

STATE OF GEORGIA
EFFINGHAM COUNTY
AMENDMENT TO ARTICLE III, SECTION 3.4
OF THE EFFINGHAM COUNTY CODE OF ORDINANCES

AN ORDINANCE TO AMEND ARTICLE III, SECTION 3.4. OF THE EFFINGHAM COUNTY ZONING ORDINANCE AND TO REPEAL ALL OTHER ORDINANCES IN CONFLICT HEREWITH.

BE IT ORDAINED by the Effingham County Board of Commissioners in regular meeting assembled and pursuant to lawful authority thereof:

3.4 Buffers.

Purpose and function: To provide minimum separation and screening of different land uses. To minimize the adverse effects of commercial and industrial land uses on surrounding property and public thoroughfares; to act as a filtration zone for storm water; to make the environment more visually attractive; and to preserve the tree canopy in the county.

~~It is the intent of this ordinance that buffers be maintained and controlled so that the effects of the screening are not diminished.~~

~~It is the intent of this ordinance that all buffer areas be properly maintained and preserved in a manner that sustains their functional and aesthetic value over time, ensuring that their screening and environmental benefits are not diminished.~~

The purpose of this ordinance is to ensure adequate separation and effective screening between differing land uses across all zoning districts. Buffers are intended to minimize the adverse impacts of development—including but not limited to commercial, industrial, residential, and mixed-use projects—on adjacent properties and public thoroughfares. Buffers also serve as natural filtration zones for stormwater runoff, enhance the visual quality of the built environment, and protect and preserve the County's existing tree canopy. It is the intent of this ordinance that all buffer areas be properly maintained and controlled so that their screening and environmental benefits are not diminished over time.

3.4.0 Definitions.

Buffer means a naturally vegetated or planted area of land that is required by this ordinance to be maintained between differing land uses or zoning districts to provide separation, screening, and environmental benefit. Buffer width shall be measured horizontally from the applicable property line, perpendicular to that line, inward onto the

subject property. Where a property line is irregular, buffer width shall be measured at right angles to the property line at each point along its length.

Buffer Area means the total land area encompassed within the required buffer width along any applicable property line or boundary.

Undisturbed Buffer means a buffer area in which existing vegetation, topography, and natural features are preserved in their natural state and no grading, clearing, construction, or land disturbing activity is permitted except as expressly authorized by Section 3.4.1(B).

Canopy Tree means any tree species that, at maturity, reaches a height of greater than fifty (50) feet, as listed in the Large Trees category of Section 3.4.4.

DBH (Diameter at Breast Height) means the diameter of a tree trunk measured at a height of four and one-half (4.5) feet above natural grade.

Director means the Director of Development Services for Effingham County, or their authorized designee.

3.4.1 Buffer design standards:

A. Plant material: Existing plant materials including understory vegetation in buffers shall be maintained whenever possible. All trees over six inches diameter at breast height (dbh) shall be retained. Additional planting may be required when existing plant material is inappropriate for screening. Additional landscaping may be added at the property owner's discretion.

B. Encroachment: Buffer areas should remain natural. The following are the only permitted encroachments:

1. Drainage ditches, utility, and service lines provided that they are approximately perpendicular to the property line.
2. Sidewalks and pathways that connect multiple parcels.
3. Lighting fixtures.
4. Signs.
5. Flagpoles.
6. Structural elements: Privacy fences or walls located in a buffer shall provide a minimum of two feet from the element to the exterior property line to allow for plant material.
7. Landscaping retaining wall if integrated into the buffer and subject to approval by the zoning administrator.
8. Berms, subject to the following standards if encroaching within a buffer:

