

**AN ORDINANCE TO AMEND
THE PEACHTREE CITY LAND DEVELOPMENT ORDINANCE
TO ADD TWO NEW SECTIONS TO ARTICLE X ENVIRONMENTAL STANDARDS
RELATIVE TO WETLAND PROTECTION
AND GROUNDWATER RECHARGE AREAS
AND FOR OTHER PURPOSES**

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF PEACHTREE CITY, and it is hereby ordained by authority of the same, that Article X, Environmental Standards, be amended as follows:

- (a) The existing Section 1007, entitled Enforcement, shall be renumbered to Section 1009.
- (b) A new Section 1007 to be entitled Groundwater Recharge Areas and a new Section 1008 to be entitled Wetland Protection shall be added to read as follows:

Section 1007. Groundwater Recharge Areas.

(a) Purpose.

In order to provide for the health, safety, and welfare of the public and a healthy economic climate within the City of Peachtree City and surrounding communities, it is essential that the quality of public drinking water be ensured. For this reason, it is necessary to protect the subsurface water resources that Peachtree City and surrounding communities rely on as sources of public water.

Groundwater resources are contained within underground reservoirs known as aquifers. These aquifers are zones of rock beneath the earth's surface capable of containing or producing water from a well. They occupy vast regions of the subsurface and are replenished by infiltration of surface water runoff in zones of the surface known as groundwater recharge areas. Groundwater is susceptible to contamination when unrestricted development occurs within significant groundwater recharge areas. It is, therefore, necessary to manage land use within groundwater recharge areas in order to ensure that pollution threats are minimized.

(b) Definitions.

In order to administer and enforce the provisions of this Section, the following definitions shall be used:

- (1) Aquifer means any stratum or zone of rock beneath the surface of the earth capable of containing or producing water from a well.
- (2) DRASTIC Methodology means the standardized system for evaluating groundwater pollution potential using the hydro geologic settings described in U.S. Environmental Protection Agency document EPA-600-2-87-035.

- (3) **Pollution Susceptibility** means the relative vulnerability of an aquifer to being polluted from spills; discharges; leaks; impoundments; applications of chemicals, injections, and other human activities in the recharge area.
- (4) **Pollution Susceptibility Map** means the relative vulnerability to pollution prepared by the Department of Natural Resources, using the DRASTIC methodology. (Georgia Department of Natural Resources Hydrologic Atlas 20: Groundwater Pollution Susceptibility Map of Georgia)
- (5) **Recharge Area** means any portion of the earth's surface where water infiltrates into the ground to replenish an aquifer.
- (6) **Significant Recharge Areas** means those areas mapped by the Georgia Department of Natural Resources in Hydrologic Atlas 18 (1989 edition).

(c) Establishment of the Groundwater Recharge Area Protection District.

- (1) The Groundwater Recharge Area Protection District is hereby established which shall correspond to all lands within the jurisdiction of the City of Peachtree City, Georgia, that are mapped as significant recharge areas by the Georgia Department of Natural Resources in Hydrologic Atlas 18, 1989 edition. Said map is hereby adopted and made a part of this Ordinance.
- (2) Determination of Pollution Susceptibility: Each recharge area shall be determined to have a pollution susceptibility of high, medium, or low based on the Georgia Pollution Susceptibility Map, Hydrologic Atlas 20, 1992 edition. Said map is hereby adopted and made a part of this Ordinance.

(d) Protection Criteria.

