

ARTICLE II

Land-Disturbing Activities Ordinance

§24-201 Title. This ordinance shall be known and cited as the "Land-Disturbing Activities Ordinance for Chatham County, Georgia."

§24-202 Jurisdiction. The provisions of this ordinance shall apply to all lands within the unincorporated area of Chatham County.

§24-203 Purpose. The purpose of this Land-Disturbing Activities Ordinance is to:

1. Lessen air pollution and carbon dioxide levels in the air, and promote clean air quality by increasing dust filtration;
2. Prevent soil erosion; prevent rivers, canals, ditches and other waterways from silting; prevent reductions in the drainage holding capacity of land; improve surface drainage and minimize flooding;
3. Minimize increases in temperatures on lands with natural and planted tree cover;
4. Maintain moisture levels in the air of lands with natural tree cover;
5. Reduce noise, heat and glare, and ensure that these and other distractions of movement in one area do not adversely affect activity within other adjacent areas;
6. Emphasize the importance of trees and vegetation as both a visual and physical buffer;
7. Protect and enhance the aesthetic qualities of the community to ensure that tree removal does not reduce property values;
8. Minimize the cost of construction and maintenance of drainage systems necessitated by the increased flow and diversion of surface waters; and
9. Maintain, wherever possible, a minimum of fifty percent canopy cover across the unincorporated areas of Chatham County.

§24-204 Exemptions. The following lands are exempted from compliance with the clearing and tree provisions of these regulations.

1. Utility easements for power lines, pipelines, or similar facilities, except where such utilities cross tree easements, set-asides or natural buffers.
2. Those portions of Airports and heliports which require clear areas for safety purposes, including runways and taxiways, approach and departure clear zones.
3. Land zoned for agricultural purposes for the duration of such use, provided that property rezoned for purposes other than agriculture shall be subject to the requirements in this Ordinance.
4. All acceptable LDAO permits applied for prior to the enactment date of this ordinance.
5. Minor residential subdivisions which create no additional frontage on public roads.
6. All single family lots recorded prior to the enactment of this ordinance.
7. Any commercial development with an area of land disturbance less than 5,000 square feet where no trees are to be removed or adversely impacted and site drainage is not adversely impacted. (Amended November 17, 2023)

§24-205 Definitions. Unless specifically defined below, words or phrases used in this Ordinance shall be as defined in the Illustrated Book of Development Definitions, Moscovitz, (1981 Rutgers). Words not defined herein or within the above mentioned book shall be interpreted so as to give them the meaning they have in common usage and to give this Ordinance its most reasonable application. Words used in the singular shall include the plural, and the plural the singular; words used in the present tense shall include the future tense. The word "shall" is mandatory and not discretionary. The word "may" is permissive. The phrase "used for" shall include the phrases "arranged for," "designed for," "intended for," and "occupied for."

1. Addition (to an existing building). Any walled and roofed expansion to the perimeter of a building in which the addition is connected by any wall. Any walled and roofed addition which is connected by a 4-hour fire wall or is separated by an independent perimeter load-bearing wall is new construction, or as further defined in the County Building Code.
2. Appeal. A request for a review of the Administrator's interpretation of any provision of this Ordinance or a request for a variance.

3. Aquifer. Any stratum or zone of rock beneath the surface of the earth capable of containing or producing water from a well. (Amended December 3, 1999)
4. Area of Special Flood Hazard. The land in the flood plain within Chatham County subject to a one percent or greater chance of flooding in any given year and so delineated on official County maps for lands and properties subject to inundation and flooding conditions for the purpose of protecting such areas from inappropriate development and the subsequent risks of flooding.
5. Benefitted Use. A land use benefitted from the installation of a required buffer by and from a "burdened use."
6. Buffer. An area of land which includes living or non-living landscaping material(s) established for the purposes of separating, screening or shielding a use from a dissimilar or more intense use.
7. Buffer Type. A specific buffer design utilized in buffer construction to screen abutting land uses from more intensive uses. This Ordinance provides for five buffer types consisting of three classes within each type.
8. Building. Any structure having a roof supported by columns or walls that encloses a space and intended for the shelter, housing or enclosure of any individual, animal, process, equipment, goods or materials of any kind or nature or as further defined in the County Building Code.
9. Building Permit Applicant. The person who applies for a building permit for a single-family residential lot.
10. Burdened Use. A land use "burdened" or having the responsibility of installing a required buffer to protect an abutting less intensive "benefitted use."
11. Caliper. The diameter or thickness of the main stem of a young tree or sapling as measured at six inches above ground level. This measurement is used for nursery-grown trees having a diameter of four inches or less.
12. Canopy Trees. Large trees which at maturity will achieve a canopy spread of forty or more feet in diameter.
13. Clearing. The removal of vegetation, but not including grubbing activities.
14. Clearing and Grubbing Permit. A permit allowing work to begin before construction drawings are approved, provided the site

plan or preliminary plat, and erosion and sedimentation control plan are approved, and the proposed landscaping plans determined acceptable by the County Arborist, without necessarily having approved the Tree Establishment Plan or the Greenspace and Buffer Plan in detail. Under this permit the following activities are allowed: tree cutting and clearing, vegetation removal, tree harvesting and handling and stump removal.

15. Commission. The State Soil and Water Conservation Commission.
16. Construction Codes. The Building, Fire, Electrical, Mechanical, Plumbing, Gas and Housing Codes adopted by the Board of Commissioners of Chatham County for use in the unincorporated area of Chatham County.
17. County Arborist. The agent of Chatham County assigned the responsibility of review and approval of tree preservation and establishment plans and buffering plans as established under the provisions of this Comprehensive Land-Disturbing Activities Ordinance.
18. County Engineer. The Director of the Engineering Department of Chatham County, or the Director's designee, who is also designated as the Administrator of this Comprehensive Land-Disturbing Activities Ordinance.
19. County Health Department. The Georgia Department of Human Resources for Chatham County.
20. County Tree Bank. A fund earmarked for the financing of tree establishment and maintenance activities on properties and rights-of-ways owned by Chatham County.
21. Cut. A portion of land surface or area from which earth has been removed or will be removed by excavation; the depth below original ground surface to excavated surface; also known as an excavation or borrow pit.
22. Developer. The legal or beneficial owner or owners of a lot or of any land included in a proposed development including the holder of an option or contract to purchase, or other persons having enforceable proprietary interests in such lands.
23. Development. Any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating, drilling operations, or permanent or temporary storage of material.

24. Development Permit. A permit authorizing land-disturbing activities. This may be the initial land-disturbing permit issued. The Development Permit shall include all activities authorized by the Clearing and Grubbing, and Grading Permits. This permit is required for all projects to proceed with infrastructure construction.
25. Diameter, Breast Height (DBH). The diameter or width of the main stem of a tree as measured 4.5 feet above the natural grade at the base of a tree. Whenever a branch, limb, defect or abnormal swelling of the trunk occurs at this height, the DBH shall be measured at the nearest point above or below 4.5 feet at which a normal diameter occurs.
26. Director of Inspections. The Director of the Inspections Department of Chatham County or the Director's designee.
27. District. The Coastal Soil and Water Conservation District.
28. Erosion and Sedimentation Control Plan. A plan for the control of soil erosion and sedimentation resulting from a land-disturbing activity.
29. Exceptional Tree. Any tree determined by Chatham County to be of notable historic interest, high aesthetic value, or of unique character because of species, type, age, or size.
30. Existing Grade. The vertical location or elevation of the existing ground surface prior to cutting or filling.
31. Fifty Percent (50%) Canopy Cover. Canopy expected to be achieved over a thirty year period by the planting of large trees or the retention of existing trees which result in a minimum of fifty percent cover across the unincorporated area of Chatham County. Fifty percent canopy cover will be approximately 18 large trees per acre, quantified as 1600 Tree Quality Points per acre.
32. Filling. The placement of any soil or other solid material either organic or inorganic on an existing grade so as to raise the ground surface to a higher finished grade.
33. Finished Grade. The final grade or elevation of the ground surface after all cut or fill activities have been completed.
34. Flood or Flooding. A general and temporary condition of partial or complete inundation of normally dry land areas from:
 - a. The overflow of inland or tidal waters;

- b. The unusual and rapid accumulation of runoff or surface waters from any source.
- 35. Greenspace. Any area retained as permeable unpaved ground and is dedicated to supporting vegetation. Buffers, Tree Protection Zones, and other landscaping not otherwise regulated by this Ordinance, may be considered greenspace.
- 36. Grading. Altering surfaces to specified elevations, dimensions, and/or slopes; this includes removal of buildings, removal of vegetation, cutting, filling, stock-piling and shaping or any combination thereof and shall include the land in its cut or filled condition.
- 37. Grading Permit. A permit authorizing site grading (which may also include clearing and grubbing if not already authorized) and may be approved before final approval of road and utility construction details. This permit requires approval of all other development plans, including greenspace elements and storm drainage elements and includes the activities authorized by Clearing and Grubbing Permit.
- 38. Grandfathered Project. A land-disturbing project/activity for which a valid permit has been issued by Chatham County prior to the date of adoption of this Ordinance and which has been actively pursued in the previous six (6) months.
- 39. Groundwater Recharge Area. Those areas mapped by the Georgia Department of Natural Resources (DNR) in Hydrologic Atlas 18, Most Significant Groundwater Recharge Areas of Georgia (1989 edition). Mapping of recharge areas is based on outcrop area, lithology, soil type and thickness, slope, density of lithologic contracts, geologic structure, the presence of karst, and potentiometric surfaces. (Amended December 3, 1999)
- 40. Grubbing. The clearing of property by digging up by, or as if by, the roots. Such clearing shall include the removal of stumps or roots and buildings or pavement and other impermeable structures.
- 41. Hazardous Constituent. Any substance listed as a hazardous constituent in regulations promulgated by the administrator of the United States Environmental Protection Agency (USEPA) pursuant to the Federal Solid Waste Disposal Act, as amended, particularly by but not limited to the Resources Conservation and Recovery Act of 1976 (Public Law 94-580, 42 USC §6901, et seq.), as amended, codified as Appendix VIII to 40 CFR. Part 24 - 32 261 C Identification and Listing of Hazardous Waste. (Amended December 3, 1999)

