

ARTICLE 18. S-2 SENSITIVE LAND-WATERSHED PROTECTION DISTRICT

Sec. 1801. Purpose.

In order to provide for the health, safety and welfare of the public and a healthy economic climate within Pike County and surrounding communities, it is essential that the quality of public drinking water be assured. The ability of natural systems to filter stormwater runoff can be threatened by unrestricted development. Land-disturbing activities associated with development can increase erosion and sedimentation that threatens the storage capacity of reservoirs, in addition, stormwater runoff, particularly from impervious surfaces, can introduce toxins, nutrients and sediment into drinking water supplies, making water treatment more complicated and expensive and rendering waters resources unusable for recreation. Industrial land uses that involve the manufacture, use, transport and storage of hazardous or toxic waste materials result in the potential risk of contamination of nearby public drinking water supplies.

The purpose of this article is to establish measures to protect the quality and quantity of the present and future water supply of Pike County; to minimize the transport of pollutants and sediment to the water supply; and to maintain the yield of the water supply watershed. This article shall apply to all existing and proposed water supply watersheds within Pike County.

Additionally, the S-2 Watershed Protection District is intended to maintain a high-water quality of the surface water (rivers, creeks, streams and springs) and underground water to assure that a high quality of drinking water is maintained in the future. The district is intended to provide for certain development uses, while maintaining and protecting area water sources from polluting effects of more intense development and from encroachments of those uses that are not compatible with a protected watershed area.

Sec. 1802. Relationship to other zoning districts.

S-2 is an overlay district which applies additional definitions and standards for development to specific areas which lie within any of the zoning districts identified in Articles 5—19 of this ordinance. To the extent the boundaries of the S-2 district overlay property located within other districts, the regulations of both districts shall apply. However, if required development standards are specified in both districts, the more stringent provision shall control.

Sec. 1803. Definitions.

The following definitions (in addition to those definitions contained within Article 2 of this ordinance) apply to S-2 districts:

- A. *Buffer*: A natural or enhanced vegetated area with no or limited minor land disturbances, such as trails and picnic areas, located adjacent to reservoirs or perennial streams within a water supply watershed.
- B. *Corridor*: All land located within the buffer areas established adjacent to reservoirs or perennial streams within a water supply watershed and within other setback areas specified in section 1804 of this article.
- C. *Impervious surface*: A manmade structure or surface which prevents the infiltration of storm water into the ground below the structure or surface, including (for purposes of example only), but not limited to, buildings, roads, driveways, parking lots, swimming pools and patios.
- D. *Large water supply watershed*: A watershed containing one hundred (100) square miles or more of land within the drainage basin upstream of a governmentally owned public drinking water supply intake.

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- E. *Perennial stream*: A stream which flows throughout the whole year as indicated on a USGS quadrant map.
 - F. *Reservoir boundary*: The edge of a water supply reservoir defined by its normal pool level.
 - G. *Small water supply watershed*: A watershed that contains less than one hundred (100) square miles of land within the drainage basin upstream of a governmentally owned public drinking water supply intake.
 - H. *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, storm water system and railroads or other utilities identified by a local government.
 - I. *Water supply reservoirs*: A governmentally owned impoundment of water for the primary purpose of providing water to one (1) or more governmentally owned public drinking water systems. This excludes any multipurpose reservoirs owned by the U.S. Army Corps of Engineers.
 - J. *Water supply watershed*: The area of land upstream of a governmentally owned public drinking water intake.

Sec. 1804. Designation and classification of water supply watersheds.

The following water supply watershed districts and reservoirs are hereby defined and designated by this article on the S-2 Watershed Protection District Map, as follows:

1. City of Griffin/Flint River Intake Watershed.
A large water supply watershed which provides an intake for the City of Griffin on the Flint River in Pike County, Georgia. This watershed does not contain a reservoir.
2. City of Griffin/Still Branch Reservoir Watershed.
A small water supply watershed which provides an intake for the Still Branch Reservoir.
3. City of Zebulon/Elkins Creek Intake Water Supply Watershed.
A small water supply watershed which provides a supplementary intake for the City of Zebulon, Georgia. This watershed does not contain a reservoir.
4. City of Thomaston/Potato Creek Intake Water Supply Watershed.
A small water supply watershed which provides an intake for the Thomaston Reservoir. Although the reservoir itself is located in the City of Thomaston, a portion of the Potato Creek Water Supply Watershed lies within southern Pike County.

