all perennial streams, as measured from the stream banks, within a seven-mile radius upstream of a water supply reservoir boundary.
- (b) No impervious surface shall be constructed within a 150-foot setback area on both sides of all perennial streams, as measured from the stream banks, within a seven-mile radius upstream of a water supply reservoir boundary.

- (c) Septic tanks and septic tank drainfields are prohibited in the required 150-foot setback area on both sides of all perennial streams, as measured from the stream banks, within a seven-mile radius upstream of a water supply reservoir boundary.

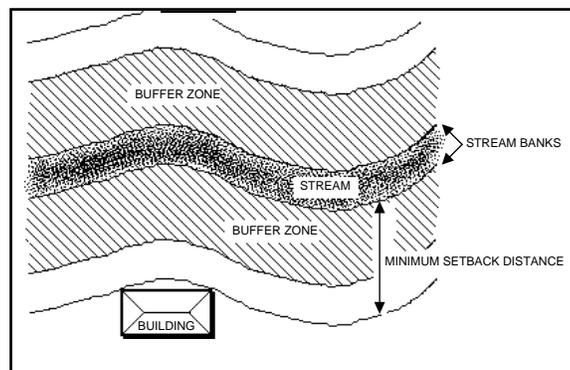


Water Supply Reservoir, Perennial Streams, and Seven-Mile Radius

§2-2-9 REQUIREMENTS FOR SMALL WATER SUPPLY WATERSHEDS

The following regulations shall apply to all lands within any small water supply watersheds identified on the watershed protection map.

- (a) Maintain a buffer with a minimum width of 100 feet on both sides of all perennial streams, as measured from the stream banks, along all perennial streams within a seven-mile radius upstream of a governmentally owned public drinking water supply intake or water supply reservoir.
- (b) No impervious surface shall be constructed within a 150-foot setback area on both sides of all perennial streams, as measured from the stream banks, within a seven-mile radius upstream of a governmentally owned public drinking water supply intake or water supply reservoir boundary. (See Figure).



Buffer and Setback Adjacent to Stream

- (c) Septic tanks and septic tank drainfields are prohibited in the required 150-foot setback area on both sides of all perennial streams, as measured from the stream banks, within a seven-mile radius upstream of a governmentally owned public drinking water supply intake or a water supply reservoir boundary.
- (d) Maintain a buffer with a minimum width of 50 feet on both sides of all perennial streams, as measured from the stream banks outside a seven-mile radius upstream of a governmentally owned public drinking water supply intake or water supply reservoir.
- (e) No impervious surface shall be constructed within a 75-foot setback area on both sides of all perennial streams, as measured from the stream banks, outside a seven-mile radius upstream of a governmentally owned public drinking water supply intake or water supply reservoir boundary.
- (f) Septic tanks and septic tank drainfields are prohibited in the required 75-foot setback area on both sides of all perennial streams, as measured from the stream banks, outside a seven-mile radius upstream of a governmentally owned public drinking water supply intake or a water supply reservoir boundary.
- (g) New sanitary landfills are allowed only if they have synthetic liners and leachate collection systems. New hazardous waste treatment or disposal facilities are prohibited.
- (h) The impervious surface area, including all public and private structures, utilities, or facilities, of the entire small water supply watershed shall be limited to 25 percent, or existing use, whichever is greater.

[See Commentary]

§2-2-10 WATER SUPPLY RESERVOIRS

A buffer shall be maintained for a distance of 150 feet from any water supply reservoir boundary as measured from the normal pool elevation. All development within the 150-foot buffer from any water supply reservoir boundary, and any uses of the reservoir itself including docks, shall comply with the reservoir management plan adopted by the County [City] and approved by the Georgia DNR, which is adopted by reference as if fully set forth herein.

[See Commentary]

§2-3 WETLANDS

- §2-3-1 TITLE
- §2-3-2 PURPOSE AND INTENT
- §2-3-3 DEFINITIONS
- §2-3-4 ADOPTION OF GENERALIZED WETLANDS MAP BY REFERENCE
- §2-3-5 APPLICABILITY
- §2-3-6 PERMIT REQUIRED
- §2-3-7 JURISDICTIONAL WETLAND DETERMINATION REQUIRED
- §2-3-8 PERMITTED USES
- §2-3-9 PROHIBITED USES

[See Commentary]

§2-3-1 TITLE

This ordinance shall be known and may be cited as the “Wetlands Protection Ordinance.”

§2-3-2 PURPOSE AND INTENT

Wetlands are indispensable and fragile natural resources with significant development constraints due to flooding, erosion, and soils limitations. In their natural state, wetlands serve man and nature. They provide habitat areas for fish, wildlife and vegetation; water quality maintenance and pollution control; flood control; erosion control; natural resource education; scientific study; and open space and recreational opportunities. In addition, the wise management of forested wetlands is essential to the well being of communities in the State of Georgia. Nationally, a considerable number of wetlands have been lost or impaired by draining, dredging, filling, excavating, building, pollution and other activities. Without additional regulation, piecemeal or cumulative losses of wetlands will continue to occur over time. Therefore, it is in the interest of public safety and general welfare to avoid damage or destruction to wetlands. The purpose of this ordinance is to promote wetlands protection by adopting a generalized wetlands map; provide for the withholding of land use and building permits in areas designated as wetlands until a jurisdictional wetland determination is completed; and establish permitted and prohibited land uses within wetlands shown on the generalized wetlands map.

