

Article 9. Environmental Protection

Effective January 1, 2009, as Amended through March 2, 2010

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Article 9. Environmental Protection

Effective January 1, 2009, as Amended through March 2, 2010

This Article sets out the minimum requirements and standards for the protection of the natural environment within the county, including restrictions on the use of land near certain rivers and streams, within groundwater recharge areas susceptible to pollution and in wetlands, in order to:

- (1) Protect the drinking water quality of the aquifers that supply water to the residents of the jurisdiction and the State;
- (2) Protect the natural habitat of animal and plant life relative to water resources; and
- (3) Protect valuable water-related and other natural resources, to help control erosion and river sedimentation, for contribution to drought management, and to help absorb flood waters.

DIVISION 1. ENVIRONMENTAL PROTECTION AREAS.

Sec. 901. Protection of groundwater recharge areas.

(a) **General Provisions.**

Aquifer recharge area protection areas have been established by the State of Georgia, based upon the local susceptibility or vulnerability to human induced pollution (e.g., high, medium, or low). The significant recharge areas have already been identified and mapped and are shown on the following maps:

- (1) Significant recharge areas.

Significant recharge areas are defined by the Georgia Department of Natural Resources (DNR) using criteria developed by them, and have been mapped on DNR's *Hydrologic Atlas 18* (1989 edition, or as may be amended by DNR from time to time).

- (2) Pollution susceptibility category.

Categories of relative vulnerability of an aquifer to pollution (classified as higher, average or lower) are defined by the DNR using criteria developed by them, and have been mapped on DNR's *Hydrologic Atlas 20* (as may be amended by DNR from time to time) along with the most significant recharge areas.

(b) **State requirements.**

The following criteria pursuant to O.C.G.A. 12-2-8 shall apply in significant recharge areas as identified by the Maps and are regulated by the State or the County Health Department:

- (1) The Department of Natural Resources will not issue any permits for new sanitary landfills not having synthetic liners and leachate collection systems.
- (2) The Department of Natural Resources will not issue any new permits for the land disposal of hazardous wastes.
- (3) The Department of Natural Resources will require all new facilities permitted or to be permitted to treat, store, or dispose of hazardous waste to perform such operations on an impermeable pad having a spill and leak collection system.

- (4) New above-ground chemical or petroleum storage tanks, having a minimum volume of 660 gallons, must have secondary containment for 110% of the volume of such tanks or 110% of the volume of the largest tank in a cluster of tanks. (Note: These figures are consistent with US EPA rules for oil pollution prevention, 40 CFR 112.1).
- (5) New agricultural waste impoundment sites must be lined if they are within:
 - a. A high pollution susceptibility area;
 - b. A medium pollution susceptibility area and exceed 15 acre-feet; or
 - c. A low pollution susceptibility area and exceed 50 acre-feet.

As a minimum, the liner shall be constructed of compacted clay having a thickness of one-foot and a vertical hydraulic conductivity of less than 5×10^{-7} cm/sec or other criteria established by the U.S. Soil Conservation Service.

- (6) New homes served by septic tank/drain field systems must be on lots having the following minimum size limitations as identified on Table MT-1 of the Department of Human Resources' *Manual for On-Site Sewage Management Systems* (hereinafter "DHR Table MT-1"). The table is included below:
 - a. 150% of the subdivision minimum lot size of DHR Table MT-1 if they are within a high pollution susceptibility area;
 - b. 125% of the subdivision minimum lot size of DHR Table MT-1 if they are within a medium pollution susceptibility area;
 - c. 110% of the subdivision minimum lot size of DHR Table MT-1 if they are within a low pollution susceptibility area.

Table MT-1: Minimum Lot Sizes, Minimum Lot Widths, and Maximum Sewage Flows for the Type of Water Supply System		
Type of Water Supply System	Non- Public¹	Public
Min Lot Size	43,560 sq ft	21,780 sq ft
Min Lot Width	150 ft	100 ft
Max Sewage Flow	600 gpad ²	1200 gpad
¹ Non-public means an individual water supply system or any other water supply system which is not public. ² gpad = gallons per acre per day. Note: A larger lot size may be required by the applicable zoning district or by the Health Department – see the "minimum lot size on septic tank" development standards of the Use of Land or Structures Article of this development Code.		