42. Impervious Surface. A solid base underlying a container that is nonporous, unable to absorb hazardous materials, free of cracks or gaps and is sufficient to contain leaks, spills and accumulated precipitation until collected material is detected and removed. (Amended December 3, 1999)
43. Issuing Authority. The governing authority of Chatham County (Chatham County Commission and its designated staff) which has been certified by the Director of the Environmental Protection Division of the Department of Natural Resources as an issuing authority, pursuant to the Erosion and Sedimentation Act of 1975, as amended. The Director of the Engineering Department is the designated staff person to act as the issuing authority (permitter) for the Chatham County Commission.
44. Jurisdictional Wetland. An area that meets the requirements for wetlands as determined by the U.S. Army Corps of Engineers (USACOE). (Amended December 3, 1999)
45. Jurisdictional Wetland Determination. An official written statement signed by the USACOE that states whether or not jurisdictional wetlands area present on a site. (Amended December 3, 1999)
46. Land-Disturbing Activities. Any activity which may result in soil erosion from water or wind and the movement of sediments into state waters or onto lands within the state, including, but not limited to, clearing, dredging, grading, excavating, transporting, and filling of land but not including agricultural practices as described in Section VII, 2. a.
47. Land-Disturbing Activities Permits. A group of three permits authorizing certain land-disturbing activities on properties within the unincorporated area of Chatham County not exempted by this Ordinance. The three permits are: 1) Clearing and Grubbing, 2) Grading, and 3) Development. These permits may be issued incrementally or all land-disturbing activities may be authorized by a Development Permit.
48. Landscape Plan. A map and supporting documentation which describes for a particular site where vegetation is to be retained or provided in compliance with these regulations, the types of vegetation, and how such vegetation will be provided. The Landscaping Plan shall include any required buffer elements.
49. Landscape Quality Point. A unit of measurement which quantifies the relative value of shrubs and ground cover, as well as small and medium-sized trees, which are planted on a given site. A Landscape Quality Point quantitatively expresses

the desirable qualities of the species with regard to the size and landscape attributions.

50. Metropolitan Planning Commission. The Metropolitan Planning Commission (MPC) is the local Planning and Zoning Commission.
51. MPC Executive Director. The Executive Director of the Chatham County-Savannah Metropolitan Planning Commission or the Director's designee.
52. Multi-Family. Any residential development consisting of two or more dwelling units on a single lot of record.
53. Natural Ground Surface. The ground surface in its original state before any grading, excavation or filling.
54. New Construction. Structures for which the "start of construction" commenced on or after the effective date of this Ordinance.
55. Owner. Any person as herein defined having a majority fee simple interest in real estate, or a majority interest through any other form of ownership.
56. Permittee. Any owner as herein defined who has been granted any of the land-disturbing activities permits established by this Ordinance.
57. Permit, Major. A land-disturbing activities permit for which review by the Coastal Soil and Water Conservation District is required pursuant to the Georgia Soil-Erosion and Sedimentation Control Act, as amended.
58. Permit, Minor. A land-disturbing activities permit for which review by the Coastal Soil and Water Conservation District is not required.
59. Person. An individual human being, firm, partnership or joint stock company, association, syndicate, company, corporation, a state (including all sovereign states), and all political subdivisions of a state, or an agency or instrumentality thereof.
60. Susceptibility. The relative vulnerability of an aquifer to being polluted from spills, discharges, leaks, impoundments, applications of chemical, injections and other human activities in the recharge area. (Amended December 3, 1999)
61. Pollution Susceptibility Maps. Maps of relative vulnerability to pollution prepared by the DNR in Hydrologic Atlas 20, Groundwater Pollution Susceptibility Map of Georgia. Pollution

susceptibility maps categorize the land areas of the State into areas having high, medium and low groundwater pollution potential. (Amended December 3, 1999)

62. Project (development or construction). A principal building or structure on a lot, a subdivision, a multi-family development, a shopping center, an office park, a community sized development, or group of buildings or structures, planned and designed as an interdependent unit together with all accessory uses or structures, utilities, drainage, access, and circulation facilities, whether built in whole or in phases.
63. Quality Points Factor. A decimal fraction that is assigned to each tree species in the tree lists and is used as a multiplier in calculating the Tree Quality Points for any tree retained on a site.
64. Recharge Area. Any portion of the earth's surface where water infiltrates into the ground to replenish an aquifer. (Amended December 3, 1999)
65. Sediment. Solid material, both mineral and organic, that is in suspension, is being transported, or has been moved from its site of origin by air, water, ice, or gravity; the product of erosion.
66. Set-asides. A land area, dedicated to greenspace, which supplies tree cover and tree quality points toward the requirement for a larger surrounding or adjacent parcel of land. Examples of set-asides include wetlands, parkland, recreation areas, medians of boulevards.
67. Site Development or Land-Disturbing Activities Plan. The plans required in order to obtain one or more of the land-disturbing activities or development permits, which shows the means by which the developer will conform with the applicable provisions of this Ordinance and other applicable County Ordinances. A preliminary subdivision plat may serve as a site development plan or part of such plan.
68. Slope. Ratio of change in horizontal distance to the change in vertical grade.
69. Species diversity. A diverse selection of tree species on a site or within the community to prevent dominance of a single type of tree species.
70. Stabilization. The process of establishing an enduring soil cover of vegetation or mulch or other ground cover or in combination with installing temporary or permanent structures

for the purpose of reducing to a minimum the transport of sediment by wind, water, ice or gravity.

71. Start of Construction. (For other than new construction or substantial improvements under the Coastal Barrier Resources Act P.L. 97-348) includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within six months of the permit date. The actual start means the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation, or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling, nor does it include the installation of streets and/or walkways, nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms, nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.
72. State Waters. Any and all rivers, streams, creeks, branches, lakes, reservoirs, ponds, drainage systems, springs, wells, and any other body of surface or subsurface waters, natural and artificial, lying within or forming a part of the boundary of the State which are not entirely confined and retained completely upon the property of a single individual, partnership or corporation.
73. Storm water. Surface flow water from precipitation that accumulates in and flows through natural and/or constructed storage and conveyance systems during and immediately following a storm event. (Amended December 3, 1999)
74. Storm water Infiltration Basin. A hydrologic impoundment without an outflow in which incoming storm water is temporarily stored until it gradually infiltrates into the soil surrounding the basin. Storm water detention ponds, storm water retention ponds and other storm water facilities with outflows are not included in this definition. (Amended December 3, 1999)
75. Structural Land Disturbance Practices. Soil and water conservation measures, other than vegetation, utilizing the mechanical properties of matter for the purpose of either changing the surface of the land or storing, regulating, or disposing of runoff to prevent excessive sediment loss. Such practices include, but are not limited to rip rap, sediment basins, dikes, level spreaders, waterways or outlets,

diversions, grade stabilization structures, sediment traps, land grading, etc.

76. Structure. A combination of materials to form a construction for use, occupancy or ornamentation whether installed on, above, or below the surface of land or water.
77. Substantial Improvement. Any repair, reconstruction, alteration, or improvement to a structure, the cost of which equals or exceeds fifty percent of the market value of the structure, either before the improvement or repair is started, or if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include any project for improvement of a structure required to comply with existing health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions.
78. Surface Mining. Any activity constituting all or part of a process for the removal of minerals, ores, and other solid matter for sale or for processing or consumption in the regular operation of a business. Tunnels, shafts and dimension stone quarries shall not be considered to be surface mining.
79. Tree Commission. The Tree Commission is the Chatham County Tree Commission as established by this Ordinance for the purpose of advancing tree awareness and protection and which serves as appeals board for Sections VI to IX.
80. Tree Easement. An easement, not less than ten feet in width and not in conflict with any other planning requirements under the zoning and subdivision regulations, for the public planting, retention and maintenance of canopy street trees, exclusive of utility, drainage or other easements. Tree Easements shall be established pursuant to the provisions of the Chatham County Subdivision Regulations. Administrative approval is required for easements greater than ten feet in width.
81. Tree Fund. The Chatham County Tree Fund, established to receive funds paid in lieu of required Tree Quality Points or Landscape Quality Points, or for compensation for damage or removal of County-owned trees. (Amended November 17, 2023)
82. Tree Protection Zone. The area surrounding a preserved or planted tree that is essential to that tree's health and

survival, and is protected within the guidelines of this Ordinance.

83. Tree Quality Point. A unit of measurement which quantifies the relative value of trees that are planted or retained on a given site. Tree Quality Points quantitatively express the desirable qualities of the species with regards to size for each tree that is retained on a site. For planted trees the Tree Quality Points are an expression of species desirability and the expected mature size of each tree.
84. Variance. A grant of relief from the requirements of this Ordinance which permits land-disturbing activities in a manner otherwise prohibited by this Ordinance.
85. Vegetative Practices. Measures for the stabilization of erosive or sediment producing areas by covering the soil with:
 - a. Permanent seeding, sprigging, or planting producing long-term vegetative cover; or,
 - b. Short-term seeding, producing temporary vegetative cover; or,
 - c. Sodding, covering areas with a turf of perennial sod-forming grass.
86. Wetland Delineation. A delineation of jurisdictional wetland boundaries as approved by the USACOE as required by Section 404 of the Clean Water Act, 33 USC §1344, as amended. (Amended December 3, 1999)
87. Wetlands Inventory Area. Wetlands identified on the USEPA West Chatham County 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 Chatham County, 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. (Amended December 3, 1999)

§24-206 General Provisions. (Amended November 17, 2023)

1. Permit Required for Clearing. Except as herein provided, a property owner shall not clear (as defined in Section V) or permit the clearing of property without first obtaining a Land-Disturbing Activity permit.

