

# Liberty County

## Hinesville MSA

2003 Population Estimate 58,925; -4.6% change from 2000 Census.

Not a Tree City USA.

No tree board established by ordinance.

### Chapter 5 BUILDINGS; CONSTRUCTION AND RELATED ACTIVITIES

#### ARTICLE VII. LAND CLEARING AND TREE PROTECTION

Year first adopted or last revised unknown.

Addresses private property.

Includes landscape requirements.

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## ARTICLE VII. LAND CLEARING AND TREE PROTECTION\*

**\*Editor's note:** Ord. No. 2001-001, adopted July 10, 2001, enacted provisions designated as Art. VI, §§ 5-98--5-118. Inasmuch as there already exists an Art. VI, §§ 5-100 and 5-101, said new provisions have been redesignated as Art. VII, §§ 5-102--5-122.

### DIVISION 1. GENERALLY

#### Sec. 5-102. Title.

This article shall be known and cited as the "Land Clearing and Tree Protection Ordinance for Liberty County, Georgia".

(Ord. No. 2001-001, § I, 7-10-2001)

#### Sec. 5-103. Jurisdiction.

The provisions of this article shall apply to all lands located within the unincorporated areas of Liberty County, Georgia.

(Ord. No. 2001-001, § I, 7-10-2001)

#### Sec. 5-104. Purpose.

The purpose of this Land Clearing and Tree Protection Ordinance is to:

- (a) Lessen air pollution and carbon dioxide levels in the air and promote clean air quality by increasing dust filtration;
- (b) Reduce noise, heat and glare;
- (c) 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;
- (d) Minimize increases in temperatures on lands with natural and planted tree cover;
- (e) Maintain moisture levels in the air of lands with natural tree cover;
- (f) 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;
- (g) Emphasize the importance of trees and vegetation as both a visual and physical buffer;
- (h) Protect and enhance the aesthetic qualities of the community to ensure

that tree removal does not reduce property values;

- (i) Minimize the cost of construction and maintenance of drainage systems necessitated by the increased flow and diversion of surface waters; and
- (j) Maintain, where possible, a minimum 50 percent canopy tree cover across the county.

(Ord. No. 2001-001, § I, 7-10-2001)

### **Sec. 5-105. Exemptions.**

The following are exempted from compliance with the land clearing and tree protection provisions of this article; provided that such exemption shall in no way excuse compliance with any and all other applicable local, state, and federal statutes, regulations, ordinances, rules and other laws, and further provided, that when such exempt activities cause or result in land-disturbing or other activities otherwise governed by this article, no further land disturbing activities or future development or related construction, except for such exempt activities, shall be allowed on the entire property, or any portion thereof, upon which the exempt activities were conducted without first obtaining a clearing permit as provided in section 5-119 hereof and otherwise satisfying in full the requirements of this article, to include, without limitation, evidencing all necessary tree quality points and landscape quality points:

- (a) Forestry land management practices, including harvesting.
- (b) Those portions of airports and heliports which require clear areas for safety purposes, including runways and taxiways, approach and departure clear zones.
- (c) Any land-disturbing activities conducted by any electric membership corporation or municipal electrical system or any public utility under the regulatory jurisdiction of the public service commission, except where such activities involve tree easements, set-asides or other buffers provided for in this article.
- (d) Such minor land-disturbing activities as home gardens and individual home landscaping, repairs, maintenance work, and other related activities which result in minor soil erosion.
- (e) Agricultural operations as defined in O.C.G.A. § 1-3-3 to include those practices involving the establishment, cultivation, or harvesting or products of the field or orchard; the preparation and planting of pasture land; farm ponds; dairy operations; livestock and poultry management practices; and the construction of farm buildings.
- (f) Any and all other land-disturbing activities specifically exempted from operation of the Georgia Erosion and Sedimentation Act of 1975, as amended, by section 12-7-17 thereof.

(Ord. No. 2001-001, § I, 7-10-2001)

### **Sec. 5-106. Definitions.**

All words not defined herein shall be interpreted so as to give them the meaning they have in common usage and to give the provisions of this article their most reasonable application. All 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". The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Administrator* shall be the Chief Building Official of Liberty County, Georgia or such other person as designated by the board of commissioners to enforce and oversee the enforcement of these regulations.

*Buffer* is defined as any visual buffer or screening required by any pertinent section of the Liberty County Code of Ordinances or the Zoning Ordinance of Liberty County, Georgia.

*Building* is defined as any structure having a roof supported by columns or walls that encloses a space and is intended for sheltering, housing or enclosing space for any individual, animal, process, equipment, goods or materials of any kind or nature or as further defined in the building code of the county.

*Building permit applicant* shall be the person who applies for a building permit.

*Caliper* is defined as the diameter or thickness of the main stem of a young tree or sapling as measured at a point six (6) inches above ground level. This measurement shall be used for nursery-grown trees having a diameter of four (4) inches or less.

