

Topic: Overlay District
Resource Type: Regulations
State: Georgia
Jurisdiction Type: Municipal
Municipality: City of Richmond Hill
Year (adopted, written, etc.): 2000
Community Type – applicable to: Urban; Suburban
Title: City of Richmond Hill Conservation
Preservation District Ordinance
Document Last Updated in Database: April 18, 2017

Abstract

This ordinance uses overlay districts for the protection of wetlands and the river corridor. Within these districts the ordinance provides not only for what can't be done in these areas, but how certain activities are to be carried out.

Resource

Richmond Hill Code of Ordinances

Section 15. CP, conservation preservation district.

A. Purpose of district. The purpose of this district is to preserve and control development within certain land, marsh, water, and swamp areas of this city. These areas serve as wildlife refuges, possess great natural beauty, are of ecological significance, are utilized for outdoor recreational purposes, or provide needed open space for the health and general welfare of the city's inhabitants. The regulations are designed to discourage encroachment of uses capable of destroying the undeveloped character of the district.

A.1. Statement of intent. The intent of this article is to establish minimum development standards and criteria that will afford reasonable protection of environmentally sensitive natural resources found throughout the city. Based on the findings of the city's comprehensive land use plan, it has been determined that the wise management of these resources as defined in this article is essential to maintaining the health, safety, general welfare and economic well being of the public.

A.2. Establishment of environmental conservation districts. The city's environmental conservation districts shall include the following districts:

Wetlands protection overlay district

Major river corridor protection overlay district

A.3. Wetlands protection overlay district.

A.3.1. Findings of fact. The wetlands within the city are indispensable and fragile natural resources with significant development constraints due to flooding, erosion, and soil 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 studies; open space; and recreational opportunities.

A.3.2 Purpose. The purpose of this district is to promote the wise use of wetlands and protect them from alterations that will significantly affect or reduce their primary functions for water quality, flood plain and erosion control, ground water recharge aesthetic natural areas and wildlife habitat areas.

A.3.3. District delineation. These regulations shall apply to all lands within wetlands located within the city. The wetland protection district overlay map, adopted as part of this ordinance, shows the general location of wetlands and should be consulted by persons contemplating activities in or near wetlands before engaging in a related activity. The wetland protection district map is an overlay map of the city's official zoning map, which is hereby incorporated and made part of this ordinance by reference and shall be on file with the city zoning administrator.

A.3.4. Wetland development permit requirements. No activity or use except those identified in section A.3.5. shall be allowed within the wetland protection district without written permission from the zoning administrator in the form of a local development permit. Issuance of a local development permit is contingent on full compliance with the terms of this ordinance and other applicable regulations. If the area proposed for development is located within 100 feet of the wetland protection district boundary, as determined from the wetland protection district map, a U.S. Army Corps of Engineers determination shall be required if the Corps determines that wetlands are present and the section 404 Permit of Letter of Permission is required, a local development permit will be issued only following issuance of the section 404 Permit or Letter of Permission. Furthermore, the local development permit will only be granted if the proposed use is in compliance with underlying zoning district requirements and other provisions of this ordinance.

A.3.5. Permitted uses. The following uses are permitted by right within the wetland protection district to the extent they are not prohibited by any other ordinance or law and provided they do not require structures, grading, fill, draining, or dredging except as provided herein.

(1) Forestry practices applied in accordance with best management practices approved by the Georgia Forestry Commission. (Section 404 does not require permits for normal ongoing silvicultural activities. However, section 404 does list some required road

construction best management practices that must be followed in order to qualify for such an exemption.)

(2) Conservation or preservation of soil, water, vegetation, fish, or other wildlife, provided they do not affect waters of the State of Georgia or of the United States in such a way that would require an individual 404 permit.

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

(4) Natural water quality treatment or purification.

(5) Normal agriculture activities including the planting and harvesting of crops and pasturing of livestock. Such activities shall be subject to best management practices approved by the Georgia Department of Agriculture.