2. Tree Quality Points and Landscape Quality Points Required. Land cleared for development or land being proposed for development shall be provided with not less than 1600 Tree Quality Points per acre on a given site, excluding easements and trees in existing right-of-ways. In addition, commercial, industrial and multi-family developments shall provide four hundred (400) Landscape Quality Points per acre of development. When a commercial, industrial or multi-family development is to contain a parking area, then within the boundaries of such a parking area, there shall be provided not less than 1200 Tree Quality Points per acre, exclusive of Landscape Quality Points. (Amended November 17, 2023)
3. Land-Disturbing Activities Manual. Chatham County's Comprehensive Land-Disturbing Activities Manual, amended 1995, hereinafter referred to as "the Manual," and any amendments thereto adopted by the Chatham County Board of Commissioners, which provides detailed information and standards in reference to the provisions of these regulations, is hereby adopted by reference and made a part thereof.

All land clearing, tree protection, tree establishment and landscaping shall be done in a manner consistent with the provisions contained in said Manual.

4. Chatham County Tree Commission Established. There is hereby created a Chatham County Tree Commission which shall consist of five members appointed by the Chatham County Commission. The Chatham County Commission, when appointing members to the Tree Commission, shall give consideration to those persons who have demonstrated an interest in the preservation and conservation of trees in Chatham County.

A majority of the members of the Tree Commission shall be residents of the unincorporated area or owners of businesses located therein. The County Arborist shall serve as advisor to the Tree Commission.

a. Membership.

- i. The initial five members shall be those persons serving on the Chatham County Tree Commission on the effective date of this Ordinance.
- ii. Such persons shall serve the remaining terms of their appointment as set forth in the Tree Ordinance for the unincorporated area of Chatham County, adopted December 21, 1984, or until their successors are duly appointed and approved by the County.

- iii. Successors to those members appointed by the County shall, thereafter, be appointed for terms of four years.
 - iv. The following organizations shall be requested to nominate, in turn, three persons to fill each subsequent vacancy on the Tree Commission:
 - (1) Savannah Tree Foundation,
 - (2) Savannah Area Chamber of Commerce,
 - (3) Georgia Conservancy (Coastal Chapter),
 - (4) Savannah Home Builders Association,
 - (5) American Society of Landscape Architects (Savannah Section of the Georgia Chapter).
 - v. The Chatham County Commission shall select a member to fill the vacancy from the three persons nominated. Subsequent vacancies shall be filled from these three nominees presented by each agency, in turn.
 - vi. Vacancies caused by death, resignation, or otherwise, shall be filled for the unexpired term in the same manner as outlined above. No Commissioner shall hereafter serve more than two consecutive terms. Three Commissioners shall constitute a quorum.
- b. Organization. Members of the Commission shall serve without salary or remuneration. Within a reasonable time after the appointment of the Commission, an organization meeting shall be called for the election of officers and to consider establishing rules and procedures and for the holding of regular and special meetings as deemed advisable and necessary in order to perform the duties set forth.
- c. Duties. Duties of the Tree Commission shall be as follows: (Amended November 17, 2023)
- i. The Commission shall educate the public as to the economic and aesthetic benefits of trees to Chatham County and its citizens, both on publicly owned property and privately owned property.
 - ii. The Commission shall promote the conservation, planting, health, and growth of trees in Chatham

County with the particular objective of establishing and protecting avenues of live oak trees.

- d. Records. The Tree Commission shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Administrator and shall be a public record. The decision of the Tree Commission shall be by resolution, which resolution shall contain a statement of the grounds of its decision or action. The full text of the resolution shall be sent to the applicant.
- e. Administration. Designation of the Administrator of this Ordinance. The Director of the Engineering Department is hereby appointed to administer and implement the provisions of this Ordinance.

§24-206.1 Issuance of notice of violation. (Adopted July 8, 2022)

(a) Notice of violation.

- a. Notice of violation. Whenever the County Engineer determines that development activity or inactivity on a property does not comply with the approved development and construction plans, or that any other activities violate the provisions of this article, the County Engineer shall issue a notice of violation in accordance with Sec. 24-711 Administrative Enforcement; Remediation Plan. Whenever the County Engineer determines that there has been a violation of the Land Disturbing Activities Ordinance, the County Engineer shall issue a notice of violation, a court summons, or a citation. The provisions of this section shall be in addition to any other penalty provisions applicable to this article. The notice of violation, of the provisions of this article or of any rule or regulation adopted pursuant hereto shall be addressed to the owner of the property or the owner's agent and to the person, tenant, firm, corporation, property owner or property owner's agent found to be violating the provisions of this article and shall:
 - (1) Be in writing;
 - (2) Include a description of the property sufficient for identification of where the violation has occurred;

- (3) List the specific provisions of this article which have been violated;
- (4) List the required corrective actions to be implemented within a given time frame;
- (5) State that, if these repairs, construction or alterations are not completed within a reasonable time period specified by the inspector, summons or citation shall be issued for the person, firm, corporation, owner, or owner's agent to appear in court of competent jurisdiction.
- (6) Should the County Engineer, find that the violation is willful, in wanton disregard of the provisions of this article or constitutes an immediate public health and safety hazard or endangers the ecosystem, the County Engineer may issue a court summons or citation in lieu of a notice of violation.

§24-207 Principles and Standards for Greenspaces, Tree Protection, Tree Establishment and Landscaping: General.

1. Tree Protection and Tree Establishment.

- a. Protection of Preserved or Planted Trees. Tree Protection Zones shall be established and maintained for all trees preserved or planted on a site for which tree quality points are to be claimed. The following provisions apply to such zones and the trees within them.
 - i. A Tree Protection Plan and details shall accompany all applications for Land-Disturbing Activities Permits identifying where and how existing trees within Tree Protection Zones are to be protected during clearing and construction of the project. Such plan and details shall be approved by the County Arborist upon finding that the plan adequately addresses the criteria set forth in Section D of the Chatham County Land-Disturbing Activities Manual.
 - ii. The area within any Tree Protection Zone must remain open and unpaved. The use of perforated pavers may be allowed subject to the approval of the County Arborist.
 - iii. No vehicles shall be parked, or construction material stored or substances poured or disposed of or placed, within any Tree Protection Zone at any

time during clearing or construction of the project.

- iv. No change in grade within the Tree Protection Zone shall be allowed around existing trees except for a maximum addition of four inches of mulch unless otherwise approved by the County Arborist.
- v. Tree wells or tree walls (islands) shall be constructed as needed to protect the preserved trees from grade changes which result in changes of water supply to the Tree Protection Zone. Adequate means for drainage of excess moisture from the Tree Protection Zone shall be provided if tree wells or tree walls are constructed.
- vi. All retained or planted trees shall be protected or situated so as to prevent damage from environmental changes (such as lowered water table) or land disturbance resulting from any building or facility construction within or immediately adjacent to the critical root zones of the tree(s).
- vii. No artificial plants, trees, or like materials shall be counted toward meeting the standards of these regulations.
- viii. For planted trees, the following tree protection standards and requirements shall apply:
 - (1) The minimum size Tree Protection Zone centered upon the planted tree shall be as specified in Table 1.

TABLE 1. MINIMUM TREE PROTECTION ZONE

Mature Tree Size	Square	Rectangular	Circular
Small*(less than 25')	4' x 4'	-	4.5'Diam.
Medium* (25' - 40')	8' x 8'	6' x 11'	9' Diam.
Large* (40' +)	20' x 20'	16' x 25'	22.5'Diam.

*A listing of small, medium and large trees is found within Table 12 of the Chatham County Land-Disturbing Activities Manual.

- (2) No tree shall be planted closer to a building foundation or water, sewer, or natural gas line, than as follows:

Five feet (5') for a mature small tree.

Ten feet (10') for a mature medium/large tree.

- (3) No tree shall be planted under overhead utility distribution lines if the average mature height of the tree is greater than the lowest overhead wire.

ix. Irrigation Requirements. Except in single-family development and as provided for herein, irrigation shall be provided for Tree Protection Zones in the following manner:

- (1) A permanent water source shall be installed not less than fifty (50) feet from each Tree Protection Zone, but shall not encroach more than twelve inches (12") into any Tree Protection Zone.
- (2) All trees within a Tree Protection Zone must have a permanent water source within one hundred (100) feet, or at the perimeter of the Tree Protection Zone if that Tree Protection Zone has a radius of more than one hundred feet.
- (3) The minimum permanent water source shall be a hose bib capable of delivering a minimum of three gallons per minute.
- (4) All irrigation systems connected to any potable water supply shall prevent contamination of the potable water supply, according to County building codes.

Provided however, irrigation shall not be required where (1) existing individual trees or clumps or groups of existing trees or wooded areas are to be preserved and grading, filling or other land-disturbing activities have not disturbed the natural ground water supply to such trees, or (2) for planted trees it is determined by the County Arborist that the natural condition is sufficient to sustain tree growth.

b. Standards and Specifications.

i. Assignment of Tree Quality Points to Preserved or Planted Trees.

- (1) All preserved trees must be greater than four inches DBH to qualify for Tree Quality Points.

- (2) All large trees, except for conifers, must be at least two-inch caliper to qualify for Tree Quality Points when planted on the site.
- (3) All coniferous (Pines, Cedars, Cypress, etc.) trees and all medium or small trees must be a minimum of one-inch caliper to qualify for Tree Quality Points when planted on the site.
- (4) If multi-trunk trees are planted or preserved the largest trunk only shall qualify for Tree Quality Points.

- ii. Tree Quality Points for Planted Trees. Quality Points are assigned to newly planted trees as defined in the following table. The species lists contained in Table 12 of the Chatham County Land-Disturbing Activities Manual identifies tree types by size.

TABLE 2. TREE QUALITY POINTS FOR PLANTED TREES

Species Quality Rating			
Mature Size	Acceptable	Recommended	Preferred
Small*(less than 25')**	3	5	10
Medium*(25' - 40')**	5	15	30
Large*(40' +)	15	40	90

*A listing of small, medium and large trees is found within Tables 12-17 of the Chatham County Land-Disturbing Activities Manual.