*Canopy trees* are defined as large, preferred trees, which provide canopy over streets and other paved areas. Upon reaching maturity, a canopy tree will achieve a canopy spread of in excess of forty (40) feet in diameter. Using a radius of twenty (20) feet for calculation purposes, the canopy cover area for one mature tree will be equal to  $3.1416 \times (20)^2$  or 1,257 square feet. Total canopy coverage for one acre of land would be equal to 43,560 divided by 1257, or thirty-five (35) large canopy trees.

*County arborist* (Reserved).

*Clearing* is defined as the removal of vegetation of two (2) inches DBH (as defined herein) or greater.

*Development* is defined as the act, process or state of erecting buildings or structures, or making improvements.

*Diameter, breast height (DBH)* is defined as the diameter or width of the main stem of a tree as measured 4.5 feet above the natural grade at its base. 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.

*Exceptional tree* is defined as any tree determined by the board of commissioners, as provided for herein, to be of notable historic interest, high aesthetic value, or of unique character because of species, type, age, or size of the tree.

*Fifty percent canopy cover* is defined as a canopy expected to be achieved over a 30-year period by the planting of large, preferred trees or the retention of existing canopied trees which result in a minimum of fifty (50) percent cover across the unincorporated areas of the county. Fifty (50) percent canopy cover will be approximately eighteen (18) large, preferred trees per acre, quantified as one thousand six hundred (1,600) tree quality points per acre.

*Greenspace* is defined as any area retained as permeable unpaved ground and dedicated to supporting vegetation.

*Greenspace plan* is a map and/or other supporting documentation, which describes for a particular site where vegetation (greenspace) is to be retained or planted in compliance with these regulations.

*Landscape plan* is defined as a map and/or other 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

landscape plan shall also include any buffer elements.

*Landscape quality point* is defined as a unit of measurement, which quantifies the relative value of shrubs, groundcover and vines which are planted or retained on a given site. Landscape quality points are also given to small and medium trees planted on the site. A landscape quality point, like a tree quality point, quantitatively expresses the desirable qualities of the species with regard to the size, density and landscape attributions.

*Plot plan* is defined as a map and/or other supporting documentation describing for a particular site where the building(s), driveway, utility corridors and easements are to be located and where greenspace is to be retained or planted in compliance with these regulations.

*Pre-construction* is defined as that period of time prior to work being initiated to include but not be limited to clearing, grading, grubbing, or bush hogging the site.

*Pre-design* is defined as that period of time before a conceptual design plan is approved by the administrator.

*Preliminary plan* is defined as a map showing the proposed design for a subdivision, as specified in county subdivision regulations.

*Quality points factor* is defined as 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. The factor allows for the translation of the diameter breast height (DBH) into the area of canopy cover for the tree.

*Set-asides* are defined as a piece of land dedicated to open space by the developer or owner. Examples of set-asides include, but are not limited to wetlands, parkland, recreation areas, or medians of boulevards.

*Sketch plan* is defined as a conceptual layout for a subdivision as specified in the county subdivision regulations.

*Species diversity* is defined as a planting or retention of diverse tree species on a site or within the community to prevent dominance by any single type of tree. Species diversity is intended to prevent the destruction of the entire urban forest in the event of disease or pestilence.

*Tree easement* is defined as an easement, not less than ten (10) feet in width, and such easement shall not be in conflict with any other planning requirements as set forth under the zoning and subdivision regulations, pertaining to the public planting and or maintenance of canopy street trees, exclusive of utility, drainage or other easements. Administrative approval is required for easements greater than ten (10) feet in width.

*Tree establishment plan* is defined as a map and supporting documentation, which describes for a particular site where existing trees are to be planted in compliance with the requirements of these regulations, the types of trees and their corresponding tree quality points.

*Tree fund* is defined as a fund maintained by Liberty County for the purpose of planting required trees. An owner, developer, and/or building permit applicant may contribute to such a fund.

*Tree protection plan* is defined as a map and supporting documentation which describes for a particular site where existing trees are to be retained in compliance with the requirements as set forth in these regulations, the types of trees and their corresponding tree quality points.

*Tree protection zone* is defined as the area surrounding a preserved or planted tree that is essential to that tree's health and survival, and is protected within the guidelines as set forth in these regulations.

*Tree quality point* is defined as 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 respect to size for each tree that is retained on a site. For planted trees, tree quality points are an expression of specie desirability and the expected mature size of each tree.

*Vegetative practices* is defined as the measures taken in an effort to stabilize erodible soil or sediment by producing areas by covering the soil with plantings such as:

- (1) Permanent seeding, sprigging, or planting producing long-term vegetative cover;
- (2) Short-term seeding, producing temporary vegetative cover; or
- (3) Sodding areas with a turf of perennial sod-forming grass.

(Ord. No. 2001-001, § I, 7-10-2001)

### **Sec. 5-107. General provisions.**

(a) *Permit required for clearing.* Except as herein provided, a property owner shall not clear (as defined herein) or permit the clearing of property without first obtaining a clearing permit as provided for in section 5-119.

