

**AN ORDINANCE FOR ENVIRONMENTAL PLANNING CRITERIA**

**Section 1. CRITERIA FOR WATER SUPPLY WATERSHEDS.**

**Finding of Fact and Purpose Protection of Water Supply Watersheds.**

In order to provide for the health, safety and welfare of the public and a healthy economic climate within the Town of Maysville and surrounding communities, it is essential that the quality of public drinking water be assured. The ability of natural systems to filter storm water runoff can be threatened by unrestricted development. Land disturbing activities associated with development can increase erosion and sedimentation that threatens the storage capacity of reservoirs. In addition, storm water runoff, particularly from impervious surfaces, can introduce toxins, nutrients and sediments into drinking water supplies, making treatment more complicated and expensive and rendering water resources unusable for recreation. Industrial land uses that involve the manufacture, use, transport and storage of hazardous or toxic waste material result in the potential risk of contamination of nearby public drinking water supplies.

The purpose of this ordinance is to establish measures to protect the quality and quantity of the present and future water supply of the Town of Maysville; to minimize the transport of pollutants and sediment to the water supply; and to maintain the yield of the water supply watershed. This ordinance shall apply to all existing and proposed water supply watersheds within the Town of Maysville.

**Section 2 Definitions.**

**Buffer** means a natural or enhanced vegetated area with no or limited minor land disturbances located adjacent to reservoirs or perennial streams within a water supply watershed.

**Corridor** means all land within the buffer areas established adjacent to reservoirs or perennial streams within a water supply watershed and within other setback areas specified in Sections 3 and 4 of this ordinance.

**Impervious Surface** means a man-made structure or surface that prevents the infiltration of storm water into the ground below the structure or surface.

**Large Water Supply Watershed** means a watershed containing 100 square miles or more of land within the drainage basin upstream of a governmentally owned public drinking water supply intake.

**Perennial Stream** means a stream that flows throughout the whole year as indicated on a USGS Quad map.

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**Perennial Stream** means a stream that flows throughout the whole year as indicated on a USGS Quad map.

**Reservoir Boundary** means the edge of a water supply reservoir defined by its normal pool level.

**Small Water Supply Watershed** means a watershed that contains less than 100 square mile of land within the drainage basin upstream of a governmentally owned public drinking water supply intake.

**Utility** means a public or private water or sewer piping system, water or sewer pumping stations, electric power lines, fuel pipelines, telephone lines, roads, driveways, bridges, river/lake access facilities, storm water system and railroads or other utilities identified by a local government.

**Water Supply Reservoir** means a governmentally owned impoundment of water for the primary purpose of providing water to one or more governmentally owned public drinking water systems. This excludes the multi-purpose reservoirs owned by Georgia Power, the U.S. Army Corps of Engineers, and the Tennessee Valley Authority.

**Water Supply Watershed** means the area of land upstream of a governmentally owned public drinking water intake.

### **Section 3. Establishment of Water Supply Watershed Districts.**

The Commerce Water Supply Watershed District is hereby designated and shall comprise of the land that drains to the Commerce Watershed Lake. The boundary of this district is defined by the ridgeline of the watershed and the boundary of a radius of seven (7) miles upstream of the Commerce Public Water System intake. The district boundary shall be further delineated and defined on the Official Commerce Watershed Lake Water Supply Watershed Protection Map located in the Banks County/Town of Maysville Joint Comprehensive Plan. The map is hereby incorporated into and made a part of this ordinance by reference.

The following water supply watershed district and reservoir are hereby defined and boundaries shall be identified on the Water Supply Watershed Protection Map.

1. The Commerce Watershed Lake Water Supply Watershed is a small water supply watershed (less than 100 square miles). An intake for the City of Commerce is located on this lake.
2. Commerce Watershed Lake: The normal pool level elevation is at the 698 foot contour line.

#### **Section 4. Protection Criteria.**

The following regulations shall apply to the Commerce Watershed Lake Water Supply Watershed identified on the earlier referenced and adopted water supply watershed protection map as a small water supply watershed with a reservoir known as the Commerce Watershed Lake.