- a. Minimum slope of 4:1.
- b. Maximum height of the berm shall be based on the width as provided below and shall be reduced by six feet for every one foot of berm height:
 - i. For a 25 feet high berm, the buffer requirement is reduced from a 300 feet buffer to a 150 feet buffer. The 150 feet wide buffer includes 35 feet of natural and undisturbed buffer and remaining buffer is the berm. If the berm base is beyond 115 feet, the berm extends into the property and not the 35-foot undisturbed area.
 - ii. For a 16 feet high berm, the buffer requirement is reduced from a 300 feet buffer to a 200 feet buffer. The 200 feet wide buffer includes 35 feet of natural and undisturbed buffer and remaining buffer is the berm. If the berm base is beyond 165 feet, the berm extends into the property and not the 35-foot undisturbed area.
 - iii. For a 10 feet high berm, the buffer requirement is reduced from a 300 feet buffer to a 240 feet buffer. The 240 feet wide buffer includes 35 feet of natural and undisturbed buffer and remaining buffer is the berm. If the berm base is beyond 180 feet, the berm extends into the property and not the 35-foot undisturbed area.
 - iv. The height of the berm is measured perpendicular off the nearest adjacent property line using the natural grade; height cannot be determined by infill grade.
 - v. Major subdivisions with rear or side facing homes will install a six (6) foot tall berm with approved landscaping material at the apex of the berm. Minimum width of the berm is fifteen (15) feet at the base. Major subdivisions with rear or side-facing homes shall provide a minimum fifty (50) foot vegetative buffer. If the required vegetative buffer cannot be established, a six (6) foot tall berm with approved landscaping material may be installed with the fifty (50) foot buffer.

9. Privacy fence or wall used as a buffer reduction measure, subject to the following: the fence or wall material must be approved by Development Services prior to installation; the fence or wall shall not exceed seven (7) feet in height; where a compliant privacy fence or wall is installed, the otherwise required residential buffer may be reduced by ten (10) feet (e.g., from 30 feet to 20 feet) for residential-to-residential buffers only. This reduction is not available for buffers between residential and commercial, institutional, or industrial uses.

C. Required setbacks shall be inclusive of buffer areas.

D. When a less intense zoning district abuts a more intense zoning district, the responsibility for providing the required buffer shall rest solely with the property in the more intense district.

Existing Zoning	Proposed Zoning															
	AR-1	AR-2	AR-3	R-1	R-2	R-3	R-4	R-5	R-6	B-1	B-2	B-3	MXD PD	I-1	LI	HI
AR-1	15 ft	15 ft	15 ft	15 ft	30 ft	30 ft	15 ft	15 ft	15 ft	30 ft	30 ft	30 ft	20 ft	300 ft	150 ft	300 ft

AR-2	15 ft	15 ft	15 ft	15 ft	30 ft	30 ft	15 ft	15 ft	15 ft	30 ft	30 ft	30 ft	20 ft	300 ft	150 ft	300 ft
AR-3	15 ft	15 ft	15 ft	15 ft	30 ft	30 ft	15 ft	15 ft	15 ft	30 ft	30 ft	30 ft	20 ft	300 ft	150 ft	300 ft
R-1	30 ft	30 ft	30 ft	15 ft	30 ft	30 ft	15 ft	15 ft	15 ft	30 ft	30 ft	30 ft	20 ft	300 ft	300 ft	300 ft
R-2	30 ft	30 ft	30 ft	30 ft	15 ft	15 ft	30 ft	30 ft	30 ft	20 ft	20 ft	20 ft	15 ft	300 ft	150 ft	300 ft
R-3	30 ft	30 ft	30 ft	30 ft	15 ft	15 ft	30 ft	30 ft	30 ft	20 ft	20 ft	20 ft	15 ft	300 ft	150 ft	300 ft
R-4	30 ft	30 ft	30 ft	30 ft	30 ft	30 ft	15 ft	15 ft	15 ft	30 ft	30 ft	30 ft	20 ft	300 ft	300 ft	300 ft
R-5	30 ft	30 ft	30 ft	30 ft	30 ft	30 ft	15 ft	15 ft	15 ft	30 ft	30 ft	30 ft	20 ft	300 ft	300 ft	300 ft
R-6	30 ft	30 ft	30 ft	30 ft	30 ft	30 ft	15 ft	15 ft	15 ft	30 ft	30 ft	30 ft	20 ft	300 ft	300 ft	300 ft
B-1	30 ft	30 ft	30 ft	30 ft	20 ft	20 ft	30 ft	30 ft	30 ft	15 ft	15 ft	15 ft	15 ft	150** ft	50** ft	150** ft
B-2	30 ft	30 ft	30 ft	30 ft	20 ft	20 ft	30 ft	30 ft	30 ft	15 ft	15 ft	15 ft	15 ft	150** ft	50** ft	150** ft
B-3	30 ft	30 ft	30 ft	30 ft	20 ft	20 ft	30 ft	30 ft	30 ft	15 ft	15 ft	15 ft	15 ft	150** ft	50** ft	150** ft
MXD PD	30 ft	30 ft	30 ft	30 ft	15 ft	15 ft	20 ft	20 ft	20 ft	15 ft	15 ft	15 ft	10 ft	300 ft	150 ft	300 ft
I-1	300* ft	300* ft	300* ft	300* ft	300* ft	300* ft	300* ft	300* ft	300* ft	150 ft	150 ft	150 ft	300 ft	25 ft	25 ft	25 ft
LI	150 ft	150 ft	150 ft	300 ft	150 ft	150 ft	300 ft	300 ft	300 ft	50 ft	50 ft	50 ft	50 ft	25 ft	50 ft	50 ft
HI	300* ft	300* ft	300* ft	300* ft	300* ft	300* ft	300* ft	300* ft	300* ft	150 ft	150 ft	150 ft	150 ft	25 ft	25 ft	25 ft

