

STATE OF GEORGIA
HENRY COUNTY

ORDINANCE NO. 12-06

AN ORDINANCE TO AMEND SECTIONS 3.040.01, 3.04.02, 3.04.03, 3.04.04, 3.04.05 and 3.04.07 OF THE UNIFIED LAND DEVELOPMENT CODE (ULDC); TO MAKE PROVISION IN THE CODE AS IT PERTAINS TO WATERSHED PROTECTION AREAS/BUFFERS; AND FOR OTHER PURPOSES

WHEREAS, the Unified Land Development Code (ULDC) was adopted and made a part of the Henry County Code of Ordinances by the Henry County Board of Commissioners (BOC) on September 15, 2009; and

WHEREAS, *Section 12.02.11, Requirements for Amendments* of the ULDC outlines the procedural process for amendments to the Code and

WHEREAS, Staff has reviewed the ULDC document and proposes to amend *Section 3.04.01, 3.04.02, 3.04.03, 3.04.04, 3.04.05 and 3.04.07* as it pertains to including two existing water supply watershed in the ULDC Watershed Protection Area for the purpose of protecting these water supply watersheds within the county to the minimum requirements set by Georgia Department of Natural Resources Environmental Protection Division, which warrants clarification; and

WHEREAS, the Henry County Zoning Advisory Board reviewed and recommended approval of the proposed amendment on January 12, 2012; and

WHEREAS, County and State requirements for legal advertisement and a public hearing have been met; and

NOW, THEREFORE, BE IT ORDAINED by the BOC, and it is hereby ordained by the authority of the same, that:

I.

The BOC amends the Unified Land Development Code (ULDC) *Sections 3.04.01, 3.04.02, 3.04.03 3.04.04, 3.04.05, and 3.04.07* to read as follows:

3.04.01. Generally.

- A. **Purpose.** The purpose of this section is to identify and protect the established water supply watershed districts within Henry County. This section sets forth development standards intended to maintain the quality and quantity of the water supply in Henry County and adjacent jurisdictions.

- B. **Applicability.** Regulations in this section are to be applied in addition to regulations found elsewhere in this ULDC for the specified watershed protection areas and be consistent with the goals of the comprehensive plan.

3.04.02. Establishment of Watershed Protection Areas.

The following Watershed Protection Areas (WPA) are hereby established and designated. The WPA's listed below with an asterisk (*) are subject to the Water Quality Critical Area and Limited Development Area development regulations in Sections 3.04.04 and 3.04.05.

- A. **Indian Creek Watershed Protection Area (ICWPA).*** The Indian Creek Watershed Protection Area is defined as follows: All land that lies on each side of Indian Creek and each perennial stream that flows into Indian Creek to the ridge line from the S.H. Gardner Reservoir Dam located on Indian Creek just north of Indian Creek Road to the beginning points of Indian Creek and each perennial stream that drains into Indian Creek within said area. Indian Creek is a tributary to the Towaliga River and is contained within the Towaliga River Watershed Protection Area.
- B. **Long Branch Creek Watershed Protection Area (LBWPA).*** The Long Branch Creek Watershed Protection Area is defined as follows: All land that lies on each side of Long Branch Creek and each perennial stream that flows into Long Branch Creek to the ridge line from the Long Branch Dam located just north of Locust Grove-Griffin Road to the beginning points of Long Branch Creek and each perennial stream that drains into Long Branch Creek in said area. Long Branch Creek is a tributary to the Towaliga River and is contained within the Towaliga River Watershed Protection Area.
- C. **Shoal Creek Watershed Protection Area (SCWPA).*** The SCWPA is described and designated as follows: All land within the boundaries of Henry County located in the Shoal Creek drainage basin upstream from the Shoal Creek Tandem Reservoir Dam, being that portion of Henry County which lies northerly and westerly of Lovejoy Road.
- D. **Towaliga River Watershed Protection Area (TRWPA).*** The TRWPA is described and designated as follows: All land that lies on each side of the Towaliga River and each perennial stream that flows into the Towaliga River to the ridge line from Steel Mills Dam located just north of Locust Grove-Griffin Road to the beginning points of the Towaliga River and each perennial stream that drains into the Towaliga River in said area.
- E. **Tussahaw Creek Watershed Protection Area (TCWPA).*** The TCWPA is described and designated as follows: All land that lies on each side of Tussahaw Creek and each perennial stream that flows into Tussahaw Creek to the ridge line from the Tussahaw Reservoir Dam located just west of Fincherville Road to the beginning points of Tussahaw Creek and each perennial stream that drains into Tussahaw Creek in said area. The main perennial streams that flow into the Tussahaw Creek are: Peeksville Creek and its tributaries; Wolf Creek and its tributaries; and Malholms Creek and its tributaries. All of said creeks are located in the Tussahaw Watershed Protection Area.
- F. **Walnut Creek Watershed Protection Area (WCWPA).** The WCWPA is described and designated as including tracts and parcels of land that lie within the 6th and 7th Districts of Henry County, Georgia, as delineated on the Walnut Creek Watershed Map which is made part of this section. The WCWPA includes