(b) *Tree/landscape quality points required.* Land cleared for development or land being proposed for development shall be provided with not less than one thousand six hundred (1,600) tree quality points per acre on a given site, excluding trees in existing right-of-ways. Commercial, industrial, office, institutional, and multifamily developments shall provide an additional four hundred (400) landscape quality points. When a commercial, industrial, office, institutional or multifamily development is to contain a parking area, then within the boundaries of such parking area, there shall be provided not less than one thousand two hundred (1,200) tree quality points per acre, exclusive of landscape quality points.

(c) *Land clearing and tree protection activities.* All land clearing, tree protection, tree establishment and landscaping shall be done in a manner consistent with good plant husbandry practices as approved by the administrator.

(Ord. No. 2001-001, § I, 7-10-2001)

## **DIVISION 2. PRINCIPLES AND STANDARDS FOR GREENSPACES, TREE PROTECTION, TREE ESTABLISHMENT AND LANDSCAPING**

### **Subdivision A. General**

### **Sec. 5-108. Tree protection and tree establishment.**

(a) *Protection of preserved or planted trees.* Tree protection zones shall be established and maintained on a site for all trees, reserved or planted, for which tree quality points are to be claimed. The following provisions apply to such zones and the trees within them:

- (1) A tree protection plan and details shall accompany all applications for land clearing and/or land disturbing activities. The tree protection plan shall identify where and how existing trees are to be protected during clearing and construction of the project. Such tree protection plan and details shall be approved by the administrator upon a finding that the plan adequately addresses

the problems of the site in protecting the existing trees.

(2) The area within any tree protection zone shall remain open and unpaved. The use of perforated pavers may be allowed subject to the approval of the administrator.

(3) 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.

(4) No change in grade within the tree protection zone shall be allowed around existing trees except for a maximum addition of two inches of mulch unless approved by the administrator.

(5) To protect preserved trees from grade changes, which result in changes of water supply to the tree protection zone, tree wells or tree walls (islands) shall be constructed as needed. Adequate means for drainage of excess moisture from the tree protection zone shall be provided where tree wells or tree walls are constructed.

(6) All retained or planted trees shall be protected or situated so as to prevent damage to the trees from environmental changes (such as a lower water table) or land disturbance(s) resulting from any building or facility construction within or immediately adjacent to the critical root zones of the tree(s).

(7) No artificial plants, trees, or like materials shall be counted toward meeting the standards of these regulations.

(8) For planted trees, the following tree protection standards and requirements shall apply:

a. The minimum size tree protection zone centered upon the planted tree shall be as specified in Table 1.

TABLE 1. MINIMUM TREE PROTECTION ZONE

TABLE INSET:

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

b. No tree shall be planted closer to a building foundation or water, sewer, or natural gas line, than as follows:

1. Five (5) feet for a small tree species.
2. Ten (10) feet for a medium tree species.
3. Ten (10) feet for a large tree species.

c. No tree shall be planted under overhead utility distribution lines where the average mature height of the tree is greater than the lowest overhead wire.

(9) *Irrigation requirements.* Except as provided for herein, irrigation shall be provided for tree protection zones in the following manner:

a. A permanent water source shall be installed not less than one hundred (100) feet from each tree protection zone, but shall not encroach more than twelve (12) inches into any tree protection zone.

b. All trees within a tree protection zone must have (i) a permanent water source within one hundred (100) feet, or (ii) a permanent water source at the perimeter of the tree protection zone where that tree protection zone has a radius of greater than one hundred (100) feet.

c. The minimum permanent water source permissible under these provisions shall be a hose bib capable of delivering a minimum of three gallons per minute.

d. All irrigation systems connected to any potable water supply shall prevent contamination of the potable water supply according to county standards; provided however, irrigation shall not be required where (i) 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 (ii) for planted trees it is determined by the administrator that the natural condition is sufficient to sustain tree growth.

(b) *Standards and specifications--Tree quality points.*

(1) *Basis for assigning tree quality points to preserved or planted trees.*

a. All preserved trees must be greater than four (4) inches DBH to qualify for tree quality points.

b. All large trees, except for conifers, must be at least two-inch caliper to qualify for tree quality points when planted on the site.

c. All coniferous, including but not limited to pines, cedars, and cypress, 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.

d. If multi-trunk trees are planted or preserved the largest trunk only shall qualify for tree quality points.

e. All planted trees shall conform to the most recent edition of the American Standard for Nursery Stock (as written by the American Association of Nurserymen). Topped trees shall not be considered for tree quality points.

f. Lifting or moving trees without adequate support to the root ball shall be sufficient grounds to reject the trees for tree quality points award.

g. Greater than fifty (50) percent scaffold limbs per tree exhibiting included bark shall be cause for rejection of the tree.

(2) *Tree quality points for planted trees.* Tree quality points are assigned to newly planted trees as defined in Table 2. The species listed are contained in the tree quality points list published and maintained by the administrator.

TABLE 2. TREE QUALITY POINTS FOR PLANTED TREES

TABLE INSET:

Species Quality Rating Mature Tree 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 the tree quality points list maintained by the administrator.

(3) *Tree quality points for preserved trees.* Tree 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. Tree quality points for preserved trees are calculated by squaring the tree's diameter at breast height (DBH) and multiplying this number by the applicable tree quality points factor. The mathematical formula is:

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

The tree quality points factor is found in Table 3.