If a privacy fence is used, the material needs approval by Development Services, the fence maximum height is seven (7) feet in height, then the adjacent buffer may be reduced by ten (10) feet — 30 feet to 20 feet for residential required buffers only. [Note: Fence buffer reduction provision relocated to Section 3.4.1(B)(9) above.]

* Subdivisions of less than five lots are exempt from buffer requirements when neighboring property is under the same ownership.

E. The constructed berm shall have vegetative cover applied immediately post-construction to assist in stabilization of the berm.

Before final plat approval of a subdivision or sketch plan approval of a commercial, industrial or PD development, a bond shall be submitted to development services in the amount of ten (10) percent of the construction cost of the berm as determined by ~~EOM~~ the Director, or such other office as the Board of Commissioners may designate.

** Adjacent commercial, institutional, and industrial developments which are designed as a single development or share parking may reduce the buffer width by up to 50 percent between these parcels. If commercial property is developed with zero lot lines, then the buffer between parcels shall be eliminated. At no time may buffers be reduced between commercial, institutional, or industrial and residential uses.

*** Where a Residential or Commercial development abuts a railroad right-of-way, a vegetative buffer of 30 feet in width shall be provided.

**** The required plant material portion of a buffer may be reduced by 50% when adjacent to agricultural or conservation areas if replaced by additional storm water management areas.

***** Industrial surface mines will follow the buffer requirements in section 3.17.4.

3.4.2 Adjacent public street buffers: All development excluding industrial development shall maintain a ten-foot wide landscaped buffer between any parking or loading area and an adjacent accessed public right-of-way (ROW). In single family subdivisions a ten-foot landscaped buffer must be maintained between any lot or internal street and any public collector or arterial ROW accessed from the subdivision.

A. In cases where the adjacent public street is also the exterior boundary of the site, the buffer required in table 3.4.1 shall be inclusive of this ten-foot-wide landscaped buffer.

B. Where parcels abut a street without access to that street the buffer on that side of the parcel shall equal the required buffer for the use on the other side of the street in the above chart.

C. Street buffers for industrial property shall equal the required buffer for the use on the other side of the street in the above chart.

D. Residential subdivisions shall have visual buffers consisting of either vegetative cover or fencing and shall have a minimum 50 percent opacity. If vegetation is used, it shall be projected to reach the required opacity within one year of installation and shall maintain the minimum required opacity during all seasons of the year. A visual buffer may be no higher than six feet in height, except on main or collector streets where the buffer is a maximum height of twenty (20) feet. If an installed vegetative buffer fails to achieve or maintain the required 50 percent opacity, the Director shall issue a written notice of deficiency to the property owner. The property owner shall replant or supplement the buffer as necessary to achieve compliance within ninety (90) calendar days of receipt of said notice. Failure to achieve compliance within the notice period shall constitute a violation of this ordinance subject to enforcement under Section 3.4.3.