§2-3-3 DEFINITIONS

Generalized wetlands map: A map of wetlands provided in the County’s [City’s] comprehensive plan [and/or: any U.S. Fish and Wildlife Service National Wetlands Inventory (NWI) map showing wetlands within the local jurisdiction].

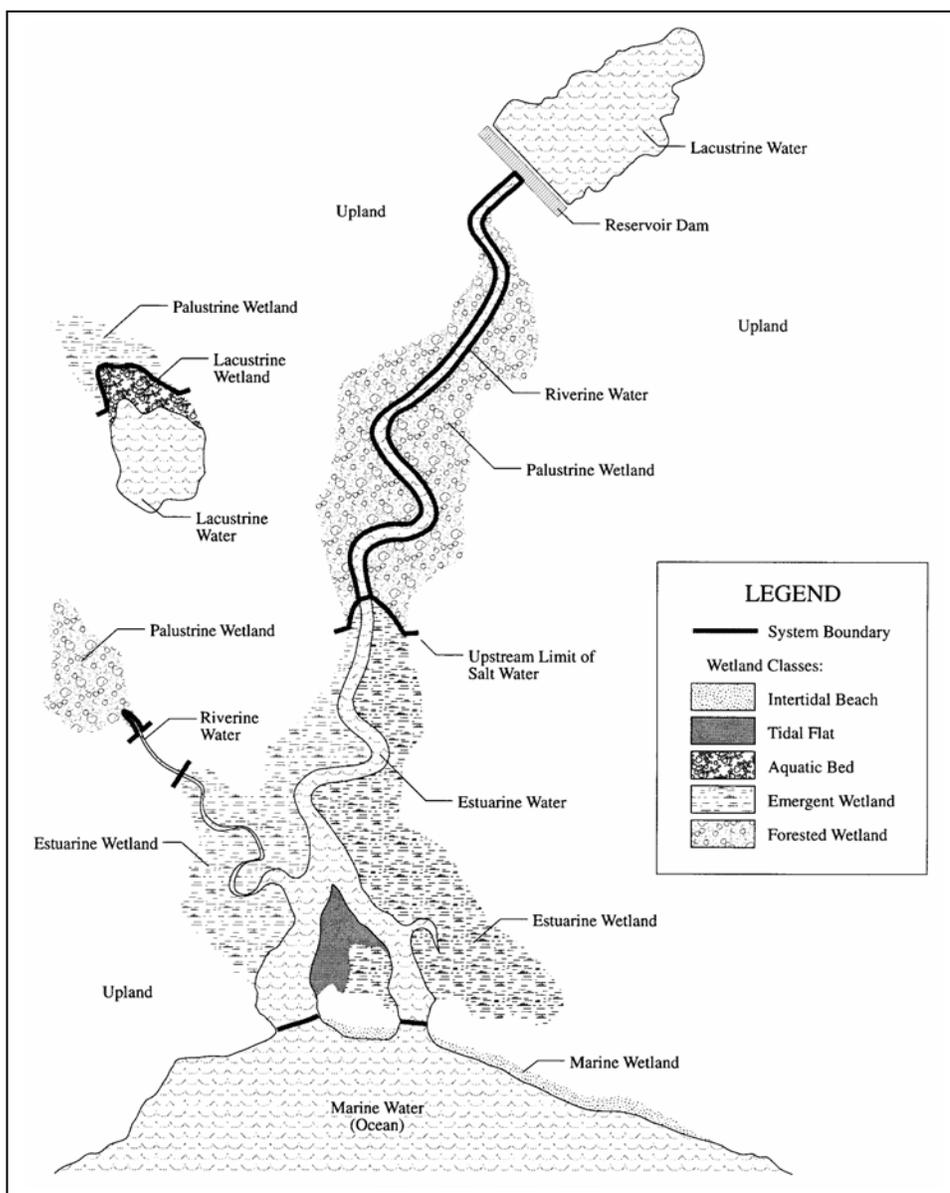
Jurisdictional wetland: An area that meets the definitional requirements for wetlands as determined by the U.S. Army Corps of Engineers.

Jurisdictional wetland determination: A delineation of jurisdictional wetland boundaries by the U.S. Army Corps of Engineers, as required by Section 404 of the Clean Water Act, 33 U.S.C. §1344, as amended.

**§2-1 through §2-5, Environmental Planning Criteria
Model Land Use Management Code**

Regulated activity: Any activity which will, or which may reasonably be expected to, result in the discharge of dredged or fill material into waters of the U.S. excepting those activities exempted in Section 404 of the Federal Clean Water Act.

Wetlands: Those areas that are inundated or saturated by surface or groundwater 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 (see Figure). The ecological parameters for designating wetlands include hydric soils, hydrophytic vegetation, and hydrological conditions that involve a temporary or permanent source of water to cause soil saturation.



Types of Wetlands

Source: Tiner and Burke, 1995, <http://www.mde.state.md.us/wetlands/wwr/figure2w.htm>

[See Commentary]

§2-3-4 ADOPTION OF GENERALIZED WETLANDS MAP BY REFERENCE

The Generalized Wetlands Map, as defined by this ordinance, together with all explanatory matter thereon, is hereby adopted by reference, and hereby made a part of this ordinance as if fully set forth herein.

