

WATERSHED PROTECTION OVERLAY DISTRICTS

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1.0 **Purpose.** It is essential that the quality and supply of public drinking water be reasonably protected. This ordinance provides for the establishment of buffer zones around streams, specifies allowable impervious surface districts within watersheds, and requires the use of best management practices for land use within the water supply districts. Natural protection such as buffer areas are the best able to filter rainfall and stormwater runoff prior to that water flowing into perennial streams, which lead to water supply reservoirs. Minimizing the transport of pollutants and sediments to the water supply reservoirs guarantees a healthy yield from the water supply watersheds. This protection is necessary for the enhancement of public health, safety and welfare as well as to assure that surface sources of drinking water are of high quality and reasonably free from contaminating sources in order to be treated to meet all state and Federal drinking water standards.

2.0 **Definitions.** Except as specifically defined herein, all words used in this Resolution have their customary dictionary definitions. For the purpose of this Resolution, certain words or terms are hereby defined. Words used in the present tense include the future tense. Words used in the singular include the plural, and words used in the plural include the singular. The word "shall" is mandatory. The word "person" includes a firm, association, organization, partnership, trust, company or corporation as well as an individual. The word "used" or occupied," as applied to any land or building, shall be constructed to include words "intended, arranged, or designated to be used or occupied."

Buffer. A natural or enhanced vegetated area with no limited minor land disturbances, such as trails and picnic areas. Specific buffer uses may include agricultural and forestry uses as long as the uses are consistent with the criteria established by this ordinance.

Corridor. All land within the buffer arrears and the other setback area specified in section 7.0 and 8.0 of this ordinance.

County. Means Carroll County.

Impervious Surface. A man-made structure or surface which prevents the infiltration of storm water into the ground below the structure or surface. Examples are buildings, roads, driveways, parking lots, decks, swimming pools, or patios.

Large Water Supply Watersheds. A watershed having 100 square miles or more of land within the drainage basin upstream of a governmentally owned public drinking water supply intake.

Perennial Stream. A stream that flows throughout the whole year as indicated on a United States Geologic Survey, ("USGS") quadrant map.

Reservoir Boundary. The edge of a water supply reservoir defined by its normal pool level.

Utility. A public or private water or sewer piping systems, water or sewer pumping stations, electric power lines, fuel pipelines, telephone lines, roads, driveways, bridges, river/lake access facilities, storm water systems and railroads or other utilities identified by the county.

Water Supply Reservoir. A governmentally owned impoundment of water for the primary purpose of providing water to one or more governmentally owned public drinking water system. This excludes the multipurpose reservoirs owned by the U.S. Army Corps of Engineers.

Water Supply Watershed. The area of land upstream of a governmentally owned public drinking water intake.

Water Supply watershed Protection Plan. A land use plan prepared and adopted by local governments for the protection of the quality of drinking water obtained from the watershed.

- 3.0 **District Delineation.** The protected water supply watershed overlays are hereby designated, and shall consist of the land arrears that drain to the public water supply intake or water supply reservoir. The boundaries of these overlays are defined by the ridgelines of the respective watersheds and the boundary of a radius of seven (7) miles upstream of the respective public water supply intakes. These overlays shall be further delineated and defined in the Water Supply Watershed Protection District Overlay Map, ("Overlay Map"), of the Carroll County Official Zoning Mao. The overlay Map shall be identified by the signature of the Chairman of the Board of Commissioners, attested to by the Clerk of the

Board of Commissioner's recognizes the overlay map. The overlay map is also incorporated into and made a part of this ordinance by reference.

4.0 Non-Conforming Uses.

- 4.1 **Existing Uses.** An existing use of land existing at the effective date of this Ordinance may be continued, as herein provided. A non-conforming tract, parcel, or lot may build, repair, and/or expand such structure without having to conform to the provisions of this ordinance, so long as such improvements to the structure(s) use best management practices to manage stormwater runoff from said tract, parcel or lot. All septic tanks, however, that are constructed after the effective date of this ordinance shall conform to the provision of this ordinance.
- 4.2 **Abandoned Uses.** An abandoned non-conforming use, which has been razed, damaged, destroyed or demolished through any act, may be replaced, rebuild, or reestablished after destruction or loss. However, if said non-conforming use is not reestablished for a continuous period of one (1) year, the same shall not be re-established. Any future use after such abandonment shall be in conformity with the provision of this ordinance.

5.0 Identification of Existing and Future Water Supply Watersheds.

5.1 Existing Large Water Supply Watershed

- a. ~~Snake Creek Watershed~~ (Amended 19 October 2004)
- b. Dog River Watershed
- c. Little Tallapoosa River Structure # 36, a/k/a Lake Buckhorn
- d. Little Tallapoosa River from the Little Tallapoosa River Structure # 36 to intersection with CR 49, Salem Church Road;
- e. Lower Little Tallapoosa River Structure # 35
- f. Lower Little Tallapoosa River Structure # 86, a/k/a Lake Tisinger; and
- g. Turkey Creek from Lower Little Tallapoosa River Structure # 86 to downstream intersection with U.S. Highway 100 (approximate distance ¼ mile)

5.2 Existing Small Water Supply Watershed

- a. Sharpe Creek watershed
- b. Little Tallapoosa River Structure # 31; and
- c. Little Tallapoosa River Structure # 29; a/k/a Lake Paradise
- d. Snake Creek Reservoir, a/k/a H.C. Seaton Reservoir (Amended 19 October 2004)

5.3 Future Water Supply watersheds. None at present time.

5.4 Withdrawals. All proposed withdrawals for public water supply must be approved by the Department of Natural Resources.