1. The corridors of all perennial streams within a seven mile radius upstream of a governmentally owned public drinking water supply intake or water supply reservoir must be protected from the following criteria:
  - a. A buffer shall be maintained for a distance of 100 feet on both sides of the stream as measured from the highest edge of the stream banks.
  - b. No impervious surface shall be constructed within a 150 foot setback area on both sides of the stream as measured from the highest edge of the stream banks.
  - c. Septic tanks and septic tank drainfields are prohibited in the 150 foot setback area.
2. The corridors of all perennial streams outside of a seven mile radius upstream of a governmentally owned public drinking water supply intake or water supply reservoir must be protected by the following criteria:
  - a. A buffer shall be maintained for a distance of 50 feet on both sides of the stream as measured from the highest edge of the stream banks.
  - b. No impervious surface shall be constructed within a 75 foot setback area on both sides of the stream as measured from the highest edge of the stream banks.
  - c. Septic tanks and septic tank drainfields are prohibited in the 75 foot setback area.
3. The impervious surface area, including all public and private structures, utilities, or facilities, of the entire watershed shall be limited to 25 percent, or existing use, whichever is greater.
4. A buffer shall be maintained for a distance of 150 feet from the reservoir boundary. The allowable buffer vegetation and disturbance is specified in the reservoir management plan.

5. New facilities, located within the seven (7) miles of a water supply intake or water supply reservoir, which handle hazardous material of the types listed in Section 312 of the Resource Conservation and Recovery act of 1976 (excluding underground storage tanks) and 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 or the requirements of the Standard Fire Prevention Code.
6. The Commerce Watershed Lake is owned by the City of Commerce and will be protected as described in the Commerce Watershed Lake Reservoir Management Plan.

### **Section 5. Exemptions.**

The following uses shall be exempted from

1. Land uses existing prior to the adoption of this ordinance.
2. Mining activities permitted by the Department of Natural resources and the Surface Mining Act.
3. Utilities from stream corridor buffer and setback area provisions in accordance with the following conditions if the utilities to be located in the buffer or setback area cannot feasibly be located outside these areas:
  - a. The utilities shall be located as far from the 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 as best as reasonably possible.
  - c. The utilities shall not impair the quality of the drinking water stream.
4. Specific forestry and agricultural activities in the stream corridor buffer and setback areas in accordance with the following conditions:
  - a. The activity shall be consistent with Best Management Practices (BMPs) established by the Georgia Forestry Commission or the Georgia Department of Agriculture.
  - b. The activity shall not impair the quality of the drinking water stream.

## **Section 6. WETLANDS PROTECTION.**

### **Finding of Fact and Purpose.**

The wetlands in the Town of Maysville are indispensable and fragile 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. In addition, the wise management of forested wetlands is essential to the economic well being of many communities within the State of Georgia.

The purpose of this ordinance 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.

### **Section 7. Definitions.**

**Wetlands** are 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.

**Generalized Wetland Map** is the current U.S. Fish and Wildlife Service National Wetlands Inventory maps for Banks County, Georgia.

**Jurisdictional Wetland** is an area that meets the definitional requirements for wetlands as determined by the U.S. Army Corps of Engineers.

**Jurisdictional Wetland Determination** is 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.

**Regulated Activity** is 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.

## **Section 8. Establishment of the Wetlands Protection District.**

The Wetlands Protection District is hereby established which shall correspond to all lands within the jurisdiction of the Town of Maysville, Georgia that are mapped as wetland areas by the U.S. Fish and Wildlife Service National Wetlands Inventory Maps and is identified on the future land use map in the town's comprehensive plan. 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.

The Generalized Wetlands Map does not represent the boundaries of jurisdictional wetlands within the Town of Maysville 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 land owner from federal or state permitting requirements.

## **Section 9. Protection Criteria.**

Requirement of Local Permit or Permission: No regulated activity will be permitted within the Wetlands Protection District without written permission or a permit from the Town of Maysville. If the area proposed for development is located within 50 feet of a Wetlands Protection District boundary, as determined by the designated inspector of the Town of Maysville, 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.

## **Section 10. Permitted Uses.**

The following uses shall be allowed as of right 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. (The activities listed in this section are exempted from Section 404 regulations provided they do not have impacts on navigable waterway that would necessitate acquisition of an individual 404 permit. However, under Section 10 of the Rivers and Harbors Act, a permit may be required in some circumstances)

1. Conservation or preservation of soil, water, vegetation, fish and other wildlife, provided it does not affect waters of the State 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 (BMPs) 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 (BMPs) 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 Best Management Practices (BMPs) are followed.
6. Education, scientific research, and nature trails.

#### **Section 11. Prohibited Uses.**

The following uses are not permitted within the Wetlands Protection District:

1. Receiving areas for toxic or hazardous waste or other contaminants;
2. Hazardous or sanitary waste landfills.

#### **Section 12. Administration, Enforcement, Penalties and Remedies.**

The administration and enforcement of these regulations, as well as all penalties, variances and appeals shall follow the procedures identified and outlined below:

The Building and Zoning Office acting by and through its personnel is hereby authorized, and it shall be its duty to enforce and administer the provision of this ordinance.