§2-3-5 APPLICABILITY

This ordinance shall apply to all lands within the County [City] of _____ that are shown on the Generalized Wetlands Map, as defined by this ordinance, as wetlands.

§2-3-6 PERMIT REQUIRED

No land use permit or building permit shall be issued by the Land Use Officer for a land use, building, structure, or manufactured home, nor shall any regulated activity as defined by this ordinance commence, unless the land use, building, structure, manufactured home or regulated activity conforms to the requirements of this ordinance. Prior to a land use permit or building permit being issued, the Land Use Officer shall require a site plan or subdivision plat in sufficient detail to review the proposed development for compliance with the provisions of this ordinance.

§2-3-7 JURISDICTIONAL WETLAND DETERMINATION REQUIRED

If an area proposed for development is located within 50 feet of a wetland as shown on the Generalized Wetlands Map, as determined by the Land Use Officer, no local land use permit or building permit on said wetland shall be issued until a jurisdictional wetland determination has been completed and either of the following occur:

- (a) The U.S. Army Corps of Engineers determines that there are jurisdictional wetlands present on the proposed development site, a Section 404 permit is required, and either a Section 404 Permit or a letter of permission is issued by the Corps for the proposed development; or,
- (b) The U.S. Army Corps of Engineers determines that jurisdictional wetlands are not present on the proposed development site, and no Section 404 permit or letter of permission is required.

[See Commentary]

§2-3-8 PERMITTED USES

The following uses shall be allowed as of right within an area shown as a wetland on the Generalized Wetlands Map, to the extent that they are not prohibited by any other ordinance or law, including laws of trespass, and provided they do not require structures, grading, fill, draining, or dredging except as provided herein.

- (a) Conservation or preservation of soil, water, vegetation, fish and other wildlife, provided it does not affect waters of Georgia or of the United States in such a way that would require an individual 404 Permit.

- (b) Outdoor passive recreational activities, including fishing, bird watching, hiking, boating, horseback riding, and canoeing.
- (c) Forestry practices applied in accordance with best management practices approved by the Georgia Forestry Commission and as specified in Section 404 of the Clean Water Act.
- (d) The cultivation of agricultural crops. Agricultural activities shall be subject to best management practices approved by the Georgia Department of Agriculture.
- (e) The pasturing of livestock, provided that riparian wetlands are protected, that soil profiles are not disturbed and that approved agricultural Best Management Practices are followed.
- (f) Education, scientific research, and nature trails.

[See Commentary]

§2-3-9 PROHIBITED USES

The following uses are prohibited within wetlands shown on the Generalized Wetlands Map:

- (a) Receiving areas for toxic or hazardous waste or other contaminants.
- (b) Hazardous or sanitary waste landfills.

§2-4 PROTECTED RIVER CORRIDORS

§2-4-1	TITLE
§2-4-2	PURPOSE
§2-4-3	DEFINITIONS
§2-4-4	APPLICABILITY
§2-4-5	PROTECTED RIVER CORRIDOR BUFFER REQUIRED
§2-4-6	MEASUREMENT OF THE REQUIRED BUFFER
§2-4-7	LAND DISTURBING ACTIVITY WITHIN REQUIRED BUFFER
§2-4-8	RESTORATION OF DISTURBED BUFFERS
§2-4-9	USES PROHIBITED WITHIN REQUIRED BUFFERS
§2-4-10	USES PERMITTED WITHIN REQUIRED BUFFERS
§2-4-11	LAND USE PERMIT AND SITE PLAN REQUIRED
§2-4-12	SUBDIVISION PLATS

[See Commentary]

§2-4-1 TITLE

This ordinance shall be known and may be cited as a “Protected River Corridors Ordinance.”

§2-4-2 PURPOSE

River corridors are the strips of land that flank major rivers in Georgia. These corridors are of vital importance to Georgia in that they help preserve those qualities that make a river suitable as a habitat for wildlife, a site for recreation, and a source for clean drinking water. River corridors also allow the free movement of wildlife from area to area within the state, help control erosion and river sedimentation, and help absorb floodwaters. The [River Name] has been designated as a protected river by the State of Georgia. The purpose of this ordinance is to establish measures to guide future growth and development in the areas adjacent to the protected river as defined herein. The river corridor regulations established in this ordinance require the maintenance of buffers where natural vegetation is left intact along the banks of protected rivers. Preservation of the soil and plants within the corridor reduces non-point source pollution entering the river and minimizes riverbank erosion. The vegetation acts to slow down water flow and trap sediment and other contaminants carried in runoff before they reach downstream water supplies. This ordinance also minimizes disturbance of the natural terrain and vegetation and protects water quality through various use limitations.

§2-4-3 DEFINITIONS

Hazardous waste: Any solid waste which has been defined as a hazardous waste in regulations promulgated by the administrator of the United States Environmental Protection Agency pursuant to the federal act, which are in force and effect on February 1, 1988, codified as 40 C.F.R. Section 261.3. (Note: This is same definition as used in the Georgia Hazardous Waste Management Act.)