- (7) New mobile home parks served by septic tank/drain field systems must have lots or spaces having the following size limitation as identified on Table MT-2 of the Department of Human Resources' *Manual for On-Site Sewage Management Systems* (hereinafter "DHR Table MT-2"). The table is included below:
 - a. 150% of the subdivision minimum lot or space size of DHR Table MT-2 if they are within a high pollution susceptibility area;

- b. 125% of the subdivision minimum lot or space size of DHR Table MT-2 if they are within a medium pollution susceptibility area;
- c. 110% of the subdivision minimum lot or space size of DHR Table MT-2 if they are within a low pollution susceptibility area.

Table MT- 2: Minimum Lot Sizes, Minimum Lot Widths, and Maximum Sewage Flows for the Type of Water Supply System		
Type of Water Supply System	Non- Public¹	Public
Min Lot Size	43,560 sq ft	21,780 sq ft
Min Lot Width	150 ft	100 ft
Max Sewage Flow	600 gpad ²	1200 gpad
¹ Non-public means an individual water supply system or any other water supply system which is not public. ² gpad = gallons per acre per day. Note: A larger lot size may be required by the applicable zoning district or by the Health Department – see the “minimum lot size on septic tank” development standards of the Use of Land or Structures Article of this development Code.		

- (8) No construction may proceed on a building or mobile home to be served by a septic tank unless the County Health Department first approves the proposed septic tank installation on a lot meeting the requirements of the DHR Manual and Sec. 901(b)(6) or Sec. 901(b)(7), above.
 - (9) New facilities which handle hazardous materials, of types and in amounts determined by the Department of Natural Resources, must perform their operations on impermeable surfaces having spill and leak collection systems, as prescribed by the Department of Natural Resources.
 - (10) The Department of Natural Resources will require conservative design in any new permits for the spray irrigation of wastewaters or the land spreading of wastewater sludges in areas having high pollution susceptibility. This will be accomplished by comparing the Department’s *Criteria for Slow Rate Land Treatment* (February, 1986 or latest edition) with amendments and other technical publications to site specific information submitted by a registered professional engineer for each project.
 - (11) Permanent stormwater infiltration basins may not be constructed in areas having high pollution susceptibility.
 - (12) Exclusive of mining settling basins, new wastewater treatment basins must have an impermeable liner in areas having high pollution susceptibility.
- (c) **Enforcement.**
- (1) If any zoning district requires a larger lot size than that required by Sec. 901(b)(6) for homes or by Sec. 901(b)(7) for mobile home parks, the larger lot size shall be used.
 - (2) Existing lots of record established by final plat or recorded deed prior to January 1, 2000, are exempt from the requirements of Sec. 901(b)(6) or Sec. 901(b)(7).
 - (3) Camden County will not issue a development permit or a building permit for any use that falls under the jurisdiction of the Department of Natural Resources or the County Health Department pursuant to this Section, until all applicable approvals have been received from the Department of Natural Resources or the County Health Department as required herein.

Sec. 902. Wetlands protection.**(a) General Provisions.**

Camden County affirms the importance of wetlands for the public good in the land-use planning process as mandated by O.C.G.A. 12-2-8. The Department of Natural Resources has established a freshwater wetlands database and minimum criteria for local governments of wetlands protection in the land use planning process.

(b) Section 404 Permits.

The wetlands permit program under Section 404 of the Clean Water Act provides a federal permit process that may allow activities in wetlands after a public interest review. Most activities in wetlands will require a Section 404 permit from the Corps of Engineers. If wetlands are altered or degraded, mitigation to offset losses will be required as a condition of a Section 404 Permit. Under current federal policy, alterations or degradations of wetlands should be avoided unless it can be demonstrated that there will be no long-term adverse impacts or net loss of wetlands. Section 401 of the Clean Water Act requires certification by the State for any permit issued under Section 404. Other state and federal laws are also applicable to wetlands and wetlands protection.

(c) Types of wetlands regulated.

At a minimum, the following categories of freshwater wetlands and aquatic habitats are regulated by this Development Code:

(1) Open water.

Areas of open water, primarily reservoirs, ponds, lakes, rivers, and estuaries.

(2) Non-forested emergent wetlands.

Freshwater marshes dominated by a variety of grasses, sedges, rushes and broadleaved aquatics associated with streams, ponded areas and tidally-influenced non-saline waters.

(3) Scrub/shrub wetlands.

Non-forested areas dominated by woody shrubs, seedlings and saplings averaging less than 20 foot in height; these wetlands may intergrade with forested wetlands, non-forested emergent wetlands and open water.