No building or other structure shall be erected, moved, extended, or enlarged, or structurally altered, nor shall any excavation or filling of any lot for the construction of any building be commenced until the Building and Zoning Office has issued a building permit.

Each application to the Building and Zoning Office for a building permit shall be accompanied by plot plans in duplicate showing:

- a. The actual dimensions of the lot to be built upon;
- b. The size of the building to be erected;
- c. The location of the building on the lot;
- d. The location of existing structures on the lot, if any;



- e. The number of dwelling units the building is designed to accommodate;
- f. The approximate setback lines of buildings on adjoining lots; and
- g. Such other information as may be essential for determining whether the provisions of this Ordinance are being observed.

Any building permit issued shall become invalid 12 months after date of issuance subject to being renewed upon application to the Building and Zoning Office.

Any person violating any provisions of this Ordinance shall be guilty of a misdemeanor and upon conviction shall be punished for each offense as provided by law. Each day of such violation continues shall be deemed a separate offense.

In case any building is erected, constructed, reconstructed, altered, repaired, converted or maintained, or any building or land is used in violation of this Ordinance, the Building and Zoning office, or any other person who would be damaged by such violation, in addition to other remedies, may institute an action for injunction, or mandamus, or other appropriate action or proceeding to prevent such violation.

#### **Section 13A. Appeals and Variances.**

A Board of Appeals is hereby established and it shall be known as the Town of Maysville Board of Appeals. Such board, having been appointed, shall have full and complete jurisdiction as provided by law, except within federal jurisdiction of wetlands as identified in Section 13B of this ordinance.

Meetings of the Board of Appeals shall be held at the call of the Chairman, and at such other times as the board may determine. The Chairman, or in his absence, the Acting Chairman, may administer oaths and compel the attendance of witnesses.

The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent, or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the board and shall be a public record.

The Board may appoint a secretary to serve the board. He shall maintain all records and perform all services required by the board to fulfill its responsibilities.

Appeals to the Board of Appeals may be taken by any person aggrieved, or by any officer, department, board, or bureau of the city and/or county affected by any decision of the Building and Zoning Office. Such appeals shall be taken within a reasonable time, as provided in the rules of the board, by notifying the officer from whom the appeal is taken and filing with the Secretary of the Board of Appeals a notice of the appeal specifying the grounds thereof.

4) Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of this chapter.

In order to make a variance permissible, certain conditions shall be shown:

- a) For existing lots or record, there must be a proved hardship by showing beyond a doubt the inability to make a reasonable use of the land if this ordinance were applied literally.
- b) The hardship cannot be self-created; e.g., it cannot be claimed in terms of prospective sales.

No variance may be granted for a use of land or building or structure that is prohibited by this ordinance.

In exercising its powers, the Board of Appeals may, in conformity with the provisions of this chapter, reverse or affirm, wholly or partly, or may modify the order, requirements, decisions or determination, and to that end shall have all the powers of the officer from whom the appeal is taken and may issue or direct the issuance of a permit.

#### **Section 13B. Federal Jurisdiction of Wetlands As It Relates to Appeals and Variances.**

The wetlands permit program under Section 404 of the Clean Water Act provides a federal permit process that may allow activities in wetlands after a Corps of Engineers and public interest review. Most activities in wetlands will require a Section 404 permit from the U.S. Army Corps of Engineers. If wetlands are proposed to be altered or degraded, mitigation of offset losses will be required as a condition of a Section 404 permit. Under current federal policy, alterations or degradations of wetlands should be avoided unless it can be demonstrated that there will be no long-term adverse impacts or net loss of wetlands.

The Board of Appeals (acknowledging Section 404 of the Clean Water Act) does not have the authority to allow appeals or grant variances for proposed development within or adjacent to wetlands in the Wetlands Protection District, as identified on the Generalized Wetlands Map. No local permit for any proposed development activity occurring within 50 feet of a wetland shall be granted until a Section 404 Permit, or Letter of Permission, or Determination, is issued by the U.S. Army Corps of Engineers.

#### **Section 14. Legal Status Provisions.**

Whenever the regulations of this Ordinance require a greater width or size of yards, courts, or other open space, or require a lower height or buildings of lesser number of stories, or require a greater percentage of lot to be left unoccupied, or impose other more restrictive standards than are required in or under any other statutes, the regulations and requirements of this Ordinance shall govern.

The officer from whom the appeal is taken shall forthwith transmit to the Secretary of the Board all papers constituting the record upon which the action appealed from was taken.

