

## **ARTICLE 20. S-4 SENSITIVE LAND-WETLANDS PROTECTION DISTRICT**

### **Sec. 2001. Purpose.**

The purpose of the S-4 district is to protect those lands identified as wetlands. Wetland areas are those areas that are flooded or saturated by surface or groundwater often and long enough to grow vegetation adapted for life in water saturated soil. The wetlands in Pike County 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 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 economic well being of many communities within the State of Georgia. A considerable number of important wetland natural resources have been lost or impaired by draining, dredging, filling, excavating, building, pollution and other acts. Piece meal or cumulative losses of wetlands will, over time, destroy additional wetlands. Damaging or destroying wetlands threatens public safety and the general welfare.

The purpose of the S-4 district is to promote wetlands protection, while taking into account varying ecological, economic development, recreational and aesthetic values. Activities that may damage wetlands should be located on upland sites to the greatest degree practicable as determined through a permitting process.

### **Sec. 2002. Relationship to other zoning districts.**

S-4 wetlands protection district is an overlay district which shall include all lands within the jurisdiction of Pike County, Georgia that are mapped as wetland areas by the U.S. Fish and Wildlife Service National Wetlands Inventory Maps. This map shall be referred to as the wetlands map and it is hereby adopted by reference and declared to be a part of this ordinance, together with all explanatory matter thereon and attached thereto. The S-4 wetlands protection district applies additional definitions and standards for development to specific areas which lie within any of the zoning districts identified in this ordinance and which are additionally mapped as wetland areas, as shown on the wetlands map.

### **Sec. 2003. Definitions.**

The following definitions (in addition to those definitions contained within Article 2 of this Ordinance) apply to S-4 districts:

- A. *Corps of Engineers*: The United States Army Corps of Engineers, which is given authority pursuant to Section 404 of the Clean Water Act, 33 U.S.C. 1344, for the regulation of wetlands and the permitting of fill material therein.
- B. *Wetlands*: Any 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. 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. The definition of "wetlands," as defined in 33 C.F.R. 32.93 is included within this definition, and adopted by reference.
- C. *Wetlands map*: The current U.S. Fish and Wildlife Service National Wetlands Inventory Maps for Pike County, Georgia.

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- D. *Jurisdictional wetland*: An area that meets the definitional requirements for wetlands as determined by the Corps of Engineers.
  - E. *Jurisdictional wetland determination*: A delineation of jurisdictional wetland boundaries by the Corps of Engineers, as required by Section 404 of the Clean Water Act, 33 U.S.C. 1344, as amended.
  - F. *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 United States, excepting those activities exempted in Section 404 of the Clean Water Act.

#### **Sec. 2004. Coordination with development criteria contained in other zoning districts.**

- A. The provisions of this article apply additional development standards to specific areas which may lie within any zoning district in Pike County. If required development standards are specified for the same item in both articles, the more stringent governs.
- B. Any development must comply with the Pike County Soil Erosion and Sedimentation Control Ordinance, as well as any other applicable development regulation.

#### **Sec. 2005. Adoption of Pike County Wetlands Protection District Map.**

- A. The S-4 wetlands protection district consists of and shall correspond to the area located within the wetland protection areas as are shown and designated on a certain map identified as the "S-4 District, Pike County Wetland Protection Map," which map is 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-4 District Pike County Wetlands Protection Map," referred to in Article 21B of the Zoning Ordinance of Pike County.
- B. The area identified as lying within the S-4 wetlands protection district shall be the same as that area lying within the boundaries of Pike County shown on the U.S. Fish and Wildlife Service National Wetlands Inventory. To the extent of a conflict between the U.S. Fish and Wildlife Service National Wetlands Inventory and the Official S-4 District Pike County Wetland Protection Map, the provisions of the U.S. Fish and Wildlife Service National Wetlands Inventory shall control.
- C. The boundaries of the S-4 wetlands protection district, as shown on the Official S-4 District Pike County Wetlands Protection Map do not necessarily represent the complete boundaries of jurisdictional wetlands within Pike County. Further, the boundaries of wetlands as shown on the U.S. Fish and Wildlife Service National Wetlands Inventory do not necessarily represent the complete boundaries of jurisdictional wetlands in Pike County. The boundaries shown on such maps do not substitute for a delineation of wetland boundaries by the U.S. Army Corps of Engineers, as required by Section 404 of the Clean Water Act.
- D. Any action required by this ordinance does not relieve the landowner from complying with any and all applicable federal or state permitting requirements.

#### **Sec. 2006. Permits and protection criteria.**

*Requirement for local permit*: No regulated activity will be permitted within the S-4 wetlands protection district without written permission or a permit from Pike County. If the area proposed for development is located within fifty (50) feet of the boundary of the S-4 wetlands protection district, as determined by the building official or designated appointee using the S-4 district, Pike County Wetlands Protection Map, a determination by the corps of engineers shall be required. If the Corps of Engineers determines that wetlands are present on the proposed development site, the local permit or permission will not be granted until a Section 404 permit or letter of permission is issued.

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### **Sec. 2007. Permitted uses.**

The following uses shall be allowed as of right within the S-4 district 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 water of Georgia or of the United States in such a way that would require a permit under Section 404.
- 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. Educational, scientific research and nature trails.

### **Sec. 2008. Prohibited uses.**

The following uses are not permitted within the S-4 wetlands protection district:

- A. Receiving areas for toxic or hazardous waste or other contaminants.
- B. Hazardous or sanitary waste landfills.

### **Sec. 2009. Administration and enforcement procedures.**

- A. *Site plans:* Application for a local development permit within the S-4 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 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 (200) feet of the site at contour intervals of no greater than two feet; and no greater than one 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 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 services 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 scope
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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 County 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.