

# **Union County**

**Not located in a MSA.**

**2003 Population Estimate 19,119; +9.6% change from 2000 Census.**

**Not a Tree City USA.**

**No tree board established by ordinance.**

## **Chapter 30 ENVIRONMENT**

### **ARTICLE V. MOUNTAIN PROTECTION PLAN**

**Year first adopted or last revised unknown.**

**Addresses private property.**

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Survey and contact information not submitted.

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## ARTICLE V. MOUNTAIN PROTECTION PLAN

### Sec. 30-151. Purpose.

The mountains of the state are characterized by steep slopes, thin soils and, because of the natural stresses placed on such environments, they require special protection. Land disturbing activity on the high elevation, steep slope mountains of the state potentially threatens the public health, safety, welfare and economic progress of the state. Such land disturbing activity:

- (1) May endanger the quality of surface water by increasing erosion and stream sedimentation;
- (2) Has the potential to induce landslides;
- (3) Has the potential to adversely affect groundwater due to difficulty in providing proper sewage disposal in areas of steep slope and high elevation;
- (4) May damage the habitat for some species of wildlife, both plants and animal; and
- (5) May detract from the mountains' scenic and natural beauty which is vital to the local economy through the recreation and tourism industries.

To protect against such adverse effects, this chapter is adopted.

(Ord. No. O-97-5, 11-25-1997)

### Sec. 30-152. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Protected mountain* means all land area 2,200 feet or more above mean sea level that has a percentage slope of 25 percent or greater for at least 500 feet horizontally, and shall include the crests, summits and ridge tops which lie at elevations higher than any such area. The crests, summits and ridge tops of mountains whose flanks meet the criteria for a protected mountain shall also be included within the protected area, even though the slopes of such crests, summits and ridge tops have slopes of less than 25 percent. On an otherwise protected mountain, areas that are at an elevation of 2,200 feet or more, and have a slope of less than 25 percent, exclusive of valley floors, shall be included within the protected mountain area. For the purposes of this article, the term "valley floor" means a depression of the earth's surface where the slopes of mountains meet at a lower limit to become nearly level, and includes such associated areas at the base or toe of a mountain with a 10:1 (ten percent) slope or less. Illustration 1, attached to this article, provides a graphic of protected mountains in accordance with this definition. Illustration 2, attached to this article, indicates the angles of various slopes as a basis of comparison.

(Ord. No. O-97-5, § 1, 11-25-1997)

**Cross references:** Definitions generally, § 1-2.

**Sec. 30-153. Applicability.**

- (a) The mountain protection plan shall apply to any protected mountain areas in the county.
- (b) The minimum planning standards and procedures set forth in this article shall apply to all state owned or administered land that contains a protected mountain within its boundaries. All state agencies shall comply with these minimum standards. Failure by a state agency to comply with such standards shall be considered an indicia of a governmental action which may significantly adversely affect the quality of the environment under the Environmental Policy Act (O.C.G.A. § 12-16-1 et seq.).

(Ord. No. O-97-5, §§ 1, 2, 11-25-1997)

**Sec. 30-154. Soil erosion and sedimentation control.**

- (a) Proposed land disturbing activity within protected mountain areas of the county shall meet all applicable requirements of the Erosion and Sedimentation Act of 1975, as amended, and any applicable local chapters on soil erosion and sedimentation control.
- (b) Standards and requirements established in the Erosion and Sedimentation Act of 1975 are not superseded by mountain protection standards set forth in this article.

(Ord. No. O-97-5, § 3.1, 11-25-1997)

**Sec. 30-155. Water supply.**

- (a) Where one or more wells are to be used for individual water supply within protected mountain areas of the county, the proposed land disturbing activity shall meet all applicable requirements of the Water Well Standards Act of 1985; the requirements of the rules and regulations of the department of human resources regarding individual or nonpublic wells; and any more stringent requirements imposed by the commissioner.
- (b) If a public water supply system is to be provided, the water supply system shall meet all applicable requirements of the Georgia Safe Drinking Water Act of 1977.

(Ord. No. O-97-5, § 3.2, 11-25-1997)

**Sec. 30-156. Sewage treatment.**

Where one or more septic tanks are to be used for individual sewage disposal, the proposed land disturbing activity shall meet all applicable requirements imposed by the commissioner. If sewage treatment is to be provided by any means other than one or more individual septic tanks, the sewage treatment shall meet all applicable requirements of the Georgia Water Control Act.