Land disturbing activity: Any grading, scraping, excavating, or filling of land; clearing of vegetation; and any construction, rebuilding, or alteration of a structure. Land-disturbing activity shall not include activities such as ordinary maintenance and landscaping operations, individual

home gardens, yard and grounds upkeep, repairs, additions or minor modifications to a single-family dwelling, and the cutting of firewood for personal use.

Natural vegetative buffer or buffer area: A river corridor containing the flora native to that area. The natural floras for specific areas are described in Georgia Geologic Survey Bulletin 114, "The Natural Environments of Georgia." Habitats for endangered and threatened species may require human management of the river corridor in order to maintain those species.

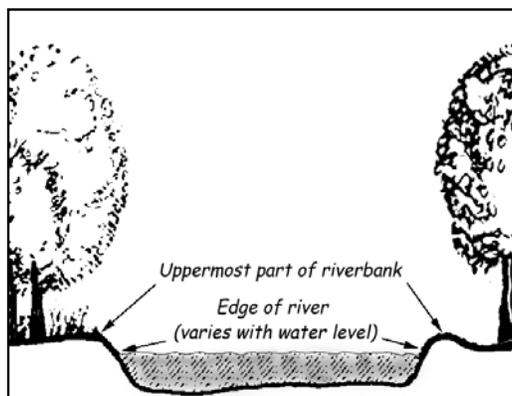
Perennial river: A river or section of a river that flows continuously throughout the year.

Port facility: Any facility for the docking, loading, and unloading of ships.

Protected river: Any perennial river or watercourse with an average annual flow of at least 400 cubic feet per second as determined by the appropriate U.S. Geological Survey quadrangle map (the most recently published U.S. Geological Survey 7.5 minute topographic map prepared at a scale of 1:24,000). However, those segments of river covered by the Metropolitan River Protection Act or the Coastal Marshlands Protection Act are specifically excluded from the definition of a protected river. In coastal areas, the seaward limit of any protected river shall be the inland limit of the jurisdiction of the Coastal Marshlands Protection Act. The DNR has determined for administrative purposes that the line dividing protected coastal marshlands and protected river corridors is along the route of U.S. Highway 17.

Public utility or utilities: A service or services provided by a public utility company or a private entity which provides such service or services and all equipment and structures necessary to provide such services.

Riverbank: The rising ground, bordering a river, which serves to confine the water to the natural channel during the normal course of flow. Riverbanks are usually marked by a break in slope. (See Figure).



River corridor: All the land, inclusive of islands, not regulated under the Metropolitan River Protection Act (O.C.G.A. 12-5-440 through 12-5-457), or the Coastal Marshlands Protection Act (O.C.G.A. 12-5-280 through 12-5-293), in areas of a protected river and being within 100 feet horizontally on both sides of a protected river as measured from the riverbanks. Because stream channels move due to natural processes such as meandering, riverbank erosion, and jumping of channels, the river corridor may shift with time.

Sensitive natural area: Any area, as identified now or hereafter by the DNR, which contains one or more of the following: habitat, including nesting sites, occupied by rare or endangered species; rare or exemplary natural communities; significant landforms, hydroforms, or geological features; or other areas so designated by the DNR; and which are sensitive or vulnerable to physical or biological alteration.

Single-family dwelling: A dwelling structure that is designed for the use of one family or household.

[See Commentary]

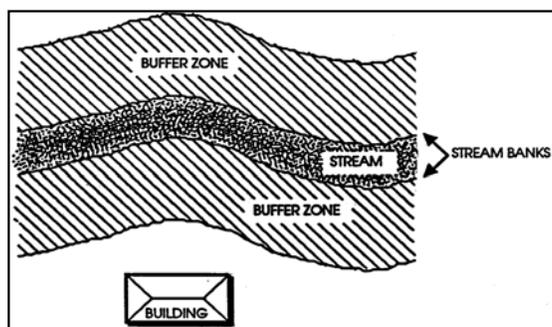
§2-4-4 APPLICABILITY

This ordinance shall apply to all protected rivers, as defined by this ordinance, and to all river corridors, as defined by this ordinance. The regulations in this ordinance shall not supercede those contained in the Metropolitan River Protection Act, the Coastal Marshlands Protection Act, and the Erosion and Sedimentation Act.

[See Commentary]

§2-4-5 PROTECTED RIVER CORRIDOR BUFFER REQUIRED

Along any protected river, as defined by this ordinance, the river corridor, as defined by this ordinance shall be maintained as a natural vegetative buffer or buffer area as defined by this ordinance, except as specifically otherwise exempted or provided for in this ordinance. (See Figure).



Buffer Along Protected River Corridor

§2-4-6 MEASUREMENT OF REQUIRED BUFFER

The 100-foot buffer shall be measured horizontally from the uppermost part of the riverbanks. Although not within the measured 100-foot wide buffer, the area between the top of the bank and the edge of the river shall be considered as within the 100-foot buffer required by this ordinance and shall be afforded the same protection as the 100-foot buffer.

§2-4-7 LAND DISTURBING ACTIVITY WITHIN REQUIRED BUFFER

All land disturbing activity, as defined by this ordinance, shall be prohibited within the required buffer area, except as specifically provided in this ordinance.