TABLE 3. TREE QUALITY POINTS FACTOR

TABLE INSET:

Tree Quality Rating	Quality Points Factor
Acceptable	0.5
Recommended	0.75
Preferred	1.5
Exceptional	2.5

(4) *Tree quality points for preserved stands of trees.* The preservation of mature native stands of trees and understory vegetation shall have the value of 0.25 Tree quality points and 0.10 Landscape quality points per square foot of preserved area. To determine if a stand of trees should be preserved and assigned tree quality points, the following specifications shall apply:

- a. The administrator shall visit the site in order to verify that the stand

contains native or extant trees of sufficient size, quantity and quality to warrant reservation as a stand. The administrator shall review the types of tree species located on the site, the quantity of trees within each species, the degree of crown closure and the trees' condition. Stands found by the administrator to contain an insufficient number of mature native trees shall not qualify for quality points under preserved stand calculations. Individual trees, found by the administrator to be unacceptable as a preserved stand, may qualify for tree quality points on an individual basis if the critical root systems of individual trees remain intact.

b. The stand shall be integrated into a tree protection, tree establishment and landscape plan.

c. All existing vegetation shall be left within the preserved stand with the exception of hazardous trees. No clearing of underbrush shall be permitted.

d. The preserved stand shall be protected during the construction period using the same standards and specifications as required for a tree protection zone.

e. Such preserved stand shall be considered a set-aside and shall be shown within a permanent, recorded tree conservation easement.

(5) *Tree quality points for palm-type trees.* Palm-type trees shall be assigned two (2) tree quality points per foot of stem height up to ten (10) feet, regardless of whether the tree is preserved or planted on the site.

(6) *Landscape quality points for small and medium trees, shrubs and ground cover and vines.*

a. Landscape quality points shall be given for planted medium and small trees, shrubs, ground cover and vines on new commercial, industrial, office, institutional, and multifamily developments. Tree quality points for preserved medium and small trees may also qualify towards the four hundred (400) landscape quality point per acre requirement. To qualify, shrubs shall be planted in a container of a minimum of three (3) gallons. If a shrub(s) is incorporated into a buffer, it must be capable of meeting the height requirements of the buffer within a 12-month period.

b. All planted trees shall conform to the most recent edition of the American Standard for Nursery Stock (written by the American Association of Nurserymen). Topped trees shall not be considered for tree quality points.

c. Lifting or moving trees without adequate support to the root ball shall be sufficient grounds to reject the trees for tree quality points.

d. Table 4 includes types of material acceptable for landscape quality points:

TABLE 4. LANDSCAPING QUALITY POINTS PER ACRE

TABLE INSET:

Type	Points for Planted Material	Points for Preserved

Medium trees	30 points for preferred trees	1.50 factor
	15 points for recommended trees	0.75 factor
	5 points for acceptable trees	0.50 factor
Small trees	10 points for preferred trees	1.50 factor
	5 points for recommended trees	0.75 factor
	3 points for acceptable trees	0.50 factor
Evergreen shrubs:		
Large (6-12' high)	5.0 points each	
Medium (4-6' high)	2.5 points each	
Small (Under 4' high)	1.0 points each	
Deciduous shrubs:		
Large (6-12' high)	2.5 points each	
Medium (4-6' high)	1.0 points each	
Small (Under 4' high)	0.5 points each	
Evergreen ground cover	0.1 each in one gallon size or greater or 0.1 for 4 square feet of planted area where a small container is used.	
Evergreen vines when used as a ground cover	0.1 each in one gallon size or greater or 0.1 for 4 square feet of planted area where a smaller container is used.	
Evergreen vines when used as a shrub	Same as for evergreen shrub points, with a minimum of a 3-gallon container.	

(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 tree and landscape quality point requirements as set forth in this section. Other trees on the site are exempt from these requirements.

(1) Any damage or injury occurring to a preserved tree, by determination of the administrator, sufficient to cause the tree to die within five (5) years or develop into an irreparable hazard tree, shall be removed and shall lose tree quality points. Any tree so removed from the site shall be replaced with a tree of equal

or greater tree quality points.

(2) Damage not considered by the administrator to be fatal to a preserved tree or hazardous to the public shall be immediately repaired but shall result in a proportional decrease in tree quality points, where applicable.

(3) The property owner shall be solely responsible for watering and fertilizing trees in order to maintain tree health and vigor. Failure to maintain the required number of tree quality points on the property shall be a violation of this article.

(d) *Trees adjacent to county owned property.*

(1) A property owner responsible for any land disturbing activity within proximity to the critical root zone of a tree located on county property shall provide for the protection of such tree to the standards described in these regulations. All work on county rights-of-way requires a permit from the county, and violations are subject to an immediate stop work order.

(2) If a tree is recommended for removal from a county right-of-way by other county agencies the administrator shall participate in the review process. Any tree removal on county property shall be coordinated with the administrator, and issues of mitigation for the tree removal shall be addressed by the administrator.