Walnut Creek and tributaries, including Birch Creek and Crittle Creek. The WCWPA also includes the City of McDonough reservoir. Refer to Ordinance No. 03-06-16 of the City of McDonough Walnut Creek and Tussahaw Creek Watershed Protection Districts.

- G. **Little Cotton Indian Creek Watershed Protection Area (LCICWPA).** The LCICWPA is described and designated as follows: All land that lies on each side of Little Cotton Indian Creek and each perennial stream that flows into Little Cotton Indian Creek to the ridge line from the WJ Hooper Reservoir Dam located just west of Springdale Road to the beginning points of Little Cotton Indian Creek and each perennial stream that drains into Little Cotton Indian Creek in said area. The main perennial streams that flow into the WJ Hooper Reservoir are: Rum Creek and its tributaries; Reeves Creek and its tributaries; Little Cotton Indian Creek and its tributaries; and Pates Creek and its tributaries. All of said creeks are located in the Little Cotton Indian Creek Watershed Protection Area. The LCICWPA flows into the WJ Hooper Reservoir which is owned and operated by the Clayton County Water Authority.
- H. **Pates Creek Watershed Protection Area (PCWPA).** The PCWPA is described and designated as follows: All land within the boundaries of Henry County located in the Pates Creek Reservoir drainage basin upstream from the Edgar J. Blalock Reservoir Dam, being that portion of Henry County which lies westerly of Pates Creek Drive. The PCWPA flows into the Edgar J. Blalock Reservoir which is owned and operated by the Clayton County Water Authority.

3.04.03. Watershed Protection Area Map.

A map of each watershed protection area shall be maintained by Henry County and the Henry County Water and Sewerage Authority or the Clayton County Water Authority (hereinafter called “authority”). These maps are adopted herein by reference. The following map is for illustrative purposes; maps described in **Section 3.04.02** are the official maps of Watershed Protection Areas.