Sec. 1805. Permitted uses.

Each zoning district article of this ordinance specifies a list of permitted principal uses, special use permit uses and accessory uses (including special use permit accessory uses). The list of permitted uses, special use permit uses and accessory uses for each primary zoning district must be adhered to on land to which the S-2 district also applies.

Sec. 1806. Uses exempt from S-2 criteria.

- A. *Existing uses*: Any land use within an area designated as a watershed area existing prior to the adoption of this ordinance.
- B. *Agriculture and forestry*: Specific forestry and agricultural activities in the stream corridor buffer and setback areas in accordance with the following conditions:

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1. The activity shall be consistent with best management practices established by the Georgia Forestry Commission and/or the Georgia Department of Agriculture.
 2. The activity shall not impact the quality of the drinking water stream.
- C. *Mining*: Mining activities are exempt, if permitted by the Georgia Department of Natural Resources pursuant to the Georgia Surface Mining Act of 1968, as amended.
- D. *Utilities*: Utilities from the stream corridor buffer and setback area provisions in accordance with the following conditions if the utilities to be located in the buffer or setback areas cannot be feasibly located outside these areas:
1. The utilities shall be located as far from the stream bank as possible.
 2. The installation and maintenance of the utilities shall protect the integrity of the buffer and setback areas as best as reasonably possible.
 3. The utilities shall not impair the quality of a drinking water stream.

Sec. 1807. Development and protection criteria.

- A. The following regulations shall apply to the City of Griffin/Flint River intake identified on the “Watershed, Wetlands and Groundwater Recharge Area Protection Map” as a large water supply watershed without a reservoir.
1. The corridors of all perennial streams within a seven mile radius drawn within the actual watershed drainage boundary and upstream of the reservoir boundary must be protected by the following criteria:
 - a. The buffer shall be maintained for a distance of 100 feet on both sides of the stream as measured from the stream banks;
 - b. No impervious surface shall be constructed within the 150-foot setback area on both sides of the stream as measured from the stream banks; and
 - c. Septic tanks and septic tank drain fields are prohibited within the 150-foot setback area on both sides of the stream as measured from the stream banks.
 2. Any new facility, located within the seven mile area stipulated in (A)(1) above of a water supply intake or water supply reservoir, which handles 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, shall perform their operations on impervious surfaces and in conformance with any applicable federal spill prevention requirements or the requirements of the Standard Fire Prevention Code.
 3. A buffer shall be maintained for a distance of 150 feet from the reservoir boundary. The allowable buffer vegetation and disturbance is specified in the reservoir management plan.
 4. The City of Griffin/Flint River intake is owned by the City of Griffin, Georgia.
- B. The following regulations shall apply to the City of Griffin/Still Branch Reservoir Watershed identified on the “Watershed, Wetlands and Groundwater Recharge Area Protection Map” as a small water supply watershed with a reservoir.
1. The corridors of all perennial streams within a seven mile radius drawn within the actual watershed drainage boundary and upstream of the reservoir boundary of the Still Branch Reservoir must be protected by the following criteria. (These criteria apply to all property parcels entirely or partially contained within the watershed drainage boundary.)

