



# CHAPTER 3

## PROTECTION OF NATURAL RESOURCES AND FEATURES

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### 3.00.00 GENERALLY

The provisions set forth in Chapter 3 are intended to protect the natural features and natural resources within the City of Tifton and Tift County, and to implement policies in the Greater Tift County Comprehensive Plan. The natural features and natural resources included in Chapter 3 are soil erosion and sedimentation control, flood damage prevention, water resource districts, and wetlands.

### 3.01.00 SOIL EROSION AND SEDIMENTATION CONTROL

#### 3.01.01 General Provisions

- A. Excessive soil erosion and resulting sedimentation can take place during land-disturbing activities. Therefore, plans for those land-disturbing activities which are not exempted by this section shall contain provisions for application of soil erosion and sedimentation control measures and practices. The provisions shall be incorporated into the erosion and sedimentation control plans. Soil erosion and sedimentation control measures and practices shall conform to the minimum requirements of Section 3.01.03 and/or the adopted Soil Erosion and Sedimentation Control Ordinance.
- B. The application of measures and practices shall apply to all features of the site, including street and utility installations, drainage facilities and other temporary and permanent improvements. Measures shall be installed to prevent or control erosion and sedimentation pollution during all stages of any land-disturbing activity.

#### 3.01.02 Exempt Land Disturbing Activities

This Section shall apply to any land-disturbing activity undertaken by any person on any land except for the following:

- A. Surface mining, as the same is defined in O.C.G.A. § 12-4-72, "Mineral Resources and Caves Act.
- B. Granite quarrying and land clearing for such quarrying.
- C. Such minor land-disturbing activities as home gardens and individual home landscaping, repairs, maintenance work, fences, and other related activities which result in minor soil erosion;
- D. The construction of single-family residences, when such construction disturbs less than one (1) acre and is not a part of a larger common plan of development or sale with a planned disturbance of equal to or greater than one (1) acre and in conformance with the following:
  - 1. Shall conform to the minimum requirements as set forth in Section 3.01.03.
- E. Agricultural operations as defined in *O.C.G.A.* 1-3-3 "definitions" including:
  - 1. Raising, harvesting or storing of products of the field or orchard;
  - 2. Feeding, breeding or managing livestock or poultry;
  - 3. Producing or storing feed for use in the production of livestock, including but not limited to cattle, calves, swine, hogs, goats, sheep, and rabbits or for use in the production of poultry, including but not limited to chickens, hens and turkeys; producing plants, trees, fowl, or animals;
  - 4. Production of aqua culture, horticultural, dairy, livestock, poultry, eggs and apiarian products;
  - 5. Farm buildings and farm ponds.
- F. Forestry land management practices, including harvesting
  - 1. Provided, however, that when such exempt forestry practices cause or result in land-disturbing or other activities otherwise prohibited in a buffer, as established in Section 3.01.03.
- G. Any project carried out under the technical supervision of the Natural Resources Conservation Service of the United States Department of Agriculture.
- H. Any project involving less than one (1) acre of disturbed area provided, however, that this exemption shall not apply to the following:
  - 1. Any land-disturbing activity within a larger common plan of development or sale with a planned disturbance of equal to or greater than one (1) acre or within 200 feet of the bank of any state waters, and for purposes of this paragraph, "state waters" excludes channels and drainage ways which have water in them only during and immediately after rainfall events and intermittent streams which do not have water in them year-round;
  - 2. If the project is within 200 feet of any such excluded channel or drainage way, must prevent sediment from moving beyond the boundaries of the property on which such project is located;
  - 3. Nothing contained herein shall prevent the local issuing authority from regulating any such project which is not specifically exempted by this section.

- I. Construction or maintenance projects, or both, undertaken or financed in whole or in part, or both, by
  1. The Georgia Department of Transportation (GDOT),
  2. The Georgia Highway Authority, or
  3. The Georgia State Road and Toll way Authority (SRTA); or
  4. Any county or municipality; provided, however that construction or maintenance projects of the GDOT or SRTA which disturb one (1) or more contiguous acres of land shall be subject to provisions of O.C.G.A. § 12-7-7.1; except where GDOT, the Georgia Highway Authority, or SRTA is a secondary permittee for a project located within a larger common plan of development or sale under the state general permit, in which case a copy of a notice of intent under the state general permit shall be submitted to the local issuing authority, the local issuing authority shall enforce compliance with the minimum requirements set forth in O.C.G.A. § 12-7-6 as if a permit had been issued, and violations shall be subject to the same penalties as violations by permit holders.
- J. Any land-disturbing activities conducted by any electric membership corporation or municipal electrical system or any public utility under the regulatory jurisdiction of the Public Service Commission, any utility under the regulatory jurisdiction of the Federal Energy Regulatory Commission, any cable television system as defined in O.C.G.A. § 36-18-1, or any agency or instrumentality of the United States engaged in the generation, transmission, or distribution of power; except where an electric membership corporation or municipal electrical system or any public utility under the regulatory jurisdiction of the Public Service Commission, any utility under the regulatory jurisdiction of the Federal Energy Regulatory Commission, any cable television system as defined in O.C.G.A. § 36-18-1, or any agency or instrumentality of the United States engaged in the generation, transmission, or distribution of power is a secondary permittee for a project located within a larger common plan of development or sale under the state general permit, in which case the local issuing authority shall enforce compliance with the minimum requirements set forth in O.C.G.A. § 12-7-6 as if a permit had been issued, and violations shall be subject to the same penalties as violations by permit holders; and
- K. Any public water system reservoir.
- L. All other land disturbing activities must comply with the requirements for erosion and sediment control.

### 3.01.03 Minimum Requirements For Best Management Practices

- A. Best management practices shall be required for all land-disturbing activities.
  1. Proper design, installation, and maintenance of best management practices shall constitute a complete defense to any action by the Manager or to any other allegation of noncompliance with subsection (2) below or any substantially similar terms contained in a permit for the discharge of stormwater issued pursuant to subsection (f) of O.C.G.A. § 12-5-30, the

"Georgia Water Quality Control Act". As used in this subsection the terms "proper design" and "properly designed" mean designed in accordance with the hydraulic design specifications contained in the Manual for Erosion and Sediment Control in Georgia specified in O.C.G.A. § 12-7-6 subsection (b).