(Ord. No. O-97-5, § 3.3, 11-25-1997)

**Sec. 30-157. Hazardous waste disposal and handling.**

- (a) Hazardous waste or solid waste disposal facilities are prohibited from protected mountains within the county.
- (b) Disposal facilities permitted by the environmental protection division of the state

department of natural resources prior to the adoption of the ordinance from which this article is derived shall be exempt from the requirement of this section.

(c) Handling areas for the receiving and storage of hazardous wastes are prohibited from protected mountains.

(Ord. No. O-97-5, § 4.1, 11-25-1997)

### **Sec. 30-158. Agriculture and forestry.**

Agriculture and forestry are permitted on protected mountains, provided, such agriculture and forestry must be consistent with the best management practices established by the state forestry commission or the state soil and water conservation commission; and agricultural and forestry activity shall be consistent with all state and federal laws, and all regulations promulgated by the state department of agriculture.

(Ord. No. O-97-5, § 4.2, 11-25-1997)

### **Sec. 30-159. Mining.**

Mining activity on protected mountains is allowed, if such activity is permitted by the state department of natural resources.

(Ord. No. O-97-5, § 4.3, 11-25-1997)

### **Sec. 30-160. Single-family dwellings.**

Single-family dwellings shall not be constructed at a density of more than one per acre, however, no such acre shall be less than 100 feet wide at the building site. The density restriction shall not apply to:

(1) Any lot of less than one acre if such lot was, as of the effective date of the ordinance from which this article is derived, owned and described as a discrete parcel of real property according to the instrument of title of the person owning the lot on the effective date of the ordinance from which this article is derived, shown as a discrete parcel of real property on a plat of survey properly recorded in the real property records of the clerk of superior court by the person owning the lot on the effective date of the ordinance from which this article is derived.

(2) Any land, or part thereof, which was contained in or subject to any master plan, planned unit development, special approved development plan or any other development plan if such plan was filed with and approved by the commissioner prior to the effective date of the ordinance from which this article is derived, pursuant to a duly enacted planning and zoning chapter, provided, further, that any such planning and zoning chapter must have provided for rules and procedures and governed lot sizes, density, types of buildings and other limitations usually associated with the implementation of local zoning ordinances. (See illustration 3 attached to this article.)

(Ord. No. O-97-5, § 4.4, 11-25-1997)

### **Sec. 30-161. Multiple-family dwellings.**

Multifamily dwellings shall not be constructed at a gross density of more than one

dwelling unit per acre.

(Ord. No. O-97-5, § 4.5, 11-25-1997)

### **Sec. 30-162. Commercial structures.**

Any person proposing to construct a commercial structure on a protected mountain shall submit an application which shall include:

- (1) A detailed landscaping plan which identifies all trees which are to be removed that exceed eight inches in diameter as measured at a point on the tree 4 1/2 feet above the surface of the ground, and shall contain a plan for replacement of any such trees that are removed (see illustration 4 attached to this article); and
- (2) A topographical survey of the projected site and an assessment of the effect that the project will have on the environment of the protected mountain after the project has been completed and is in operation.

Nothing in this section shall be construed to require commercial structures to comply with the density limitations for single-family or multiple-family dwellings.

(Ord. No. O-97-5, § 4.6, 11-25-1997)

### **Sec. 30-163. Tree removal without reforestation.**

No person engaging in a land disturbing activity on a protected mountain shall remove more than 50 percent of the existing trees which exceed eight inches in diameter as measured at a point on such tree 4 1/2 feet above the surface of the ground, unless such person has filed with the application a plan of reforestation developed by a registered forester. (See illustration 5 attached to this article.)

(Ord. No. O-97-5, § 5.1, 11-25-1997)

### **Sec. 30-164. Height limitations.**

Structures shall not extend more than 40 feet, as measured from the highest point at which the foundation of such structure intersects the ground, above the uppermost point of the crest, summit or ridge top of the protected mountain on which the structure is constructed. Such height limitation shall apply to water, radio and television towers, and electric transmission towers and lines. Such height restriction shall not apply to minor vertical projections of a parent building, including chimneys, flagpoles, flues, spires, steeples, belfries, cupolas, antennas, poles, wires or windmills. (See illustration 6 attached to this article.)

(Ord. No. O-97-5, § 5.2, 11-25-1997)

### **Sec. 30-165. Road construction.**

All roads on protected mountains shall be designed and constructed to minimize the potential for landslides, erosion and runoff. (See illustration 7 attached to this article.)