6.0 Exemptions.

6.1 Existing Uses. Land uses existing at or prior to the date of enactment of this ordinance and land uses existing prior to any management agreements as specified in Sections 7.3 and 8.3. [Note Sections 14.4 and 14.5].

6.2 Mining Activity. Mining activity under the following conditions:

- a. Receipt of an appropriate variance from the Carroll County Board of Commissioners; and
- b. Receipt of a permit from the Department of Natural Resources under the Surface Mining Act, as amended.

6.3 Utilities. If utilities to be located in the buffer or setback areas cannot feasibly be located outside these areas, then the utilities shall be exempt from the stream corridor buffer and setback area provisions of water supply watershed protection plans under the following conditions:

- 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

6.4 Forestry and Agricultural. Specific forestry and agricultural activities from the stream corridor buffer and setback area provisions of overlay districts under the following conditions:

- a. The activity shall be consistent with best management practices established by the Georgia Forestry Commission or the Georgia Department of Agriculture.

7.0 Minimum Criteria for Large Water Supply Watersheds. The stream corridors of the perennial tributaries of a large water supply watershed tributary to the water supply intake shall have the following specified minimum criteria:

7.1 Corridors. The corridors of all perennial streams in a large water supply watershed tributary to a water supply reservoir within a seven (7) mile radius of the reservoir boundary are protected by 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 stream banks.
- b. After the effective date of this ordinance, no more than twenty five (25) percent of the land area of any tract, parcel, or lot on which any structure or building is placed may be covered by impervious surface within 150 foot setback area on both sides of the stream as measured from the stream banks and the reservoir boundary.
- c. Septic tank and septic tank drain fields are prohibited within a 150-foot setback area on both sides of the stream as measured from the stream banks and the reservoir boundary.

7.2 New Facilities. New facilities located within seven (7) miles radius upstream of a water supply intake or water supply reservoir, which handle hazardous materials of the types and amounts determined by the Department of Natural Resources, shall perform their operation on impermeable surfaces having spill and leak collection systems as prescribed by the Department of Natural Resources.

7.3 Management Agreements. The water supply reservoirs in large water supply watershed are to be managed according to any agreements required by state law.

8.0 Minimum Criteria for Small Water Supply Watersheds.

8.1 Stream Corridor Criteria.

- a. The perennial stream corridor of a small water supply watershed within a seven (7) mile radius upstream of a governmentally owned public drinking water supply intake or water supply reservoir are protected by the following criteria:
 - 1) A buffer shall be maintained for a distance of 100 feet on both sides of the stream as measured from the stream banks.
 - 2) ~~After the effective date of this ordinance, no more than twenty five (25) percent of the land area of any tract, parcel, or lot on which any structure or building is placed may be covered by impervious surface within 150 foot setback area on both sides of the stream as measured from the stream banks and the reservoir boundary.~~ No impervious surface shall be

constructed within a 150-foot setback on both sides of the stream as measured from the stream banks. (Amended 19 October 2004)

- 3) Septic tanks and septic tank drain fields are prohibited within a 150-foot setback area on both sides of the stream as measured from the stream banks and reservoir boundary.

b. The perennial stream corridors within a small water supply watershed and outside a seven (7) mile radius upstream of a governmentally owned public drinking water supply intake or water supply reservoir are protected by the following criteria:

- 1) A buffer shall be maintained for a distance of 50 feet on both sides of the stream as measured from the stream banks.
- 2) No impervious surface shall be constructed within a 75 foot setback are on both sides of the stream as measured from the stream banks.
- 3) Septic tanks and septic tanks drainfields are prohibited in the setback area of b (2) above. (Amended 19 October 2004)

8.2 Additional Criteria. The following criteria apply at all locations in a small water supply watershed.

- a. New sanitary landfills are allowed only if they have synthetic liners and leachate collection systems
- b. New hazardous waste treatment or disposal facilities are prohibited
- c. The impervious surface are, including all public and private structures, utilities or facilities, of the entire water supply watershed shall be limited to twenty-five (25) percent or existing use, which ever is greater.
- d. New facilities, which handle hazardous materials of the types and amounts determined by the Department of Natural Resources, shall perform their operations on impermeable surfaces having spill and leak collection systems as prescribed by the Department of Natural Resources.

8.3 Water Supply Reservoir Criteria

- a. The owner of a water supply reservoir shall develop a reservoir management plan for approval by the Department of Natural Resources.
- b. A buffer shall be maintained for a distance of 150 feet from the reservoir boundary. The allowable buffer vegetation and disturbance shall be specified in the reservoir management plan.
- c. Septic tanks and wastewater disposal fields are prohibited within a 150-foot setback area as measured from the reservoir boundary.
(Amended 19 October 2004)

8.3 Management Agreements. ~~The water supply reservoirs in small water supply watersheds are to be managed according to any agreement required by state law.~~ **(Amended 19 October 2004)**

9.0 Variance from Standards. The Board of Commissioners shall have authority to grant an application for a variance in cases where strict adherence to setback, separation or other standards will cause an applicant special difficulties that includes one or more than the following:

- 9.1** A landowner or applicant demonstrates a hardship relating to the land, which is peculiar to that owner and not shared by others in the district.
- 9.2** Granting the variance should not result in a detriment to the public good or the purposes under this ordinance; and
- 9.3** If requested by the Board of Commissioners, applicant shall set forth the inconsistent provisions, contrary regulations, and/or hardship upon the applicant in detail and present the same writing to the Board of Commissioners.