- (1) No construction may proceed on any building to be served by a septic tank unless the Fayette County Health Department first approves the proposed septic tank installation as meeting the requirements of the Georgia Department of Human Resources Manual for On-Site Sewage Management (hereinafter DHR Manual) and paragraph (2) below:
- (2) New buildings served by a septic tank/drain field system shall be on lots having minimum size limitations as follows, based on application of Table MT-1 of the DHR Manual (hereinafter DHR Table MT-1). The minimums set forth in DHR Table MT-1 may be increased further based on consideration of other factors (set forth in Sections A-F) of the DHR Manual.
 - a. One hundred fifty percent (150%) of the subdivision minimum lot size calculated based on application of DHR Table MT-1 if they are within a high pollution susceptibility area;

- b. One hundred twenty-five percent (125%) of the subdivision minimum lot size calculated based on application of DHR Table MT-1 if they are within a medium pollution susceptibility area;
- c. One hundred ten percent (110%) of the subdivision minimum lot size calculated based on application of DHR Table MT-1 if they are within a low pollution susceptibility area.
- d. In no event shall the minimum lot size for any building served by a septic tank/drain field system be less than one (1) acre.

(3) New agricultural waste impoundment sites shall be lined if they are within a high pollution susceptibility area; a medium pollution susceptibility area and exceed 15 acre-feet; or a low pollution susceptibility area and exceed 50 acre-feet. As a minimum, the liner shall be constructed of compacted clay having a thickness of one foot and a vertical hydraulic conductivity of less than 5×10^{-7} cm/sec or other criteria established by the Natural Resource and Conservation Service.

(4) New above-ground chemical or petroleum storage tanks, having a minimum volume of 660 gallons, shall have secondary containment for 110% of the volume of such tanks or 110% of the volume of the largest tank in a cluster of tanks. Such tanks used for agricultural purposes are exempt, provided they comply with all federal requirements.

(5) New facilities that handle hazardous materials of the types listed in Section 312 of the Resource Conservation and Recovery Act of 1976 (excluding underground storage tanks) and in amounts of 10,000 pounds or more on any one day, shall perform their operations on impervious surfaces and in conformance with any applicable federal spill prevention requirements and local fire code requirements.

(6) Permanent storm water infiltration basins shall not be constructed in areas having high pollution susceptibility.

(7) Commercial and industrial operations, either new or existing, which require washing truck railroad cars (tanks or other load types) shall provide containment equal to 110% of the container volume as well as a treatment plan and appropriate equipment to handle an emergency.

(e) Exemptions.

(1) Any lot of record approved prior to the adoption of this Ordinance is exempt from the minimum lot size requirements contained in Paragraph (d)(2)a., b., c., and d. above.

Section 1008. Wetland Protection.

(a) Purpose.

The wetlands in the City of Peachtree City are indispensable and fragile natural resources with significant development constraints due to flooding, erosion, and soils limitations. In their natural state, wetlands serve man and nature. They provide habitat areas for fish, wildlife, and vegetation; water quality maintenance and pollution control; flood control; erosion control; natural resource education; scientific study; and open space and recreational opportunities.

Nationally, a considerable number of these important natural resources have been lost or impaired by draining, dredging, filling, excavating, building, pollution, and other acts. Piecemeal or cumulative losses will, over time, destroy additional wetlands. Damaging or destroying wetlands threatens public safety and the general welfare.

The purpose of this Section 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.

(b) **Definitions.**

In order to administer and enforce the provisions of this Section, the following definitions shall be used:

- (1) **Wetlands**: Those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. 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.
- (2) **Generalized Wetlands Map**: The current U.S. Fish and Wildlife Service National Wetlands Inventory maps for the City of Peachtree City, Georgia.
- (3) **Jurisdictional Wetland**: An area that meets the definitional requirements for wetlands as determined by the U.S. Army Corps of Engineers.
- (4) **Jurisdictional Wetland Determination**: A delineation of jurisdictional wetland boundaries by the U.S. Army Corps of Engineers, as required by Section 404 of the Clean Water Act, 33 U.S.C. § 1344, as amended.
- (5) **Regulated Activity**: Any activity which will, or which may reasonably be expected to, result in the discharge of dredged or fill material into waters of the U.S. excepting those activities exempted in Section 404 of the Federal Clean Water Act.
- (6) **Perennial Stream**: Any stream which flows continuously throughout the year and supports aquatic life whose life history requires residence in flowing water for a continuous period of six months or longer.