(4) Forested wetlands.

Natural or planted forested areas having a dominant tree crown closure of hardwoods, pines, gums, cypress, or any combination of these types. These areas are usually in stream or river floodplains, isolated depressions and drainways, and contain standing or flowing water for a portion of the year.

Subcategories of forested wetlands are:

a. Hardwood floodplain forests.

b. Coniferous floodplain forests.

c. Mixed floodplain forests.

d. Non-alluvial forested wetlands.

(5) Altered wetlands.

Areas with hydric soils that have been denuded of natural vegetation and put to other uses, such as pasture, row crops, etc., but that otherwise retain certain wetlands functions and values.

(d) Wetlands; requirements.

- (1) Wetlands will be appropriately identified and mapped on all preliminary subdivision plats, development plans and construction plans submitted to Camden County. The “minimum” area for identification is 1 acre. Development plans should address at least the following considerations with regard to wetlands classes identified above:
 - a. Whether impacts to an area would adversely affect the public health, safety, welfare or the property of others.
 - b. Whether the area is unique or significant in the conservation of flora and fauna including threatened, rare or endangered species.
 - c. Whether alteration or impacts to wetlands will adversely affect the function, including the flow or quality of water, cause erosion or shoaling, or impact navigation.
 - d. Whether impacts or modification by a project would adversely affect fishing or recreational use of wetlands.
 - e. Whether an alteration or impact would be temporary in nature.
 - f. Whether the project contains significant state historical and archaeological resources, defined as “Properties on or Eligible for the National Register of Historic Places.”
 - g. Whether alteration of wetlands would have measurable adverse impacts on adjacent sensitive natural areas.
 - h. Where wetlands have been created for mitigation purposes under Section 404 of the Clean Water Act, such wetlands shall be considered for protection.
- (2) If a Section 404 Permit is required, a copy of the approved Permit shall be submitted to Camden County with the submittal of any development permit application.
- (3) Acceptable uses of wetlands without long term impairment of function may include:
 - a. Timber production and harvesting.
 - b. Wildlife and fisheries management.
 - c. Wastewater treatment.
 - d. Recreation.
 - e. Natural water quality treatment or purification.
 - f. Other uses allowed under Section 404 of the Clean Water Act.
 - g. Other uses allowed in the CP Conservation Preservation zoning district that are not inconsistent with Section 404 of the Clean Water Act.
- (4) Unacceptable uses are:
 - a. Receiving areas for toxic or hazardous waste or other contaminants.
 - b. Hazardous or sanitary waste landfills.
 - c. Other uses not allowed in the CP Conservation Preservation zoning district.

Sec. 903. River corridor protection.

(a) General Provisions

- (1) River corridors are the strips of land that flank major rivers in Georgia. These corridors are of vital importance to Georgia in that they help preserve those qualities that make a river suitable as a habitat for wildlife, a site for recreation, and a source for clean drinking water. 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.

- (2) The Comprehensive Georgia Planning Act of 1989 provides for the development of coordinated and comprehensive planning by municipal and county governments. Such comprehensive plans consider the natural resources, environments and vital areas within the jurisdiction of the local government.
- (3) Section 12-2-8 (as amended) of Article 1, Chapter 2, Title 12 of the Official Code of Georgia Annotated (O.C.G.A.) authorizes the Department of Natural Resources (DNR) to develop minimum planning standards and procedures for the protection of river corridors in the state, and requires local governments to use these minimum standards in developing and implementing local comprehensive plans.
- (4) The method mandated in O.C.G.A. 12-2-8 for the protection of river corridors is the establishment of natural vegetative buffer area bordering each protected river. State protected rivers in Camden County are the St. Marys River and the Satilla River.

(b) **Applicability.**

- (1) These minimum planning standards and procedures shall apply to properties, both public and private, which adjoin or contain within their boundaries a river corridor identified in Sec. 903(a)(4).
- (2) Standards and requirements established in the Georgia Erosion and Sedimentation Act are not superseded by River Corridor standards.
- (3) Camden County hereby establishes a River Corridor Protection Area along the St. Marys River and the Satilla River. This River Corridor Protection Area shall be inclusive of lands in areas of a State protected river being within 100 feet horizontally on both sides of the river as measured from the river banks. The 100-foot buffer shall be measured horizontally from the uppermost part of the river bank, usually marked by a break in slope. Although not within the measured 100-foot wide buffer, the area between the top of the bank and the edge of the river shall be treated in the same manner as the river corridor and shall be included within the River Corridor Protection Area.
- (4) All lands within a River Corridor Protection Area are included within the RCP River Corridor Protection overlay zoning district.