The Board of Appeals shall fix a reasonable time for the hearing of the appeal or other matters referred to it, and give public notice thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time. Upon a hearing any party may appear in person or by agent or by attorney.

Any appeal stays all legal proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the Board of Appeals, after the notice of the appeal shall have been filed with him, that, by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life and property. In such case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Appeals or by a competent court; on application, on notice to the officer from whom the appeal is taken, and on due cause shown.

The Board of Appeals shall have the following powers:

- a) To hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by an administrative official in the enforcement of this chapter.
- b) To hear and decide special exceptions to the terms of this chapter upon which such board is required to pass under this chapter.
- c) To authorize upon appeal in specific cases such variance from the terms of the chapter as will not be contrary to the public interest where owing to special conditions, a literal enforcement of the provisions of the chapter will in an individual case result in practical difficulty or unnecessary hardship, so that the spirit of the chapter shall be observed, public safety and welfare secured, and substantial justice done. Such variance may be granted in such individual case of practical difficulty or unnecessary hardship upon a finding by the Board of Zoning Appeals that:
  - 1) There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography; and
  - 2) The application of the chapter to this particular piece of property would create practical difficulty or unnecessary hardship; and
  - 3) Such conditions are peculiar to the particular piece of property involved; and

**Reservoir Boundary** means the edge of a water supply reservoir defined by its normal pool level.

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**Utility** means a public or private water or sewer piping system, water or sewer pumping stations, electric power lines, fuel pipelines, telephone lines, roads, driveways, bridges, river/lake access facilities, storm water system and railroads or other utilities identified by a local government.

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The Commerce Water Supply Watershed District is hereby designated and shall comprise of the land that drains to the Commerce Watershed Lake. The boundary of this district is defined by the ridgeline of the watershed and the boundary of a radius of seven (7) miles upstream of the Commerce Public Water System intake. The district boundary shall be further delineated and defined on the Official Commerce Watershed Lake Water Supply Watershed Protection Map located in the Banks County/Town of Maysville Joint Comprehensive Plan. The map is hereby incorporated into and made a part of this ordinance by reference.

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2. Outdoor passive recreational activities, including fishing, bird watching, hiking, boating, horseback riding and canoeing.
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5. The pasturing of livestock, provided that riparian wetlands are protected, that soil profiles are not disturbed and that approved Best Management Practices (BMPs) are followed.
6. Education, scientific research, and nature trails.

#### **Section 11. Prohibited Uses.**

The following uses are not permitted within the Wetlands Protection District:

1. Receiving areas for toxic or hazardous waste or other contaminants;
2. Hazardous or sanitary waste landfills.

#### **Section 12. Administration, Enforcement, Penalties and Remedies.**

The administration and enforcement of these regulations, as well as all penalties, variances and appeals shall follow the procedures identified and outlined below:

The Building and Zoning Office acting by and through its personnel is hereby authorized, and it shall be its duty to enforce and administer the provision of this ordinance.

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Each application to the Building and Zoning Office for a building permit shall be accompanied by plot plans in duplicate showing:

- a. The actual dimensions of the lot to be built upon;
- b. The size of the building to be erected;
- c. The location of the building on the lot;
- d. The location of existing structures on the lot, if any;

- e. The number of dwelling units the building is designed to accommodate;
- f. The approximate setback lines of buildings on adjoining lots; and
- g. Such other information as may be essential for determining whether the provisions of this Ordinance are being observed.

Any building permit issued shall become invalid 12 months after date of issuance subject to being renewed upon application to the Building and Zoning Office.

Any person violating any provisions of this Ordinance shall be guilty of a misdemeanor and upon conviction shall be punished for each offense as provided by law. Each day of such violation continues shall be deemed a separate offense.

In case any building is erected, constructed, reconstructed, altered, repaired, converted or maintained, or any building or land is used in violation of this Ordinance, the Building and Zoning office, or any other person who would be damaged by such violation, in addition to other remedies, may institute an action for injunction, or mandamus, or other appropriate action or proceeding to prevent such violation.

#### **Section 13A. Appeals and Variances.**

A Board of Appeals is hereby established and it shall be known as the Town of Maysville Board of Appeals. Such board, having been appointed, shall have full and complete jurisdiction as provided by law, except within federal jurisdiction of wetlands as identified in Section 13B of this ordinance.

Meetings of the Board of Appeals shall be held at the call of the Chairman, and at such other times as the board may determine. The Chairman, or in his absence, the Acting Chairman, may administer oaths and compel the attendance of witnesses.

