

ARTICLE X

WETLAND ORDINANCE

10.1 Definitions

- 10.1.1 **Jurisdictional Wetland** means an area that meets the definitional requirements for wetlands as determined by the U.S. Army Corps of Engineers.
- 10.1.2 **Jurisdictional Wetland Determination** means an official written statement signed by the U.S. Army Corps of Engineers that states whether or not jurisdictional wetlands are present on a site.
- 10.1.3 **Wetland Delineation** Means a delineation of jurisdictional wetland boundaries by the U.S. Army Corps of Engineers, as required by Section 404 of Clean Water Act, 33 U.S.C. , 1344, as amended.
- 10.1.4 **Wetlands Inventory Area** means wetlands identified on the U.S. Environmental Protection Agency City of Lawrenceville ADID Map of Wetlands and Uplands (ADID map) where available or, for property outside the study area defined on the ADID map, wetlands identified on the current U.S. Fish and Wildlife Service National Wetlands Inventory (NWI) Map for City of Lawrenceville, Georgia. A Wetlands Inventory Area does not necessarily represent jurisdictional wetlands and cannot serve as a substitute for a jurisdictional wetland determination or a wetland delineation.

10.2 Wetland Protection

10.2.1 When Wetlands Assessment Required

This section is intended to provide applicants for building permit or a demolition permit with notice when the proposed activity may require a Department of the Army permit due to impact upon jurisdictional wetlands. The provisions in Subsection (10.2.2) of this section shall not apply if the applicant can provide to the Zoning Administrator a valid U.S. Army Corps of Engineers wetland delineation that verifies that the proposed activity is not located within jurisdictional wetlands, or if the applicant can provide a valid U.S. Army Corps of Engineers permit or letter that authorizes the proposed activity within jurisdictional wetlands. If such evidence of compliance with U.S. Army Corps of Engineers permitting requirements is provided, the Zoning Administrator shall follow normal procedures for issuing a building permit or a demolition permit.

10.2.2 Wetlands Assessment

Prior to the issuance of a building permit or a demolition permit the Zoning Administrator shall assess whether the proposed activity is of a type that could result in a disturbance of wetlands and, if so, shall also assess whether the proposed activity is located within a Wetlands Inventory Area or within one hundred (100) feet of a Wetland Inventory Area. To assess whether the proposed activity is located within a Wetland Inventory Area or within one hundred (100) feet of a Wetland Inventory Area, the Zoning Administrator shall consult the current U.S Environmental Protection Agency City of Lawrenceville ADID Map of Wetlands and Uplands (ADID map). If the proposed activity is not located within the study area defined on the ADID map, the Zoning Administrator shall consult the current U.S. Fish and Wildlife Service National Wetlands Inventory (NWI) map for City of Lawrenceville.

- (1) If the zoning Administrator determines that the proposed activity is of a type that could not result in disturbance of wetlands or if the proposed activity is not located within a Wetland Inventory Area or within (one hundred) 100 feet of Wetland Inventory Area, the Zoning Administrator shall follow normal procedures for issuing a building permit or a demolition permit.
- (2) If the Zoning Administrator determines that the proposed activity is of a type that could result in a disturbance of wetlands and that the proposed activity is located within a Wetland Inventory Area or within (one hundred) 100 feet or a Wetland Inventory Area, a U.S. Army Corps of Engineers jurisdictional wetland determination shall be required prior to issuance of a building permit or a demolition permit.
 - (a) If the U.S. Army Corps of Engineers determines that the Department of the Army permit is required, a building permit or demolition permit shall be issued only following issuance of the Department of the Army permit.
 - (b) If the U.S. Army Corps of Engineers determines that the proposed activity would not require a Department of the Army permit, the Zoning Administrator shall proceed with normal procedures for issuing a building permit or a demolition permit.

10.2.7 Effect of Wetlands Assessment

Wetlands Inventory Areas as identified above and defined in section 10.1 do not necessarily represent jurisdictional wetlands within City of

Lawrenceville and cannot serve as a substitute for jurisdictional wetland determination or wetlands delineation. No permit issued pursuant to these regulations relieves a landowner from Federal or State permitting requirements.

10.3 **Miscellaneous Provisions**

10.3.1 Conflict With Other Laws

Whenever the provisions of this article impose more restrictive standards than are required in or under any other article, the requirements herein contained shall prevail. Whenever the provisions of any other article require more restrictive standards than are required herein, the requirements of such shall prevail.

10.3.2 Severability

If any term, requirement or provision of this article or the application thereof to any person or circumstance shall, to any extent, be invalid or unenforceable, the remainder of this article or the application of such terms, requirements and provisions to persons or circumstances other than those to which it is held invalid or unenforceable, shall not be affected thereby and each term, requirement or provision of this article shall be valid and be enforced to the fullest extent permitted by law.

10.3.3 Liability

Compliance with the provisions of this article shall not relieve any person from the responsibility for damage to any person or property otherwise imposed by law neither shall it impose any liability upon the city for damage to any person or property.