(c) **Protection criteria.**

- (1) Within the River Corridor Protection Area, land shall be maintained as a natural vegetative buffer except as otherwise provided herein.
- (2) The River Corridor Protection Area shall not prohibit the building of single-family dwellings, including the usual appurtenances, within the buffer area, subject to the following conditions:
 - a. The dwelling shall be in compliance with the RCP River Corridor Protection overlay zoning district.
 - b. The dwelling shall be located on a tract of land containing at least two acres. For the purposes of these standards, the size of the tract of land shall not include any area that lies within the protected river (that is, for tracts of land that include portions of a protected river, the area between the river banks can not be counted towards the 2-acre minimum size).
 - c. There shall be only one such dwelling on each two-acre or larger tract of land.
 - d. A septic tank or tanks serving such a dwelling may be located within the buffer area.
 - e. Septic tank drainfields shall not be located within the buffer area.
- (3) Within the River Corridor Protection Area, industrial and commercial land uses existing prior to the promulgation of this Ordinance are exempt from these criteria provided that:

- a. Industrial and commercial uses of river corridors shall not impair the drinking quality of the river water; and
 - b. Industrial and commercial activity within the river corridor shall meet all state and federal environmental rules and regulations.
- (4) Except as expressly provided for under Sec. 903(c)(2) of these protection criteria (dealing with single-family dwellings within the river corridor), septic tanks and septic tank drainfields are prohibited within river corridors.
 - (5) Construction of road crossings and utility crossings of river corridors shall be allowed within the River Corridor Protection Area, provided that construction of such road and utility crossings shall meet all requirements of the Erosion and Sedimentation Control Act of 1975, and soil erosion and sedimentation control requirements of this Development Code.
- (d) **Allowed, prohibited and exempt uses.**
- (1) Uses allowed in the RCP River Corridor Protection overlay zoning district by right or Special Approval are allowed within the River Corridor Protection Area, provided that such uses do not impair the long-term functions of the protected river or the river corridor:
 - (2) Handling areas for the receiving and storage of hazardous waste are prohibited within the River Corridor Protection Area. Port facilities are exempt from this criterion provided that:
 - a. Port facilities shall meet all federal and state laws and regulations for the handling and transport of hazardous waste.
 - b. Port facilities handling hazardous waste shall perform their operations on impermeable surfaces having spill and leak protection systems as prescribed by the Department of Natural Resources. (Note: this is the same criterion as set in the Department of Natural Resources Criteria for Water-Supply Watersheds for facilities which handle hazardous materials.)
 - (3) Hazardous waste or solid waste landfills are prohibited within the River Corridor Protection Area.
 - (4) The following uses are exempt from the requirements of the River Corridor Protection Area:
 - a. Land uses existing prior to the promulgation of the River Corridor Protection Area.
 - b. Mining activities, if permitted by the Department of Natural Resources pursuant to the Georgia Surface Mining Act of 1968, as amended.
 - c. Utilities, (except as discussed above in Sec. 903(c)(5)) if such utilities cannot feasibly be located outside the buffer area (feasibility shall be decided conservatively by the Planning Director), provided that:
 1. The utilities shall be located as far from the river bank as reasonably possible;
 2. Installation and maintenance of the utilities shall be such as to protect the integrity of the buffer area as well as is reasonably possible; and
 3. Utilities shall not impair the drinking quality of the river water.
 - d. Specific timber production and harvesting and agricultural production and management activities allowed under the RCP River Corridor Protection overlay zoning district. See Article 2 of this Development Code for specifics.
 - (5) The natural vegetative buffer shall be restored as quickly as possible following any land-disturbing activity within the River Corridor Protection Area.
 - (6) Except as noted above, all construction within the buffer area shall be prohibited.
- (e) **Site plan requirements**

River corridors shall be appropriately mapped and identified on all preliminary subdivision plats, development plans and constructions plans submitted to Camden County.