§2-4-8 RESTORATION OF DISTURBED BUFFERS

Any area within a required buffer that is disturbed per the allowances of this ordinance shall be restored as quickly as possible following any land disturbing activity.

§2-4-9 USES PROHIBITED WITHIN REQUIRED BUFFERS

The following uses shall be prohibited within buffers required by this ordinance, unless specifically indicated otherwise in this ordinance.

- (a) Facilities that receive and store hazardous waste, except as specifically provided in this ordinance.
- (b) Septic tank and septic tank drainfields are prohibited in the river corridor, except as expressly provided otherwise in this ordinance.
- (c) Hazardous waste or solid waste landfills.

§2-4-10 USES PERMITTED WITHIN REQUIRED BUFFERS

- (a) Agricultural production and management, provided that all such activities shall be consistent with best management practices established by the Georgia Soil and Water Conservation Commission and provided that such activities shall not impair the drinking quality of the river water as defined by the Federal Clean Water Act, as amended; and provided that such activities shall be consistent with all state and federal laws, and all regulations promulgated by the Georgia Department of Agriculture.
- (b) Any use permitted by the Georgia DNR or under Section 404 of the Clean Water Act.
- (c) Any use not prohibited by this Resolution [Ordinance] and not otherwise specified and regulated under the terms of this Resolution [Ordinance], that lawfully existed on the effective date of this Resolution [Ordinance] and falls within one of the following categories:
 - 1. Completed;
 - 2. Under construction;
 - 3. Fully approved by the governing authority;
 - 4. All materials have been submitted for approval by the governing authority; or,
 - 5. Zoned for such use and expenditures in excess of \$2,500 have been made in preparation for construction in accordance with such zoning.
- (d) Dwellings, including single-family detached and manufactured homes, including the usual appurtenances or accessory uses, subject to the following conditions:
 - 1. The dwelling shall be in compliance with all local land use regulations.
 - 2. The dwelling shall be located on a tract of land containing at least two acres. For the purposes of these standards, the size of the tract of the land shall not include any area that lies within the protected river. That is, for tracts of land that include portions of a protected river, the area between the riverbanks can not be counted towards the two-acre minimum size.
 - 3. There shall be only one such dwelling on each two-acre or larger tract of land.
 - 4. A septic tank or tanks serving such a dwelling may be located within the buffer area, but septic tank drainfields shall not be located within the buffer area.

- (e) Industrial and commercial land uses existing in the river corridor on the effective date of this Resolution [Ordinance] provided that such existing land uses do not impair the drinking quality of the river water and meet all state and federal environmental rules and regulations.
- (f) Mining activities, if permitted by the DNR pursuant to the Georgia Surface Mining Act of 1968, as amended.
- (g) Port facilities that handle, receive and store hazardous waste, provided that they meet all federal and state laws and regulations for the handling and transport of hazardous waste and those facilities handling hazardous waste perform their operations on impermeable surfaces having spill and leak protection systems in conformance with any applicable Environmental Protection Agency (EPA) spill prevention requirements and any local fire code requirements.
- (h) Recreational uses consistent either with the maintenance of a natural vegetative buffer or with river-dependent recreation, specifically including paths, walkways, and boat ramps but excluding hard-surface tennis courts and parking lots.
- (i) Road crossings and utility crossings, provided such construction meets all requirements of the Erosion and Sedimentation Control Act of 1975, and all applicable local ordinances on soil erosion and sedimentation control; provided further, that utilities shall only be allowed if they cannot feasibly be located outside the buffer, as decided conservatively by the Land Use Officer, and further provided that:
 - 1. The utilities shall be located as far from the riverbank as reasonably possible;
 - 2. Installation and maintenance of the utilities shall be such as to protect the integrity of the buffer area as well as is reasonably possible; and,
 - 3. Utilities shall not impair the drinking quality of the river water.
- (j) Timber production and harvesting, provided that such uses do not impair the long-term functions of the protected river or the river corridor, provided that such forestry activity shall be consistent with best management practices established by the Georgia Forestry Commission, and such activity shall not impair the drinking quality of the river water as defined by the federal Clean Water Act, as amended.
- (k) Wildlife and fisheries management activities consistent with the purposes of O.C.G.A. 12-2-8.
- (l) Waste-water treatment.
- (m) Water quality treatment or purification.

[See Commentary]

§2-4-11 LAND USE PERMIT AND SITE PLAN REQUIRED

No land use permit or building permit shall be issued by the land use officer for a building, structure, or activity, unless the land use, building, or activity conforms to the requirements of this ordinance. Prior to a land use permit or building permit being issued, the Land Use Officer shall require a site plan in sufficient detail to review the proposed development for compliance with the provisions of this ordinance.

§2-4-12 SUBDIVISION PLATS

Within an area governed by this ordinance, no subdivision plat shall be recorded until and unless said plat has been reviewed and approved by the Land Use Officer as being in compliance with any minimum lot size established by this ordinance.