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- a. The buffer shall be maintained for a distance of 100 feet on both sides of the stream as measured from the stream banks;
 - b. No impervious surface shall be constructed within the 150-foot setback area on both sides of the stream as measured from the stream banks;
 - c. Septic tanks and septic tank drain fields are prohibited within the 150-foot setback area on both sides of the stream as measured from the stream banks.
2. The impervious surface area, including all public and private structures, utilities or facilities of the entire water supply watershed shall be limited to 25% or existing use, whichever is greater.
 3. Any new facility which handles 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 shall perform their operations on impervious surfaces and in conformance with any applicable federal spill prevention requirements or the requirements of the Standard Fire Prevention Code.
 4. A buffer shall be maintained for a distance of 150 feet from the reservoir boundary. The allowable buffer vegetation and disturbance is specified in the rules and regulations governing lake shore management and public use of Still Branch Reservoir.
 5. The City of Griffin/Still Branch Reservoir is owned and maintained by the City of Griffin, Georgia.
 6. New sanitary landfills are allowed only if they have synthetic liners and leachate collection systems, and comply with all standards of Chapter 51 "Waste Management" of the Pike County Code.
 7. New hazardous waste treatment or disposal facilities are prohibited.
- C. The following regulations shall apply to the City of Zebulon/Elkins Creek Intake Water Supply Watershed identified on the "Watershed, Wetlands and Groundwater Recharge Area Protection Map" as a small water supply watershed without a reservoir:
1. The corridors of all perennial streams within a seven mile radius drawn within the actual watershed drainage boundary and upstream of the intake point of the Elkins Creek Intake Water Supply Watershed must be protected by the following criteria: (These apply to all property parcels entirely or partially contained within the watershed drainage boundary.)
 - a. The buffer shall be maintained for a distance of 100 feet on both sides of the stream as measured from the stream banks;
 - b. No impervious surface shall be constructed within the 150-foot setback area on both sides of the stream as measured from the stream banks.
 - c. The impervious surface area, including all public and private structures, utilities or facilities of the entire water supply watershed shall be limited to 25% or existing use, whichever is greater.
 2. Any new facility which handles 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 shall perform their operations on impervious surfaces and in conformance with any applicable federal spill prevention requirements or the requirements of the Standard Fire Prevention Code.
 3. New sanitary landfills are allowed only if they have synthetic liners and leachate collection systems, and comply with the standards of Chapter 51 "Waste Management" of the Pike County Code.
 4. New hazardous waste treatment or disposal facilities are prohibited.

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- D. The following regulations shall apply to the City of Thomaston/Potato Creek Intake Water Supply Watershed identified on the "Watershed, Wetlands and Groundwater Recharge Area Protection Map" as a small water supply watershed with a reservoir.
1. The corridors of all perennial streams within a seven mile radius drawn within the actual watershed drainage boundary and upstream of the reservoir boundary of the Thomaston Reservoir must be protected by the following criteria. (These criteria apply to all property parcels entirely or partially contained within the watershed drainage boundary.)
 - a. The buffer shall be maintained for a distance of 100 feet on both sides of the stream as measured from the stream banks;
 - b. No impervious surface shall be constructed within the 150-foot setback area on both sides of the stream as measured from the stream banks;
 - c. Septic tanks and septic tank drain fields are prohibited within the 150-foot setback area on both sides of the stream as measured from the stream banks.
 2. The impervious surface area, including all public and private structures, utilities or facilities of the entire water supply watershed shall be limited to 25% or existing use, whichever is greater.
 3. Any new facility which handles 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 shall perform their operations on impervious surfaces and in conformance with any applicable federal spill prevention requirements or the requirements of the Standard Fire Prevention Code.
 4. New sanitary landfills are allowed only if they have synthetic liners and leachate collection systems and comply with all standards of Chapter 51 "Waste Management" of the Pike County Code.
 5. New hazardous waste treatment or disposal facilities are prohibited.

Sec. 1808. Administration and enforcement.