A.3.6. Prohibited uses. The following uses are prohibited in a wetland protection district.

(1) Receiving areas for toxic or hazardous waste or other contaminants.

(2) Hazardous or sanitary landfills.

A.4. Major river protection overlay district.

A.4.1. Findings of fact. Perennial river or water courses with an average annual flow of at least 400 cubic feet per second are of vital importance to Georgia in that they help preserve those qualities that make a river suitable for habitat for wildlife, a site for recreation, and a source for clean drinking water. These river corridors also allow the free movement of wildlife from area to area within the state, help control erosion and river sedimentation, and help absorb flood waters.

A.4.2. Purpose. The purpose of the major river protection district is to establish measures to preserve an adequate supply of safe drinking water which is necessary to protect the health and welfare of the public as well as to provide for the state's future growth.

A.4.3. District delineation. The Ogeechee River forms part of the city's eastern border. A 100-foot vegetative buffer is hereby established. The buffer area is measured horizontally from the river bank.

A.4.4. Permitted uses. Under the method prescribed by the rules for environmental planning criteria, no development or other land disturbing activity would be allowed to occur within a 100-foot buffer except for the following.

(1) Single-family dwellings, to include townhouses, provided each dwelling is located on at least two acres.

(2) Any industrial or commercial uses existing prior to the adoption of local protection ordinances, providing they do not impair the drinking quality of water and meet all other federal environmental regulations.

(3) Road and utility crossings, providing the construction of these crossings meet the requirements of the Erosion and Sedimentation Act.

(4) Timber production and harvesting, providing it is consistent with the best management practices established by the state forestry commission, and does not impair the drinking quality of the water.

(5) Agricultural production provided it is consistent with the best management practices established by the Georgia Soil and Water Conservation Commission, and all other state and federal regulations, and does not impair the drinking quality of the water.

(6) Wildlife and fisheries management activities.

(7) Natural water quality treatment and purification.

(8) Wastewater treatment.

(9) Recreational usage consistent with the maintenance of a natural vegetative buffer or with river dependent recreation.

(10) Private dock or boathouse.

A.4.5. Prohibited uses. Facilities or areas used for the handling, receiving, or storing of hazardous wastes or solid waste landfills are specifically prohibited in the river corridor.

B. Permitted uses. Within the CP zoning district, unless otherwise permitted by this ordinance, no building, structure or land shall be used except for the following:

(1) Amphitheater.

(2) Bed and breakfast.

(3) Farms for the growing of agricultural products, or timber with dwelling unit for owner or operator.

(4) Museum.

(5) Outdoors commercial recreation center.

- (6) Park/playground.
- (7) Private dock or boathouse.
- (8) Public boat ramp.
- (9) Tent and trailer campground.
- (10) Wildlife refuges, including dwelling units of caretakers.
- (11) Customary accessory buildings and uses incidental to the above permitted uses.

C. Conditional permitted uses. The conditional permitted uses enumerated below in accordance with the provisions contained in article VII may be permitted upon application being submitted to the city planning commission for review and approval by the governing body. A site development plan is required to accompany the application and shall be amended, if necessary, to reflect any changes imposed by the final city council approval prior to issuance of the first permit. Uses similar to those below that are not found in any other district classification may be conditionally permitted upon approval by the city council.

- (1) Cemetery.
- (2) Church.
- (3) Panel antennae.
- (4) Public utility.
- (5) Customary accessory buildings and uses incidental to the above conditionally permitted uses.

D. Area regulations. The following are the area requirements for the CP zoning district:

- (1) Minimum lot size: One-half acre.
- (2) Minimum lot width at building line: 100.
- (3) Minimum front setback from street: 50.
- (4) Minimum side setback (feet) from property line: 30.
- (5) Minimum rear setback (feet) from property line: 20.
- (6) Maximum building height (feet): 35.

(7) Signage dimensions: See article VI of this ordinance.

E. Other applicable requirements.

1. Landscaping. See the city landscaping and tree ordinance.

(Ord. of 10-17-00, § D.37--39)