§2-5 MOUNTAIN PROTECTION

§2-5-1	PURPOSE
§2-5-2	DEFINITIONS
§2-5-3	ADOPTION OF PROTECTED MOUNTAINS MAP BY REFERENCE
§2-5-4	APPLICABILITY
§2-5-5	PERMIT REQUIRED
§2-5-6	DEVELOPMENT REGULATIONS
§2-5-7	EXEMPTIONS

[See Commentary]

§2-5-1 PURPOSE

Steep slopes and thin soils characterize the mountains of Georgia. Because of the natural stresses placed on such environments, they require special protection. Land-disturbing activity on the high-elevation, steep-slope mountains of Georgia potentially threatens the public health, safety, welfare, and economic progress of the state. Unregulated land-disturbing activity may endanger the quality of surface water by increasing erosion and stream sedimentation; has the potential to induce landslides; has the potential to adversely affect ground water due to the difficulty in providing proper sewage disposal in areas of steep slope and high elevation; may damage the habitat for some species of wildlife (both plants and animals); and may detract from the mountains' scenic and natural beauty, which is vital to the recreation and tourism industry of North Georgia.

§2-5-2 DEFINITIONS

Hazardous waste: Any solid waste which has been defined as a hazardous waste in regulations promulgated by the administrator of the United States Environmental Protection Agency pursuant to the federal act, which are in force and effect on February 1, 1988, codified as 40 C.F.R. Section 261.3.

Land-disturbing activity: Any grading, scraping, excavating, or filling of land; clearing of vegetation; and any construction, rebuilding, or alteration of a structure. Land-disturbing activity shall not include activities such as ordinary maintenance and landscaping operations, individual home gardens, yard and grounds upkeep, repairs, additions or minor modifications to a single-family dwelling, and the cutting of firewood for personal use.

Multi-family dwelling: A structure that contains multiple dwelling units.

Protected mountain: All land area 2,200 feet or more above mean sea level that has a percentage slope of 25 percent or greater for at least 500 feet, horizontally, including the crests, summits, and ridge tops which lie at elevations higher than any such area.

Quadrangle map: The most recently published U.S. Geological Survey 7.5-minute topographic map prepared at a scale of 1:24,000.

Protected mountains map: A map, based on quadrangle maps for the local jurisdiction, prepared by or for the local jurisdiction showing all land areas meeting the definition of protected mountain.

Reforestation plan: A plan, prepared by a registered forester, for replacing harvested timber by replanting or by natural regenerative processes (such as coppicing, seed trees, etc.), consistent with the Recommended Best Management Practices for Forestry in Georgia, as published by the Georgia Forestry Commission.

Sensitive natural area: Any area, as identified now or hereafter by the Department of Natural Resources (DNR), which contains one or more of the following: habitat, including nesting sites, occupied by rare or endangered species; rare or exemplary natural communities; significant landforms, hydroforms, or geological features; or other areas so designated by the Department of Natural Resources; and which is sensitive or vulnerable to physical or biological alteration.

Single-family dwelling: A dwelling structure that is designed for the use of one family.

§2-5-3 ADOPTION OF PROTECTED MOUNTAINS MAP BY REFERENCE

The protected mountains map, as defined by this ordinance, is hereby adopted and made a part of this ordinance as if fully set forth herein.

[See Commentary]

§2-5-4 APPLICABILITY

This ordinance shall apply to all lands within the County [City] of _____ that are protected mountains as defined by this ordinance and as shown on the protected mountains map as defined by and made a part of this ordinance.

§2-5-5 PERMIT REQUIRED

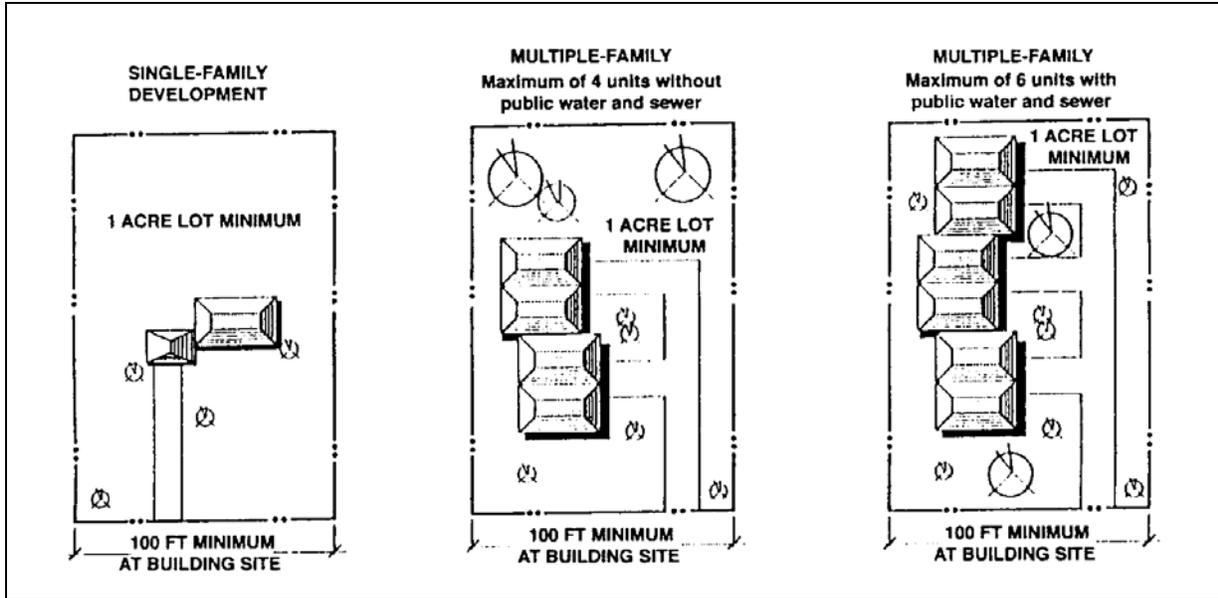
No land use permit or building permit shall be issued by the Land Use Officer for any activity, land use, building, or structure within a protected mountain area, unless the activity, land use, building, or structure conforms to the requirements of this ordinance. Prior to a land use permit or building permit being issued, the Land Use Officer shall require a site plan or subdivision plat in sufficient detail to review the proposed development for compliance with the provisions of this ordinance. All development activities or site work conducted after approval of the site plan shall conform to the specifications of said site plan.