(3) A property owner responsible for a land disturbing activity that causes damage to a tree on county property which affects the health or growth of such tree, or removes a tree, shall compensate the county for such tree loss or damage as set forth below.

a. The administrator shall assess 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(s) shall compensate the county for such tree loss or damage under one of the following options, subject to the approval of the administrator.

1. Plant or preserve additional trees on the development site which equal or exceed the value of the tree quality points previously assessed to the removed or damaged tree.

2. Plant trees on adjacent county rights-of-way that equal or exceed the value of the tree quality points that were assessed for the removed or damaged tree. The property owner shall coordinate with the administrator to select the species, set up a plant acceptance date and to have the administrator observe the planting of the tree(s).

3. Donate a gift-in-kind to the county tree fund, for a tree whose value equals or exceeds the value of the tree quality points that were assessed for the removed or damaged tree.

4. Meet any equivalent combination of the above as approved by the administrator.

b. Once the administrator has approved a method for compensating the county for the damaged tree, the owner of the development shall submit to the administrator, for approval, a revised tree protection and tree establishment plan incorporating the approved tree compensation plan.

(e) *Designation of exceptional trees.* Trees designated exceptional shall thereafter be considered a public landmark and shall not be destroyed or endangered. The following procedures and criteria shall be applied in determining whether a tree shall be

designated an exceptional tree.

(1) All nominations for exceptional tree designation shall be reviewed by the administrator who shall make recommendation on such nomination to the board of commissioners. The board of commissioners may, on their own initiative or upon a petition, designate a tree as "exceptional," as defined herein.

(2) 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:

a. Sufficient facts have been presented to the board of commissioners to demonstrate that the tree has an association with a documented historical event, or is located on an historic site.

b. The tree has unusually high aesthetic value.

c. The tree possesses unique characteristics because of its age, species, variety, location, or the size and development of its crown, trunk, or main stem.

(3) All trees, at the time of designation, as an exceptional tree shall meet all of the following criteria:

a. The tree is free of disease, pests and other serious injury.

b. The tree has a life expectancy of more than ten (10) years.

c. The tree is free from structural defects, which would present a hazard to the public.

(4) *Protection.* Upon designation as an exceptional tree, the tree shall be protected from land-clearing activities, as provided in this section, and the tree quality points assigned to the tree shall be based upon a tree quality points factor of 2.5 (60 percent more tree quality points than a preferred tree of equal DBH).

(Ord. No. 2001-001, § I, 7-10-2001)

#### **Sec. 5-109. Reserved.**

#### **Sec. 5-110. Underbrushing procedures.**

On tracts of land containing twenty (20) or more acres not otherwise exempt from operation of this article, the administrator may approve underbrushing of greater than two-inch diameter trees upon finding that:

(a) Sufficient tree cover exists such that the removal of such trees will not impair the ability of the site to comply with the requirements of these regulations; and

(b) The removal of such trees is not in conflict with the purpose and intent of these regulations.

(Ord. No. 2001-001, § I, 7-10-2001)

#### **Subdivision B. Commercial, Industrial, Office, Institutional, and Multifamily Developments**

**Sec. 5-111. Applicability.**

Except as herein provided, a greenspace plan shall be submitted to the administrator for all proposed commercial, industrial, office, institutional, or multifamily development. Such greenspace plan shall include a tree protection, tree establishment and landscape plan and all such plans shall conform to the standards and requirements of these regulations.

(Ord. No. 2001-001, § 1, 7-10-2001)

**Sec. 5-112. Greenspace design principles and standards.**

- (a) A minimum of twenty (20) percent of the total land area of a development shall be devoted to greenspace.
- (b) Sidewalks, curbing, or any other paved or impermeable surfaces within the greenspace area shall not be applied toward the twenty (20) percent minimum greenspace requirement.
- (c) Existing clusters of trees shall be retained wherever possible.
- (d) Locations for planting/preserving trees and landscaping:
  - (1) *Street trees.* Street trees may be planted or preserved within the front yard development setback, provided they can be placed within a tree easement established pursuant to the provisions of the county subdivision regulations, and such tree does not conflict with any existing utility, drainage or other easements. Street trees located within tree easements will be maintained by the county.
  - (2) *Front yard development setback.* Understory and canopy trees may be preserved and/or planted in this area. A portion of the four hundred (400) landscape quality points per acre may be planted in this area to correspond with county requirements for buffers so as to screen parking areas from adjacent roadways.
  - (3) *Parking areas.*
    - a. A minimum of one thousand two hundred (1,200) tree quality points per acre in canopy trees shall be planted and/or preserved within landscaped islands and medians located between parking bays. Vegetation qualifying for landscape quality points may also be planted in these areas.
    - b. Canopy trees planted in parking islands shall have four hundred (400) square feet of unpaved soil for root development. The standard tree island shall be 20' x 20'; provided, however, that where the islands are an extension of a ten-foot wide landscape median, the islands may be reduced in width to sixteen (16) feet. Islands shall not be separated by more than twelve (12) parking spaces, including the landscaped ends of drive aisles.
  - (4) *Buffers.* Existing and/or planted canopy trees, understory trees, and planted evergreen shrubs may be incorporated into buffer areas otherwise required pursuant to the Code of Ordinances of Liberty County and/or the Zoning Ordinance of Liberty County. Landscape and/or tree quality points shall be counted for planting in buffer areas provided such vegetation meets the principles and standards as set forth in this article.
  - (5) *Areas adjacent to buildings.* Plantings adjacent to buildings shall be eligible for tree and landscape quality points if it meets the principles and standards set

forth in this article.