- A. *Site plans:* Application for a local development permit within the S-3 district shall include a site plan, drawn at a scale of 1" = 50' containing the following information:
1. A map of all planned excavation and fill, including calculations of the volume of cut and fill involved, cross-sectional drawings showing existing and proposed grades. Elevations, horizontal scale and vertical scale must be shown on the cross-sectional drawings.
 2. A map of any wetland boundaries occurring within the site must be provided. This boundary may be included on other maps provided by the applicant.
 3. Location, dimensions and area of all impervious surfaces, both existing and proposed, on the site and adjacent to the site for a distance of two hundred (200) feet.
 4. The orientation and distance from the boundaries of the proposed site to the nearest bank of an affected perennial stream or water body.
 5. Elevations of the site and adjacent lands within two hundred (200) feet of the site at contour intervals of no greater than two (2) feet; and no greater than one (1) foot for slopes less than or equal to two (2) percent.
 6. Location and detailed design of any spill and leak collection systems designed for the purpose of containing accidentally released hazardous or toxic materials.
 7. All proposed temporary disruptions or diversions of local hydrology.
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- B. *Activities to comply with site plan.* All development activities or site work conducted after approval of the site plan shall conform with the specifications of said site plan. Significant changes to the site plan that would alter the amount and velocity of stormwater runoff from the site, increase the amount of impervious surface within the development, alter the overall density of development, result in a considerable increase in the amount of excavation, fill or removal of the overall appearance of the development as proposed, can be amended only with the approval of the building official or designated appointee. Minor changes, such as the realignment of streets or minor alterations to drainage structures and other infrastructure to meet unexpected conditions are exempted from this requirement.
- C. *Exemptions from site plan requirements.* The following activities and developments are exempt from the requirement for detailed site plans:
1. Single-family detached dwellings constructed within a subdivision of fewer than five (5) parcels.
 2. Repairs to a facility that is part of a previously approved and permitted development.
 3. Construction of minor structures, such as sheds or additions to single-family residences.
- D. *Review procedures.* The application shall be made to the building official or designated appointee and will be reviewed within fifteen (15) days. At the time of the application, the applicant shall pay a filing fee as specified by Pike County. Filing fees up to \$500.00 or \$100.00 per acre, whichever is larger, may be required to evaluate the application. This fee may be used to retain expert consultants who will provide service pertaining to functional assessment, mitigation, and wetland boundary determinations, as deemed necessary by the building official or designated appointee. The review period shall include the preparation of findings, i.e. approval, approval with conditions or disapproval by the building official or designated appointee. The applicant will receive written notification of the findings of the building official or designated appointee. Decision of the building official or designated appointee may be appealed to the Pike County Planning and Zoning Board.
- E. *Duration of permit validity.*
1. If construction described in the development permit has not commenced within twelve (12) months from the date of issuance, the permit shall expire.
 2. If construction described in the development permit is suspended or abandoned after work has commenced, the permit shall expire twelve (12) months after the date that work ceased.
 3. Written notice of pending expiration of the development permit shall be issued by the building official or designated appointee, provided however, that failure of the building official or designated appointee to provide notice to the applicant shall not extend the period of validity of the development permit.
- F. *Penalties.*
1. When a building or other structure has been constructed in violation of this article, the violator may be required to remove the structure at the discretion of the building official or designated appointee.
 2. When removal of vegetative cover, excavation or fill has taken place in violation of this article, the violator may be required to restore the affected land to its original contours and to restore vegetation, as far as practicable, at the discretion of the building official or designated appointee.
 3. If the building official or designated appointee discovers a violation of this article that also constitutes a violation of any provision of the Clean Water Act, as amended, Pike County shall issue written notification of the violation to the U.S. Environmental Protection Agency, the U.S. Army Corps of Engineers, and the landowner.
- G. *Suspension and revocation.* The building official or designated appointee may suspend or revoke a permit if the applicant has not complied with the conditions or limitations set forth in the permit or has exceeded the
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scope of the work set forth in the permit. The building official shall cause notice of denial, issuance, conditional issuance, revocation or suspension of a permit to be published in the Pike Journal Reporter.

- H. *Relief assessment.* The Pike County Board of Tax Assessors shall consider the requirements of this section in determining the fair market value of land.

Sec. 1809. Variances.

A variance from the terms and conditions in this article may be granted pursuant to the procedures and criteria for granting variances set forth in section 408, along with compliance with the terms of this section. A variance from the provisions of this article may be granted only in individual cases of practical difficulty or unnecessary hardship upon a finding by the Planning and Zoning Board that all of the following conditions exist:

- A. The existence of extraordinary and exceptional conditions pertaining to the particular piece of property due to size, shape or topography;
- B. Application of the provisions of this article would create an unnecessary hardship;
- C. Relief by means of variance, if granted, would not cause substantial detriment to the water quality within any watershed area identified herein or otherwise impair the purposes and intent of this article;
- D. The variance request is not based on circumstances that are self-created;
- E. The variance request would not, if granted, permit a use of land, buildings or structures not otherwise permitted within the applicable zoning district;
- F. The variance request would not, if granted, increase the impervious surface of development within the watershed area beyond that prescribed in this article; and
- G. The property for which the variance is requested existed as a separate tract on or before July 1, 2001.

The Planning and Zoning Board shall have the authority to impose conditions on any variance granted herein to facilitate achievement of the purposes of this article.

Sec. 1810. Adoption of Pike County Watershed Protection Map.

The S-2 district consists of the area located within the water supply watersheds established in section 1804(A) as are shown and designated on a certain map identified as the "S-2 District, Pike County Watershed Protection Map," which map is adopted hereby adopted into and made a part of this ordinance as if fully set forth. Such map shall be signed by the Chairman of the Board of Commissioners of Pike County and bear the seal of the county or that of a Notary Public under the following words: "This certifies that this is the Official S-2 District Pike County Watershed Protection Map," referred to in Article 18 of the Zoning Ordinance of Pike County.