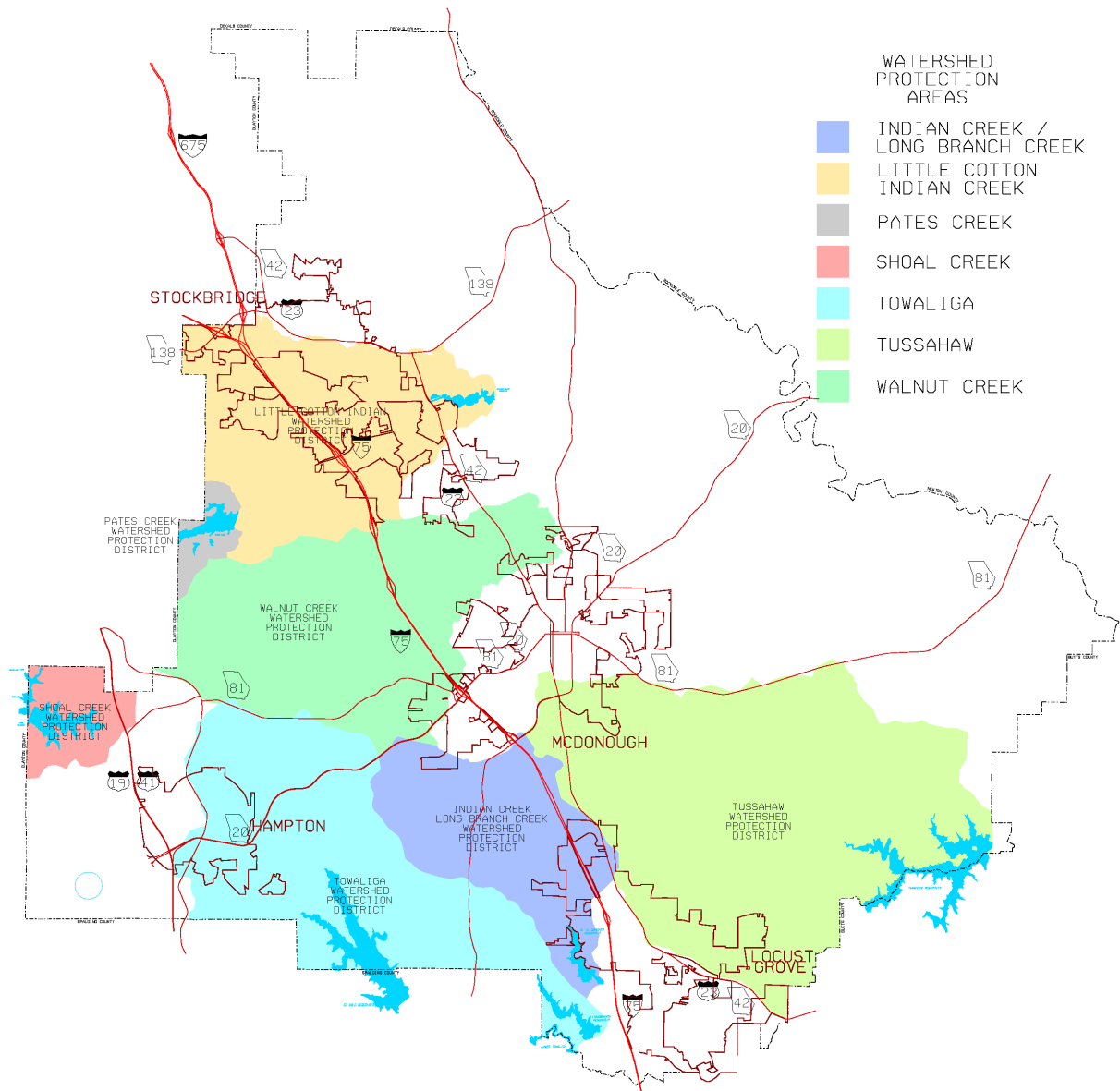


Figure 3.1 Watershed Protection Areas Map

3.04.04. Water Quality Critical Area.

A water quality critical area is established for each watershed protection area. The water quality critical area for each of the above-stated watershed protection area, except the WCWPA, is:

- I. All land that lies adjacent to the normal pool level of a reservoir and extending either to the ridge line boundary of the watershed or 500 feet, whichever is shorter; and
- J. All land extending a distance of three (3) miles upstream from the normal pool level of the reservoir that is adjacent to each perennial stream upstream from the reservoir and extending either to the ridge line boundary of the watershed on each side of the perennial stream or 500 feet, whichever is shorter.
- C. The normal pool level elevation* of the existing reservoirs of the authority are as follows:

Indian Creek Reservoir contour line El. 728.0;

Long Branch Reservoir contour line El. 720.0;

Lower Towaliga River Reservoir contour line E. 658.0;

Upper Towaliga River Reservoir contour line El. 720.0;

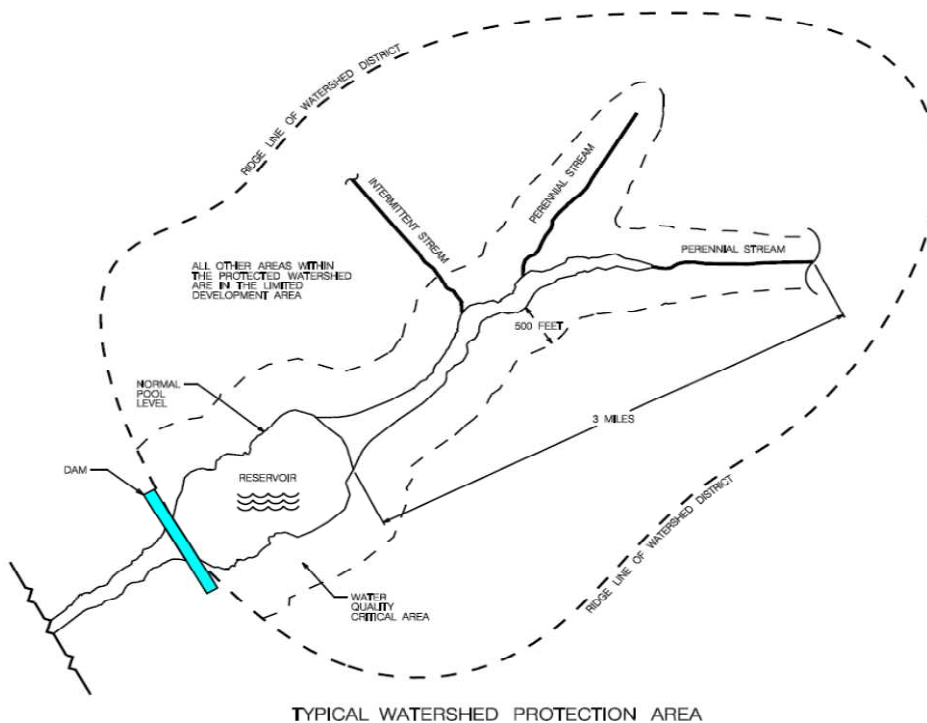
Tussahaw Creek Reservoir contour line El. 600.0;