E. PDs may have different buffer requirements; however, buffers are still required in all approved PDs. Please refer to PD ordinance in Article X.

F. Where property lines run adjacent to federally designated interstate highways, regardless of zoning or proposed use, that section of the property is exempt from all buffer requirements along the property line with frontage on the interstate highway. For the avoidance of doubt, this exemption applies only to property line(s) with direct frontage on the interstate right-of-way and does not reduce or eliminate any required buffer along any other property line of the same parcel. Properties within the I-1, LI, and HI zoning districts are exempt from the required buffer adjacent to the interstate right-of-way. In lieu of the required buffer, a minimum fifteen-foot landscaped strip shall be provided along interstate frontage.

3.4.3 Enforcement:

NOTE: Section numbering corrected. Prior printed version showed a heading collision between "~~3.4.5 Required plant material:~~ 3.4.3 Enforcement:". Enforcement is properly numbered as 3.4.3 and Required Plant Materials is properly numbered as 3.4.4. No substantive text was changed.

A. Pre-Construction Buffer Protection. Prior to the issuance of any land disturbing activity permit for a development, all required buffer areas shall be clearly delineated in the field with highly visible silt fencing or other approved protective barrier. The purpose of this requirement is to ensure that buffer areas are protected and remain undisturbed throughout all phases of site

preparation and construction. The silt fencing shall be installed along the outer edge of the buffer area closest to the area of disturbance and must remain in place and properly maintained until all construction activity has ceased and final stabilization is achieved. Buffer delineation and fencing shall be verified by County staff during the pre-construction inspection.

B. Where trees do not already exist they must be planted at a rate of one tree, at least two inches DBH, every 15 linear feet of buffer. The following list specifies recommended trees for this area. For buffers greater than 30 feet in depth required tree planting must come from the large tree list.

C. Buffers in industrial zones must include understory plantings at a rate of one three (3) gallon plant every five linear feet if sufficient understory foliage does not exist.

D. Unauthorized removal, disturbance, or destruction of any required buffer shall result in the following:

1. A stop work order will be issued.
2. Subject to all requirements and procedures of the Effingham County Code of Ordinances, Article X – Tree Protection and Preservation.
3. A landscape plan prepared by a registered landscape architect or other qualified professional shall be submitted to and approved by the Director of Development Services or their designee prior to any planting. The plan must detail the species, size, spacing, and location of all proposed plantings and demonstrate compliance with the required triple density replacement. Restoration must be completed within a timeframe determined by the County and may be subject to inspection and ongoing maintenance requirements to ensure long-term viability. – Look deeper into this
4. Civil Penalties. Any person, firm, corporation, or entity found to have violated this Section 3.4 shall be subject to a civil monetary penalty of not less than five hundred dollars (\$500.00) per day for each day the violation continues, beginning on the date the stop work order is issued or, if no stop work order is issued, the date written notice of the violation is delivered to the responsible party. Penalties shall be assessed and collected in accordance with the Effingham County Code of Ordinances. The assessment of civil penalties shall be in addition to, and not in lieu of, any other remedies available to the County, including injunctive relief, restoration requirements, and any penalties available under the Georgia Erosion and Sedimentation Act.

3.4.4 Required Plant Materials:

Large Trees >50' Suitable for areas with more than 400 square feet of total planting area; in a planting strip at least 16' x 25' or 20' x 20'

Common/Scientific Name	Height & Width	Sun/Shade	Insect & Disease Resistance	Growth Rate	Deciduous/Evergreen	Remarks
Beech, American <i>Fagus grandifolia</i>	50-75' h 40-80' w	PS/FS	L	S	D	Native. Needs ample room. Acid soil. Fruit attracts wildlife. Zones 4-9