10.0 Administrative Review Procedure for Variances.

10.1 Submitting Applications. All applications for variances shall first be submitted to the Planning and Zoning Department of Carroll County. When an application is received, the Planning and Zoning Department shall set a time and place for a public hearing before the planning And Zoning Commission and a time and place for a public hearing before the Board of Commissioners. Notice of the hearing must be published in a newspaper of general circulation in Carroll County at least fifteen (15) days before each hearing. Any person may appear at the hearing or have a representative attend instead.

10.2 Procedure. All applications for variances shall be referred to the Planning and Zoning Commission. The Planning and Zoning Commission shall

prepare and conduct the public hearing on the variance application in a manner similar to that set forth in Section 13.6 of the Zoning Regulations of Carroll County, as amended. The Planning Commission shall have forty-five (45) days following the date of filing within which to review the variance application and submit a recommendation to the Board of Commissioners. A review of an application may be extended an additional thirty (30) days by the Planning Commission if just cause is shown that further time is needed to study the variance application and the Board of Commissioners is notified of said extension in writing. If the Planning Commission fails to forward its recommendation to the Board of Commissioners within the time period states, the Board of Commissioners may assume that the Planning Commission has approved of the proposed application.

11.0 Criteria for Approval. Approval of a request for a variance in the overlay district shall be narrowly constructed and shall be based upon the consideration and weight of one or more of the following criteria:

- 11.1** The danger to life and property due to increased flood heights or velocities caused by the applicants encroachments;
- 11.2** The dangers that materials may be swept on to other lands or downstream to the injury of others;
- 11.3** The proposed water supply and sanitation systems and the ability of these systems to avoid causing disease, contamination, and unsanitary conditions.
- 11.4** The susceptibility of the proposed use of flood damage and the effect of such damage on the owner;
- 11.5** The importance of the proposed use of the community;
- 11.6** The availability of alternative locations, not subject to flooding, for the proposed use;
- 11.7** The compatibility of the proposed use with more existing and foreseeable nearby uses;
- 11.8** The relationship of the proposed use to the comprehensive plan and flood plain management program in the area;
- 11.9** The safety of access to the property in times of flood for ordinary and emergency vehicles; or

11.10 The expected heights, velocity, duration, rate of rise, and sediment transport of the flood water expected at the site.

12.0 Action by Board of Commissioners. The Board of Commissioners shall prepare and conduct the public hearing on the variance application in a manner similar to that set forth in Section 14.5 of the Zoning Regulations of Carroll County, as amended. The Board of Commissioners shall then make an official decision on the proposed amendment. The official decision shall be made within forty-five (45) days from the date of receipt of the Planning Commissions recommendation.

13.0 Appeals. If the application is denied by the Board of Commissioners after the final public hearing, the applicant shall appeal by Certiorari to the Superior Court.

14.0 Legal Status Provisions

14.1 Noncompliance. Noncompliance of characteristics of structures and site development created by the application shall not in any way limit the legal use of the property, nor in any manner limit the repair, maintenance, or reconstruction of a noncomplying characteristic or feature; however, in no instance shall the degree of noncompliance be increased except as otherwise permitted by this Ordinance.

14.2 Notice. Notice of violation will be sent by registered mail to the owner and he will have 30 days from the date the notification is issued to make repairs. The owner will notify the Code Enforcement Department that the repairs have been made, and as soon as possible thereafter, another inspection will be made and the owner notified of the results.

14.3 Violation. Any person who shall violate any of the provisions of this Ordinance shall be guilty of a misdemeanor.

14.4 Interpretation. The overlay districts shall extend and cover other zoning districts on the official zoning map, as identified in the Zoning Regulations of Carroll County, Georgia, as amended. The overlay districts are not designed to replace the district formerly occupying that space but, instead, add a new layer of controls. Each parcel of land within the overlay districts, subject to the exceptions and variances that may be granted herein, shall be subject to the provisions, regulations, and restrictions of both the overlay districts and its underlying zoning district(s). It is not, however, the intention of this ordinance to interfere with, abrogate, or annul any covenant or other agreement between parties.

14.5 Conflict with other law. In the event of a conflict or discrepancy between the requirements of the overlay districts, the underlying zoning district(s), or any other ordinance or resolution, which has been enacted to establish measures to protect the quality of present and future water supply for

Carroll County and neighboring localities, the earliest date of enactment shall govern and determined the respective provision to be applied.