(7) **Intermittent Stream:** Any stream which flows for only part of the year and does not support aquatic life whose life history requires residence in flowing water for a continuous period of at least six months.

(c) Establishment of the Wetlands Protection District.

(1) The Wetlands Protection District is hereby established which shall correspond to all lands within the jurisdiction of the City of Peachtree City, 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 Generalized Wetlands Map and is hereby adopted by reference and declared to be a part of this Ordinance, together with all explanatory matter thereon and attached thereto.

(2) The Generalized Wetlands Map does not represent the boundaries of jurisdictional wetlands within the City of Peachtree City and cannot serve as a 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, as amended. Any local government action under this Ordinance does not relieve the landowner from federal or state permitting requirements.

(d) Protection Criteria.

Requirement for Local Permit or Permission. No regulated activity will be permitted within the Wetlands Protection District without written permission or a permit from the City of Peachtree City. If the area proposed for development is located within 50 feet of a Wetlands Protection District boundary, as determined by the City Planner using the Generalized Wetlands Map, a U.S. Army Corps of Engineers determination shall be required. If the Corps 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.

(e) Permitted Uses.

The following uses shall be allowed within the Wetlands Protection 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.

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

(2) Outdoor passive recreational activities, including fishing, bird watching, hiking, boating, horseback riding, and canoeing.

(3) 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.

- (4) The cultivation of agricultural crops. Agricultural activities shall be subject to Best Management Practices approved by the Georgia Department of Agriculture.
- (5) 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.
- (6) Education, scientific research, and nature trails.

(f) **Prohibited Uses.**

All uses not classified as permitted uses in paragraph (e) above are considered to be prohibited uses.

(g) **Administration and Enforcement.**

For purposes of administering and enforcing the provisions of the Wetland Protection Section of the Land Development Ordinance, the following requirements shall apply; and they shall be in addition to other requirements pertaining to site plans elsewhere in the Land Development Ordinance:

- (1) **Site Plans.** Application for a development permit for a project involving wetlands shall include a site plan, drawn at a scale of at least one (1) inch equals fifty (50) feet with the following information:
 - a. 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.
 - b. 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.
 - c. 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.
 - d. The orientation and distance from the boundaries of the proposed site to the nearest bank of an affected intermittent or perennial stream or water body.
 - e. Elevations of the site and adjacent lands within 200 feet of the site at contour intervals of no greater than two (2) feet and no greater than one (1) foot for slopes less than or equal to two percent (2%).
 - f. All proposed temporary disruptions or diversions of local hydrology.
- (2) **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 can be made only with the

approval of the Planning Commission. Minor changes can be made by the City Planner.

(3) Duration of Permit Validity.

- a. If construction described in the development permit has not commenced within 12 months from the date of issuance, the permit shall expire.
- b. If construction described in the development permit is suspended or abandoned after work has commenced, the permit shall expire 12 months after the date that work ceased.
- c. Written notice of pending expiration of the development permit shall be issued by the Building Official.

(4) Penalties.

- a. When a building or other structure has been constructed in violation of this Section, the violator may be required to remove the structure.
- b. When removal of vegetative cover, excavation, or fill has taken place in violation of this Section, the violator may be required to restore the affected land to its original contours and to restore the vegetation with similar native vegetation. The restoration plan must be approved by the City Planner.
- c. If a violation of this Ordinance that also constitutes a violation of any provision of the Clean Water Act, as amended, is discovered, the Building Official shall issue written notification of the violation to the U.S. Environmental Protection Agency, the U.S. Army Corps of Engineers, and the landowner.

(5) Suspension, Revocation. The Building Official may suspend or revoke a permit if he finds that the applicant has not complied with the conditions or limitations set forth in the permit or has exceeded the scope of the work set forth in the permit.

All Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed in their entirety.

Done, Ratified, and Passed this 3 day of August, 2000.

Robert L. Lutz
Mayor

Jeff S. Gossler

Dennis W. McMenamin

David C. Lund

Carol A. Fritz

Attest: Nancy Faulkner
City Clerk