(6) *Set-asides and/or stands of trees.* Set-aside areas made up of existing stands of trees and understory vegetation shall be eligible for tree and landscape quality points if they meet the principles and standards set forth in this article.

(e) Landscaping standards:

(1) The required four hundred (400) landscape quality points per acre shall be provided through the planting of medium trees, small trees, shrubs, ground cover and/or vines on the site.

(2) To qualify for landscape quality points such plantings may be located in the following areas:

- a. Front yard development setback.
- b. Parking area islands and medians.
- c. Buffers.
- d. Areas adjacent to buildings.
- e. Set-asides and/or stands of trees.

(f) Special cases:

(1) *Insufficient space for trees and/or landscaping on site.*

a. Where circumstances prevent locating the required one thousand six hundred (1,600) tree quality points per acre on the site, such trees shall either be located as close to the site as practicable, with approval from the administrator, or a contribution shall be made to the county tree fund for the planting and maintenance of such trees elsewhere in the community. However, before this provision shall apply, it must be demonstrated to the administrator that the trees and landscaping cannot be accommodated on the site.

b. Where circumstances prevent locating the required four hundred (400) landscape quality points per acre on the site, a contribution may be made to the county tree fund for the planting and maintenance of trees within the community.

(2) *Automobile, boat, trailer, and similar 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 four hundred (400) landscape quality points per acre, however, shall be provided in this area to break up large expanses of pavement.

a. Employee and customer parking areas shall be clearly delineated to separate them from outdoor display, sales, and storage areas. Such parking areas shall provide a minimum of one thousand two hundred (1,200) tree quality points per acre in canopy trees and four hundred (400) landscape quality points per acre in landscaping.

b. Porous paving may be used within outdoor display, sales and parking areas to provide root growth area for new and existing trees.

(3) *Cellular phone towers.* Due to the size and location of many cellular tower sites, it is often impracticable to plant the required landscaping on the site, therefore, the administrator may approve any of the following three alternatives:

a. Planting large canopy trees within the front yard setback along the

roadways if there are no conflicting utility locations. The required tree and landscape quality points may be combined together to provide tree quality points for the site.

b. When utilities or site constraints do not allow planting within the front yard setback, plantings may be approved off-site at other locations within the immediate neighborhood. Trees may be planted either in the county right-of-way where there are no utilities or in street tree easements on private property.

c. When there are no viable locations either on site or within the immediate vicinity, a contribution may be made to the county tree fund.

(4) *Storm water detention areas.* Where planting within a stormwater detention area will help it function more efficiently and help make the detention area more visually attractive, such plantings are permitted subject to the following conditions:

a. The centerline of the trough of a storm drainage easement shall remain free of debris and plantings, with the exception of grasses or ground cover material, which stabilizes the bare soil. This area shall be maintained so that the flow of water is not impeded. Plantings of shrubbery and trees shall be maintained at a distance of a minimum of ten (10) feet, or as approved by the administrator, from the centerline of the trough so as to keep the area clear for water flow.

b. The area immediately surrounding drainage structures, including but not limited to grates, inlets and weirs shall be kept free from plantings and mulch to keep debris from clogging the structures and impeding the flow of water. All trees and shrubs shall be maintained at a distance of a minimum of ten feet from such structures.

c. All trees in the immediately surrounding area of a storm detention area shall be kept a minimum distance of ten feet from the centerline of the basin, or one-third the width of the basin floor, whichever is greater.

d. Shrubby shall be excluded from the basin floor and banks. Shrubs may be planted at the top of the basin where there is no likelihood of the rootballs lifting out of the ground when the basin is filled with water.

e. Vegetation for drainage basin areas. Species of vegetation to be planted in or near detention basins and drainage ways are to be reviewed and approved by the administrator.

(g) Development and expansion of existing property. One thousand six hundred (1,600) tree quality points per acre and four hundred (400) landscape quality points per acre shall be provided for that portion which is being developed.

(Ord. No. 2001-001, § 1, 7-10-2001)

### **Sec. 5-113. Requirements for land clearing permit.**

(a) A pre-design site visit shall be scheduled between the owner/developer and the administrator. This meeting may be waived by the administrator at the request of the owner if it is determined that there are no natural features on the site.

(b) The owner/developer shall submit the tree protection, tree establishment and the landscape plans, together with all other required drawings, for review by the administrator.

(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.

(d) The owner/developer shall coordinate the location of utilities with the utility companies and the administrator prior to the issuance of a land clearing 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 administrator showing the new, proposed utility locations or tree locations.