(f) **Variance procedures.**

- (1) The Planning Director or his/her designee shall hear and decide requests for a variance from the requirements of this Section.
- (2) The Planning Director or his/her designee shall consider an application for a variance when it is alleged an error in any requirement, decision or determination is made by the Planning Director or their designee in the enforcement or administration of this Section.
- (3) Variances may be issued for the repair or rehabilitation of Historic Structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a Historic Structure and the variance is the minimum to preserve the historic character and design of the structure.
- (4) Variances may be issued for development necessary for the conduct of a functionally dependent use, provided the criteria of this Section are met, no reasonable alternative exists, and the River Corridor Protection Area is protected by methods that minimize impact to water quality.
- (5) Variances may be issues for development if a determination is made that enforcement of this Section will result in the elimination of all allowable uses of the property.
- (6) In reviewing such requests, the Planning Director or his/her designee shall consider all technical evaluations, relevant factors, and all standards specified in this and other sections of this Development Code.
- (7) Conditions for variances.
 - a. A variance shall be issued ONLY when there is:
 1. Finding of good and sufficient cause;
 2. Determination that failure to grant the variance would result in exceptional hardships; and
 3. Determination that the granting of a variance will not result in an impact to water quality, extraordinary public expense, crease nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
 - b. The Planning Director shall maintain the records of all variance and appeal actions.
 - c. Upon consideration of the factors listed above and the purposes of this Development Code, the Planning Director or his/her designee may attach such conditions to the granting of variances as it deems necessary to further the purposes of this Development Code.
- (8) Any person aggrieved by the decision of the Planning Director or his/her designee may appeal such decision under the provisions of the Appeals Article of this Development Code relating to appeals of an administrative decision.

DIVISION 2. ENVIRONMENTAL RESOURCE CONSERVATION AREAS.

Sec. 904. Purposes of environmental resource conservation.

The purposes of this Division, among others, are as follows:

- (1) To recognize the current development rights of property owners established through zoning;

- (2) To conserve open land, including those areas containing unique and sensitive natural features such as stream buffers and wetlands, by setting them aside from development;
- (3) To reduce erosion and sedimentation by the retention of existing vegetation;
- (4) To preserve valuable wildlife habitat;
- (5) To enhance water quality of streams and waterways, and to protect valuable groundwater resources; and
- (6) To provide notification to future property owners of natural resources that must be protected on their property.

Sec. 905. Designation of conservation areas.

(a) Primary conservation areas.

[Ed Note: Saltwater marshes are restricted from development by the Ga. Coastal Marshlands Protection Act and are therefore treated as "primary conservation areas" for the purposes of this Development Code.]

Primary Conservation Areas are defined as follows: *[Amended March 2, 2010]*

- (1) Floodways within the 100-year floodplain.

These areas are designated on maps prepared by the Federal Emergency Management Agency (FEMA), and must be confirmed as to their specific location on a preliminary plat for a subdivision or site development plan for a multi-family or nonresidential project.

- (2) Required stream buffers.

Natural vegetative stream buffers along the banks of all perennial streams and other state waters, as required by the Soil Erosion and Sedimentation Control provisions of Article 11.

- (3) Wetlands.

Protected wetlands as defined under Sec. 902.

- (4) River corridor protection areas.

River Corridor Protection Areas as required under Sec. 903.

- (5) Wildlife habitats of threatened or endangered species.

Any area designated as a critical wildlife habitat for a threatened or endangered species identified by the U.S. Fish and Wildlife Service or the Georgia Department of Natural Resources.

- (6) Natural buffer areas around wetlands and habitats of endangered species.

Additional lands in their natural state provided around designated wetlands and critical wildlife habitats as protective vegetated buffers are recognized as primary conservation areas. A naturally-vegetated wetland buffer must extend at least 25 feet from the wetland, and a natural buffer around a protected wildlife habitat must be at least 100 feet deep, except for a necessary road crossing, utility crossing or other reasonable encroachments approved by the United States Army Corps of Engineers, the U.S. Fish and Wildlife Service or the Georgia Department of Natural Resources, as appropriate, and the Camden County Board of Commissioners.

(b) Secondary conservation areas

Secondary Conservation Areas are areas that are encouraged (but not required) to be protected in any major subdivision or site development. These include:

- (1) Mature timber stands or significant trees.

Forests and timberlands that have developed mature stands of trees qualify for conservation consideration. Individual trees that are specimen trees or otherwise have significance through their size, age, species or historic value may be designated as a secondary conservation area to the extent of the tree's drip line.

- (2) Registered historic or archeological assets.