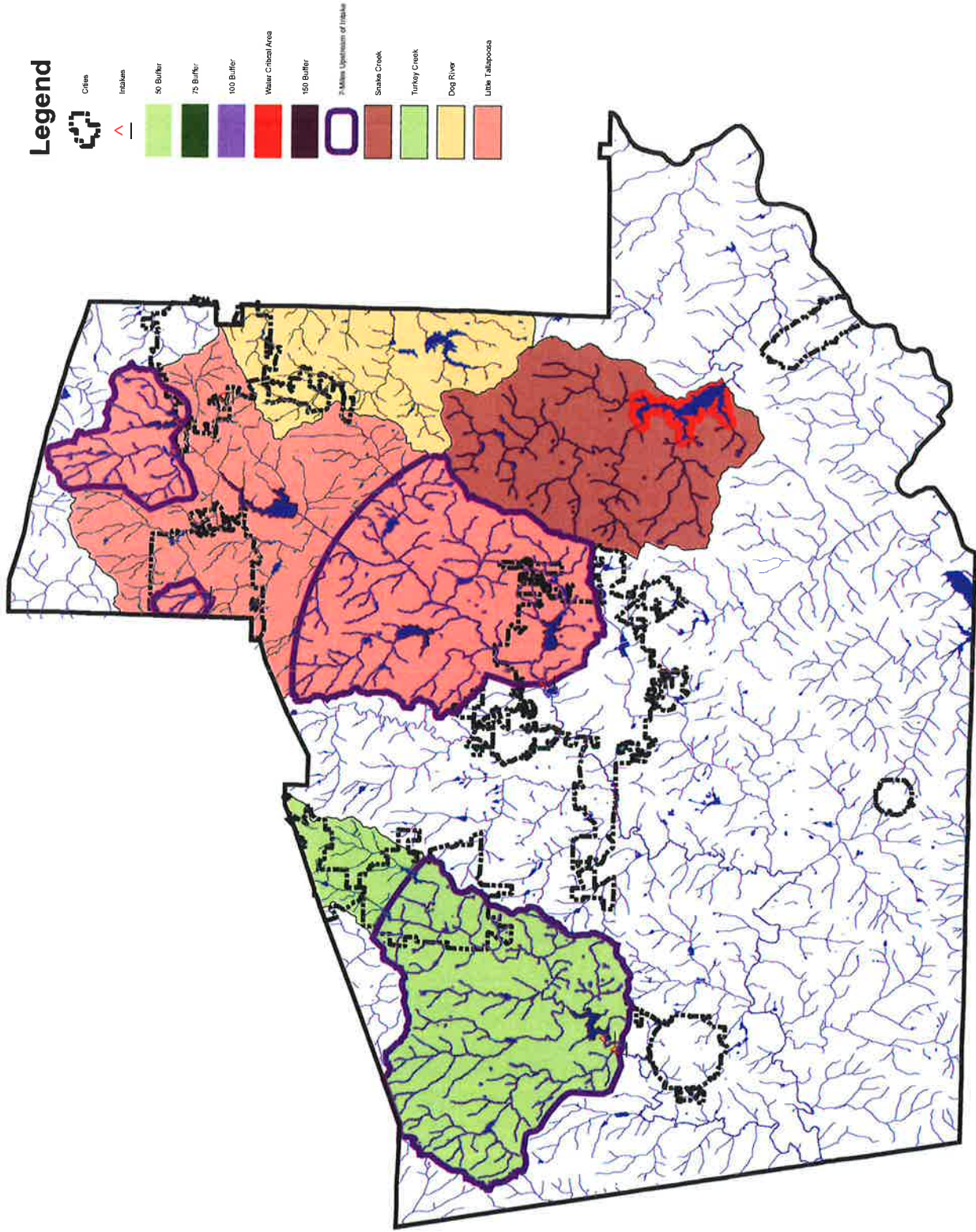
- 14.6 Severability.** In the event any article, section, subsection, sentence, clause or phrase of this ordinance shall be declared or adjudged invalid or unconstitutional, such adjudication shall in no manner affect the other articles, section, subsection, sentence, clause or phrase of this ordinance, which shall remain in full force and effect, as if the article, section, subsection, sentence, clause or phrase so declared or adjudged invalid or unconstitutional were not originally a part thereof. The governing authority hereby declares that it would have adopted the remaining parts of the ordinance if it had known that such part or parts hereof would be declared or adjudged invalid or unconstitutional.
- 14.7 Repeal of Conflicting resolutions.** All ordinances and resolutions and parts of resolutions in conflict with this resolution and the ordinance are hereby repealed, except that the repeal of a zoning ordinance or resolution shall not affect any punishment or penalty incurred before the repeal too effect, nor any suit, prosecution or proceeding pending at the time of the repeal, for an offense committed under the zoning ordinance or resolution.

Effective Date of Ordinance

This ordinance shall take effect and be in full force and effect upon the adoption thereof by the Board of Commissioners of Carroll County, Georgia. All present ordinances, resolutions and parts hereof in conflict herewith are hereby repealed. **Adopted 13 October 1998**

Reference EPD Rule 391-3-16-.01 Criteria for Water Supply Watersheds

Water Supply Watershed



**AN ADDENDUM TO THE CARROLL COUNTY ZONING ORDINANCE SO AS
TO PROVIDE FOR THE ESTABLISHMENT OF THE SNAKE CREEK
WATERSHED PROTECTION DISTRICT; TO PROVIDE AN
EFFECTIVE DATE THEREOF; TO REPEAL A CONFLICTIVE
ORDINANCES; AND FOR OTHER PURPOSES**

Be it ordained by the Board of Commissioners of Carroll County, Georgia and pursuant to the authority of the same as follows:

A. Regulations for Development with the Snake Creek Watershed Protection District

In order that Carroll County and surrounding areas may continue to have a health economic climate, it is essential that adequate supplies of drinking water be assured. Conflicts can arise in meeting this goal when industrial, urban or suburban development occurs within area that are close to water supply reservoirs or the drainage areas supplying water to said reservoirs. Sedimentation and erosion from development reduce the storage capacity of reservoirs. Storm water runoff from developed areas can introduce pollutants into the drinking water supply, making water treatment more complicated and expensive. Effluent from nearby wastewater treatment plants can release phosphorus and other pollutants into the water supply, making water either undrinkable, expensive to treat, or unusable for recreation purposes. Certain types of industrial land uses create the risk of chemical spills occurring and contaminating the nearby reservoir before the spill can be contained.

The purpose of the Snake Creek Watershed Protection District is to establish measures to protect the quality of the present and future water supply for Carroll County and neighboring localities. Because these protective measures allow some latitude with the land uses, and because the District is not intended to prescribe a specific land use, but rather a range of acceptable land uses, the Snake creek Watershed Protection District is designed as an overlay district. Within the range of land uses that can be located within the District, there are established in this section performance standards that apply to development that occurs in that District.