(e) A pre-construction meeting shall be scheduled among the owner, developer, contractors, appropriate county staff and the administrator prior to issuance of a land clearing permit(s). This meeting shall establish the location of temporary buildings or trailers, temporary utilities, installation of tree protection and erosion control devices, storage of materials and such other subjects deemed necessary by the administrator. Each participant in the site visit shall receive a minimum of 24-hours notice prior to the visit.

(f) Tree protection shall be installed by the owner/developer and inspected by the administrator prior to issuance of a land clearing permit.

(Ord. No. 2001-001, § 1, 7-10-2001)

#### **Sec. 5-114. Land clearing and tree protection requirements for certificate of occupancy.**

(a) The registered professional or other person, who prepared the final tree protection, tree establishment and landscape plans shall provide a written certification that trees and landscaping have been properly installed and protected. The certification shall be submitted to the administrator as part of the close-out documents for a certificate of occupancy.

(b) The administrator shall do a final inspection of all trees and landscaping for completeness prior to the issuance of the certificate of occupancy.

(c) A temporary performance bond shall be posted by the owner/developer for tree and/or landscape installation which cannot be planted due to continued construction, improper planting season, or such other reasonable factor beyond the owner's immediate control. A bond or letter of credit equal to the amount necessary to complete the work shall be posted with the administrator. A deadline for completion of work shall be scheduled with the administrator in writing, prior to the issuance of a temporary certificate of occupancy.

(d) When the administrator makes a final inspection of the trees and landscaping on the scheduled day for the completion of work, if the work has been completed, the temporary performance bond shall be refunded or applied towards the two-year landscape establishment bond at the request of the owner. However, if the planting of trees and/or landscaping is not complete at the scheduled deadline, the temporary performance bond shall be withheld based upon the amount of incomplete work.

(e) Posting of a two-year landscape establishment bond shall take place prior to the issuance of a certificate of occupancy. The bond shall be submitted to the administrator for tracking purposes for closure of files and tracking of the two-year landscape bond release.

(Ord. No. 2001-001, § 1, 7-10-2001)

**Sec. 5-115. Release of bond.**

At the end of the two-year landscape establishment period, the administrator 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 a finding, the performance bond shall be released. In absence of such a finding, the bond or other posted security shall not be released and the owner/developer of the property shall be notified to replace the unhealthy trees and landscaping or take other appropriate action as approved by the administrator. Upon failure of the owner/developer to comply with the administrator's decision regarding such trees, 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.

(Ord. No. 2001-001, § I, 7-10-2001)

**Subdivision C. New Single-Family Residential Subdivisions****Sec. 5-116. Applicability.**

These provisions shall apply to new single-family residential subdivisions, wherever developed hereafter within the unincorporated areas of the county and in whatever zoning district the same may be approved pursuant to the Zoning Ordinance of Liberty County.

(Ord. No. 2001-001, § I, 7-10-2001)

**Sec. 5-117. Greenspace design principles and standards.**

- (a) *Tree quality points required.* (Reserved)
- (b) *Plans required.*
  - (1) *For rights-of-way and drainage and utility easements.* Except as herein provided, in order to obtain a land clearing permit for rights-of-way and easements, a greenspace plan shall accompany each preliminary plan for review. Such plan shall conform to the standards and requirements of these regulations.
  - (2) *For individual lots.* (Reserved)
- (c) *Utilities crossing tree easement.* Utilities crossing the tree easement shall be located outside of the critical root zone of trees, unless otherwise approved by the administrator. Utility locations shall allow for the unobstructed planting of street trees at a separation of forty (40) to sixty (60) feet.
- (d) *Tree requirements.*
  - (1) *Planted street trees.* Canopy street trees shall be planted within tree easements. Such trees shall be no less than four (4) inches in caliper at time of installation. Trees shall be planted forty (40) to sixty (60) feet apart, along all street frontages within or abutting the subdivision. Each planted street tree shall have a value of ninety (90) tree quality points.
  - (2) *Existing trees.* Existing trees, for which tree quality points are sought, may be protected within tree easements as street trees provided that they are protected prior to clearing, as demonstrated in this article.
  - (3) *Trees on individual lots (other than within street tree easements).*

(Reserved)

(4) *Trees within set-aside areas.* (Reserved)

(Ord. No. 2001-001, § 1, 7-10-2001)

**Sec. 5-118. Procedures for obtaining a land clearing permit for street rights-of-way and utility and drainage easements.**

A land clearing permit shall be obtained prior to clearing rights-of-ways and drainage and utility easements in a new residential subdivision. The following procedures shall apply:

(a) A pre-development site visit shall be scheduled between the owner/developer and the administrator. This meeting may be waived by the administrator at the request of the owner.

(b) After approval of the sketch plan, the centerlines and rights-of-way of the proposed roadways shall be staked at 50-foot stations to enable field review by the administrator.

(c) The owner/developer shall demonstrate how the required street scape is to be met in the subdivision or phase of subdivision for which the land clearing 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 administrator for review. The greenspace plan shall include any set-aside areas and trees to be protected and the number of required street trees to be provided.