2. A discharge of stormwater runoff from disturbed areas where best management practices have not been properly designed, installed, and maintained shall constitute a separate violation of any land-disturbing permit issued by a local issuing authority or of any state general permit issued by the division pursuant to subsection (f) of O.C.G.A. § 12-5-30, the "Georgia Water Quality Control Act", for each day on which such discharge results in the turbidity of receiving waters being increased by more than twenty-five (25) nephelometric turbidity units for waters supporting warm water fisheries or by more than ten (10) nephelometric turbidity units for waters classified as trout waters. The turbidity of the receiving waters shall be measured in accordance with guidelines to be issued by the director. This paragraph shall not apply to any land disturbance associated with the construction of single family homes which are not part of a larger common plan of development or sale unless the planned disturbance for such construction is equal to or greater than five (5) acres.
  3. Failure to properly design, install, or maintain best management practices shall constitute a violation of any land-disturbing permit issued by a local issuing authority or of any state general permit issued by the division pursuant to subsection (f) of O.C.G.A. § 12-5-30, the "Georgia Water Quality Control Act", for each day on which such failure occurs.
  4. The Manager may require, in accordance with adopted regulations, reasonable and prudent monitoring of the turbidity level of receiving waters into which discharges from land disturbing activities occur.
- B. The rules and regulations, ordinances, or resolutions adopted pursuant to this UDC for the purpose of governing land-disturbing activities shall:
1. Require, as a minimum, protections at least as stringent as the state general permit; and
  2. Best Management Practices, including sound conservation and engineering practices to prevent and minimize erosion and resultant sedimentation, which are consistent with, and no less stringent than, those practices contained in the Manual for Erosion and Sediment Control in Georgia published by the Georgia Soil and Water Conservation Commission as of January 1 of the year in which the land-disturbing activity was permitted, as well as the following:
    - a. Stripping of vegetation, regarding and other development activities shall be conducted in a manner so as to minimize erosion;
    - b. Cut-fill operations must be kept to a minimum;
    - c. Development plans must conform to topography and soil type so as to create the lowest practical erosion potential;

- d. Whenever feasible, natural vegetation shall be retained, protected and supplemented;
- e. The disturbed area and the duration of exposure to erosive elements shall be kept to a practicable minimum;
- f. Disturbed soil shall be stabilized as quickly as practicable;
- g. Temporary vegetation or mulching shall be employed to protect exposed critical areas during development;
- h. Permanent vegetation and structural erosion control practices shall be installed as soon as practicable;
- i. To the extent necessary, sediment in run-off water must be trapped by the use of debris basins, sediment basins, silt traps, or similar measures until the disturbed area is stabilized. As used in this paragraph, a disturbed area is stabilized when it is brought to a condition of continuous compliance with the requirements of O.C.G.A. § 12-7-1 et seq.;
- j. Adequate provisions must be provided to minimize damage from surface water to the cut face of excavations or the sloping of fills;
- k. Cuts and fills may not endanger adjoining property;
- l. Fills may not encroach upon natural watercourses or constructed channels in a manner so as to adversely affect other property owners;
- m. Grading equipment must cross flowing streams by means of bridges or culverts except when such methods are not feasible, provided, in any case, that such crossings are kept to a minimum;
- n. Land-disturbing activity plans for erosion and sedimentation control shall include provisions for treatment or control of any source of sediments and adequate sedimentation control facilities to retain sediments on-site or preclude sedimentation of adjacent waters beyond the levels specified in Section 3.01.03(B)(2);

#### C. Buffer requirements

1. Except as provided in Section 3.01.03(C)(3), there is established a twenty-five (25) feet buffer along the banks of all state waters, as measured horizontally from the point where vegetation has been wrested by normal stream flow or wave action, except where the director determines to allow a variance that is at least as protective of natural resources and the environment, where otherwise allowed by the director pursuant to O.C.G.A. § 12-2-8, or where a drainage structure or a roadway drainage structure must be constructed, provided that adequate erosion control measures are incorporated in the project plans and specifications, and are implemented; provided, however, the buffers of at least twenty-five (25) feet established pursuant to Part 6, Article 5, Chapter 5, Title 12, the "Georgia Water Quality Control Act", shall remain in force unless a variance is granted by the Manager as provided in this UDC.
2. The following requirements shall apply to any such buffer:

- a. No land-disturbing activities shall be conducted within a buffer and a buffer shall remain in its natural, undisturbed state of vegetation until all land-disturbing activities on the construction site are completed.
  - b. Once the final stabilization of the site is achieved, a buffer may be thinned or trimmed of vegetation as long as a protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the stream bed;
  - c. Provided, however, that any person constructing a single-family residence, when such residence is constructed by or under contract with the owner for his or her own occupancy, may thin or trim vegetation in a buffer at any time as long as protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the stream bed; and
  - d. The buffer shall not apply to the following land-disturbing activities, provided that they occur at an angle, as measured from the point of crossing, within twenty-five (25) degrees of perpendicular to the stream; cause a width of disturbance of not more than fifty (50) feet within the buffer; and adequate erosion control measures are incorporated into the project plans and specifications and are implemented:
    - i. Stream crossings for water lines; or
    - ii. Stream crossings for sewer lines.
3. There is established a fifty (50) feet buffer as measured horizontally from the point where vegetation has been wrested by normal stream flow or wave action, along the banks of any state waters classified as "trout streams" pursuant to Article 2, Chapter 5, Title 12, the "Georgia Water Quality Control Act",
- a. The Georgia Environmental Protection Division may grant a variance from such buffer to allow land-disturbing activity, provided that adequate erosion control measures are incorporated in the project plans and specifications and are implemented. The following requirements shall apply to such buffer:
    - i. No land-disturbing activities shall be conducted within a buffer and a buffer shall remain in its natural, undisturbed, state of vegetation until all land-disturbing activities on the construction site are completed.
    - ii. Once the final stabilization of the site is achieved, a buffer may be thinned or trimmed of vegetation as long as a protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the stream bed:
    - iii. Provided, however, that any person constructing a single-family residence, when such residence is constructed by or under contract

with the owner for his or her own occupancy, may thin or trim vegetation in a buffer at any time as long as protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the stream bed; and