The purpose of this ordinance is to create a zoning district to be known as the Snake Creek Watershed Protection District (hereinafter referred to as the "District"), which such area has a unique environmental importance to Carroll County.

The Ordinance is intended to maintain the current high water quality of the surface water (rivers, creeks, streams and spring) and underground water of the Snake Creek Watershed Basin and to preserve and ensure that same continuing high water quality of said basin for the future. The zoning for said district is intended to provide for certain permitted uses as hereinafter provided and to protect the underground and surface water of said basin from polluting effects of uncontrolled development and from encroachments of those uses that are not compatible with a protected watershed.

B. Establishment of District. The Snake Creek Watershed Protection District shall consist of two parts 1) a water Quality Critical Area; and 2) a Limited Restriction Area.

1. A Water Quality Critical Area (hereinafter referred to he “Critical Area”) may be established for land which lies to the shore line of the proposed H.C. Seaton Reservoir and extends within the watershed area of the reservoir to a point beyond either the ridge line of the reservoir watershed or 1000 feet from the shore lines of the reservoir at flood stage level (defined as height equal to top of spillway of dam) whichever is the shorted distance.
2. A Limited Restriction Area (hereinafter referred to as the “ Limited Restriction Are”) shall be established for the watershed area of the Reservoir and Snake Creek (primary stream serving the reservoir) and shall include the headwaters if Snake Creek and the surface waters and tributaries flowing into Snake Creek. The Limited Restriction Area shall encompass all of these surface waters, tributaries, and creeds feeding Snake Creek and the Reservoir and an area defined as 150 feet wide on both sides of the designated streams plus an area within 150 feet of the Reservoir shore line at flood stage level (defined as height equal to top of spillway dam).

C. Definitions

1. Unless otherwise noted, any “Set back” measurements hereinafter stated shall be measured from the banks of any river, creek stream, spring or body of water that is located within the District or the outer property line of any property owned, operated, managed, or maintained by Carroll County Water Authority as a water source, whichever is greater.
2. The words “surface water” as herein used shall mean and include any river, creek, stream spring or body of water located within the District.
3. The words “underground water” as herein used shall mean and include any water located underground in the District.
4. The word “ toxic” as herein used shall mean any chemical substance that has been defined as toxic by the Environmental Protection Division of the State of Georgia (E.P.D), the Department of Agriculture of the State of Georgia (G.D.A), or the Environmental Protection Agency of the United States (E.P.A)

A. Restrictive Uses of Property Located within the Water Quality Critical Area

Any property lying within the Water Quality Rea shall have in addition to the restrictive uses hereinafter set out the following restrictions:

1. Permitted Residential Uses

A. Minimum lot size

1. 1 acre, if served by public sewer.
2. Residential lots, all or a portion of which lie within 400 feet of the reservoir, served by septic tank and nitrification filed, shall be a minimum of 2 acres in size. All other residential lots lying within the Critical Area, outside the 400-foot line, shall be a minimum of 1 acre in size.

B. Minimum Set Back Lines fro building or structure: On any property adjacent or contiguous to a water-source reservoir or stream the minimum set back line for the construction of a residential building or structure shall be established as follows:

1. The building set back line shall be a minimum of 100 feet from the high-water flood line

C. Minimum set Back Lines for nitrification field line: 250 feet from high water flood line

D. Permitted Agricultural Uses.

- I. Minimum Set Back Lines for building or structure: same as residential construction.
- II. Minimum Set Back Lines for nitrification field line: same as for residential
- III. Minimum Set Back Lines fro cultivation: 50 feet from high water flood line.

E. Commercial: No commercial structures or uses of any nature

F. Industrial: No industrial structures or uses of any nature.

E. Permitted Uses

The following uses of property located within the Critical Area are permitted provided they meet the requirements stated in this Ordinance and

1. Single family dwellings
2. Row crops and pasture
3. Family and commercial agriculture.
4. Non-commercial agriculture, poultry, dairying, horse and livestock raising and greenhouses, as an accessory use to a permitted residential dwelling for the principal benefit of the occupants thereof.

5. Riding stables and academics
6. Sale of products and commodities grown solely on the premises
7. Schools, colleges, and publicly owned and operated community structures
8. Public utility structures, building and land
9. Accessory uses and buildings
10. Public Parks, playgrounds, community buildings, golf courses and similar public service facilities.
11. Privately owned day nurseries, pre-school, and kindergartens
12. Churches, similar places of worship, and non-commercial cemeteries.
13. Clubs, private and public, including golf and country clubs, fishing and hunting clubs and other similar enterprises
14. Home occupations
15. Lakes and impoundments built to soil Conservation Service specifications

F. Restrictions and Limitations in the Limited Restriction Area.

The following restrictions and limitations shall apply to property, all or a portion of which, adjoins or lies within 150 feet of the reservoir flood stage level within or 150 feet of any designated stream within the Limited Restriction Area of the District.

1. Permitted Residential Use:
 - A. Single family dwelling-minimum lot size: 3/4 acre if served by public sewerage. 1 1/4 acres, if served by septic tank and nitrification field.
 - B. Multi-family dwellings, which are served by public sewerage.
 - C. Minimum Set Back Lines from water source or flood way for building or structure for Single-family and multi-family dwellings: 150 feet.
 - D. Minimum Set Back nitrification Field & dwellings: 150 feet
2. Permitted Agricultural Use: Lines for septic tank and line for single-family
 - A. Minimum Set Back lines for septic tanks and nitrification field: 150 feet
 - B. Minimum Set Back lines for residential structures: 150 feet
 - C. Minimum Set Back lines for Barns and other accessory buildings: 150 feet
 - D. Minimum Set Back lines for cultivation: 100 feet

3. Permitted Commercial Use

- A. Minimum lot size: 2 acres.
- B. Minimum Set Back lines for structure, nitrification field, accessory building or parking lot: 150 feet.