**Small and Medium Trees qualify for Landscape Quality Points.

- iii. Tree Quality Points for Preserved Trees. Quality Points for trees preserved on the site are directly related to the tree species quality and the Tree Protection Zone that must be provided for the tree. For preserved trees, Tree Quality Points are calculated by squaring the tree's DBH (Diameter at Breast Height) and multiplying this number by the applicable Quality Points Factor.

$$(\text{DBH})^2 \times (\text{Quality Points Factor}) = \text{Tree Quality Points}$$

The Quality Points Factor is found in the following table or the Tree Species Lists in the Chatham County Land-Disturbing Activities Manual.

TABLE 3. TREE QUALITY POINTS FACTOR

Tree Quality Rating	Quality Points Factor
Acceptable	0.5
Recommended	0.75

Preferred	1.5
Exceptional	2.5

iv. Standards for Preserved Stands of Trees

- (1) Tree Quality Points and Landscape Quality Points for Retained Stands of Trees: The most effective method for preserving trees in good condition is through the preservation of continuous, undisturbed stands of trees and vegetation. This is also the most expeditious means for achieving the desired level of tree canopy cover in Chatham County. Therefore, the preservation of mature native stands of trees shall receive 0.25 Tree Quality Points per square foot of preserved area. Understory trees and shrubs shall have a value of 0.1 Landscape Quality Points per square foot. (Amended June 27, 1997)
- (2) Specifications:
 - (a) The County Arborist shall visit the site in order to verify that the stand contains native trees of sufficient size, quantity and quality to warrant preservation. The County Arborist shall review the types of tree species present, the quantity of trees within each species, the degree of crown closure and their condition. Stands found by the County Arborist to contain an insufficient number of mature native trees shall not qualify for Quality Points under stand calculations. The trees may qualify for Tree Quality Points on an individual basis when found to be unacceptable as a preserved stand by the County Arborist.
 - (b) The stand shall be integrated into a Tree Protection, Tree Establishment and Landscape Plan in a logical and aesthetically pleasing manner. The locations of preserved stands of trees shall be distributed throughout the site in a similar manner as that required for planted or preserved trees.
 - (c) All existing vegetation shall remain within the preserved stand with the

exception of hazardous trees. No clearing of underbrush shall be allowed.

- (d) The Stand shall be protected throughout the construction period using the same standards and specifications as required for a Tree Protection Zone.
- (e) For Palm-Type trees, two Tree/Landscape Quality Points will be assigned per foot of stem height up to 10 feet, regardless of whether the tree is preserved or planted on the site. The maximum Landscape Quality Point value for any palm-type tree is 20.
- (f) Landscape Quality Points for Shrubs and Ground Cover:

Landscape Quality Points shall be assigned to planted shrubs and ground cover on new commercial, industrial and multi-family developments. Medium and small trees may also qualify towards the 400 Landscape Quality Point Requirement.

To qualify, shrubs shall be a 3 gallon container size or larger. If the shrub is incorporated into a buffer, it shall meet the height requirements of the buffer within a 12-month period.

TABLE 4. REQUIRED LANDSCAPING POINTS PER ACRE*

The following includes types of material acceptable for Landscape Quality Points:			
Type	Points for Planted Material		Points for Preserved
Medium Trees	30 Pts for Preferred Trees		1.50 Factor
	15 Pts for Recommended Trees		0.75 Factor
	5 Pts for Acceptable Trees		0.50 Factor
Small Trees	10 Pts for Preferred Trees		1.50 Factor
	5 Pts for Recommended Trees		0.75 Factor
	3 Pts for Acceptable Trees		0.50 Factor
Palm Type Trees	2 Pts for Each Foot of Stem Height		
Evergreen Shrubs			
Large (6-12' high)	5 Pts each		
Medium (4-6' high)	3 Pts each		
Small (Under 4' high)	1 Pts each		
Deciduous Shrubs			
Large (6-12' high)	2.5 Pts each		
Medium and Small	1.5 Pts each		
Evergreen Ground Cover	0.1 Pts per plant when 1 gallon		

*See Approved Material in Land Clearing and Tree Protection Activities Manual, Revised 1995.

- c. Continuing Obligation for Maintenance: The following Maintenance standards apply to all trees which are planted or preserved on a site in order to meet the minimum requirements for Tree Quality Points and Landscape Quality Points as defined in this Section. Other trees on the site are exempt from these requirements.
 - i. Any damage or injury occurring to a preserved tree, by determination of the Arborist, sufficient to cause the tree to die within five years or develop into an irreparable hazard tree, shall cause the tree to be removed and lose Tree Quality Points.
 - ii. Destruction of desirable leaf crown or bark circumference of the trunk, major limbs or buttress roots not considered by the Arborist to be fatal to the tree or hazardous to the public shall be immediately repaired and shall result in proportional decrease in Tree Quality Point assessment. Assessment of damage shall be made following guidelines established in "the Manual"
 - iii. Repair of trees shall meet the standards set forth in "the Manual."
 - iv. It is the responsibility of the Owner to provide irrigation and fertilization to these trees in order to maintain tree health and vigor. Failure to maintain the required number of Tree Quality Points shall be a violation of this ordinance.
- d. Designation of Exceptional Trees. Certain individual trees possessing extreme quality, character, or development shall be considered a public landmark and shall not be destroyed or endangered. Therefore, upon nomination by the developer, owner or his agents, the Chatham County Arborist, may upon inspection, designate such a tree as an Exceptional Tree. The designation of a tree as being Exceptional shall be based upon a professional evaluation of that tree in relation to the following criteria. Trees designated Exceptional shall thereafter be considered a public landmark and shall not be destroyed or endangered.
 - i. Procedure. All nominations for Exceptional Tree designation shall be reviewed by the County Arborist who shall designate such tree as being Exceptional. The designation of an Exceptional

Tree shall be based upon an evaluation of the tree in relation to one or more of the following criteria:

- (1) The tree is demonstrated to have an association with a documented historical event, or is located on an historic site.
- (2) The tree has unusually high aesthetic value.
- (3) The tree is of unique character because of its age, species, variety, location, or because of the size and development of its crown, trunk, or main stem.

ii. The designation of an Exceptional Tree shall also meet all of the following criteria:

- (1) The tree is free of disease, pests and other serious injury.
- (2) The tree has a life expectancy of more than ten years.
- (3) The tree is free from structural defects which would present a hazard to the public.

iii. Protection and Tree Quality Point Assignment for Exceptional Trees. Upon designation as an Exceptional Tree, the tree shall be protected from land-clearing activities as provided in this Ordinance, and the tree quality points assignment shall be based upon a Quality Points Factor of 2.5 (60% more tree quality points than a preferred tree of equal DBH).

e. Trees on Adjacent County Property.

- i. A property owner responsible for any land-disturbing activity within a within 5' of the critical root zone of a tree located on County property shall provide for the protection of such tree(s) to the standards described in this ordinance. All work on County rights-of-way requires a permit under the Rights-of-way Encroachment Ordinance.
- ii. A property owner responsible for a land-disturbing activity that causes damage to a tree which affects the health or growth of such tree, or removes a tree on County property, shall compensate the

County for such tree loss or damage as set forth below.

- (1) The County Arborist shall establish the tree quality points for the removed or damaged tree. The property owner responsible for the land-disturbing activity which caused the removal or damage to such tree shall compensate the County for such tree loss or damage under one of the following options subject to the approval of the County Arborist.
 - (a) Plant or preserve additional trees on the development site that equals or exceeds the value of the tree quality points that were assessed for the removed or damaged tree.
 - (b) Plant trees on adjacent County rights-of-way that equals or exceeds the value of the tree quality points that were assessed for the removed or damaged tree.
 - (c) Donate a gift-in-kind to the County Tree Bank that equals or exceeds the value of the tree quality points that were assessed for the removed or damaged tree or equal to the International Society of Arboriculture (ISA) appraised value.
 - (d) Meet any equivalent combination of the above as approved by the County Arborist.
- (2) Upon approval by the County Arborist of the method for compensating the County for the subject tree loss, the owner of the development shall submit a revised Tree Protection and Tree Establishment Plan which incorporates the approved tree compensation plan, to the County Arborist for approval.

4. Timber Harvesting Standards

- a. Applicability. All properties, other than those zoned and used for agricultural activities, which propose timber harvesting or clear cutting, shall comply with the following timber harvesting provisions: (in this subsection).
- b. Procedures.

- i. Permits required for Timber Harvest. A Land-Disturbing Activities Permit is required prior to the timber harvest.
- ii. Plans required for Timber Harvest. A Plan for development of the land and a Timber Harvest and Reforestation Plan for each phase of the Master Plan shall be reviewed and approved prior to the issuance of a land-disturbing permit.
- iii. Timber Harvest and Reforestation Plan. The Timber Harvest and Reforestation Plan shall identify areas where trees are to be retained on site, along with the density, species and Tree Quality Point value,

All required buffers shall be retained or installed as per the Buffer Requirements in the Zoning Regulations and this Ordinance.

The Timber Harvest and Reforestation Plan shall be prepared by a registered forester and shall be reviewed by the County Arborist.

- iv. Reforestation and Tree Protection Standards. A minimum of 1600 Tree Quality Points per acre shall remain on the parcel after the timber harvest, or reforestation shall be accomplished (as per Item D) utilizing one or more of the following methods:
 - (1) Residual Stands of Trees: Tree Quality Points may be given to residual stands of trees which are existing on the site and are protected during the harvesting process.
 - (2) Buffer Areas: Tree Quality Points may be given to trees located within buffer areas.
 - (3) If an insufficient number of Tree Quality Points are left on the site following the timber harvest, a Tree Establishment Plan shall be submitted to the County Arborist showing the location of the trees to be planted, their species, size and Tree Quality Point value.
 - (4) Reforestation Areas: Where the site is to be used for continual timber growth or silviculture, such land shall be considered a reforestation area. In order to comply with the provisions of this section, a Tree Establishment Plan shall be submitted. This

shall consist of the establishment of native tree seedlings using traditional forestry methods and best management practices. A minimum of 600 seedlings per acre shall be planted on the site by the end of the first planting season following the timber harvest. A minimum survival rate of 350 trees per acre will be maintained after the first complete growing season or other techniques as approved by County Arborist.