(Ord. No. O-97-5, § 5.3, 11-25-1997)

**Sec. 30-166. Public purposes and private property rights.**

Land development and the commencement of other activities, if such development and activities are consistent with the mountain protection plan, will not have a negative effect on public health, safety or welfare. The application of mountain protection standards to land development and activities will not pose an undue burden on property owners, nor result in the diminishing of private property rights.

(Ord. No. O-97-5, § 6.1, 11-25-1997)

**Sec. 30-167. Conservation of unique flora and fauna.**

The most significant areas of unique flora and fauna are located on lands owned and managed by the United States Forest Service. Rare and endangered species may be located within areas of protected mountains, although specific sites are not known. Land development and the commencement of other activities, if they are consistent with the mountain protection plan, should not have a negative impact on wildlife and plant and animal habitats. However, all of the county's protected mountains may have areas worthy of conservation.

(Ord. No. O-97-5, § 6.2, 11-25-1997)

**Sec. 30-168. Groundwater and surface water quality.**

To a significant extent, groundwater and surface water are protected by existing state and federal regulations. Furthermore, much of the county's groundwater and surface water is protected through ownership and management by the U.S. Forest Service, through implementation of its land and resource management plan. Development and other activities consistent with the mountain protection plan will not have an adverse impact on protected mountains within the county.

(Ord. No. O-97-5, § 6.3, 11-25-1997)

**Sec. 30-169. Aesthetics.**

The visual impact of development and activities consistent with the mountain protection plan should not be significant.

(Ord. No. O-97-5, § 6.4, 11-25-1997)

**Sec. 30-170. Historical and archaeological resources.**

Historical and archaeological resources in the county are inventoried and assessed in the comprehensive plan. An analysis of the location of such resources indicates that historical and archaeological resources are predominantly located outside of protected mountain areas. The resources located within protected mountain areas are largely located on lands owned and managed by the U.S. Forest Service in accordance with its land and resource management plan. Therefore, development consistent with the mountain protection plan is not expected to have any adverse impact on existing historical and archaeological resources.

(Ord. No. O-97-5, § 6.5, 11-25-1997)

**Sec. 30-171. Adjacent sensitive natural areas.**

Sensitive natural areas on protected mountain areas of the county include wildlife habitats, rare natural communities, significant land forms and geological features, floodplains, wetlands and other such areas sensitive or vulnerable to physical or biological alteration. Development consistent with the mountain protection plan is not expected to have adverse effects on sensitive natural areas.

(Ord. No. O-97-5, § 6.6, 11-25-1997)

**Sec. 30-172. Duration of impacts.**

No significant impacts of an adverse nature on protected mountains of the county are anticipated if development conforms to the mountain protection plan. Any minimal impacts that might occur on protected mountains would be temporary.

(Ord. No. O-97-5, § 6.7, 11-25-1997)

**Sec. 30-173. Permit and site plan required.**

An approved site plan and mountain protection permit shall be required for any proposed lands, buildings, signs or other structures to indicate and ensure compliance with all provisions of this article and any other county ordinances before any permit is issued, or any improvement, grading, land disturbing activity or alteration of lands, buildings or other structures commences.

(Ord. No. O-97-5, § 7, 11-25-1997)

**Sec. 30-174. Conflict with other laws.**

Whenever the provisions of this article impose more restrictive standards than are required in or under any other statute, the provisions of this article shall govern. Whenever the provisions of any other statute require more restrictive standards than are required by this article, the provisions of such statute shall govern.

(Ord. No. O-97-5, § 8, 11-25-1997)

**Sec. 30-175. Enforcement.**

The provisions of this article shall be enforced by the county erosion and sediment control officer as authorized by the commissioner.

(Ord. No. O-97-5, § 9, 11-25-1997)

**Sec. 30-176. Violation; penalties.**

Any person violating any provision of this article shall be liable for a monetary penalty of \$250.00 per day, per violation, but not to exceed \$1,000.00 per day, per violation, as authorized by O.C.G.A. §§ 15-10-60 and 36-1-20(b). Each day during which the violation or failure or refusal to comply continues shall constitute a separate violation.

(Ord. No. O-97-5, § 10, 11-25-1997)

**GRAPHIC LINK: Protected Mountains**

**GRAPHIC LINK: Slope Measurements**

**GRAPHIC LINK: Minimum Residential Development**

**GRAPHIC LINK: Commercial Development**

**GRAPHIC LINK: Tree Protection**

**GRAPHIC LINK: Height Limitations**

**GRAPHIC LINK: Erosion in Road Construction**

Secs. 30-177--30-210. Reserved.