4. Permitted Industrial Use:

- A. Minimum lot size: 5 acres
- B. Minimum Set Back lines for structure, accessory building or parking lot: 150 feet.
- C. Minimum Set Back lines for septic tank and nitrification field line: 150 feet.

G. Prohibited Uses. The Following activities shall not be permitted within the District.

- 1. No sewage treatment facility shall be constructed in the District unless Carroll County Water Authroriy and E.P.D grant prior approval.
- 2. No commercial or industrial business, which uses, sells, stores, or maintains any toxic chemicals, toxic waste or toxic wastes or toxic products.
- 3. No agricultural or industrial business which uses, sell, stores, or maintains any toxic chemicals, toxic waste or toxic products
- 4. No agricultural activity that does not strictly comply with Georgia pesticides Act of 1976, Georgia Pesticide Use and Application Act of 1976, and Georgia Laws 1982, House bill 1780 (O.C.G.A. § 2-1-4) and (O.C.G.A. § 2-7-90 et. .Seq).
- 5. No industry, business or facility, which uses, makes or creates as a product or by product any toxic wastes, heavy material, grease, or animal fat.
- 6. No dumping, discharging, releasing, spraying, distributing of any toxic or other harmful products onto the land into the atmosphere or in a stream or body of water located in the area above described.

7. No landfills or waste disposal facilities of any kind (except for approval septic tanks).
8. No underground fuel or chemical storage tanks are allowed. For purposes of this section underground refers to the burial of such tanks below the surface of the ground or the covering of them by a bream built above grade. Spill containments measures (i.e. dikes, doublelined tanks, etc.) Must be taken for any aboveground fuel or chemical storage tank.

H. Restriction on Land Below Dam Site.

The following additional restrictions shall apply to land lying in the District that is located behind and below any existing water reservoir, dam or any planned water reservoir or dam.

1. No building or accessory buildings shall be constructed any lower than the maximum flood elevation for a distance of one mile downstream from the dam of the reservoir.

I. Impervious Surface Limitations.

In order to prevent an excessive amount of storm-water runoff from damaging the water quality of the reservoir, it is necessary to encourage as much infiltration as possible of runoff from hard surfaces onto land area, which can absorb and filter runoff. For the purposes of this section, an impervious surface is defined as a surface composed of any material that impedes or prevents natural infiltration of water into the soil. Impervious surfaces may include, but are not limited to: roofs, streets, parking area, tennis courts, driveways, patios, sidewalks, and any concrete, asphalt or compacted gravel surface. Impervious surface calculations for an individual development shall be cumulative for original construction or any subsequent additions, which are made. The following impervious surface limits shall be applied to the District as specified below.

1. No impervious surface shall be constructed within 150 feet setback from reservoir flood stage level or within a 150 feet setback area on both sides of the stream as measured from the stream banks.
2. There shall be limitation of no more than 25 percent of the land area or the existing use, whichever is greater of that portion of a single development located within the boundaries of the Limited Restriction Area, which may be covered by an impervious surface. Roof areas of residential buildings not in excess of roof runoff is kept from directly or indirectly entering the street or parking/driveway drainage systems, but is directed rather onto lawn or natural vegetation area within the confines of the particular lot or development in which the roof is located.

J. Special Runoff and Drainage Requirements.

It is necessary to impose several requirements on development in the District in order to prevent damage to water quality that is not necessarily attributed to an individual property within a development. These requirements are as specified below:

1. **Stormwater Runoff Retention.** For development within the District, measure shall be employed to infiltrate, retain or detain (detention being least preferred) stormwater runoff from impervious surfaces. Methods to accomplish that infiltration, retention or detention shall be shown on the development site plan. The area to which this requirement shall apply may be for each individual lot within a single development, or the development as a whole. If the developer elects to satisfy this requirement for the development as a whole, the site plan shall indicate how many devices or structures used to accomplish retention, infiltration or detention shall be maintained. The developer will not be required to employ measures to retain or detain runoff from driveways walkways or patios located on private residential lots as long as the runoff from said surfaces is controlled to allow infiltration of the same into surrounding lawn or ground cover.

2. **Buffer Zones Around Reservoir and Along Streams.** A one hundred (100') foot wide buffer zone shall be maintained in all banks surrounding the Reservoir. Said buffer zone shall start at the high water flood level of the Reservoir and extend outward. A one hundred (100') foot wide buffer zone shall be maintained on both sides of all perennial streams within the Limited Restriction Area. Said buffer zone shall begin at the top of the adjoining banks on the streams.

Briars and dead brush in the buffer zones may be removed by the land owner. Ground within this buffer zone may be only minimally distributed; it may be bush hogged, but it may not be plowed or harrowed or otherwise distributed. Flowering shrubs and trees may be planted in the buffer, and grasses may be sown, however no pesticides, herbicides or other weed killer compounds may be used in this area. Animals shall be permitted to graze in the buffer, but excessive grazing which results in all vegetation being stripped from the buffer zone will not be allowed. Timber may be harvested in a controlled method, with trees to be cut to fall away from the stream. Stumps may be individually removed if the hole is filled and steps are taken to prevent erosion.

3. **Street Runoff and Drainage.** New streets constructed within the District shall not require curb and gutter unless otherwise required by subdivision ordinances. New streets, which cross perennial stream within the District, shall be designed to limit direct runoff from pavement surfaces into the

stream it crosses. Such design features shall be indicated on the site plan submitted by a developer.