5. Timber Harvesting Notification (adopted and effective April 22, 2022)

- a. Notice of Commencement of Timber Harvesting and Notice of Cessation of Timber Harvesting Operations. All persons or firms harvesting standing timber in any unincorporated area of Chatham County for delivery as pulpwood, logs, poles, posts, flooring, or wood chips to any woodyard or processing plant located inside or outside this state shall provide Notice of such harvesting operations to the Chatham County Governing Authority's designated agent, the Chatham County Engineering Department, prior to entering onto the property if possible, but in no event later than 24 hours after entering onto the property. Further, such persons shall give Notice of cessation of cutting within 24 hours after the job is completed.
- b. The Notice of harvesting operations required by this Ordinance shall be provided for each separate tract to be harvested. Such Notice shall be made in such form as prescribed by rule or regulation of the Director of the Georgia Forestry Commission, and shall include the following information:
 - i. A map of the area which identifies the location of the tract to be harvested and, as to those trucks which will be traveling to and from such tract for purposes of picking up and hauling loads of cut forest products, the main point of ingress to such tract from a public road and, if different, the main point of egress from such tract to a public road. If multiple points of ingress and/or ingress will be used, all such points shall be identified;
 - ii. A statement as to whether the timber will be removed pursuant to a lump sum sale, per unit sale, or owner harvest for purposes of ad valorem taxation under O.C.G.A. §48-5-7.5;

- iii. The name, address, and daytime telephone number of the timber seller if the harvest is pursuant to a lump sum or per unit sale or of the timber owner if the harvest is an owner harvest; and
 - iv. The name, business address, business telephone number, and nighttime or emergency telephone number of the person or firm harvesting such timber.
- c. The person or firms that conduct Timber Harvesting Operations within unincorporated Chatham County shall provide the Board of Commissioners and its designated representative, the Chatham County Engineering Department shall within 24 hours of cessation of timber harvesting operations and activities a notice of cessation of all timber harvesting activities. Such notice of cessation will include certification that the site and remaining timber debris upon said property has to be cleared and performed in accordance with the agreement or contract with the owner of the property and timber.
- d. Subject to the provisions of Section 5 of this Ordinance, the Notice required by this Ordinance may be submitted in person, by transmission of an electronic record via telefacsimile or e-mail, or by mail.
- e. Subject to the provisions of Section 5 of this Ordinance, upon notification published by the Director of the Georgia Forestry Commission that a state-wide notification website or platform is available for public use, persons or firms wishing to utilize said website or platform to provide the Notice required by this Ordinance may do so at their option, and Chatham County will accept notifications submitted in this manner.
- f. On and after a date specified and published by the Director of the Georgia Forestry Commission, use of the state-wide notification website or platform shall be mandatory and shall be the sole means of providing the Notice required by this Ordinance; on and after said date submission of the Notice by any of the means listed in Section 3 above shall cease and will no longer be deemed acceptable or in compliance with this Ordinance.
- g. The Notice required by this Ordinance shall not be or remain effective unless and until the person or firm providing such Notice has delivered to the Governing Authority of Chatham County or its designated agent, Chatham County Engineering Department, a valid surety bond, executed by a surety corporation authorized to transact business in this state, protecting Chatham

County against any damage caused by such person or firm in the amount of \$5,000.00; provided, however, that at the option of the person or firm harvesting timber a valid irrevocable letter of credit issued by a bank or savings and loan association, as defined in O.C.G.A. §7-1-4, in the amount of \$5,000.00 may be provided in lieu of a surety bond. Such bonds or letters of credit shall be subject to the conditions set forth in Sections 7 and 8 of this Ordinance. No more than one bond or letter of credit shall be required from each person or firm harvesting timber, regardless of the number of tracts harvested in the county for so long as the bond or letter of credit remains in effect. The bond or letter of credit required herein shall be valid only for the calendar year in which it was delivered.

- h. The bond or letter of credit required by Section 6 of this Ordinance shall protect Chatham County against any damage requiring re-ditching or repair of existing ditch structures or the removal of any harvesting residue, including tree tops, debris, logs, pulpwood and other materials, placed in or around the county's rights of way caused by such person or firm tendering the bond or letter of credit. The proceeds of such bond or letter of credit shall be available to reimburse the county for any cost incurred to repair such damages or remove such debris in or around the county's rights of way. The proceeds of such bond or letter of credit shall also be available to reimburse the county for any costs incurred to maintain or repair county roads damaged by the ingress or egress of motor vehicles engaged in the harvest operations located within 500 feet of any point of ingress or egress of the timber harvesting operation. The right of Chatham County to call such bond or letter of credit in accordance with the provisions of Section 8 of this Ordinance shall be in addition to any other remedies available to the county at law or in equity for damage to county roads or rights of way.
- i. When damage results from a person or firm's harvesting activities, the Governing Authority of Chatham County shall make and provide a written claim to the person or firm causing the damage within 30 business days after the Governing Authority becomes aware of the damage. Such claim may be given in person, by telefacsimile, email or mail. The claim shall describe the damage in detail and, in compliance with Section 9 (a) of this Ordinance, give the person or firm the opportunity to repair such damage within 30 days of the notification; provided, however, the county shall be authorized to repair the damage immediately if the Governing Authority or its designee

determines the conditions present a threat to public safety, health or welfare and, upon making such repairs, shall present to the person or firm and the issuer of the applicable bond or letter of credit an itemized list of expenses incurred as a claim against the responsible party and the issuer of its bond or letter of credit. Upon the issuance of a claim as provided in this Section the Governing Authority of Chatham County or its designee shall notify the issuer of the bond or letter of credit that a claim has been made and will be resolved or adjudicated according to the terms of this Ordinance.

j. Within 30 days of receipt of the written claim described in Section 8, the person or firm against whom the claim is submitted may:

i. Repair such damage at his or its own expense with the approval and supervision of the Governing Authority of Chatham County or its designee. When repairs are completed to the satisfaction of the governing authority or its designee, the Chatham County Engineering Department, the governing authority or its designee shall provide a written notification of satisfactory completion within five business days to the responsible person or firm and to the surety issuing the bond or the bank issuing the letter of credit, thereby terminating the claim.

ii. In the event of inclement weather or other factors preventing repair of the damage, request a 30-day extension to repair the damage from the Governing Authority of Chatham County, or its designee the Chatham County Department of Engineering, provided that no extensions shall exceed 90 days from the date the claim was tendered. Approval of any extension shall be at the discretion of the Governing Authority of Chatham County or its designee, the Chatham County Department of Engineering.

iii. Appeal the claim to the Magistrate Court of Chatham County. Any such appeal must name the issuer of the bond or letter of credit as a party, who shall be served with all pleadings in the action and shall have the right to appear. The Magistrate Court will hear evidence and arguments within 30 days of the written appeal and issue a ruling within ten days of such hearing. Any such appeal shall toll the 30-day period, or any extension thereof, required by Section 8 of this Ordinance. If the Magistrate

Court rules in favor of the person or firm against whom the claim was made, the county shall have no right to recover any proceeds of the bond or letter of credit, and judgment shall be entered against the county. If the Magistrate Court rules in favor of the county the court shall determine the amount of damages to which the county is entitled to recover and enter judgment against Owner, person, or firm conducting Timber Harvesting activities, the Bonding Company and the financial institution issuing the letter of credit; the Governing Authority of Chatham County shall be authorized to call the bond or letter of credit and recover from the proceeds thereof an amount equal to the judgment entered by the court including cost and court fees, up to the total amount of the bond or letter of credit. The portion of any judgment entered in favor of the county that exceeds the amount of the bond or letter of credit shall be subject to collection by any additional remedies at law or equity. Any judgment in favor of Chatham County may be filed on the general execution docket maintained by the Clerk of Superior Court of Chatham County.

- iv. In the event the person or firm against whom the claim has been submitted fails to take any of the actions allowed under subsections (a), (b) or (c) of this Section within the time required therein, such person or firm shall be deemed to have waived any and all rights to contest the call of the bond or letter of credit.
- k. If the person or firm tendering a bond or letter of credit pursuant to the requirements of this Ordinance continues its timber harvesting operation beyond the calendar year in which the bond or letter of credit was issued, the person or firm continuing the timber harvesting operation shall tender a new bond or letter of credit within five (5) business days after the first day of the new calendar year.
- l. In the event a bond or letter of credit tendered pursuant to the requirements of this Ordinance is revoked by the surety or bank, then a valid replacement bond or letter of credit must be delivered to the Governing Authority of Chatham County within five business days after the date of revocation in order for timber harvesting operations to continue. In addition, if the person or firm tendering the bond or letter of credit caused its revocation, the amount of the bond or letter of credit required shall be

increased to \$10,000 following the initial revocation of the prior bond, caused by the person or firm tendering the bond or letter of credit. The maximum amount of the bond or letter of credit shall not exceed \$10,000.

- m. Submission of the Notice required by this Ordinance shall authorize the person or firm submitting same to undertake the timber harvesting operation described in the Notice and shall remain in effect until such time as the person or firm gives Notice that the harvesting operation is complete; provided, however, that any change in the facts required to be provided for purposes of such Notice, including but not limited to a change in the scope or extent of the operation, must be reported to the Governing Authority of Chatham County within three business days after such change.
- n. Any person or firm that engages in a timber harvesting operation in the unincorporated portion of Chatham County without complying with the Notice requirements of this Ordinance shall be subject to a citation and trial, and upon conviction shall be fined in an amount not to exceed \$1,000.00 for each violation.
- o. This Ordinance applies to activities which qualify as forestry land management practices or agricultural operations under O.C.G.A. §12-7-17 (5) and (6) on land that is zoned for or used for forestry, silvicultural or agricultural purposes. It shall not authorize land disturbing activities incidental to development in conflict with the limitations set forth in O.C.G.A. §12-7-17(6). It shall not authorize land disturbing activities on any property not zoned for agricultural purposes.
- p. Consistent with O.C.G.A. §12-6-24:
 - i. no fee shall be charged to provide and submit the Notice required by this Ordinance; and
 - ii. no permit, including a driveway permit, shall be required of the person or firm engaged in a timber harvesting operation as defined by said Code section. Persons and firms providing the Notice required by this Ordinance may be asked to consult with county officials responsible for roads and public works for the purpose of minimizing damage to the county's roads, rights of way and infrastructure, and are urged to follow recommendations from county officials. Notwithstanding the forgoing, the person or firm

conducting the timber harvest operation bears ultimate responsibility for their actions, and nothing in this Ordinance shall preclude the Governing Authority of Chatham County from taking any and all legal action necessary to protect its property and the health, safety and welfare of its citizens.