Sites or areas registered with the State or listed on the National Register of Historic Places qualify under this category since preservation is desirable but not mandated by law. Information regarding all such sites is available from the Georgia Office of Historic Preservation.

- (3) Village greens.

These areas create neighborhood assets by providing open space and passive recreation close to the homes in a subdivision. A village green is an open space area surrounded by streets and/or building lots on at least three sides, and intended for common neighborhood use.

- (4) Passive recreational areas.

Common areas solely designated and improved for passive recreational activities, such as picnicking, walking, relaxation and repose, may be treated as secondary conservation areas. Active recreation areas, including but not limited to golf courses, swimming pools, sports fields and courts, and community buildings and grounds are not considered conservation uses or conservation areas.

Sec. 906. Allowed uses in environmental resource conservation areas.

The following requirements apply only to land set aside under conservation or natural resources easements in fulfillment of the provisions of this Article.

- (a) **Undisturbed areas.**

Areas identified as primary conservation areas shall remain in their natural, undisturbed state. Such undisturbed areas include floodways, required stream buffers, critical wildlife habitats and habitat buffers, and designated wetlands and wetland buffers.

- (b) **Allowed uses.**

The following uses are allowed in secondary conservation areas to the extent that they are compatible with the protection and preservation of areas required by law but not otherwise required to remain undisturbed, and provided they are allowed uses under the site's zoning classification.

- (1) Conservation of natural, archeological or historical resources;
- (2) Meadows, woodlands, wildlife corridors, game preserves, or similar conservation-oriented areas;
- (3) Walking or bicycle trails;
- (4) Parks, community gardens, playing fields or recreation facilities primarily for the use of residents and their guests;
- (5) Landscaped storm water detention areas and community water and sewage disposal systems located on soils particularly suited to such uses;
- (6) Easements for drainage, access, and sewer or water lines, or other public purposes;
- (7) Underground utility rights-of-way; and
- (8) Other conservation-oriented uses if approved by the Board of Commissioners.
- (9) Agricultural and horticultural uses, including raising crops and livestock, along with associated buildings (including residences) that are specifically needed to support an active, viable agricultural

or horticultural operation. Specifically excluded are commercial livestock operations involving swine, poultry, mink, and other animals likely to produce highly offensive odors.

- (10) Pastureland for horses used solely for recreational purposes, including equestrian facility buildings and grounds.
- (11) Silviculture, in keeping with established standards for selective harvesting and sustained yield forestry, and best management practices endorsed by the Georgia Forestry Commission.
- (12) Neighborhood open space uses such as village greens, commons, picnic areas, community gardens, trails and similar low-impact passive recreational uses specifically excluding motorized off-road vehicles, rifle ranges, golf courses, sports fields and courts, community recreation buildings and grounds, swimming pools, and other active recreation uses.
- (13) Stormwater detention facilities within a natural resources easement required under Sec. 907(a)(1), subject to all State and federal regulations having been met, as evidenced by appropriate written approvals or permits issued by such agencies, and subject to written approval and acceptance by the proposed holder of the natural resources easement. Such facilities are not allowed to be located within a conservation easement required under Sec. 907(a)(2).
- (14) The establishment by the developer or its designees and/or successors in interest of a jurisdictional wetlands conservation credit mitigation bank, threatened or endangered species conservation credit mitigation bank, or other conservation credit mitigation bank approved by and established in accordance with the rules and regulations of the United States Army Corp of Engineers or other applicable state or federal governing entity.

(c) **Non-permitted uses.**

The following uses are not allowed in environmental resource conservation areas:

- (1) Roads and non-permeable paved surfaces except necessary road crossings or as approved otherwise by Camden County;
- (2) Above-ground utility rights-of-way except necessary utility crossings or as approved otherwise by Camden County; and
- (3) Other uses inconsistent with the purposes of this Development Code.

DIVISION 3. CONSERVATION AND NATURAL RESOURCES EASEMENTS.

Sec. 907. Conservation or natural resources easements; required.

(a) **Primary conservation areas.**

All primary conservation areas that are required to be protected by the provisions of this Development Code shall be permanently protected from further subdivision, development and unauthorized use as follows:

- (1) By a natural resources easement in a conventional subdivision, multi-family or nonresidential development; or
- (2) By a conservation easement in an open space subdivision or a planned development.

(b) **Secondary conservation areas.**

Lands in secondary conservation areas that are designated by the developer for protection shall be included within a natural resources easement for a conventional subdivision, multi-family or nonresidential development, or conservation easement for an open space subdivision or a planned development.

