

ARTICLE XX

WETLAND PROTECTION DISTRICTS

Section 2000. Findings and Purpose

The wetlands within Dacula, Georgia are indispensable and fragile natural resources with significant development constraints due to flooding, erosion and soils limitations. In their natural state, wetlands serve man and nature. They provide habitat areas for fish, wildlife, and vegetation; water control; erosion control; natural resource education; scientific study; open space; and recreational opportunities. The wise management of forested wetlands is essential to the economic well-being of many communities within the State of Georgia.

The Georgia Department of Natural Resources and the Georgia Department of Community Affairs have determined that each local government with classified wetlands located in it's jurisdictions must adopt a Wetlands Protection Ordinance under the requirements of House Bill 215, Georgia's 1989 Growth Strategies Legislation and the rules promulgated thereunder.

It is therefore necessary for the City of Dacula, Georgia to ensure protection for wetlands by ensuring that development activities do not adversely affect wetlands.

Section 2001. Wetland Protection Districts. This section of the Zoning Resolution shall apply to all wetlands within the Wetland Protection Districts as defined herein and located within the jurisdiction of Dacula, Georgia. The Generalized Wetland Map, adopted as part of this Resolution, shows the general location of wetlands and of the Wetland Protection District and should be consulted by persons contemplating activities in or near wetlands before engaging in a regulated activity. The Generalized Wetland Map, together with all explanatory matter thereon and attached thereto, is hereby adopted by reference and declared to be part of this Resolution. The Generalized Wetland Map shall be on file in the office of the Dacula City Clerk.

Section 2002. Wetland Protection Districts Boundaries. The Generalized Wetland Map is a general reference document and wetland boundaries indicated on the map are approximations. The purpose of the Generalized Wetland Map is to alert developers/landowners if they are within proximity to a wetland, which means that there is a high likelihood of the presence of a jurisdictional wetland and a need for the developer/owner to seek U.S. Army Corp of Engineers guidance as to whether a Section 404 Permit will be required prior to any activity. The Generalized Wetland Map does not necessarily represent the exact boundaries of jurisdictional wetlands within the jurisdiction of Dacula, Georgia 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 Resolution does not relieve the landowner from federal or state permitting requirements.

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Section 2003. Local Development Permits. No regulated activity will be allowed within the Wetland Protection Districts without written permission from the City of Dacula or its designee in the form of a local development permit. Issuance of a local development permit is contingent on full compliance with the terms of this Resolution and other applicable regulations. All activities within a Wetland Protection District that are not exempted in Section 2004 below, shall be prohibited without prior issuance of a local development permit. The City of Dacula City Clerk, or its other plan review designee to administer this Resolution, will consult the Generalized Wetland Map to determine if the proposed land disturbance activity is within fifty feet (50') of the Wetland Protection District boundary, as determined from the Generalized Wetland Map. If the proposed development is within a mapped Wetland area or within fifty (50) feet, a U.S. Army Corp of Engineers determination shall be required. If the Corps determines that wetlands are present and that a Section 404 Permit or letter of Permission is required, a local development permit will be issued only following issuance of the Section 404 Permit or letter of Permission. If the City Clerk or designee determines that the proposed development is not near a Wetland Protection boundary; or it is not the type of activity that would cause the alteration of wetlands, the City of Dacula may proceed with normal procedures in issuing a Land Development Permit.

Section 2004. Permissible Uses (Use as a Right). The following uses shall be allowed as a right within the Wetland Protection Districts to the extent that they are not prohibited by any other ordinance, resolution or law and provided they do not require structures, grading, fill, draining, or dredging except as provided herein.

1. Operations conducted during normal silvicultural activities, including minor dredge and fill associated with road construction, harvesting, and reforestation practices provided they meet the performance standards and road construction best management practices required under Section 404 of the Clean Water Act.
2. Conservation or preservation of soil, water vegetation, fish, and other wildlife, provided they do not affect water of Georgia or the United States in such a way that would require an individual 404 permit.
3. Outdoor passive recreational activities, including fishing, bird watching, hiking, boating, horseback riding and canoeing.
4. Forestry practices applied in accordance with best management practices approved by the Georgia Forestry Commission.
5. The cultivation of agriculture crops. Agricultural activities shall be subject to best management practices approved by the Georgia Department of Agriculture.
6. The pasturing of livestock provided that riparian wetlands are protected, that soil profiles are not disturbed and that approved best management practices are followed.
7. Education, wetlands scientific research, and nature trails.

Section 2005. Temporary Emergency Permit A temporary emergency permit can be issued by the City of Dacula or its designee for the following reasons:

\*Maintenance or repair of lawfully located roads or structures and of facilities used in the service of the public to private transportation , electric, gas, water, telephone, telegraph, telecommunication or other services, provided that such roads, structures, or facilities are not materially changed or enlarged and that, prior to the commencement of work, written notice has been given to the City of Dacula or it's designee and provided that the work is conducted using best management practices to ensure that flow and circulation patterns, and chemical and biological characteristics of the wetland are not impaired and that any adverse effect on the aquatic environment will be minimized.