Blackgum <i>Nyssa sylvatica</i>	65-75' h 25-35' w	PS/FS	H	S	D	Native. Soil pH below 6 best. Drought & wet tolerant. Zones 4-9
Cypress, bald <i>Taxodium distichum</i>	60-80' h 25-35' w	FS/PS	M	F	D	Native. Drought & wet tolerant. Zones 4-11
Cypress, pond <i>Taxodium ascendens</i>	50-60' h 50-60' w	PS/FS	H	F	D	Native. Soil adaptable below 7.5. Zones 5-9
Hickory, pignut <i>Carya glabra</i>	50-65' h 30-40' w	PS/FS	M	M	D	Native. Drought tolerant. Zones 4-9
Hickory, shagbark <i>Carya ovata</i>	60-80' h 25-35' w	PS/FS	H	S	D	Native. Abundant nuts attract wildlife. Zones 4-8
Magnolia, Southern <i>Magnolia grandiflora</i>	60-80' h 30-40' w	PS/FS	M	M	E	Native. Soil adaptable. White showy blooms. Zones 7-9
Maple, Red <i>Acer rubrum</i>	60-75' h 25-35' w	PS/FS	H	F	D	Native. Prefers acidic soil. Zones 4-9
Oak, laurel <i>Quercus laurifolia</i>	60-70' h 50' w	PS/FS	H	F	SE	Native. Soil adaptable. Zones 6-10
Oak, live <i>Quercus virginiana</i>	60-80' h 60-120' w	PS/FS	H	M	E	Native. Wind resistance. Zones 8-10
Oak, shumard <i>Quercus shumardii</i>	60-80' h 40-50' w	FS	M	F	D	Native. Urban tolerant. Zones 5-9
Oak, southern red <i>Quercus falcata</i>	60-80' h 60-70' w	FS	M	M	D	Native. Acidic soil. Urban tolerant. Zones 7-9
Oak, scarlet <i>Quercus coccinea</i>	60-75' h 45-60' w	FS	M	M	D	Native. Acidic soil. Zones 5-8
Oak, swamp chestnut <i>Quercus michauxii</i>	60-70' h 30-50' w	PS/FS	M	M	D	Native. Occasional wet. Zones 6-9
Oak, white <i>Quercus alba</i>	60-100' h 60-80' w	PS/FS	H	M	D	Native. Acidic soil. Zones 3-9
Oak, willow <i>Quercus phellos</i>	60-75' h 40-60' w	FS	M	F	D	Native. Drought & urban tolerant. Zones 5-9
Pine, loblolly <i>Pinus taeda</i>	50-80' h 30' w	FS	M	F	E	Native. Soil adaptable, acidic. Zones 6-9
Pine, longleaf <i>Pinus palustris</i>	60-80' h 30-40' w	FS	M	F	E	Native. Drought tolerant once established. Zones 7-10
Redcedar, eastern <i>Juniperus virginiana</i>	40-50' h 8-25' w	FS	H	F	E	Native. Soil tolerant. Good windbreak. Zones 3-9
Sweetgum <i>Liquidambar styraciflua</i>	75' h 50' w	PS/FS	H	M	D	Native. Soil pH 7.5 or less. Zones 5-9
Sycamore, American <i>Platanus occidentalis</i>	75-90' h 60-70' w	FS	L	F	D	Native. Prefers moist soil. Zones 4-9

Tulip poplar Liriodendron tulipifera	80-120' h 25-40' w	FS	H	F	D	Native. Acidic soil. Showy blooms. Zones 4-9
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KEY

Sun/shade exposure: FS = Full sun | PS = Part sun | S = Shade

Growth rate: S = Slow (less than 1' per year) | M = Medium (1-2' per year) | F = Fast (more than 2' per year)

Pest resistance: H = High | M = Medium | L = Low

Type: D = Deciduous | E = Evergreen | SE = Semi Evergreen

Medium Canopy Trees 30'-50' Suitable for spaces with 100 to 200 sqft of total planting space; in a planting strip at least 4-7 feet wide; or place at least 4' from pavement or wall.

(Medium and small tree approved plant lists are maintained by the Director of Development Services and incorporated herein by reference. See administrative guidelines for current approved species lists.)

Small Trees <25' Useful under utility lines; areas with less than 100 sf of total planting area; a planting strip with a width of at least 4'.

3.4.5 Required plant material ~~[section number corrected from prior collision; see 3.4.3 note above]~~: Administrative Plant List Maintenance:

The Director of Development Services shall maintain and periodically update the approved plant material lists referenced in Section 3.4.4, subject to approval by the Board of Commissioners. Updated lists shall be posted on the County's official website and made available at the Development Services office. Species not appearing on the approved lists may be proposed for inclusion by a registered landscape architect and approved by the Director upon written request.