- q. The provisions of this Ordinance are severable, and the invalidity of any phrase, clause, section or part of this Ordinance shall not affect the validity or effectiveness of the remainder of this Ordinance.

§24-208 Principles and Standards for Greenspaces, Tree Protection, Tree Establishment and Landscaping in Commercial, Industrial and Multi-family Development.

1. Applicability. Except as herein provided, a Greenspace Plan shall be submitted for all proposed commercial, industrial or multifamily development (as defined in this ordinance). Such Plan shall include a Tree Protection, Tree Establishment and Landscape Plan. Such Plans shall conform to the standards and requirements of these regulations. (Amended January 28, 2000)
2. Greenspace Design Principles and Standards.
 - a. A minimum of twenty percent (20%) of the total land area of the development shall be devoted to Greenspace.
 - b. Sidewalks, curbing, or other paved or impermeable surfaces within the greenspace area shall not count towards the twenty percent (20%) minimum greenspace requirement.
 - c. Existing stands of mature native trees and the associated plant communities beneath them shall be retained wherever possible.
 - d. Locations for Planting and/or Preserving Trees and Landscaping
 - i. Street Trees. Street trees may be planted or preserved within the front yard development setback if they can be placed within a Tree Easement established pursuant to the provisions of the Chatham County Subdivision Regulations, provided such tree in the Tree Easement does not conflict with any existing utility, drainage or other easements. Street trees within Tree Easements will be planted and maintained by the County.

- ii. Front Yard Development Setback. Understory and canopy trees may be preserved and/or planted in this area. A portion of the 400 Landscape Quality Points/acre may be planted in this area to screen parking areas from adjacent roadways.
- iii. Parking Areas.
 - (1) Tree Quality Points Required in Parking Areas. A minimum of 1200 Tree Quality Points per acre in canopy trees shall be planted and/or preserved within landscaped islands and medians located between parking bays. Landscape Quality Points may also be planted in these areas.
 - (2) Size and Location of Parking Islands. Canopy trees planted in parking islands shall have 400 square feet of unpaved, uncompacted soil for root development. The standard tree island shall be 20' x 20' provided, however, that where the islands are an extension of a 10' wide landscaped median, the islands may be reduced in width to 16'. Islands shall not be separated by more than 12 parking spaces, including the landscaped ends of drive aisles. Islands shall be designed so as to minimize foot traffic across them.
- iv. Buffers. Existing and/or planted canopy, understory trees, and planted evergreen shrubs may be incorporated into buffer areas. Landscape and/or Tree Quality Points shall be counted for vegetation in buffer areas if it meets the principles and standards for planting or preservation.
- v. Areas Adjacent to Buildings. Planting adjacent to buildings shall be eligible for Tree and Landscape Quality Points if it meets the principles and standards of these regulations.
- e. Landscaping Standards
 - i. Landscape Quality Points Requirement. The required four hundred (400) Landscape Quality Points per acre shall be provided through the planting of medium trees, small trees, shrubs and/or ground cover.
 - ii. Locations for Landscape Quality Points. Such plantings may be located in the following areas:

- (1) Front yard development setback.
- (2) Parking areas: islands and medians.
- (3) Buffers.
- (4) Areas adjacent to buildings.

f. Special Cases

i. Car/Boat/Trailer Sales Lots. The requirement of canopy cover in the outdoor display, sales and storage areas may be waived for such uses only if the requirements have been met elsewhere on the site. The required 400 Landscape Quality Points per acre, however, shall be provided in this area to break up large expanses of pavement.

- (1) Employee and Customer Parking Areas shall be clearly delineated to separate them from outdoor display, sales, and storage areas. Such parking areas shall provide 1200 Tree Quality Points per acre in canopy trees and 400 Landscape Quality Points per acre in landscaping.
- (2) Porous paving may be used within outdoor display, sales and parking areas to provide root growth area for new and existing trees.

g. Development and Expansion of Existing Property. A minimum of 1600 Tree Quality Points per acre and 400 Landscape Quality Points per acre shall be provided for that portion of the site which is being developed. Also, a minimum of twenty percent (20%) of the newly developed area shall be in greenspace.

3. Requirements for Land Clearing Permit.

- a. A pre-development site visit shall be scheduled between the Owner/Agent and the County Arborist. This meeting may be waived by the County Arborist at the request of the Owner.
- b. The Owner/Developer shall submit the Tree Protection, Tree Establishment and the Landscape Plans, together with other required drawings, for review by the County Arborist.
- c. For projects where lawn sprinklers or an irrigation piping system are to be installed, the Landscape, Tree

Establishment and Tree Protection Plans shall be prepared by a registered landscape architect or other registered professional who has experience with proper planting design (i.e., arborist, forester, horticulturist, etc.) who accepts full responsibility for such plans.

- d. The Owner/Developer shall coordinate the location of utilities with the utility companies and the County Arborist prior to the issuance of a Land-Disturbing Activities Permit. If there is a potential tree and utility conflict, a new Tree Establishment Plan and/or Tree Protection Plan shall be submitted to the County Arborist showing the new, proposed utility locations or tree locations.
 - e. A Pre-Construction meeting shall be scheduled among the Owner, Agent, Contractors, appropriate County Staff and the County Arborist prior to issuance of a Land-Disturbing Activities Permit. This meeting shall establish the location of temporary buildings or trailers, temporary utilities, installation of tree protection and erosion control devices, storage of materials, etc. Forty-eight (48) hours notice shall be given to schedule the site visit.
 - f. Tree protection shall be installed by the Owner/Agent and inspected by the Administrator prior to the issuance of a Land-Disturbing Activities Permit.
4. Land-Disturbing and Tree Protection Requirements for Certificate of Occupancy.
- a. Certification that trees and landscaping have been properly installed and protected shall be made in writing by the person who prepared Final Tree Protection, Tree Establishment and Landscape Plans.
 - b. The County Arborist shall make a final inspection of trees and landscaping for completeness prior to issuance of the Certificate of Occupancy.
 - c. Temporary Performance Bonds. The Owner shall post a temporary performance bond for tree and/or landscape installation which cannot be planted because of continued construction, improper planting season, etc. A deadline for completion of work shall be scheduled with the County Arborist and the Inspections Department and a Temporary Certificate of Occupancy issued. Refer to Bond Section in the Chatham County Subdivision Regulations for bond requirements.

- d. Release of Performance Bond. The County Arborist shall make a final inspection of the trees and landscaping at the scheduled completion of work. If work has been completed, the Temporary Performance Bond shall be refunded. If the tree and/or landscape installation is not complete at the scheduled deadline, the Temporary Performance Bond shall be withheld based upon the amount of work incomplete.
 - e. Posting of Two-Year Landscape Establishment Bond. A two-year Landscape Establishment Bond shall be posted prior to issuance of the Certificate of Occupancy. The bond shall be based upon a fixed rate value of landscaping per acre, as determined by the Administrator.
5. Release of Two-Year Landscape Establishment Bond. At the end of the two-year landscape establishment bond period, the County Arborist shall inspect the site and shall make a determination of whether or not the required trees and landscaping are healthy and have a reasonable chance of surviving to maturity. Upon such finding, the bond shall be released. In absence of such a finding, the bond or other posted security shall not be released and the owner of the property shall be notified to replace the unhealthy trees and landscaping or take other appropriate action as approved by the County Arborist. Upon failure of the owner to comply with the County Arborist's decision regarding such vegetation, the County shall use the bond to the extent necessary to bring the property into compliance with the provisions of these regulations. Final inspection shall be scheduled within ten working days' notice.

§24-209 Principles and Standards for Greenspaces, Tree Protection, Tree Establishment and Landscaping in New Single-family Residential Subdivision Development.

- 1. Applicability. These provisions shall apply to individual lots or new single family residential subdivisions.
- 2. Greenspace Design Principles and Standards in Single-Family Residential Development
 - a. Tree Quality Points Required. 1600 Tree Quality Points per acre shall be provided within the subdivision in order to achieve a minimum of fifty percent canopy cover for the development. This shall be achieved through the required planting of street trees within tree easements, protecting existing trees, planing within set-asides established by the developer, planting on individual lots.

b. Plans Required

- i. For Rights-of-Way and Drainage and Utility Easements. Except as herein provided, a Greenspace Plan shall accompany each Preliminary Plan for review in order for a Land-Disturbing Activities Permit for rights-of-way and easements to be obtained. Such Plan shall conform to the standards and requirements of these regulations.
- ii. For Individual Lots. A Plot Plan which includes Greenspace information shall be submitted by the Building Permit Applicant in order to obtain a Land-Disturbing Activities Permit for an individual lot.

c. Requirements for Utilities Crossing the Tree Easement. Utilities crossing the Tree Easement shall be located outside of the critical root zone of trees, unless otherwise approved by the County Arborist. Utility locations shall allow for the unobstructed planting of street trees at a separation of 40 to 60 feet.

d. Tree Requirements Within New Single-Family Subdivisions

- i. Planted Street Trees. Canopy street trees shall be planted within Tree Easements. Such trees shall be no less than one inch in caliper at time of installation. Trees shall be planted 40 to 60 feet apart, along all street frontages within or abutting the subdivision. Each planted street tree shall have a value of 90 Tree Quality Points.
- ii. Existing Trees. Existing trees, for which Tree Quality Points are sought, may be protected within Tree Easements as street trees (and counted for Tree Quality Points), on individual lots, within set-aside areas, in buffers or elsewhere as approved by the County Arborist, provided that they be protected prior to clearing, as demonstrated in Section VII and as illustrated in the Land-Disturbing Activities Manual.
- iii. Trees on Individual Lots (Other than Within Street Tree Easements). Existing or planted canopy trees on new lots may count toward the required 1600 Tree Quality Points per acre provided they meet the principles and standards within Section VII of these regulations.