Shoal Creek Reservoir contour line El. 845.0;

*Elevations are based on U.S. Geological Survey Datum

3.04.05. Limited Development Area.

A limited development area is established for the remaining part of the watershed protection area that is located outside of the water quality critical area and extending to the ridge line of each watershed district.



Typical Watershed Protection Area

Figure 3.2.

If a perennial stream abuts or crosses any property within the limited development area described in **Section 3.04.05**, specific regulations apply (see **Table 3.04.09**).

3.04.07 Specific Provisions for LCICWPA and PCWPA.

- A. The Little Cotton Indian Creek Reservoir Protection Area and Pates Creek Reservoir Protection Area are established as that area 150 feet in width surrounding each respective reservoir's normal pool elevation.
- B. The perennial stream corridors of the LCICWPA and PCWPA shall be protected by the following criteria:
 - 1. An undisturbed buffer shall be maintained for a distance of 100 feet on both sides of the stream measured from the stream banks.
 - 2. No impervious surface shall be constructed within a 150 foot setback on both sides of the stream as measured from the stream banks.
 - 3. Septic tanks and septic tank drainfields are prohibited in the a 150 foot setback on both sides of the stream as measured from the stream banks.

For the purposes of subsection 3.04.07, perennial streams are defined as streams that flow throughout the whole year as indicated on the most current USGS quadrangle map.

- C. The following uses shall be exempted from the above buffers and setbacks, provided the listed uses do not impair the quality of the drinking water stream:
 - 1. Utilities, provided that said utilities:
 - a. Are located as far from stream bank as reasonably possible,
 - b. The installation and maintenance of the utilities shall be such to protect the integrity of the buffer and setback areas to the extent reasonably possible.
 - 2. Forestry and agricultural activities.
 - 3. Structures and infrastructure existing within the above setback and buffer, as of *date of adoption*
 - 4. Development activities on recorded parcels existing at the *date of adoption* that would be unbuildable by the above buffer and setback requirements.
- D. Hazardous or toxic materials storage, disposal, use or generation (except handling as regulated in **Section 3.04.10**) is prohibited within both watershed protection areas.
- E. New sanitary landfills shall have synthetic liners and leachate collection systems.
- F. Sections 3.04.09 and 3.04.11 are not applicable to either the LCICWPA and PCWPA.
- G. Variances from the provisions of this subsection may be granted in accordance with Section 11.02.06.

II.

It is the intention of the BOC, and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of Henry County, Georgia, and the sections and articles of the Code may be renumbered to accomplish such intention.

III.

All ordinances, parts of ordinances, or regulations in conflict herewith are hereby repealed.

IV.

Should any section, part or provision of this ordinance be declared invalid or unconstitutional by any court of competent jurisdiction, such declaration shall not affect the validity of the ordinance as a whole or any part thereof not specifically declared to be invalid or unconstitutional.

V.

This ordinance shall take effect and be in force from and after the date of its adoption, the public welfare demanding it.

BE IT SO ORDAINED, THIS 7th DAY OF FEBRUARY 2012.

BOARD OF COMMISSIONERS
OF HENRY COUNTY, GEORGIA

Elizabeth 'BJ' Mathis, Chairman

ATTEST:

Shay Mathis, County Clerk