- iv. The buffer shall not apply to the following land-disturbing activities, provided that they occur at an angle, as measured from the point of crossing, within twenty-five (25) degrees of perpendicular to the stream; cause a width of disturbance of not more than fifty (50) feet within the buffer; and adequate erosion control measures are incorporated into the project plans and specifications and are implemented:
  1. Stream crossings for water lines; or
  2. Stream crossings for sewer lines.
- D. Nothing contained in this section shall prevent any local issuing authority from adopting rules and regulations, ordinances, or resolutions which contain stream buffer requirements that exceed the minimum requirements in Section 3.01.03.
- E. The fact that land-disturbing activity for which a permit has been issued results in injury to the property of another shall neither constitute proof of nor create a presumption of a violation of the standards provided for in this section or the terms of the permit.

### 3.01.04 Application and Permit Process

#### A. General

1. The property owner, developer and designated planners and engineers shall review the general development plans and detailed plans of the local issuing authority that affect the tract to be developed and the area surrounding it.
2. The property owner, developer and designated planners and engineers shall review the UDC and other ordinances which regulate the development of land within the jurisdictional boundaries of the local issuing authority.
3. All requirements for the review and approval of site development plan, preliminary subdivision plat, or other plans are provided in Chapter 10.
4. The operator and the owner are the only parties who may obtain a land disturbing permit.

#### B. Application requirements

1. No person shall conduct any land-disturbing activity within the jurisdictional boundaries of the governing authority without first obtaining a permit to perform such activity.
2. The application for a permit shall be submitted to the Manager and, in addition to the requirements of Section 10.02.02, must include:
  - a. Three (3) copies of the applicant's soil erosion and sedimentation control plans with supporting data



4. The results of the district review shall be forwarded to the local issuing authority.
- F. District may delegate review to local issuing authority
- Such review will not be required if the local issuing authority and the district have entered into an agreement which allows the local issuing authority to conduct such review and approval of the plan without referring the application and plan to the district.
- G. Development permit contingent on approval of erosion and sedimentation control plan
1. No permit shall be issued by the issuing authority unless the erosion and sedimentation control plan has been approved by the district and the issuing authority has affirmatively determined that the plan is in compliance with this UDC;
  2. Any variances required by Section 3.01.03(C)(2) and (3) are obtained,
  3. Bonding requirements, if necessary are met and;
  4. All ordinances and rules and regulations in effect within the jurisdictional boundaries of the issuing authority are met.
  5. If the permit is denied, the reason for denial shall be furnished to the applicant.
- H. Permit may be denied for previous violations
- If a permit applicant has had two (2) or more violations of previous permits, this UDC, or the Erosion and Sedimentation Act, as amended, within three (3) years prior to the date of filing of the application under consideration, the local issuing authority may deny the permit application.
- I. Bond may be required
1. The local issuing authority may require the permit applicant to post a bond in the form of government security, cash, irrevocable letter of credit, or any combination thereof up to, but not exceeding, \$3,000.00 per one (1) acre or fraction thereof of the proposed land-disturbing activity, prior to issuing the permit.
  2. If the applicant does not comply with the soil erosion and sediment control provisions of the UDC or with the conditions of the permit after issuance, the local issuing authority may call the bond or any part thereof to be forfeited and may use the proceeds to hire a contractor to stabilize the site of the land-disturbing activity and bring it into compliance.
  3. These provisions shall not apply unless there is in effect an ordinance or statute specifically providing for hearing and judicial review of any determination or order of the local issuing authority with respect to alleged permit violations.
- J. Permit may be revoked upon violation

1. The permit may be suspended, revoked or modified by the issuing authority, as to all or any portion of the land affected by the plan, upon finding that the holder or his successor in title is not in compliance with the approved erosion and sedimentation control plan or that the holder or his successor in title is in violation of this UDC.
2. A holder of a permit shall notify any successor in title to him as to all or any portion of the land affected by the approved plan of the conditions contained in the permit.

K. Plan requirements

1. Plans must be prepared to meet the minimum requirements as contained in the soil erosion and sediment control provisions of the UDC.
2. Conformance with the minimum requirements may be attained through the use of design criteria in the current issue of the *Manual for Erosion and Sediment Control in Georgia*, published by the state soil and water conservation commission as a guide; or through the use of more stringent, alternate design criteria which conform to sound conservation and engineering practices.
3. The plan for the land-disturbing activity shall consider the interrelationship of the soil types, geological and hydrological characteristics, topography, watershed, vegetation, proposed permanent structures including roadways, constructed waterways, sediment control and stormwater management facilities, local ordinances and state laws.
4. The information and data required for site plan shall be as provided in Section 10.02.02 of this UDC.
5. Maintenance of all soil erosion and sedimentation control practices, whether temporary or permanent, shall be at all times the responsibility of the property owner.

**3.01.05 Inspection and Enforcement**

- A. The Manager will periodically inspect the sites of land disturbing activities for which permits have been issued to determine if the activities are being conducted in accordance with the plan and if the measures required in the plan are effective in controlling erosion and sedimentation.
- B. The local issuing authority shall regulate both primary and secondary permittees as such terms are defined in the state general permit.
  1. Primary permittees shall be responsible for installation and maintenance of best management practices where the primary permittee is conducting land-disturbing activities.
  2. Secondary permittees shall be responsible for installation and maintenance of best management practices where the secondary permittee is conducting land-disturbing activities.
- C. If, through inspection, it is deemed that a person engaged in land-disturbing

activities as defined herein has failed to comply with the approved plan, with permit conditions, or with the provisions of this section, a written notice to comply shall be served upon that person.