Street, crossing, utility lines, recreational and green way facilities and recreation related paved surfaces may be allowed as exceptions to vegetative buffer requirement in buffer area, flood ways and flood way fringe areas. However, such intrusion shall be minimized or mitigate to the extent possible.

K. Pre-existing Conditions

All parcels of land within the District at the time of the passage of this ordinance that do not conform or come within the permitted uses or the minimum standards hereinafter set out shall be governed by the Zoning Regulations of Carroll County, Georgia, as amended, as it relates to nonconforming uses and activities.

L. Zoning and Building Permits

The following additional requirement must be met prior to obtaining rezoning or building permits within the District

1. Should the owner of a lot, parcel or tract of land, lying within 150 feet of any surface water in the Limited Area of the District purpose to develop any portion of the property, the owner or his authorized agent shall submit a topographical survey or drawing to scale showing the exact location of the surface water and its relationship to the property to be developed.

M. Variances

Variances may be made by the governing authority of Carroll County or by any municipal governing authority located in the District as to lot sizes, uses and activities, provided that sewage generated by the facility located on said property is serviced by an approved public agricultural or industrial facilities which uses, makes or creates as a product or byproduct any toxic substance wastes.

N. Effective Date of Ordinance

This ordinance shall take effect and be in full force and effect upon the adoption thereof by the Board of Commissioners of Carroll County, Georgia. All present ordinances, resolutions and parts hereof in conflict herewith are hereby appealed.

Adopted 14 July 1998

**AN ADDENDUM TO THE CARROLL COUNTY ZONING ORDINANCE SO AS
TO PROVIDE FOR THE ESTABLISHMENT OF THE SHARPE CREEK
WATERSHED PROTECTION DISTRICT; TO PROVIDE AN
EFFECTIVE DATE THEREOF; TO REPEAL A CONFLICTIVE
ORDINANCES; AND FOR OTHER PURPOSES**

Be it ordained by the Board of Commissioners of Carroll County, Georgia and pursuant to the authority of the same as follows:

A. Regulations for Development with the Sharpe Creek Watershed Protection District

In order that Carroll County and surrounding areas may continue to have a health economic climate, it is essential that adequate supplies of drinking water be assured. Conflicts can arise in meeting this goal when industrial, urban or suburban development occurs within area that are close to water supply reservoirs or the drainage areas supplying water to said reservoirs. Sedimentation and erosion from development reduce the storage capacity of reservoirs. Storm water runoff from developed areas can introduce pollutants into the drinking water supply, making water treatment more complicated and expensive. Effluent from nearby wastewater treatment plants can release phosphorus and other pollutants into the water supply, making water either undrinkable, expensive to treat, or unusable for recreation purposes. Certain types of industrial land uses create the risk of chemical spills occurring and contaminating the nearby reservoir before the spill can be contained.

The purpose of the Sharpe Creek Watershed Protection District is to establish measures to protect the quality of the present and future water supply for Carroll County and neighboring localities. Because these protective measures allow some latitude with the land uses, and because the District is not intended to prescribe a specific land use, but rather a range of acceptable land uses, the Sharpe Creek Watershed Protection District is designed as an overlay district. Within the range of land uses that can be located within the District, there are established in this section performance standards that apply to development that occurs in that District.

The purpose of this ordinance is to create a zoning district to be known as the Sharpe Creek Watershed Protection District (hereinafter referred to as the "District"), which such area has a unique environmental importance to Carroll County.

The Ordinance is intended to maintain the current high water quality of the surface water (rivers, creeks, streams and spring) and underground water of the Sharpe Creek Watershed Basin and to preserve and ensure that same continuing high water quality of said basin for the future. The zoning for said district is intended to provide for certain permitted uses as hereinafter provided and to protect the underground and surface water of said basin from polluting effects of uncontrolled development and from encroachments of those uses that are not compatible with a protected watershed.

B. Establishment of District. The Sharpe Creek Watershed Protection District shall consist a Limited Restriction Area.

A Limited Restriction Area (hereinafter referred to as the “ Limited Restriction Area”) shall be established for the watershed area of the Reservoir and Sharpe Creek (primary stream serving the reservoir) and shall include the headwaters of Sharpe Creek and the surface waters and tributaries flowing into Sharpe Creek. The Limited Restriction Area shall encompass all of these surface waters, tributaries, and creeks feeding Sharpe Creek and the Reservoir and an area defined as 150 feet wide on both sides of the designated streams plus an area within 150 feet of the Reservoir shore line at flood stage level (defined as height equal to top of spillway dam).

C. Definitions

1. Unless otherwise noted, any “ Set back” measurements hereinafter stated shall be measured from the banks of any river, creek stream, spring or body of water that is located within the District
2. The words “surface water” as herein used shall mean and include any river, creek, stream spring or body of water located within the District.
3. The words “underground water” as herein used shall mean and include any water located underground in the District.
4. The word “toxic” as herein used shall mean any chemical substance that has been defined as toxic by the Environmental Protection Division of the State of Georgia (E.P.D), the Department of Agriculture of the State of Georgia (G.D.A), or the Environmental Protection Agency of the United States (E.P.A).

D. Restrictions and Limitations in the Limited Restriction Area.

The following restrictions and limitations shall apply to property, all or a portion of which, adjoins or lies within 150 feet of the reservoir flood stage level or within 150 feet of any designated stream within the Limited Restriction Area of the District.

