

**FULTON COUNTY
STREAM BUFFER PROTECTION ORDINANCE
QUICK REFERENCE INFORMATION**

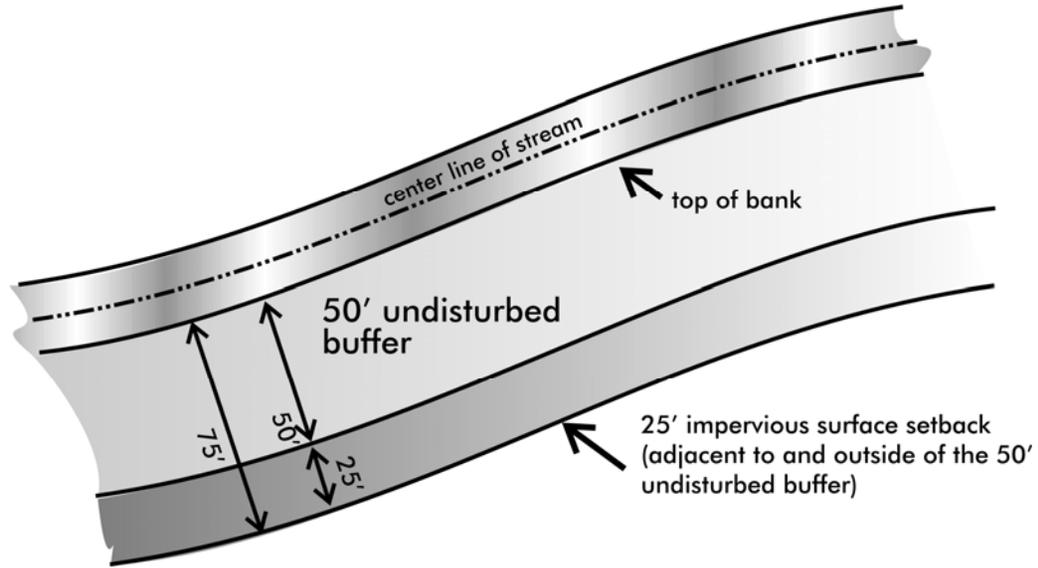
ADOPTED MAY 4, 2005

NOTE: SEE ORDINANCE IN ITS ENTIRETY FOR ALL REQUIREMENTS

FULTON COUNTY STREAM BUFFER PROTECTION ORDINANCE
(adopted May 4, 2005)

Protection Criteria		
Stream - means beginning at 1) the location of a spring, seep, or groundwater outflow that sustains flow; or 2) a point in the channel with a drainage area of 25 acres or more; or 3) where evidence indicates the presence of a stream in a drainage area of other than 25 acres, the Fulton County Department of Environment and Community Development may require field studies to verify the existence of a stream		
Streams - North Fulton	50 foot undisturbed buffer	25 foot setback
Streams - South Fulton	75 foot undisturbed buffer	25 foot setback
Small Water Supply Watershed Protection - USGS blueline streams located within an upstream 7.0 mile radius of public-owned drinking water supply intakes and reservoirs	100 foot undisturbed buffer	50 foot setback
USGS blueline streams located outside of the 7.0 mile radius	North Fulton – 50 foot undisturbed buffer, 25 foot setback South Fulton – 75 foot undisturbed buffer, 25 foot setback	
***Note: Buffers are measured from top of bank on each side of the stream		
Grandfathering		
Any legal residential lot of record existing prior to May 4, 2005 that does not change use, zoning classification or size is exempt from the new buffer requirements but shall be in compliance with requirements of the ordinance (applicable to North Fulton County or South Fulton County) existing prior to May 4, 2005.		
Zoning applications, use permits, concept plans that are a part of a zoning or use permit application; residential, commercial, or industrial permit or subdivision applications submitted to the County prior to May 4, 2005 are exempt from the buffer and setback requirements for the following time periods corresponding to the development sizes listed below:		
<ul style="list-style-type: none"> (a) 25 lots or less, legally recorded within 18 months as of May 4, 2005 (b) 25 acres or less, legally recorded within 18 months as of May 4, 2005 (c) 250 lots or less, legally recorded within 24 months as of May 4, 2005 (d) 250 acres or less, legally recorded within 24 months as of May 4, 2005 (e) greater than 250 lots, legally recorded within 36 months as of May 4, 2005 (f) greater than 250 acres, legally recorded within 36 months as of May 4, 2005 		
Variance Procedures		
Variance requests shall only be considered if a request meets any of the following hardship criteria (Sec. 26-431(a)), including the applicant's statement and explanation of the hardship under which a variance is submitted to deviate from the stream buffer protection standards:		
Level One Variance – subject to Director's decision		
North Fulton – Reduce a maximum of 15 feet of the setback		
South Fulton – Reduce a maximum of 15 feet of the setback; reduce a maximum of 25 feet of the undisturbed buffer		
Secondary Variance – subject to Board of Zoning Appeals decision		
North Fulton and South Fulton – Reductions beyond those specified for Level One Variance		
See Administrative Guidelines for variance submittal requirements, applications and mitigation plan requirements		
Exemptions		
1) Perpendicular stream crossing by a driveway, transportation route, or utility lines; 2) Transportation route where buffer intrusion is the only option to provide access to a property; 3) Unpaved foot trails and paths; 4) Paved foot trails and paths for public use no greater than 10 feet wide; 5) Public water supply intake or public wastewater outfall structures; 6) Public access facilities that must be on the water (boat ramps, docks, foot trails leading directly to the river, fishing platforms, overlooks); 7) Utility line easements running parallel with the stream; 8) Land development activities within a dedicated transportation right-of-way existing as of the effective date of this ordinance or approved under the terms of this ordinance; 9) Forestry or silviculture activities on land that is zoned for forestry, silvicultural or agricultural uses and are not incidental to other land development activity; 10) Minor land-disturbing activities for the intent of emergency erosion control and bank stabilization activities if Fulton County is notified in writing about the activity and the disturbance area is less than 5,000 square feet		

North Fulton Stream Buffer and Setback Illustration



South Fulton Stream Buffer and Setback Illustration