§2-5-6 DEVELOPMENT REGULATIONS

Except as more specifically provided herein, the following regulations shall apply.

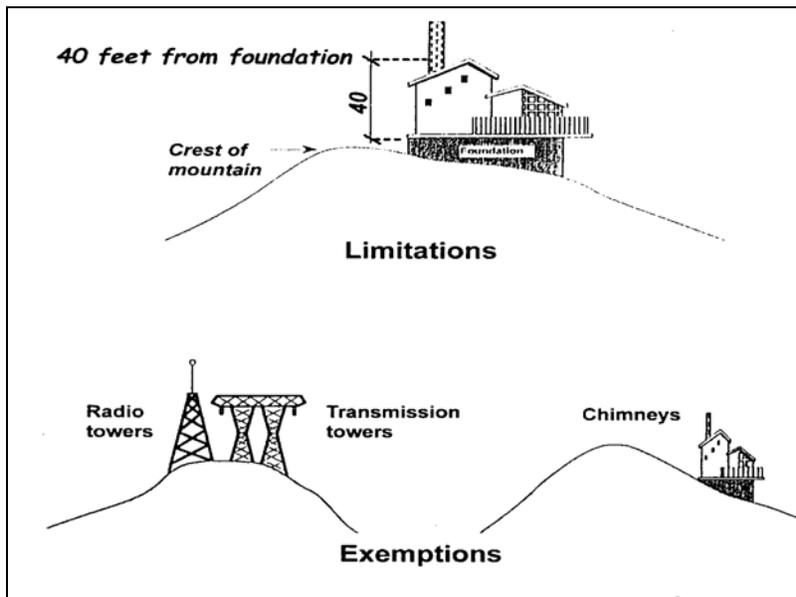
- (a) Proposed land-disturbing activity shall meet all applicable requirements of the "Erosion and Sedimentation Act of 1975" as amended, and all applicable local ordinances on soil erosion and sedimentation control.
- (b) Where one or more septic tanks are to be used for individual sewage disposal, the proposed land-disturbing activity shall meet all applicable requirements imposed by the Local Governing Authority.
- (c) Where one or more wells are to be used for an individual's water supply, the proposed land-disturbing activity shall meet all applicable requirements of the "Water Well Standards Act of 1985"; the requirements of the rules and regulations of the

- Department of Human Resources regarding individual or nonpublic wells; [and, any more stringent requirements imposed by the local governing authority].
- (d) If sewage treatment is to be provided by any means other than one or more individual septic tanks, the sewage treatment shall meet all applicable requirements of the "Georgia Water Quality Control Act."
 - (e) If a public water supply system is to be provided, the water supply system shall meet all applicable requirements of the "Georgia Safe Drinking Water Act of 1977."
 - (f) Single-family dwellings shall not be constructed at a density of more than one per acre and no such acre shall be less than 100-feet wide at the building site. This density restriction shall not apply to:
 - 1. Any lot of less than one acre, if such a lot was, as of the date of the adoption of this ordinance, owned and described as a discrete parcel of real property according to the instrument of title of the person or persons owning the lot on said date;
 - 2. Any lot of less than one acre, if such a lot was, as of the date of the adoption of this ordinance, shown as a discrete parcel of real property on a plat of survey properly recorded in the real property records of the clerk of superior court by the person or persons owning the lot on said date; or,
 - 3. Any land, or part of any land, which was contained in or subject to any master plan, planned unit development plan, special approved development plan, or any other development plan if such plan was filed with and approved by the Local Governing Authority prior to the date of the adoption of this ordinance, pursuant to a duly enacted local ordinance; provided further, that any such ordinance must have provided for rules and procedures and governed lot sizes, density, types of buildings, and other limitations usually associated with the implementation of local zoning ordinances.
 - (g) Multi-family dwellings, in the absence of a public water supply and sewerage system, shall not be constructed at a density of more than four dwelling units per acre. If there is a public water supply and sewerage system available to this property, then the density may be increased to no more than six dwelling units per acre. Regardless of which type of system, no such acre shall be less than 100 feet wide at the building site. (See Figure).