- iv. Trees Within Set-Aside Areas. Existing and/or planted trees within set-aside areas, as defined by this ordinance, may count towards the 1600 Tree Quality Point requirement if they meet the principles and standards within Section VII of these regulations.
- 3. Procedures for Obtaining a Land-Disturbing Activities Permit for Street Rights-of-Way and Utility and Drainage Easements. A Land-Disturbing Activities Permit is required as a prerequisite for clearing rights-of-ways and utility and drainage easements in new residential subdivisions.
 - a. A pre-development site visit shall be scheduled between the Owner/Agent and the County Arborist. This meeting may be waived by the County Arborist at the request of the Owner.
 - b. After approval of the Sketch Plan, the centerlines and rights-of-ways of the proposed roadways shall be staked at 100 foot stations to enable field review by the County Arborist.
 - c. The Developer shall show how required Tree Quality Points are to be met in the subdivision or phase of subdivision for which the Land-Disturbing Activities Permit is sought. This may be shown on a separate Greenspace Plan or on one of the other Construction Drawings, and shall be submitted to the County Arborist for review. The Greenspace Plan shall show the total Tree Quality Points for the site, any set-aside areas and trees to be protected, the number of required street trees to be provided, and the number of Tree Quality Points to be allocated on each lot.
 - d. Tree Protection for Set-asides and/or any tree proposed for Tree Quality Points located adjacent to rights-of-ways or easements where clearing is to occur shall be installed by the Developer and inspected by the County Arborist prior to issuance of a Land-Disturbing Activities Permit.
- 4. Procedures for Obtaining a Land-Disturbing Activities Permit for Lots. A Land-Disturbing Activities Permit is required as a prerequisite for acquiring a Building Permit on a lot in a new residential subdivision.
 - a. A Plot Plan shall be submitted to the County Arborist for review and approval as a prerequisite for a Land-Disturbing Activities Permit. This Plot Plan shall show lot dimensions, buildings, driveways, easements, utility

corridors and the location of trees to be protected and/or planted. The Plot Plan shall also include the species and diameter breast height (DBH) for preserved trees, and caliper and species for planted trees, and a Tree Quality Point summary for all preserved and/or planted trees, as per the approved Greenspace plan. The Plot Plan shall also show where Tree Protection devices are to be located with respect to trees to be preserved.

- b. A Building Permit Applicant who owns more than one lot in the same phase of a new subdivision may aggregate or average Tree Quality Points as long as the total Tree Quality Points for all of the lots equals or exceeds the minimum required Tree Quality Points for the combined lots. Where the amount of required Tree Quality Points vary from the approved Greenspace Plan, the Building Permit Applicant shall shown how the required points shall be met on the Plot Plans.
- c. Tree Protection devices around trees to be preserved, as shown on the Plot Plan, shall be installed by the Building Permit Applicant and inspected by the County Arborist prior to issuance of a Land-Disturbing Activities Permit for lot clearing.

5. Requirements for Certificate of Occupancy.

- a. The total required Tree Quality Points in trees to be protected and/or planted shall match the approved Plot Plan.
- b. The Building Permit Applicant shall certify in writing that the existing trees were properly protected and are likely to survive, as per the requirements of Section VII.
- c. The Building Permit Applicant shall certify in writing that planted trees were properly installed and in healthy condition, as per the requirements of Section VII.
- d. The Building applicant shall provide street trees for all streets in a residential subdivision through one of the following methods described in "i" or "ii" below.
 - i. Contribution to the County Tree Fund.
 - (1) The Building Permit Applicant shall contribute to a Tree Fund established by the County for the planting of new street trees. This contribution shall be a specified dollar amount for each linear foot of property

frontage for the establishment of street trees. (refer to the Manual for the tree fund formula and the current costs for street tree establishment.)

- (2) Planted street trees shall be large, preferred trees , a minimum of one inch caliper in size. The County Arborist shall determine the species of street trees on each street and shall coordinate the species with the developers of private streets. The street trees to be planted by the County shall be Installed at substantial completion of the subdivision so as to prevent such trees from construction damage.

ii. Contracting the planting of street trees. The Building Permit Applicant may employ a private contractor for the installation of street trees subject to the following:

- (1) The street tree planting plan must be submitted to and approved by the County Arborist in advance of planting.
- (2) The trees to be planted must conform to the current version of the American Standard for Nursery Stock, Section 1, Shade and Flowering Trees published by the American Association of Nurserymen.
- (3) The contractor hired to install the trees must derive at least fifty percent of their income from landscape installation.
- (4) All trees must be planted in accordance with the specifications set forth in the Manual and must be properly mulched and watered after planting.
- (5) A two-year tree maintenance and replacement contract shall be provided for all trees planted.
- (6) Street trees will be inspected in increments of no fewer than ten trees planted. (Amended June 27, 1997)

iii. This section shall be retroactive to February 24, 1995. Any contribution to the Tree Fund which was made prior to June 27, 1995 shall be refunded only

upon compliance with Section IX, 5.D. (Amended December 19, 1997)

- e. The County Arborist, or other qualified personnel as designated by the County Engineer or Director of Building Safety and Regulatory Services, shall inspect the property for Tree Quality Point compliance within two (2) working days notice by the Building Permit Applicant. (Amended July 9, 2004)
6. Withholding the Certificate of Occupancy.
- a. If required trees are not planted or preserved according to the provisions of these regulations, the Director of Inspections shall deny a Certificate of Occupancy until the situation is resolved.
 - b. Upon a showing of an unusual hardship by the Building Permit Applicant, he may be issue a Certificate of Occupancy even though all elements of the Greenspace component of the Plot Plan have not been met. A certified check deposit for the amount of money necessary to complete the work, plus an additional amount, specified in the County's Fee Schedule, shall be deposited with the County Inspections Department. A time of completion, not to exceed six months, shall be set up between the Building Permit Applicant and the Inspections Department. At the scheduled completion date, the County Arborist, or other qualified personnel as designated by the County Engineer or Director of Building Safety and Regulatory Services, shall inspect the site for compliance. If the site complies, the deposit shall be refunded to the Applicant. If the work is still not complete, the deposit shall be forfeited and the property brought into compliance by the County with the provisions of these regulations. (Amended July 9, 2004.)

§24-210 Administration.

- 1. Designation of the Administrator of this Ordinance. The Director of the Chatham County Engineering Department is hereby appointed to administer and implement the provisions of this Ordinance.
- 2. Application for Land-Disturbing Activities Permits.
 - a. Submission Requirements.
 - i. Application

- (1) Applications for permits for land-disturbing activities shall be submitted by the land owner or an authorized agent to the Administrator. The applicant may apply for one of the following land-disturbing activity permits: (1) Clearing and Grubbing, (2) Grading, or (3) Development. Each type of permit shall be further identified as Major or Minor, as defined elsewhere herein.
 - (2) The applicant shall provide the required plans, data, documents, surveys or other information for the appropriate land-disturbing activities permit. The Administrator will not accept an application for a permit unless it is accompanied by the required number of copies of all documents, data and plans as required herein. The application must be signed by the land owner as defined herein.
- ii. Project Description. Such description shall include: (a) purpose of the requested permit, (b) map(s) showing existing and proposed land uses, buildings, parking, and other pertinent elements of development, (c) a boundary survey which shall include the location of all easements, building setback lines, nearby zoning district boundaries, (d) anticipated starting and completion dates for each phase of the project, and (d) a location map at a scale of 1" = 1500' or larger, showing the location of the property within the county.
- b. Phasing of a Project. If a tract is to be developed in phases, then a separate permit shall be required for each phase as appropriate.
- c. Time Limit on Approval. A permit shall be valid for twelve (12) months. In the event that the permittee has not begun the permitted work within twelve months the permit shall lapse and a new permit must be obtained before work can begin. Once work is begun under a valid permit the permittee may continue the permitted work until the work is completed. Any permit will automatically lapse after twelve (12) months of inactivity, unless the developer has obtained an extension from the Director of Inspections.
- d. If a permit is denied, the reason for denial shall be furnished to the applicant in writing.

- e. The Administrator may waive the requirement for one or more of the plans, or allow that they be combined with other drawings upon finding that three or fewer trees are being proposed for removal, no grading has been proposed, and such removal will not be contrary to the purpose of these regulations.
3. Establishment of a Tree Fund. There is hereby created a Chatham County Tree Fund to receive funds paid in lieu of required Tree Quality Points or Landscape Quality Points, or for compensation for damage or removal of County-owned trees. (Amended November 17, 2023)
- a. Payment to the Tree Fund shall be permitted when the County Arborist deems that it is not possible to plant trees or landscaping to the specifications required in the County ordinance.
 - b. Payment made in lieu of required Tree Quality Points or Landscape Quality Points shall be made prior to the issuance of permits.
 - c. Payment required for compensation for damage or removal of County-owned trees shall be made at such time as established in the associated mitigation plan.
 - d. Payment shall be a price determined by the County Arborist amounting to 200% of the aggregate cost of the tree or trees, planting, and maintenance for two years following planting.
 - e. Funds in the Tree Fund may be used towards the following goals:
 - i. Funding new tree plantings on County lands.
 - ii. County-sponsored tree equity programs.
 - iii. The preservation of trees through the purchase of conservation lands in the County.
4. Appeals and Variances.
- a. Appeals Procedures. Appeals from the decisions of the Administrator or requests for variances from the provisions of this Ordinance shall be made to the Chatham County Board of Commissioners on the forms provided for such purpose by the Administrator. All such appeals or requests shall be heard at a time consistent with the established procedure for placing items on the agenda of the Commission. (Amended November 17, 2023)
 - b. Conditions for Granting Variances from this Section. Variances shall only be granted upon a determination that the variance is the minimum necessary to afford relief.