1. Permitted Residential Use:

- A. Single family dwelling-minimum lot size: 3/4 acre if served by public sewerage. 1 ¼ acres, if served by septic tank and nitrification field.
- B. Multi-family dwellings, which are served by public sewerage.
- C. Minimum Set Back Lines from water source or flood way for building or structure for Single –family and multi-family dwellings: 150 feet.

- D. Minimum Set Back nitrification Field & dwellings: 150 feet
- 2. Permitted Agricultural Use: Lines for septic tank and line for single-family
 - D. Minimum Set Back lines for septic tanks and nitrification field: 150 feet
 - E. Minimum Set Back lines for residential structures: 150 feet
 - F. Minimum Set Back lines for Barns and other accessory buildings: 150 feet
 - G. Minimum Set Back lines for cultivation: 100 feet
- 3. Permitted Commercial Use
 - H. Minimum lot size: 2 acres.
 - I. Minimum Set Back lines for structure, nitrification field, accessory building or parking lot: 150 feet.
- 4. Permitted Industrial Use:
 - J. Minimum lot size: 5 acres
 - K. Minimum Set Back lines for structure, accessory building or parking lot: 150 feet.
 - L. Minimum Set Back lines for septic tank and nitrification field lines: 150 feet.
- 5. New sanitary landfills are allowed only if they have synthetic liners and leachate collection systems.
- 6. New hazardous waste treatment or disposal facilities are prohibited.
- 7. New facilities located within the district, which handle hazardous material of the types and amounts determined by the Georgia Department of Natural Resources, shall perform their operations on impermeable surfaces having spill and leak collection systems as prescribed by the Department of Natural Resources.

E. Restrictions on Land Below Dam Site

The following additional restrictions shall apply to land lying in the District that is located behind and below any existing water reservoir, dam, or any planned water reservoir or dam.

1. No building or accessory buildings shall be constructed any lower than the maximum flood elevation for a distance of one mile downstream from the dam of the reservoir.

F. Impervious Surface Limitations.

In order to prevent an excessive amount of storm-water runoff from damaging the water quality of the reservoir, it is necessary to encourage as much infiltration as possible of runoff from hard surfaces onto land area, which can absorb and filter runoff. For the purposes of this section, an impervious surface is defined as a surface composed of any material that impedes or prevents natural infiltration of water into the soil. Impervious surfaces may include, but are not limited to: roofs, streets, parking area, tennis courts, driveways, patios, sidewalks, and any concrete, asphalt or compacted gravel surface. Impervious surface calculations for an individual development shall be cumulative for original construction or any subsequent additions, which are made. The following impervious surface limits shall be applied to the District as specified below.

1. No impervious surface shall be constructed within 150 feet setback from reservoir flood stage level or within a 150 feet setback area on both sides of the stream as measured from the stream banks.
2. There shall be limitation of no more than 25 percent of the land area or the existing use, whichever is greater of that portion of a single development located within the boundaries of the Limited Restriction Area, which may be covered by an impervious surface. Roof areas of residential buildings not in excess of roof runoff is kept from directly or indirectly entering the street or parking/driveway drainage systems, but is directed rather onto lawn or natural vegetation area within the confines of the particular lot or development in which the roof is located.

G. Special Runoff and Drainage Requirements.

It is necessary to impose several requirements on development in the District in order to prevent damage to water quality that is not necessarily attributed to an individual property within a development. These requirements are as specified below:

1. **Stormwater Runoff Retention.** For development within the District, measure shall be employed to infiltrate, retain or detain (detention being least preferred) stormwater runoff from impervious surfaces. Methods to accomplish that infiltration, retention or detention shall be shown on the development site plan. The area to which this requirement shall apply may be for each individual lot within a single development, or the development as a whole. If the developer elects to satisfy this requirement for the development as a whole,

the site plan shall indicate how many devices or structures used to accomplish retention, infiltration or detention shall be maintained. The developer will not be required to employ measures to retain or detain runoff from driveways walkways or patios located on private residential lots as long as the runoff from said surfaces is controlled to allow infiltration of the same into surrounding lawn or ground cover.

2. Buffer Zones Around Reservoir and Along Streams. A one hundred (100') foot wide buffer zone shall be maintained in all banks surrounding the Reservoir. Said buffer zone shall start at the high water flood level of the Reservoir and extend outward. A one hundred (100') foot wide buffer zone shall be maintained on both sides of all perennial streams within the Limited Restriction Area. Said buffer zone shall begin at the top of the adjoining banks on the streams.

- i. Briars and dead brush in the buffer zones may be removed by the land owner. Ground within this buffer zone may be only minimally distributed; it may be bush hogged, but it may not be plowed or harrowed or otherwise distributed. Flowering shrubs and trees may be planted in the buffer, and grasses may be sown, however no pesticides, herbicides or other weed killer compounds may be used in this area. Animals shall be permitted to graze in the buffer, but excessive grazing which results in all vegetation being stripped from the buffer zone will not be allowed. Timber may be harvested in a controlled method, with trees to be cut to fall away from the stream. Stumps may be individually removed if the hole is filled and steps are taken to prevent erosion.

3. Street Runoff and Drainage. New streets constructed within the District shall not require curb and gutter unless otherwise required by subdivision ordinances. New streets, which cross perennial stream within the District, shall be designed to limit direct runoff from pavement surfaces into the stream it crosses. Such design features shall be indicated on the site plan submitted by a developer.

- i. Street, crossing, utility lines, recreational and green way facilities and recreation related paved surfaces may be allowed as exceptions to vegetative buffer requirement in buffer area, flood ways and flood way fringe areas. However, such intrusion shall be minimized or mitigate to the extent possible.

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Adopted 14 July 1998