(c) **Ownership of land in conservation and natural resources easements.**

Land within conservation and natural resources easements may be included within the lots in a subdivision, or owned by a homeowners' association or other entity that meets the provisions for a Property Owners' Association in the Subdivisions and Planned Developments Article of this Development Code.

Sec. 908. Natural resources easements.

(a) **Natural resources easements; creation.**

The natural resources easement, when required, shall be shown on the final subdivision plat and recorded with the Clerk of the Superior Court at the same time as the final plat.

- (1) When included within the lots in a subdivision, the natural resources easement shall be granted at no cost to a homeowners' association or other entity that meets the provisions for a Property Owners' Association in the Subdivisions and Planned Developments Article of this Development Code.
- (2) When the land to be included in the easement is owned by the homeowners' association, the easement shall be created and granted as a conservation easement under the provisions of Sec. 909.
- (3) The natural resources easement shall grant a third-party right of enforcement to the Camden County Board of Commissioners to enforce, at its discretion, any of the terms of the natural resources easement.

(b) **Natural resources easements; guidelines.**

The following guidelines must be incorporated into any natural resources easement in a form acceptable to the County Attorney:

- (1) The easement specifically and clearly identifies the boundaries of the property subject to the easement through reference to the easement area shown on the final subdivision plat;
- (2) The easement contains restrictions as to what the owner may do with the property and specifically delineates what may not be done with the property. Limitations shall be consistent with the type of area protected and the applicable requirements of this Development Code to such areas, and may include but shall not be confined to prohibitions against subdivision, earthmoving, dumping, signs, utility lines, construction, changes to existing structures and uses made of the property;
- (3) The easement provides for the right of the holder of the easement to inspect the property to assure observance of restrictions and also provides for enforcement procedures;
- (4) The easement provides for the maintenance of the open space; and
- (5) The easement contains provisions governing its amendment, including provisions that the easement shall not be altered or terminated except with the express written permission of the County.

Sec. 909. Conservation easements.

(a) **Conservation easements; creation.**

The conservation easement, when required, shall be created subject to the provisions of O.C.G.A §44-10-1, *et seq.*, which is known as the "Georgia Uniform Conservation Easement Act."

- (1) The conservation easement shall be approved by the Board of Commissioners and shall be granted at no cost to a charitable corporation, charitable association or charitable trust that qualifies as a "holder" under the Georgia Uniform Conservation Easement Act.

- (2) Such "holder" shall be approved by the Board of Commissioners on the basis of their past experience as a "holder" of conservation easements and their lack of an ownership or corporate relationship with the owner or developer of the project.
- (3) The conservation easement shall grant a third-party right of enforcement to the Camden County Board of Commissioners to enforce, at its discretion, any of the terms of the conservation easement.
- (4) The conservation easement may not be granted to the owner of the property to which the easement will apply, including a homeowners' association holding natural resource conservation areas as common open space in an open space subdivision or planned development.
- (5) An undivided property ownership interest in the common open space shall be granted to each property in an open space subdivision or planned development.

(b) **Conservation easements; guidelines.**

The following guidelines are required to be incorporated into any conservation easement in a form acceptable to the County Attorney:

- (1) The easement recognizes and describes in a statement of purpose the special qualities of the property subject to the easement. Conditions within the tract subject to the conservation easement may be shown by map and/or photograph;
- (2) The easement clearly identifies the owner of the property subject to the easement, the holder of the easement, and the responsibilities of the property owner and easement holder;
- (3) The easement specifically and clearly identifies the boundaries of the property subject to the easement, either by metes and bounds legal description, survey plat or reference to the easement area shown on the final subdivision plat;
- (4) The easement contains restrictions as to what the owner may do with the property and specifically delineates what may not be done with the property. Limitations shall be consistent with the type of area protected and the applicable requirements of this Development Code to such areas, and may include but shall not be confined to prohibitions against subdivision, earthmoving, dumping, signs, utility lines, construction, changes to existing structures, and uses made of the property;
- (5) The easement provides for the right of the easement holder to inspect the property to assure observance of restrictions and also provides for enforcement procedures;
- (6) The easement provides for the maintenance of the open space; and
- (7) The easement contains provisions governing its amendment, including provisions that the easement shall not be altered or terminated except with the express written permission of all entities having either a property right or enforcement right in the easement.

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