- c. Variance Criteria. Variances shall only be granted upon:
 - i. A showing of good and sufficient cause,
 - ii. A determination that failure to grant the variance would result in exceptional hardship, and
 - iii. A determination that the granting of a variance will not adversely impact the intents and purposes of these regulations.
- d. In consideration of variances and appeals, and the purposes set forth for these regulations, the Commission may impose or require such additional restrictions and standards as may be necessary to protect the health and safety of workers and residents in the community, and to protect the value and use of property in the general neighborhood.

5. Violations.

- a. Civil Penalties. Failure to comply with any of the requirements and provisions of these regulations including violation of conditions and safeguards established in connection with grants of variance or special exception, shall constitute a violation of this Ordinance. Failure to maintain property in full compliance with the approved plan, including, but not limited to, buffer maintenance and Tree Quality Points, shall be considered a violation of these regulations. Any person who violates this Ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not less than \$500 or more than \$2,000 for each violation, and in addition, shall pay all costs and expenses involved in the case. The owner of land upon which a violation occurs and each person assisting in the commission of a violation shall be guilty of a separate offense. Each day during which the violation or failure to comply continues shall be a separate violation.

The court shall have the power and authority to place any person found guilty of violating this Ordinance on probation and to suspend or modify any fine or sentence. As a condition of said suspension, the court may require payment of restitution or impose other punishment allowed by law. Nothing herein contained shall prevent Chatham County from taking such other lawful action as is necessary to prevent or remedy any violation of this Ordinance.

- b. Failure to Obtain a Permit for Land-Disturbing Activity. If any person commences any land-disturbing activity requiring a land-disturbing permit, the person shall be subject to revocation of his business license, work permit, or other authorization for the conduct of a business and associated work activities within the jurisdictional boundaries of unincorporated Chatham County.
- c. Stop Work Orders. Upon notice from the Issuing Authority or its agent, work on any project that is being done contrary to the provisions of this ordinance or in a dangerous or unsafe manner, shall be immediately stopped. Such notice shall be in writing and shall be given to the owner of the property, his authorized agent or the person or persons in charge of the activity on the property, and shall state the conditions under which work may be resumed. Where an emergency exists, no written notice shall be required.
- d. Bond Forfeiture. If, through inspection, it is determined that a person engaged in land-disturbing activities has failed to comply with the approved plan, a written notice to comply shall be served upon that person. The notice shall set forth the measures necessary to achieve compliance with the plan and shall state the time within which such measures must be completed. If the person engaged in the land-disturbing activity fails to comply within the time specified, he shall be deemed in violation of this ordinance and, in addition to other penalties, shall be deemed to have forfeited his performance bond, if required to post one. The Issuing Authority may call the bond or any part thereof to be forfeited and may use the proceeds to hire a contractor to stabilize the site of the land-disturbing activity and bring it into compliance.

§24-211 Requirements for Protection of Wetlands and Ground Water Recharge Areas.

1. Wetlands Protection

- a. When Wetlands Assessment Required. This section is intended to provide applicants for a land-disturbing activities permit with notice when the proposed activity may require a Department of the Army (DOA) permit due to impact upon jurisdictional wetlands. The provisions in the following paragraph of this section shall not apply if the applicant can provide to the Administrator a valid USACOE wetland delineation that verifies that the proposed activity is not located within jurisdictional

wetlands, or if the applicant can provide a valid USACOE permit or letter that authorizes the proposed activity within jurisdictional wetlands. If such evidence of compliance with USACOE permitting requirements is provided, the Administrator shall follow normal procedures for issuing a land-disturbing activities permit.

- b. Wetlands Assessment. Prior to the issuance of a land-disturbing activities permit the Administrator shall assess whether the proposed activity could result in a disturbance of wetlands and, if so, shall also assess whether the proposed activity is located inside or within 100 feet of a Wetland Inventory Area. To assess whether the proposed activity is so located, the Administrator shall consult the current USEPA West Chatham County 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 Administrator shall consult the current U.S. Fish and Wildlife Service National Wetlands Inventory (NWI) map for Chatham County.
 - i. If the Administrator determines that the proposed activity could not result in a disturbance of wetlands or if the proposed activity is not located inside or within 100 feet of a Wetland Inventory Area, the Administrator shall follow normal procedures for issuing a land-disturbing activities permit.
 - ii. If the Administrator determines that the proposed activity could result in a disturbance of wetlands and that the proposed activity is located inside or within 100 feet of a Wetland Inventory Area, a USACOE jurisdictional wetland determination shall be required prior to issuance of a land-disturbing activities permit.
 - (1) If the USACOE determines that a DOA permit is required, a land-disturbing activities permit shall be issued only following issuance of the DOA permit.
 - (2) If the USACOE determines that the proposed activity would not require a DOA permit, the Administrator shall proceed with normal procedures for issuing a land-disturbing activities permit.
 - (3) Effect of Wetlands Assessment. Wetlands Inventory Areas as identified above and

defined in Section V do not necessarily represent jurisdictional wetlands within Chatham County and cannot serve as a substitute for a jurisdictional wetland determination or a wetlands delineation. No permit issued pursuant to these regulations relieves a landowner from Federal or State permitting requirements.

2. Groundwater Recharge Area Protection.

- a. Intent. This section is intended to protect groundwater quality by restricting land uses that generate, use, or store pollutants within groundwater recharge areas. Minimum sizes for lots within groundwater recharge areas that are served by on-site sewage management systems are established in the Chatham County Subdivision and Zoning Ordinances and the Georgia Department of Human Resources Manual for On-site Sewage Management Systems.
- b. Groundwater Recharge Area Assessment. Prior to the issuance of a land-disturbing activities permit, the Administrator shall assess whether the proposed activity is located within a Groundwater Recharge Area. All lands identified as Groundwater Recharge Areas shall be subject to the Development Standards in this section.
- c. Development Standards. Areas of high, medium and low pollution susceptibility are identified by the Georgia DNR on the Pollution Susceptibility Map in Hydrologic Atlas 20, 1992 edition. Hydrologic Atlas 20 shall be used to determine the applicability of the following development standards within Groundwater Recharge Areas:
 - i. Secondary Containment for New Above-Ground Storage Tanks. Within all pollution susceptibility areas, new above-ground chemical or petroleum storage tanks having a minimum volume of 660 gallons shall 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. This provision shall not apply to farm fuel tanks.
 - ii. Liners for New Agricultural Waste Impoundment Sites. All new agricultural waste impoundment sites shall be lined if they are within:
 - (1) high pollution susceptibility area;
 - (2) medium pollution susceptibility area and exceed 15 acre-feet in size; or

- (3) a low pollution susceptibility area and exceed 50 acre-feet in size. 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 Natural Resources Conservation Service. Applications for a land-disturbing activities permit for a new agricultural waste impoundment site that requires a liner under the provisions of this subsection shall include a site plan that shows the location and design of the liner.
- iii. Septic Tanks. No construction may proceed on any building or mobile home to be served by a septic tank unless the Chatham County Health Department first approves the proposed septic tank installation as meeting the standards and minimum lot size requirements of the Georgia Department of Human Resources Manual for On-Site Sewage Management Systems.
- iv. Impervious Surfaces for Hazardous Materials Handling Operations. Within all pollution susceptibility areas, new facilities that handle hazardous constituents in amounts of 10,000 pounds or more on any one day shall perform their operations on impervious surfaces and in conformance with any applicable Federal spill prevention requirements and the Chatham County Fire Prevention Code requirements. This provision shall not apply to underground storage tanks. Applications for a land-disturbing activities permit for hazardous materials handling operations as defined in this subsection shall include a site plan that shows the location and design of any required spill and leak collection systems, along with a statement from a professional engineer registered in the State of Georgia that the plan conforms with applicable local, State and Federal requirements for hazardous materials handling operations.
- v. Permanent Storm water Infiltration Basins Prohibited in Areas of High Pollution Susceptibility. Permanent storm water infiltration basins shall not be constructed in areas having high pollution susceptibility.

(Editor's note: The ordinance was amended by adding a new Section XI on December 3, 1999. The sections following the new Section XI were renumbered accordingly.)

§24-212 Fees. Fees for land-disturbing activities are set forth in the Chatham County Revenue Ordinance. The fees shall accompany the permit application. Future phases of a development shall require new permit applications and the payment of fees for the additional lots or acreage involved.
(Amended June 9, 2000, to become effective July 1, 2000)

These fees may be revised as the Board of Commissioners deems necessary.

§24-213 Implementation.

1. Repeal of Previous Ordinances. The Chatham County Land-disturbing Activities Ordinance adopted as amended June 22, 1990, are rescinded in their entirety. All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed to the extent necessary to give this Ordinance full force and effect.
2. Conflict with Other Laws. Whenever the requirements of this Ordinance are more restrictive than the standards required in, or under, any other statutes, ordinance, or resolution, the requirements of this Ordinance shall govern. Whenever the provisions of any other statute, ordinance, or resolution are more restrictive standards than those of this Ordinance, the provisions of said statute, etc. shall govern.
3. Effective Date. This Ordinance shall become effective June 1, 1995.

§24-214 Severability. If any provision of this ordinance is declared to be invalid, such declaration shall not affect, impair, or invalidate the remaining provisions of this ordinance.

§24-215 Conflicts. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

(Editor's Note: The Land-disturbing Activities Ordinance (LDAO) or "Tree Ordinance" was adopted in its entirety on February 24, 1995. Amendments were adopted on June 27, 1997, December 19, 1997, December 18, 1998, December 3, 1999, January 28, 2000, June 9, 2000, July 9, 2004, April 22, 2023, and November 17, 2023.)