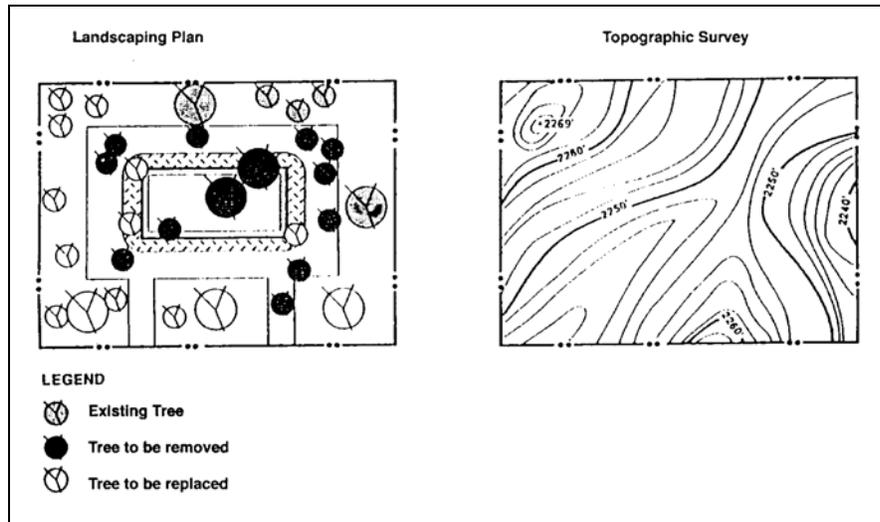
Protected Mountain Residential Density Regulations

- (h) Structures shall not extend more than 40 feet, as measured from the highest point at which the foundation of such structure intersects the ground, above the uppermost point of the crest, summit, or ridge top of the protected mountain on which the structure is constructed. This height restriction shall not apply to water, radio, or television towers; to any equipment for transmission of electricity; to minor vertical projections of a parent building, including chimneys, flagpoles, flues, spires, steeples, belfries, cupolas, antennas, poles, wires; or to windmills. (See Figure).



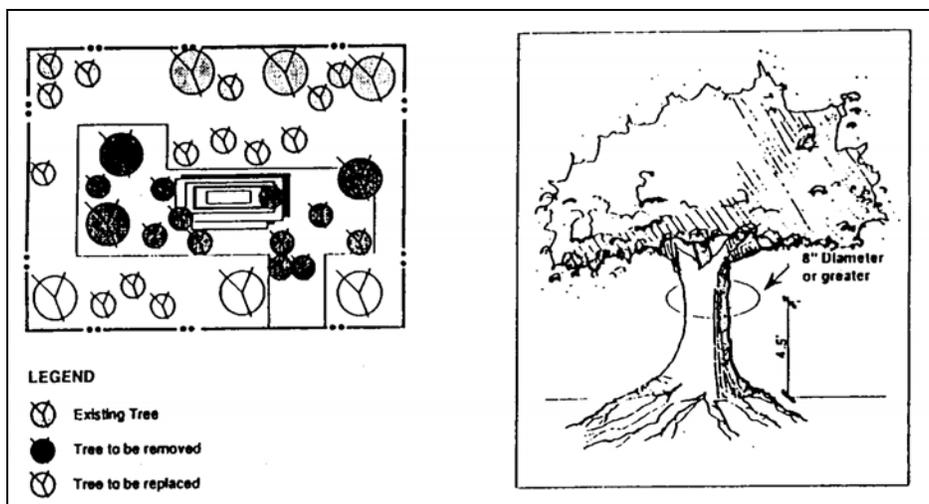
Protected Mountain Height Limits and Exemptions from Height Limits

- (i) Any application for a local building permit to construct a commercial structure shall contain a detailed landscaping plan (see Figure). Such landscaping plan shall: identify all trees which are to be removed that exceed eight inches in diameter as measured at a point on the tree four and one-half feet above the surface of the ground; contain a plan for replacement of any such trees that are removed; and include a topographical survey of the project site and an assessment of the effect that the project will have on the environment of the protected mountain after the project has been completed and is in operation. All development activities or site work conducted after approval of the plan shall conform to the specifications of said plan. Nothing in this paragraph shall be construed to require commercial structures to comply with the density provision of single-family and multi-family dwellings.



Landscaping Plan and Topographic Survey

- (j) Tree Removal. No person engaging in land-disturbing activity shall remove more than 50 percent of the existing trees which exceed eight inches in diameter as measured at a point on such a tree four and one-half feet above the surface of the ground; unless such person has filed, with the application, a plan of reforestation developed by a registered forester. All development activities or site work conducted after approval of the plan shall conform to the specifications of said plan. (See Figure).



Tree Protection Plan

- (k) Handling areas for the receiving and storage of hazardous waste are prohibited.
- (l) Hazardous waste or solid waste disposal facilities are prohibited. Disposal facilities permitted by the Environmental Protection Division prior to the adopted ordinance's effective date shall be exempt from this criterion.
- (m) All roads on protected mountains shall be designed and constructed to minimize the potential for landslides, erosion, and runoff.

[See Commentary]

§2-5-7 EXEMPTIONS

The following land uses or activities are exempt from the requirements of this ordinance.

- (a) Agriculture and forestry on protected mountains, provided that they are consistent with the best management practices established by the Georgia Forestry Commission or the Georgia Soil and Water Conservation Commission, consistent with all state and federal laws, and all applicable regulations promulgated by the Georgia Department of Agriculture.
- (b) Mining activity on protected mountains if such activity is permitted by the DNR.

8/8/06

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