(d) Tree protection for set-asides and/or for any tree proposed for street scape adjacent to rights-of-ways or easements where clearing is to occur shall be installed by the owner/developer and inspected by the administrator prior to issuance of a land clearing permit.

(e) The owner/developer shall contribute to the tree fund established by the county for the planting of new street trees. Where existing trees within the tree easement are acceptable and can be preserved, the amount of the contribution or the requirement for planted street trees shall be adjusted appropriately based upon the critical root zone and applicable tree quality points. The following provisions shall apply:

1. The owner/developer shall contribute a specified dollar amount for each linear foot of property frontage for the establishment of street trees as set in the fee schedule.

2. Planted street trees shall by large preferred trees a minimum of four-inch caliper in size. The administrator shall determine the species of street trees on each street and shall coordinate the species with the developers of private streets. The street trees planted by the county shall be installed at substantial completion of the subdivision so as to prevent such trees from construction damage.

3. Procedures for obtaining a land clearing permit for lots. (Reserved)

4. Certificate of occupancy:

a. 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 this article.

b. The administrator shall issue the certificate of occupancy when the requirements under this provision are completed.

c. The certificate of occupancy shall be withheld if the required trees are not planted or preserved according to the provisions of these regulations.

d. Upon a showing of hardship by the building permit applicant, a certificate of occupancy may be issued even though all elements of the greenspace component of the plot plan have not been met. Applicant will be required to provide a certified check for the amount of money necessary to complete the work, plus any additional amount specified in the county's fee schedule; all monies shall be deposited with the administrator. The building permit applicant and the administrator shall agree upon a timeframe, not to exceed six months, for the completion date (hereinafter "completion date"). On the scheduled completion date, the administrator shall inspect the site for compliance. If the site complies, the deposit shall be refunded to the applicant; however, if the work remains uncompleted, the deposit shall be forfeited and the property brought into compliance with the provisions of these regulations.

(Ord. No. 2001-001, § I, 7-10-2001)

### **DIVISION 3. ADMINISTRATION**

#### **Sec. 5-119. Application for land-clearing activities permits.**

(a) *Submission requirements.*

(1) *Application.* The land owner(s) or authorized agent shall submit an application for a land-clearing permit(s) on a form provided by the county. Such application shall be submitted to the administrator along with all required supporting documents and fees. Each application shall include the data items, plans, and such other documents necessary to allow for clarity. Only complete applications shall be considered for review by the administrator. The administrator shall certify approved applications for the issuance of permits.

(2) *Project description and plans.* 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
- e. A location map at a scale of 1" = 1,500' 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 permit holder has not begun the permitted work within twelve (12) 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 permit holder may continue work under the permit until the work is completed. Any permit, including grandfathered projects, will automatically lapse after twelve (12) months of inactivity, unless the developer has obtained an extension from the director of inspections.

(d) *Denial of permit.* If a permit is denied, the reason for denial shall be furnished to the applicant in writing.

(e) *Waiver of plan requirement.* The administrator may waive the requirement for one or more of the plans listing in subsection (a), upon finding that three (3) or fewer trees are being proposed for removal, no grading is to occur, and such removal will not be contrary to the purpose of these regulations.

(Ord. No. 2001-001, § I, 7-10-2001)

### **Sec. 5-120. Establishment of a tree fund, etc.**

There is hereby created a Liberty County Tree Fund for the purpose of establishing trees in public areas in lieu of compliance with requirements for commercial, industrial, office, institutional, and multifamily development; provided, however, that said contributions in lieu of compliance shall only be permitted in such circumstances where it is demonstrated to the administrator that the requirements of this article cannot be reasonably accommodated. The county will adopt and publish a fee schedule for (a) the bond and for contributions to the county tree fund in lieu of compliance; and (b) the fee per linear front foot in the subdivision; and a tree quality point index.

(Ord. No. 2001-001, § I, 7-10-2001)

### **Sec. 5-121. Appeals and variances.**

(a) *Appeals procedures.* Appeals from decisions of the administrator or requests for variances from the provisions of this article shall be made within thirty (30) days from the date of such decision to the county 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 county commissioners.

(b) *Variance.*

(1) Variances shall only be granted upon a determination that the variance is the minimum necessary to afford relief.

(2) Variances shall only be granted upon:

a. A showing of good and sufficient cause;

b. A determination that failure to grant the variance would result in exceptional hardship; and

c. A determination that the granting of a variance will not adversely impact the intents and purposes of these regulations.

(3) In consideration of variances and appeals, and the purposes set forth for these regulations, the board of commissioners 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.

(Ord. No. 2001-001, § I, 7-10-2001)

**Sec. 5-122. Penalties for violations.**

Violation of the provisions of this article or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance, shall constitute a violation of this article. Any person who violates this article or fails to comply with any of its requirements shall, upon conviction thereof, be punished as a misdemeanor, and in addition shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. Nothing contained in this article shall prevent Liberty County from taking such other lawful action as is necessary to prevent or remedy any violation.

(Ord. No. 2001-001, § I, 7-10-2001)