The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent, or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the board and shall be a public record.

The Board may appoint a secretary to serve the board. He shall maintain all records and perform all services required by the board to fulfill its responsibilities.

Appeals to the Board of Appeals may be taken by any person aggrieved, or by any officer, department, board, or bureau of the city and/or county affected by any decision of the Building and Zoning Office. Such appeals shall be taken within a reasonable time, as provided in the rules of the board, by notifying the officer from whom the appeal is taken and filing with the Secretary of the Board of Appeals a notice of the appeal specifying the grounds thereof.

The officer from whom the appeal is taken shall forthwith transmit to the Secretary of the Board all papers constituting the record upon which the action appealed from was taken.

The Board of Appeals shall fix a reasonable time for the hearing of the appeal or other matters referred to it, and give public notice thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time. Upon a hearing any party may appear in person or by agent or by attorney.

Any appeal stays all legal proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the Board of Appeals, after the notice of the appeal shall have been filed with him, that, by reason of facts stated in the certificates, a stay would, in his opinion, cause imminent peril to life and property. In such case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Appeals or by a competent court; on application, on notice to the officer from whom the appeal is taken, and on due cause shown.

The Board of Appeals shall have the following powers:

- a) To hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by an administrative official in the enforcement of this chapter.
- b) To hear and decide special exceptions to the terms of this chapter upon which such board is required to pass under this chapter.
- c) To authorize upon appeal in specific cases such variance from the terms of the chapter as will not be contrary to the public interest where owing to special conditions, a literal enforcement of the provisions of the chapter will in an individual case result in practical difficulty or unnecessary hardship, so that the spirit of the chapter shall be observed, public safety and welfare secured, and substantial justice done. Such variance may be granted in such individual case of practical difficulty or unnecessary hardship upon a finding by the Board of Zoning Appeals that:
  - 1) There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography; and
  - 2) The application of the chapter to this particular piece of property would create practical difficulty or unnecessary hardship; and
  - 3) Such conditions are peculiar to the particular piece of property involved; and

4) Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of this chapter.

In order to make a variance permissible, certain conditions shall be shown:

- a) For existing lots or record, there must be a proved hardship by showing beyond a doubt the inability to make a reasonable use of the land if this ordinance were applied literally.
- b) The hardship cannot be self-created; e.g., it cannot be claimed in terms of prospective sales.

No variance may be granted for a use of land or building or structure that is prohibited by this ordinance.

In exercising its powers, the Board of Appeals may, in conformity with the provisions of this chapter, reverse or affirm, wholly or partly, or may modify the order, requirements, decisions or determination, and to that end shall have all the powers of the officer from whom the appeal is taken and may issue or direct the issuance of a permit.

#### **Section 13B. Federal Jurisdiction of Wetlands As It Relates to Appeals and Variances.**

The wetlands permit program under Section 404 of the Clean Water Act provides a federal permit process that may allow activities in wetlands after a Corps of Engineers and public interest review. Most activities in wetlands will require a Section 404 permit from the U.S. Army Corps of Engineers. If wetlands are proposed to be altered or degraded, mitigation of offset losses will be required as a condition of a Section 404 permit. Under current federal policy, alterations or degradations of wetlands should be avoided unless it can be demonstrated that there will be no long-term adverse impacts or net loss of wetlands.

The Board of Appeals (acknowledging Section 404 of the Clean Water Act) does not have the authority to allow appeals or grant variances for proposed development within or adjacent to wetlands in the Wetlands Protection District, as identified on the Generalized Wetlands Map. No local permit for any proposed development activity occurring within 50 feet of a wetland shall be granted until a Section 404 Permit, or Letter of Permission, or Determination, is issued by the U.S. Army Corps of Engineers.

#### **Section 14. Legal Status Provisions.**

Whenever the regulations of this Ordinance require a greater width or size of yards, courts, or other open space, or require a lower height or buildings of lesser number of stories, or require a greater percentage of lot to be left unoccupied, or impose other more restrictive standards than are required in or under any other statutes, the regulations and requirements of this Ordinance shall govern.

Should any section or provision of this Ordinance be declared by the courts to be unconstitutional or invalid such declaration shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

This Ordinance shall take effect and be enforced from and after the date of its adoption, the public welfare demanding it.

Date adopted

*Richard Pesley*  
Mayor

Chairman, Planning Commission

Attest:

*Lain H. Harper*  
City Clerk

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Date adopted

*Richard Wesley*  
Mayor

Chairman, Planning Commission

Attest:

*Lain H. Harper*  
City Clerk