\* Temporary water level stabilization measures associated with silvicultural operations, provided that they are necessary to alleviate abnormally wet or dry conditions that would have an adverse impact on the conduct of silvicultural activities if not corrected.

\*Limited ditching, tilling, dredging, excavating, or filling done solely for the purpose of maintaining or repairing existing drainage systems necessary for the cultivation of agriculture crops, provided that the maintenance or repair activity does not result in the impairment, alteration, or loss of wetlands not previously subject to agricultural and silvicultural use under the terms of Section 2005.

\*Limited excavating and filling necessary for the repair and maintenance of piers, walkways, nature trails, observation decks, wildlife management shelters, boathouses, or other similar water-related structures, provided that they are built on pilings to allow unobstructed flow of water and preserve the natural contour of the wetland.

Section 2006. Site Plans. Applications for a permit within a Generalized Wetland Protection District shall include a site plan, drawn at a scale of 1 inch represents 50 feet (the City of Dacula may approve a different scale where necessary to clearly provide the required information) with the following information:

1. A map of all planned excavation and fill, including calculations of the volume of cut and fill involved, cross-sectional drawings showing existing and proposed grades. Elevations, horizontal scale and vertical scale must be shown on the cross-sectional drawings.
2. Location, dimensions and area of all imperious surfaces, both existing and proposed, on the site and adjacent to the site for a distance of  $\pm$  200 feet.
3. The orientation and distance from the boundaries of the proposed site to the nearest bank of an affected perennial stream or water body.
4. Elevations of the site and adjacent lands within 200 feet of the site at contour intervals of no greater than two feet.

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5. Location and detailed design of any spill or leak collection systems designed for the purpose of containing accidentally released hazardous or toxic materials.
6. All proposed temporary disruptions or diversions of local hydrology.

Section 2007. Activities to Comply with Site Plan. All development activities or site work conducted after approval of the site plan shall conform with the specifications of said site plan. The site plan may be amended only by the approval of the City of Dacula or its designee. The City of Dacula may require a bond up to the larger of \$5000.00 or \$1,000.00 per acre of project area and with surety and conditions sufficient to secure compliance with the conditions and limitations set forth in the permit. The particular amount and conditions of the bond shall be consistent with the purposes of this Resolution. In the event of a breach of condition of any such bond, the City of Dacula or its designee may collect such bond or institute an action in a court of competent jurisdiction upon such bond and prosecute the same to judgement and execution.

Section 2008. Separate Wetlands Filing Fee. At the time of the application, the applicant shall pay a filing fee specified by the City of Dacula or its designee. Filing fees to the larger of \$500.00 or \$100.00 per acre may be required to evaluate the application. This fee may be used to retain expert consultants who will provide services pertaining to functional assessment and mitigation measures as deemed necessary by the City of Dacula or its designee. In any case, the filing fees shall not be less than the amount necessary for evaluation of the application in a manner consistent with the intent of this Resolution.

Section 2009. Enforcement Authority. The Dacula City Council is hereby established as the administrator of the Wetlands Protection Districts.

Section 2010. Penalties. Any person who commits, takes part in, or assists in any violation of any provision pertaining to the Wetland Protection Districts shall be guilty of a misdemeanor and, upon his conviction thereof, shall be punished as provided by the law. Each violation of this act shall be a separate offense, and, in the case of a continuing violation, each days' continuance shall be deemed to be a separate and distinct offense.

When a building or other structure has been constructed in violation of this Resolution, the violator may be required to remove the structure, at the discretion of the City Council or its designee.

When removal of vegetative cover, excavation or fill has taken place in violation of this Resolution, the violator may be required to restore the affected land to its original contours and to restore vegetation, as far as practicable, at the discretion of the City Council or its designee.

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If the Council or its designee discovers a violation of this Resolution that also constitutes a violation of provisions of the Clean Water Act as amended, the City Council or its designee may issue written notification of the violation to the U.S. Environmental Protection Agency and the U.S. Army Corps of Engineers and the landowner.

Section 2011.    Amendments. These regulations and the Generalized Wetlands Map may from time to time be amended in accordance with procedures and requirements in the general statutes and as new information concerning wetland locations, soils, hydrology, flooding, or botanical species pertinent to wetlands become available.

Section 2012.    Assessment Relief. Assessors and boards of assessors shall consider wetland regulations in determining the fair market value of land. Any owner of an undeveloped wetland who has dedicated an easement or entered into a conservation restriction with the government or a nonprofit organization to permanently control some or all regulated activities in the wetland shall have that portion of land assessed consistent with those restrictions. Such landowner shall also be exempted from special assessment on the controlled wetland to defray the cost of municipal improvements such as sanitary sewers, storm sewers, and water mains.