1. The notice shall set forth the measures necessary to achieve compliance and shall state the time within which such measures must be completed.
  2. If the person engaged in the land-disturbing activity fails to comply within the time specified, he shall be deemed in violation of this section.
- D. The Manager shall have the power to conduct such investigations as it may reasonably deem necessary to carry out duties as prescribed in the soil erosion and sediment control provisions of the UDC, and for this purpose to enter at reasonable times upon any property, public or private, for the purpose of investigation and inspecting the sites of land-disturbing activities.
- E. No person shall refuse entry or access to any authorized representative or agent of the local issuing authority, the commission, the district, or division who requests entry for the purposes of inspection, and who presents appropriate credentials, nor shall any person obstruct, hamper or interfere with any such representative while in the process of carrying out his official duties.
- F. EPD Enforcement Action
1. Upon written request made by the issuing authority, the EPD may determine that the public interest requires initiation of an enforcement action by the EPD.
  2. Such request shall be accompanied by documentation that demonstrates to the EPD's satisfaction that local remedy has been exhausted and that compliance with local ordinances or resolutions has not been achieved.
  3. Where such a determination is made and the issuing authority has failed to secure compliance, the EPD may implement the board's rules and seek compliance under provisions of O.C.G.A. §§ 12-7-12 through 12-7-15. For purposes of this subsection, enforcement actions taken by the division pursuant to O.C.G.A. §§ 12-7-12 through 12-7-15 shall not require prior revocation of certification of the issuing authority.

### 3.01.06 Penalties

- A. Failure to obtain a permit for land-disturbing activity.

If any person commences any land-disturbing activity requiring a land-disturbing permit as prescribed in this UDC without first obtaining said permit, the person shall be subject to revocation of his business license, work permit or other authorization for the conduct of a business and associated work activities within the jurisdictional boundaries of the local issuing authority.

- B. Stop-work orders

1. For the first and second violations of the provisions of the soil erosion and sediment control provisions of the UDC, the EPD or the local issuing

authority shall issue a written warning to the violator.

- a. The violator shall have five (5) days to correct the violation.
  - b. If the violation is not corrected within five (5) days, the EPD or the local issuing authority shall issue a stop-work order requiring that land-disturbing activities be stopped until necessary corrective action or mitigation has occurred;
  - c. Provided, however, that, if the violation presents an imminent threat to public health or waters of the state or if the land-disturbing activities are conducted without obtaining the necessary permit, the EPD or the local issuing authority shall issue an immediate stop-work order in lieu of a warning;
2. For a third and each subsequent violation, the EPD or the local issuing authority shall issue an immediate stop-work order; and
  3. All stop-work orders shall be effective immediately upon issuance and shall be in effect until the necessary corrective action or mitigation has occurred.
  4. When a violation in the form of taking action without a permit, failure to maintain a stream buffer, or significant amounts of sediment, as determined by the local issuing authority or by the EPD, have been or are being discharged into state waters and where best management practices have not been properly designed, installed, and maintained, a stop work order shall be issued by the local issuing authority or by the EPD or his or her designee.
    - a. All such stop work orders shall be effective immediately upon issuance and shall be in effect until the necessary corrective action or mitigation has occurred.
    - b. Such stop work orders shall apply to all land-disturbing activity on the site with the exception of the installation and maintenance of temporary or permanent erosion and sediment controls.

C. Bond forfeiture

1. If, through inspection, it is determined that a person engaged in land-disturbing activities has failed to comply with the approved plan, a written notice to comply shall be served upon that person. The notice shall set forth the measures necessary to achieve compliance with the plan and shall state the time within which such measures must be completed.
2. If the person engaged in the land-disturbing activity fails to comply within the time specified, he shall be deemed in violation of this section and, in addition to other penalties, shall be deemed to have forfeited his performance bond, if required to post one.
3. The issuing authority may call the bond or any part thereof to be forfeited and may use the proceeds to hire a contractor to stabilize the site of the land-disturbing activity and bring it into compliance.

D. Monetary penalties

1. Any person who violates any provisions of this section, or any permit condition or limitation established pursuant to this section, or who negligently or intentionally fails or refuses to comply with any final or emergency order of the EPD issued as provided in the soil erosion and sediment control provisions of the UDC shall be liable for a civil penalty not to exceed \$2,500.00 per day.
2. For the purpose of enforcing the provisions of this section, notwithstanding any provisions in any governing authority provision to the contrary, municipal courts shall be authorized to impose penalty not to exceed \$2,500.00 for each violation.
3. Each day during which violation or failure or refusal to comply continues shall be a separate violation.

### 3.01.07 Education and Certification

After December 31, 2006, all persons involved in land development design, review, permitting, construction, monitoring, or inspection or any land-disturbing activity shall meet the education and training certification requirements, dependent on their level of involvement with the process, as developed by the commission in consultation with the division and the stakeholder advisory board created pursuant to O.C.G.A. § 12-7-20.

### 3.01.08 Administrative Appeal and Judicial Review

#### A. Administrative remedies

The suspension, revocation, modification or grant with condition of a permit by the local issuing authority upon finding that the holder is not in compliance with the approved erosion and sediment control plan; or that the holder is in violation of permit conditions; or that the holder is in violation of any ordinance; shall entitle the person submitting the plan or holding the permit to a hearing before the governing authority within fifteen (15) working days after receipt by the local issuing authority of written notice of appeal.

#### B. Judicial review

Any person, aggrieved by a decision or order of the local issuing authority, after exhausting his administrative remedies, shall have the right to appeal denovo to the Superior Court of Tift County.

### 3.01.09 Liability

- A. Neither the approval of a plan under the provisions of this section, nor the compliance with provisions of this section shall relieve any person from the responsibility for damage to any person or property otherwise imposed by law nor impose any liability upon the local issuing authority or district for damage to any person or property. The fact that a land-disturbing activity for which a permit has been issued results in injury to the property of another shall neither constitute proof of nor create a presumption of a violation of the standards provided for in this section or the terms of the permit.

- B. No provision of this section shall permit any persons to violate the Georgia Erosion and Sedimentation Act of 1975, the Georgia Water Quality Control Act or the rules and regulations promulgated and approved there under or pollute any waters of the state as defined thereby.

**3.02.00 FLOOD DAMAGE PREVENTION. SEE ALSO TIFT COUNTY FLOOD DAMAGE PREVENTION ORDINANCE ADOPTED JULY 12<sup>TH</sup>, 2010**

**3.02.01 Statutory Authorization**

State law has delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry.

