

STATE OF GEORGIA
EFFINGHAM COUNTY

AMENDMENT TO ARTICLE VI, SECTION 30-245 AND 30-246
OF THE EFFINGHAM COUNTY ZONING ORDINANCE

AN ORDINANCE TO AMEND THE CODE OF EFFINGHAM COUNTY, GEORGIA, AS AMENDED, SPECIFICALLY, CODE OF EFFINGHAM COUNTY, GEORGIA ARTICLE VI - WETLANDS, SECTION 30-245 "PERMIT REQUIRED" AND 30-246 "JURISDICTIONAL WETLAND DETERMINATION REQUIRED", TO REPEAL CONFLICTING LAWS, ORDINANCES AND RESOLUTIONS, TO PROVIDE SEVERABILITY, AND FOR OTHER PURPOSES

NOW THEREFORE, BE IT ORDAINED BY EFFINGHAM COUNTY BOARD OF COMMISSIONERS AND IT IS HEREBY ORDAINED

Section 1. Amendment. That the Official Code of the County of Effingham, GA, be and the same hereby is, amended to read as indicated.

NOTE: New text is indicated by a double underline, deleted text is indicated by ~~strike through~~.

Sec. 30-245. - Permit required.

No land use permit or building permit shall be issued by the county engineer or building official for a land use, building, structure, or manufactured home, nor shall any regulated activity as defined by this article commence, unless the land use, building, structure, manufactured home or regulated activity conforms to the requirements of this article. Prior to a land use permit or building permit being issued, the county engineer or building official shall require a site plan or subdivision plat in sufficient detail to review the proposed development for compliance with the provisions of this article.

(Ord. of 11-6-12)

Sec. 30-246. - Jurisdictional wetland determination required.

If a ~~an area~~ major subdivision proposed for development is located within 50 feet of a wetland as shown on the generalized wetlands map, as determined by the land use officer, no local land use permit ~~or building permit~~ on said wetland shall be issued until a jurisdictional wetland determination has been completed and either of the following occurs:

- (1) The U.S. Army Corps of Engineers determines that there are jurisdictional wetlands present on the proposed development site, a Section 404 permit is required, and either a Section 404 permit or a letter of permission is issued by the Corps for the proposed development; or,
- (2) The U.S. Army Corps of Engineers determines that jurisdictional wetlands are not present on the proposed development site, and no Section 404 permit or letter of permission is required. Should it be determined that no jurisdictional wetlands are located within the major subdivision, the plat of the subdivision to be recorded by a licensed surveyor must textually indicate this prior to acceptance.

If an area within a minor subdivision or on a stand-alone property proposed for development is located within 50 feet of a wetland as shown on the generalized wetlands map, as determined by the land use officer, no local land use and/or building permit on said wetland shall be issued until either of the following occurs:

- (1) The U.S. Army Corps of Engineers determines that there are jurisdictional wetlands present on the proposed development site, a Section 404 permit is required, and either a Section 404 permit or a letter of permission is issued by the Corps for the proposed development; or
- (2) The U.S. Army Corps of Engineers determines that jurisdictional wetlands are not present on the proposed development site, and no Section 404 permit or letter of permission is required; or
- (3) Documentation from a competent environmental professional qualified to determine the location of wetlands is provided to the Zoning Administrator that said property does not contain a jurisdictional wetland, or that the subject development proposal will not disturb wetlands found to exist on the site. Said documentation shall specifically include the reference that the wetlands identification or finding that the site is outside of a jurisdictional wetland is based on a field study of the subject property and application of the federal manual for identifying and delineating wetlands.

Issuance of a county land use and/or building permit under this part will not guarantee the issuance of a permit, or of a permit with any specific provisions, by the Army Corps of Engineers; and the county and its commissioners and staff shall not be liable to the applicant, permit holder, successor in interest thereof, or any third party if the Army Corps of Engineers does not issue a permit or issues a permit under terms different from that issued by the county. The applicant, permit holder, successor in interest thereof, or any third party will be proceeding at his or her own risk in developing the property and any County government action under this ordinance does not relieve them from federal or state permitting requirements.

(Ord. of 11-6-12)

Section 2. Severability. If any sections, phrase, sentence or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not attest the validity of the remaining portions thereof.


Section 3. Effective Date. This Ordinance shall be effective upon its adoption by the County Commission of the County of Effingham, Georgia.

SO ORDAINED, this 21st day of June, 2016

1ST Reading June 7, 2016

2nd Reading June 21, 2016

EFFINGHAM COUNTY BOARD OF
COMMISSIONERS


WENDALL KESSLER, CHAIRMAN

ATTEST:


STEPHANIE JOHNSON, CLERK