3.4.6 Right-of-Way Acquisition Buffer Adjustments:

A. Applicability. This section applies when Effingham County acquires fee simple right-of-way (ROW) or a permanent easement from a private property owner through purchase, condemnation, or any other lawful means, resulting in a reduction of the subject property's depth, area, or dimensions that would otherwise be used to satisfy a required buffer under Section 3.4.1. This section governs both the buffer obligations of property owners following such acquisition and the County's restoration obligations following temporary construction easement activity.

B. New Development After Acquisition. Any structure, improvement, or land use established after the recorded date of a County right-of-way acquisition shall comply with all applicable buffer requirements of this ordinance to the fullest extent physically achievable given the post-acquisition property dimensions, except as provided in this subsection. Compliance shall be measured from the new property line established by the acquisition. ~~No variance or administrative reduction shall be granted solely on the basis that the acquisition has reduced the available buffer~~

area, except as provided under subsection C below. Where compliance with the required buffer is not physically achievable given the post-acquisition property dimensions, the property owner may apply to the Director for an administrative buffer reduction under this subsection. The Director may approve the requested reduction only upon a written determination that each of the following criteria is satisfied:

1. The reduction in available buffer area is directly attributable to a recorded County right-of-way acquisition, and not to a voluntary conveyance, dedication, or other action of the property owner;
2. The applicant has demonstrated, through a site plan prepared by a qualified professional, that the required buffer cannot be achieved even with reasonable alternative site design, including relocation of the proposed structure, improvement, or use on the subject property; and
3. The approved reduction reflects the maximum buffer width achievable given the post-acquisition property dimensions.

No administrative reduction shall be granted under this subsection absent a written determination by the Director addressing each of the criteria above. All reductions approved under this subsection shall be recorded in accordance with subsection E.

C. Existing Development — Right-of-Way Acquisition Buffer Reduction Formula. Where a County right-of-way acquisition reduces the depth of a previously conforming required buffer on a legally established, pre-existing development or use, the required buffer width shall be administratively recalculated using the following formula:

Adjusted Buffer Width = Required Buffer Width × (Remaining Parcel Depth ÷ Pre-Acquisition Parcel Depth)

The adjusted buffer width shall be subject to the following limitations:

1. Minimum Floor. The adjusted buffer shall **not be reduced below fifteen (15) feet** under any circumstance, regardless of the outcome of the formula.

2. Maximum Reduction Cap. The formula shall not produce an adjusted buffer that is less than fifty percent (50%) of the originally required buffer width. Where the formula would yield a result below the 50% threshold, the adjusted buffer shall be set at fifty percent (50%) of the originally required buffer width, unless the 15-foot minimum floor produces a greater result.

3. Controlling Standard. Where the 15-foot minimum floor and the 50% reduction cap yield different results, the **greater** of the two values shall control.

4. Site Plan Required. The property owner shall submit a site plan to the Director demonstrating that the maximum feasible buffer width is being maintained given the

post-acquisition dimensions. The Director shall review and approve the adjusted buffer calculation prior to issuance of any permit.

5. Illustrative Examples.

Example 1: Required buffer = 30 ft. Parcel depth reduced by 40%. Formula: $30 \times 0.60 = 18$ ft. Result exceeds 15-ft floor and exceeds 50% cap (15 ft). Adjusted buffer = 18 feet.

Example 2: Required buffer = 30 ft. Parcel depth reduced by 60%. Formula: $30 \times 0.40 = 12$ ft. Fails 15-ft floor. Adjusted buffer = 15 feet.

Example 3: Required buffer = 300 ft (industrial). Parcel depth reduced by 55%. Formula: $300 \times 0.45 = 135$ ft. 50% cap = 150 ft. $150 \text{ ft} > 135 \text{ ft}$ and $> 15 \text{ ft}$ floor. Adjusted buffer = 150 feet.

6. Pre-Existing Nonconforming Buffers. A buffer that was nonconforming prior to the County acquisition shall not be further reduced below its pre-acquisition nonconforming width. The property owner shall document the pre-acquisition condition by survey or other means acceptable to the Director.