**3.02.02 Finding of Fact**

- A. The flood hazard areas are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of tax base, all of which adversely affect the public health, safety, and general welfare.
- B. These flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities, and by the occupancy in flood hazard areas by uses vulnerable to floods or hazardous to other lands which are inadequately elevated, flood proofed, or otherwise unprotected from flood damages.

**3.02.03 Statement of Purpose**

It is the purpose of this section to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- A. Restrict or prohibit uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
- B. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- C. Control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of floodwaters;
- D. Control filling, grading, dredging and other development which may increase erosion or flood damage; and
- E. Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands.

**3.02.04 Objectives**

The objectives of this section are to:

- A. Protect human life and health;
- B. Minimize expenditure of public money for costly flood control projects;

- C. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- D. Minimize prolonged business interruptions;
- E. Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains;
- F. Help maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize flood blight areas; and

### 3.02.05 Applicability

This section shall apply to all areas of special flood hazard within the jurisdiction of the Tift County, Georgia.

### 3.02.06 Basis For Establishing Areas of Special Flood Hazard

- A. The areas of special flood hazard identified by the federal emergency management agency in its flood insurance study (FIS), dated September 29, 2010, with accompanying maps and other supporting data and any revision thereto, are adopted by reference and declared a part of this UDC.
- B. Areas of special flood hazard may also include those areas known to have flooded historically or defined through standard engineering analysis by governmental agencies or private parties but not yet incorporated in a flood insurance study.

### 3.02.07 Abrogation and Greater Restrictions

This section is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this section and another ordinances conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

### 3.02.08 Interpretation

In the interpretation and application of this section that all provisions shall be:

- A. Considered as minimum requirements;
- B. Liberally construed in favor of the governing authority; and
- C. Deemed neither to limit nor repeal any other powers granted under state statutes.

### 3.02.09 Warning and Disclaimer of Liability

- A. The degree of flood protection required by this section is considered reasonable for regulatory purposes and is based on scientific and engineering considerations.
- B. Larger floods can and will occur; flood heights may be increased by manmade or natural causes.
- C. This section does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages.
- D. This section shall not create liability on the part of the governing authority or by

any officer or employee thereof for any flood damages that result from reliance on this section or any administrative decision lawfully made under this section.

### 3.02.10 Penalties for Violation

- A. Violation of the provisions of this UDC or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions, shall constitute a misdemeanor.
- B. Any person who violates this UDC or fails to comply with any of its requirements shall, upon conviction, be fined not more than \$500.00 or imprisoned for not more than sixty (60) days, or both, and in addition, shall pay all costs and expenses involved in the case.
- C. Each day such violation continues shall be considered a separate offense.
- D. Nothing contained in this UDC shall prevent the governing authority from taking such other lawful action as is necessary to prevent or remedy any violation.

### 3.02.11 Administrator

The Manager is hereby appointed to administer and implement the provisions of this section.

### 3.02.12 Permit

Application for a development permit shall be made to the governing authority as established in Chapter 10 of this UDC.

### 3.02.13 Construction Stage

- A. For all new construction and substantial improvements, on structures located in the Special Flood Hazard Area(AFHA) the permit holder shall provide to the Manager an as-built certification of the regulatory floor elevation or floodproofing certification after the lowest floor is completed.
- B. Any lowest floor certification made relative to mean sea level shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by a registered land surveyor or professional engineer.
- C. When floodproofing is utilized for nonresidential structures, such certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by a professional engineer or architect.
- D. Any work undertaken prior to submission of these certifications shall be at the permit holder's risk.
- E. The Manager shall review the certification data submitted.
- F. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further progressive work being allowed to proceed.
- G. Failure to submit certification or failure to make such required corrections shall be cause to issue a stop work order for the project.

### 3.02.14 Duties and Responsibilities of the Manager

The duties of the Manager shall include, but not be limited to:

- A. Review all development permits to ensure that the permit requirements of the section have been satisfied.
- B. Advise permittee that additional federal or state permits may be required, and if specific federal or state permit requirements are known, require that copies of such permits be provided and maintained on file with development permit.
- C. When base flood elevation data or floodway data have not been provided in accordance with Section 3.02.06, the administrator shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source.
- D. Notify adjacent communities and the state flood coordinating office prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the federal emergency management agency.
- E. Ensure that maintenance is provided within the altered or relocated portion of such watercourse so that the flood-carrying capacity is not diminished.
- F. Verify and record the actual elevation, in relation to mean sea level of the lowest floor including basement of all new or substantially improved structures, in accordance with Section 3.02.15.
- G. Verify and record the actual elevation in relation to mean sea level to which the new or substantially improved structures have been floodproofed, in accordance with Section 3.02.15.
- H. When floodproofing is utilized for a particular structure, the Manager shall obtain certification from a registered professional engineer or architect, in accordance with Section 3.02.18(B).
- I. Where interpretation is needed as to the exact location of boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Manager shall make the necessary interpretation. The person contesting the location of the boundary shall be given reasonable opportunity to appeal the interpretation as provided in this UDC.
- J. All records pertaining to the provisions of this section shall be maintained in the Manager's office and shall be open for public inspection.

### 3.02.15 General Standards

In all areas of special flood hazard the following provisions are required:

- A. New construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.
- B. Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement.
  1. Methods of anchoring may include, but are not limited to, use of over-the-top

- or frame ties to ground anchors.
2. This standard shall be in addition to and consistent with applicable state requirements for resisting wind forces.
- C. New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
  - D. Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
  - E. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.
  - F. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters.
  - G. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.
  - H. Any alteration, repair, construction, or improvements to a structure which is in compliance with the provisions of this section, shall meet the requirements of new construction as contained in this section.

### 3.02.16 Specific Standards for Flood Hazard Reduction

In all areas of special flood hazard where base flood elevation data have been provided, as set forth in Sections 3.02.06 or 3.02.16(C), the provisions of this section are required.

