

AN ORDINANCE TO AMEND THE CODE OF ATHENS-CLARKE COUNTY, GEORGIA
WITH RESPECT TO **PROTECTED ENVIRONMENTAL AREAS**; AND FOR OTHER
PURPOSES

The Commission of Athens-Clarke County, Georgia hereby ordains as follows:

SECTION 1. Section 8-6-2 entitled “*General Regulations*” of the Code of Athens-Clarke County, Georgia, the paragraph thereof entitled “State waters:,” is hereby amended by adding the words “and as subject to the requirements of OCGA §12-7-6 (b) (15) (A)” so that said paragraph is as follows:

State waters: Any and all rivers, streams, creeks, branches, lakes, reservoirs, ponds, drainage systems, springs, wells, and other bodies of surface or subsurface water, natural or artificial, lying within, or forming a part of, the boundaries of the State which are not entirely confined and retained completely upon the property of a single individual, partnership, or corporation; and as subject to the requirements of OCGA §12-7-6 (b) (15) (A).

SECTION 2. Section 8-6-4 entitled “*Establishment of environmental areas*” of the Code of Athens-Clarke County, Georgia, subsection (c) thereof entitled “*Riparian Buffer Areas*,” is hereby amended by adding the words “including all state waters,” “the” “associated with the stream or body of water” “All” “located on lands” and “[per O.C.G.A. § 12-7-3(16)]” and by deleting the words “stream,” “Lake or pond,” and “25 ft.” so that said subsection (c) is as follows:

(c) *Riparian Buffer Areas:* As set forth in the following table, areas adjacent to protected rivers, streams and bodies of water including all state waters. If a hydrologic feature meets more than one definition, then the more stringent definition of riparian buffer shall apply. The buffer width is measured horizontally, on both banks (as applicable) of the stream or body of water, from the top of the bank associated with the stream or body of water.

Hydrologic Feature	Riparian Buffer Width
Protected river	100 ft.
Upper North Oconee River and Sandy Creek	100 ft.
All protected streams located on lands in Industrial ("I") zones as defined in Title 9 of ACC Code.	150 ft.
All other protected streams	75 ft.
State waters [per O.C.G.A. 12-7-3(16)]	25 ft.

SECTION 3. Section 8-6-6 entitled “*Standards for activities within the floodplains*” of the Code of Athens-Clarke County, Georgia, subsection (a)(5)b.1. thereof, is hereby amended by adding the words “The available buildable area on the subject property shall be used for the proposed construction before any construction is permitted in the protected environmental area.” so that subsection (a)(5)b.1. is:

1. The dwelling shall be located within the buildable area on the parcel. The available buildable area on the subject property shall be used for the proposed construction before any construction is permitted in the protected environmental area.

SECTION 4. Section 8-6-7 entitled “*Standards for activities within the riparian buffers*” of the Code of Athens-Clarke County, Georgia, subsection (a)(4)b. thereof, is hereby amended by adding the words “The available buildable area on the subject property shall be used for the proposed construction before any construction is permitted in the protected environmental area.” so that subsection (a)(4)b. is:

- b. The dwelling shall be located within the buildable area on the parcel. The available buildable area on the subject property shall be used for the proposed construction before any construction is permitted in the protected environmental area.

SECTION 5. All ordinances or parts of ordinance in conflict herewith are hereby repealed.