

Sec. 4-121. - Land disturbance and buffers in water sensitive areas.

- (a) *Wetlands.* A parcel of land to be subdivided that contains delineated jurisdictional wetlands shall be subject to state and federal regulations concerning fill material disposal into said wetlands. Lots shall only be platted where sufficient upland areas exist to provide a building site for the principal structure and necessary ancillary facilities. Lots that are one (1) acre and less shall not be created that contain greater than ten (10) percent jurisdictional wetlands. Lots that are greater than one (1) acre shall not be created that contain greater than twenty-five (25) percent jurisdictional wetlands. Fill may be used only where necessary to provide access to lots where approval for such fill has been received from the army corps of engineers and the Alabama Department of Environmental Management. All permits and certifications for wetland fill may require submittal to the environmental department, upon request.

All jurisdictional wetlands as acknowledged by the army corps of engineers shall remain in an undisturbed natural state and shall have a minimum buffer width of thirty (30) feet.

- (b) *Waterways and watercourses.* Any existing watercourses or waterways shall be maintained at all property boundaries. If land being subdivided contains a waterway, or portion thereof, the responsibility for safe maintenance of the waterway shall be such that it will not become a city responsibility.

No activity shall be permitted in close proximity to a natural watercourse or waterway unless a buffer zone is provided along the boundary to prevent construction activities from affecting the natural characteristics of the waterway or watercourse. All named waterways shall remain in an undisturbed natural state and shall have a minimum buffer width of fifty (50) feet from the top of each bank.

Activity in connection with construction in, on, over, or under a natural watercourse or waterway shall be planned and conducted in such a manner as to minimize the extent and duration of disturbance of the watercourse or waterway.

The relocation of a waterway, where relocation is an essential part of the proposed activity, shall be planned and executed so as to minimize changes in the water flow characteristics, except when justification for significant alteration to flow characteristic is provided.

Relocation and/or activity within a waterway shall require submittal to the environmental department of appropriate permits as required by the army corps of engineers, ADEM, Alabama Department of Conservation and Natural Resources and any other governmental agencies.

(Ord. No. 17-2039, § 1(Att.(Art. 3, § 3.1)), 9-5-17.)