- A. New residential construction and substantial improvements
  1. Where base flood elevation data are available, new construction or substantial improvement of any structure or manufactured home shall have the lowest floor, including basement, elevated no lower than twenty-four inches above the base flood elevation.
  2. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of floodwater shall be provided in accordance with standards of Section 3.02.18(D) regarding elevated buildings.
- B. Nonresidential construction
  1. New construction or substantial improvement of any commercial, industrial, or nonresidential structure shall have the lowest floor, including basement, elevated no lower than twenty-four inches above the level of the base flood elevation.
  2. Structures located in all A-zones may be flood proofed in lieu of being elevated provided that all areas of the structure below the required elevation are watertight with walls substantially impermeable to the passage of water, and use structural components having the capability of resisting hydrostatic

and hydrodynamic loads and the effect of buoyancy.

3. A registered professional engineer or architect shall certify that these standards are satisfied.

C. Standards for manufactured homes and recreational vehicles

Where base flood elevation data are available:

1. All manufactured homes placed or substantially improved on:
  - a. Individual lots or parcels;
  - b. In new or substantially improved manufactured home parks or subdivision;
  - c. In expansions to existing manufactured home parks or subdivision; or
  - d. On a site in an existing manufactured home park or subdivision where a manufactured home has incurred substantial damage as the result of a flood, must have the lowest floor including basement, elevated no lower than three (2) feet above the base flood elevation.
2. Manufactured homes placed or substantially improved in an existing manufactured home park or subdivision may be elevated so that either:
  - a. The lowest floor of the manufactured home is elevated no lower than twenty-four inches above the level of the base flood elevation; or
  - b. The manufactured home chassis is elevated and supported by reinforced piers or other foundation elements of at least an equivalent height of no less than twenty-four inches in height above grade.
3. All manufactured homes must be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.
4. All recreational vehicles placed on sites must either:
  - a. Be fully licensed and ready for highway use, (a recreational vehicle is ready for highway use if it is licensed, on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached structures or additions); or
  - b. The recreational vehicle must meet all the requirements for new construction, including the anchoring and elevation requirements of Section 3.02.17(B).

D. Elevated buildings

New construction or substantial improvements of elevated buildings that include fully enclosed areas formed by foundation and other exterior walls below the base flood elevation shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls.

1. Designs for complying with this requirement must either be certified by a

professional engineer or architect or meet the following minimum criteria:

- a. Provide a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
  - b. The bottom of all openings shall be no higher than one foot above grade; and
  - c. Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.
2. Electrical, plumbing, and other utility connections are prohibited below the base flood elevation;
  3. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator); and
  4. The interior portion of such enclosed area shall not be partitioned or finished into separate rooms.

#### E. Floodway

1. Located within areas of special flood hazard established in Section 3.02.06 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles and has erosion potential, the following provisions shall apply:
  - a. Prohibit encroachments, including fill, new construction, substantial improvements and other developments unless certification (with supporting technical data) by a registered professional engineer is provided demonstrating that encroachments shall not result in any increase in flood levels during occurrence of the base flood discharge;
  - b. If these provisions are satisfied and certified, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of this section;
  - c. Prohibit the placement of manufactured homes and mobile homes, except in an existing manufactured home or mobile home park or subdivision.
2. A replacement manufactured home may be placed on a lot in an existing manufactured home park or subdivision provided the anchoring standards of Section 3.02.17(B), and the elevation standards of Section 3.02.18(A) are met.

#### 3.02.17 Streams without Established Base Flood Elevations or Floodways

Located within the areas of special flood hazard established in Section 3.02.06, where small streams exist but where no base flood data have been provided or where no floodways have been provided, the following provisions apply:

- A. No encroachments, including fill material or structures shall be located within a distance of the stream bank equal to two (2) times the width of the stream at the top of bank or twenty (20) feet of bank, whichever is greater, unless certification by a registered professional engineer is provided demonstrating that such encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.
- B. New construction or substantial improvements of structures shall be elevated or floodproofed to elevations established in accordance with the provisions of this UDC.
- C. In special flood hazard areas without base flood elevation data, new construction and substantial improvements of existing structures shall have the lowest floor of the lowest enclosed area, including basement, elevated no less than three (3) feet above the highest adjacent grade at the building site. Openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with standards of Section 3.02.18(D) regarding elevated buildings.

### 3.02.18 Subdivision Proposals

- A. All subdivision proposals shall be consistent with the need to minimize flood damage.
- B. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.
- C. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards.
- D. Base flood elevation data shall be provided for subdivision proposals and other proposed development including manufactured home parks and subdivisions which is greater than the lesser of fifty (50) lots or five (5) acres.

### 3.02.19 Areas of Shallow Flooding (AO zones)

Located within the areas of special flood hazard established in Section 3.02.06 are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one (1) to three (3) feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate; therefore, the following provisions apply:

- A. All new construction and substantial improvements of residential structures shall have the lowest floor, including basement, elevated to the depth number specified on the flood insurance rate map, in feet, above the highest adjacent grade.
- B. If no depth number is specified, the lowest floor, including basement, shall be elevated, at least twenty-four inches above the highest adjacent grade.
- C. All new construction and substantial improvements of nonresidential structures shall:
  - 1. Have the lowest floor, including basement, elevated to the depth number

specified on the flood insurance rate map, in feet, above the highest adjacent grade.

2. If no depth number is specified, the lowest floor, including basement shall be elevated at least twenty-four inches above the highest adjacent grade.
  3. Together with attendant utility and sanitary facilities be completely floodproofed to or above that level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
- D. Drainage paths shall be provided to guide floodwater around and away from any proposed structure.

### 3.03.00 WATER RESOURCE DISTRICTS

#### 3.03.01 Purpose

The intent of this section is to establish minimum development standards and criteria which will afford reasonable protection of environmentally sensitive natural resources found throughout the City of Tifton and Tift County. Based on the findings of the 2010 Greater Tift County Comprehensive Plan, it has been determined the wise management of these resources is essential to maintaining the health, safety, general welfare and economic well being of the public.

#### 3.03.02 Establishment of Water Resource Districts

A. Tift County's Water Resource Districts shall include the following:

1. Groundwater Recharge Area Districts;
2. River Corridor Protection Districts; and
3. Wetlands Districts.

B. Boundaries

The boundaries of these Water Resource Districts are shown on a set of maps designated as "Water Resource Districts" and are included as part of the Official Zoning Map, which is on file with the Manager's office.