D. Temporary Construction Easement — County Restoration Obligation. When Effingham County or its contractor enters a private property pursuant to a Temporary Construction Easement (TCE) for right-of-way improvements, grading, utility installation, drainage work, or any related construction activity, the County shall bear full responsibility for restoration of all buffer areas disturbed within the TCE area, as follows:

1. Pre-Construction Documentation. Prior to any land disturbing activity within the TCE area, the County or its contractor shall document the existing condition of all buffer areas through photographs, field notes, and a vegetation inventory. Documentation shall be provided to the property owner and retained in the County's project file.

2. Scope of Restoration. Upon completion of construction and release of the TCE, the County shall restore all disturbed buffer areas to functionally equivalent pre-disturbance condition, including: (a) replacement of removed trees at 3:1 by caliper inch using species from the approved lists in Sections 3.4.4 and 3.4.5; (b) replacement of understory plantings per Section 3.4.3(C); (c) restoration of ground cover and erosion control per Georgia Stormwater Management Manual BMPs; and (d) completion of all planting within ninety (90) calendar days of final construction completion, subject to seasonal planting conditions.

3. Restoration Plan. The County shall submit a written Restoration Plan to the Director and property owner within thirty (30) calendar days of substantial construction completion. The plan shall be prepared by a registered landscape architect and shall include species, caliper size, spacing, scaled site plan, and a two (2) growing season maintenance schedule.

4. Financial Assurance. Prior to commencing land disturbing activity within the TCE, the County shall identify and document a funding mechanism sufficient to cover no less than one hundred ten percent (110%) of the estimated restoration cost, which may include a dedicated maintenance reserve, escrow account, budgeted line item, or maintenance bond, at the County's discretion. Such funding shall be maintained for a minimum of two (2) full growing seasons following completion of all required restoration plantings, subject to annual appropriation by the Board of Commissioners in accordance with applicable Georgia law governing County budgeting and appropriations.

5. Property Owner Remedy. If the County fails to complete required restoration within the timeframe of the approved Restoration Plan, the property owner may, upon thirty (30) calendar days' written notice to the Effingham County Manager's Office, complete the restoration independently using a licensed contractor selected through a reasonably competitive process consistent with the County's procurement standards, and thereafter present a claim to the County for reimbursement of documented, reasonable costs, not to exceed the estimated restoration cost identified under subsection D.4 above. Any such claim shall be presented in accordance with the County's standard claims process and applicable notice requirements under Georgia law, including O.C.G.A. § 36-11-1. This remedy shall remain available for a period of two (2) years following expiration of the TCE, after which it shall lapse. If the County fails to complete required restoration within the timeframe of the approved Restoration Plan, the property owner may, upon thirty (30) calendar days' written notice to the Effingham County Manager's Office, complete the restoration independently using a licensed contractor selected through a reasonably competitive process consistent with the County's procurement standards, and thereafter present a claim to the County for reimbursement of documented, reasonable costs, not to exceed the estimated restoration cost identified under subsection D.4 above. Any such claim shall be presented in accordance with the County's standard claims process and applicable notice requirements under Georgia law, including O.C.G.A. § 36-11-1. This remedy shall remain available for a period of two (2) years following expiration of the TCE, after which it shall lapse.

6. Coordination with State and Federal Law. Nothing in this section relieves the County or its contractor of compliance with the Georgia Erosion and Sedimentation Act, the Effingham County Land Disturbing Activity Ordinance, or any other applicable law. Where requirements conflict, the more protective standard applies.

E. Recordkeeping. The Director shall maintain a record of all buffer adjustments granted under this Section 3.4.6, including pre-acquisition buffer width, formula result, controlling adjusted width, and approval date. Records shall be available for public inspection during normal business hours.

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

This ____ day of _____ 20__.

**BOARD OF COMMISSIONERS,
EFFINGHAM COUNTY, GEORGIA**

FIRST READING: _____

BY: _____

DAMON RAHN, CHAIRMAN

SECOND READING: _____

ATTEST:

STEPHANIE JOHNSON

EFFINGHAM COUNTY CLERK