#### 3.03.03 Groundwater Recharge Area District

A. Findings of fact

Recharge areas are vulnerable to urban development activities as well as agricultural activities. Pesticide, herbicides sprayed on crops, animal waste and septic tank effluents contribute to deterioration in the groundwater quality and can threaten the health of residents relying on well water. Development usually means an increase in the amount of land covered with impervious surfaces. Paving land in recharge areas can alter or impair their recharge characteristics thereby decreasing groundwater supplies.

B. Purpose

The purpose of this district is to establish criteria to protect significant

groundwater recharge areas from pollution by spills, discharges, leaks, impoundments, application of chemicals, injections and other development pressures.

C. District delineation

The groundwater recharge area protection map is delineated according to the Georgia Department of Natural Resources' "Most Significant Groundwater Recharge Areas of Georgia, Hydrologic Atlas 18 (1989 Edition)" and the Georgia Department of Natural Resources "Groundwater Pollution Susceptibility Map of Georgia, Hydrologic Atlas 20, 1992 Edition". Standards for this district shall comply with the DNR Rule 391-3-16-02, Criteria for the Protection of Groundwater Recharge Areas.

D. Permitted uses

All uses allowed in the underlying zoning districts are permitted in the Groundwater Recharge Area Protection District. The following are additional requirements for specific uses:

1. All above-ground chemical or petroleum storage tanks, having a minimum volume of 660 gallons, shall meet the requirements of U.S. EPA rules for oil pollution prevention, 40 CFR 1121. Such tanks used for agricultural purposes are exempt, provided they comply with all Federal requirements.
2. New agricultural waste impoundment sites shall be lined if they are within:
  - a. A high pollution susceptibility area;
  - b. A medium pollution susceptibility area and exceed fifteen (15) acre-feet in size; and
  - c. A low pollution susceptibility area and exceed fifty (50) acre-feet in size.
  - d. As a minimum, the liner shall be constructed of compacted clay having a thickness of one (1) foot and a vertical hydraulic conductivity of less than  $5 \times 10^{-7}$  cm/sec or other criteria established by the U.S. Soil Conservation Service.
3. New homes served by septic tank/drain field systems shall be on lots having the following minimum size limitations as identified on Table MT-1 of the Department of Human Resources' Manual for On-Site Sewage Management Systems ("DHR Table MT-1"):
  - a. 150% of the subdivision minimum lot size of DHR Table MT-1 if they are within a high pollution susceptibility area;
  - b. 125% of the subdivision minimum lot size of DHR Table MT-1 if they are within a medium pollution susceptibility area; and
  - c. 110% of the subdivision minimum lot size of DHR Table MT-1 if they are within a low pollution susceptibility area.
4. New manufactured home parks served by septic tank/drain field systems shall have lots or spaces having the following size limitation as identified on

Table MT-2 of the Department of Human Resources' (DHR) manual for On-Site Sewage Management Systems ("DHR Table MT-2"):

- a. 150% of the subdivision minimum lot or space size of DHR Table MT-2 if they are within a high pollution susceptibility area;
  - b. 125% of the subdivision minimum lot or space size of DHR Table MT-2 if they are within a medium pollution susceptibility area; and
  - c. 110% of the subdivision minimum lot size of DHR Table MT-2 if they are within a low pollution susceptibility area.
  - d. Local governments at their option may exempt any lot of record on the date of their adoption of these lot size standards from the minimum lot size requirements.
5. No construction may proceed on a building or manufactured home to be served by a septic tank unless the Tift County Health Department first approves the proposed septic tank installation as meeting the standards of the DHR Manual and minimum lot size requirements.
  6. 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 in amounts (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 local fire prevention code requirements.
  7. Permanent storm water infiltration basins shall not be constructed in areas having high pollution susceptibility.
  8. Any new wastewater treatment basin shall have an impermeable liner.
  9. All agricultural operations subject to 391-3-6-.21, Georgia DNR Rules for Environmental Planning Criteria.

### 3.03.04 Alapaha River Corridor Protection District

#### A. Description of district

1. The limits of the Alapaha River Corridor Protection District are hereby defined to be all areas within one hundred (100) feet horizontally of the river, measured from the river bank.
2. This area shall remain in an undisturbed vegetative buffer.
3. The 100-foot buffer is measured from the uppermost part of the river bank, usually marked by a break in slope.
4. Although not within the buffer area, the area between the top of the river bank and the water's edge shall be included in the district.
5. Because these protective measures allow some latitude with land uses and because the District is not intended to prescribe a specific land use but rather, to define a range of acceptable land uses, the Alapaha Corridor Protection District is designed as an overlay district.

6. Within the range of uses which can be located within the District, Section 3.03.04 establishes performance standards which apply to development within the District.
7. The regulations of the underlying zoning district shall be maintained and not affected, except in the event of conflict or discrepancy between the overlay district and the underlying zoning district. In that case, the more stringent requirements shall be observed.

#### B. Intent

1. The intent of the regulations within this Zoning District is to limit the use of the Alapaha River Corridor, in conjunction with other governmental entities along the Alapaha River Corridor, in order to:
  - a. Assure that the section of the river in Tift County will not become polluted and unsuitable as a source for potable water;
  - b. Protect the river corridor by establishing a natural vegetative buffer area bordering the river;
  - c. Preserve those qualities that make the river corridor suitable as a habitat for wildlife;
  - d. Help control erosion and to absorb flood waters.
2. The further intent of this district is to protect and safeguard the health and welfare of all the citizens of Tift County by providing protection of the section of the river that is or may be used as a future source of drinking water.

#### C. Conditions and performance standards

Within the overlay district, the following conditions and performance standards shall apply, in addition to the regulations of the underlying zoning district on which the overlay district is superimposed.

#### D. Permitted uses

1. Allow the building of single-family dwellings, including the usual appurtenances, within the buffer area, subject to the following conditions:
  - a. The dwelling shall be in compliance with all local zoning regulations.
  - b. The dwelling shall be located on a tract of land containing at least two (2) acres. For the purposes of these standards, the size of the tract of 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 river banks cannot be counted towards the two (2) acre minimum size).
  - c. There shall be only one (1) such dwelling on each two (2) acre or larger tract of land.
  - d. A septic tank or tanks serving such a dwelling may be located within the buffer area.

- e. Septic tank drain fields may be located within the buffer area.
2. The construction of road and utility crossings shall meet all requirements of the Erosion and Sedimentation Control Act of 1975 and of any applicable local ordinances on soil erosion and sedimentation control.
3. Timber production and harvesting, subject to the following conditions:
  - a. Forestry activity shall be consistent with best management practices established by the Georgia Forestry Commission; and
  - b. Forestry activity shall not impair the drinking quality of the river water as defined by the Federal Clean Water Act, as amended.
4. Wildlife and fisheries management activities consistent with the purposes of Section 12-2-8 (as amended) of Section 1, Chapter 2, Title 12 of the Official Code of Georgia Annotated (O.C.G.A.).
5. Wastewater treatment
6. Recreational usage consistent either with the maintenance of a natural vegetative buffer or with river-dependent recreation. (For example, a boat ramp would be consistent with this criterion.)
7. Natural water quality treatment or purification.
8. Agricultural production and management, subject to the following conditions:
  - a. Agricultural activity shall be consistent with best management practices established by the Georgia Soil and Water Conservation Commission;
  - b. Agricultural activity shall not impair the drinking quality of the river water as defined by the Federal Clean Water Act, as amended; and
  - c. Agricultural activity shall be consistent with all state and federal laws and all regulations promulgated by the Georgia Department of Agriculture.
9. Other uses permitted by DNR or under Section 404 of the Clean Water Act.

#### E. Prohibited uses

1. Handling areas for the receiving and storage of hazardous waste shall be prohibited within river corridors.
2. Except as related to single-family dwellings within the river corridor, septic tanks and septic tank drain fields are prohibited within the 100-foot buffer.

#### F. Exemptions

The following are exempt from the River Corridor Protection requirements:

1. Land uses existing prior to the adoption of the River Corridor Protection Requirements.
2. Mining activities, if permitted by the DNR pursuant to the Georgia Surface Mining Act of 1968, as amended.

3. Utilities, (except as discussed above in 3.03.004(D)(2). If such utilities cannot feasibly be located outside the buffer area, feasibility shall be decided conservatively by the governing authority, provided that:
  - a. The utilities shall be located as far from the riverbank as reasonably possible.
  - b. Installation and maintenance of the utilities shall be such as to protect the integrity of the buffer area as well as is reasonably possible.
  - c. Utilities shall not impair the drinking quality of the river water.
4. Specific forestry and agricultural activities, except as discussed above.

#### G. Restoration of buffer

The natural vegetative buffer shall be restored as quickly as possible following any land-disturbing activity or construction within the river corridor related to the acceptable uses above.

#### H. Construction prohibited

Except as noted above, all construction within the buffer area shall be prohibited.

### 3.04.00 WETLANDS RESOURCE OVERLAY DISTRICT

#### 3.04.01 Intent

The intent of this section is to establish minimum development standards and criteria which will afford reasonable protection of environmentally sensitive wetland areas found within the City of Tifton and Tift County, Georgia. Based on the findings and recommendations of the 2010 Greater Tift County Comprehensive Plan, and the established Part V Environmental Planning Criteria, it has been determined that the wise management of these wetlands resources is essential to maintaining the health, safety, general welfare and economic well-being of the current and future inhabitants of the City of Tifton and Greater Tift County.

#### 3.04.02 Findings of Fact

- A. The wetlands within the City of Tifton and Tift County are indispensable and fragile nature resources with significant development constraints due to flooding, erosion and soil limitations.
- B. In their natural state wetlands serve man and nature.
- C. They provide habitat areas for fish, wildlife and vegetation, water quality maintenance and pollution control, flood control, natural resource education, scientific study, and recreational opportunities.

#### 3.04.03 Purpose

The purpose of this overlay district is to promote the wise use of wetlands and protect them from alterations which will significantly affect or reduce the primary functions for water quality, floodplain and erosion control, groundwater recharge, aesthetic natural areas and wildlife habitat areas.

#### 3.04.04 District Delineation

- A. These regulations shall apply to all potential wetlands located within the City of Tifton and Tift County, Georgia.
- B. The Wetland District Overlay Map, adopted as part of this UDC, shows the potential location of wetlands, according to the 1987 National Wetlands Inventory, and should be consulted by persons considering activities in or near wetlands before engaging in a regulated activity.
- C. The standards for this district shall comply with Department of Natural Resources Rule 391-3-16-03, Criteria for Wetlands Protection.

#### 3.04.05 Wetland Development Permit Requirements

- A. No activity or use except those identified in Section 3.04.06 shall be allowed within the wetland overlay district without a permit issued by the U.S. Army Corp of Engineers.
- B. If the area proposed for development is located within fifty (50) feet of any potential wetland district boundary, the applicant must document receipt of a nationwide, regional, general or individual permit or a letter of clearance that jurisdictional wetlands are not located on the subject property from the U.S. Army Corps of Engineers under Section 404 of the Clean Water Act before a development permit will be issued by the governing authority.
- C. Any local government action under this UDC does not relieve the landowner from federal or state permitting requirements.

#### 3.04.06 Permitted Uses

The following uses are permitted by right within the wetlands district to the extent they are not prohibited by any other ordinance or law and provided they do not require structures, grading, fill, draining or dredging:

- A. Forestry practices applied in accordance with best management practices approved by the Georgia Forestry Commission.
  - 1. Section 404 does not require permits for normal, ongoing silvicultural activities.
  - 2. However, section 404 does list some required road construction best management practices that must be followed in order to qualify for such an exemption.
- B. Conservation or preservation of soil, water, vegetation, fish or other wildlife, provided the conservation or preservation does not affect waters of the State of Georgia or of the United States in such a way that would require an individual Section 404 permits.
- C. Outdoor passive recreational activities, including fishing, bird watching, hiking, boating, horseback riding and canoeing.
- D. Natural water quality treatment or purification.
- E. Normal agriculture activities including the planting and harvesting of crops and

pasturing of livestock. Such activities shall be subject to best management practices approved by the Georgia Department of Agriculture.

**3.04.07 Prohibited Uses**

The following uses are prohibited in a wetland district:

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