

## **Sec. 4-6.11 Development Standards in PD-R-IL Districts.**

### **Sec. 4-6.11.1 Plans Required.**

Before any area shall be designated on the official zoning map as a PD-R-IL (Planned Development Reclamation for Industrial Landfill) District, a general development plan, including a general post-closure land use plan, shall be approved by the Chatham County Commissioners at the time the property is zoned to a PD-R-IL zoning district. The Metropolitan Planning Commission shall submit to the Chatham County Commission its recommendation on the proposed general development plan and the general land use plan along with a recommendation for approval or denial to rezone the property to the PD-R-IL zoning designation, all subsequent plans as required by the PD-R-IL zoning provisions shall be consistent with the general plans as approved by the Chatham County Commissioners. Specific development plans and specific post-closure land use plans, approved by the State EPD shall be consistent with the approved general plans and shall be submitted to the MPC. Upon approval of the specific development and post-closure land use lands by the MPC, the Executive Director of the MPC shall forward three certified copies of the approved plans to the Director (s) of Inspections and Engineering prior to the issuance of any building or land disturbing permits.

### **Sec. 4-6.11.2 Review Procedure.**

All applications for a PD-R-IL (Planned Development-Reclamation District for Industrial Landfill) classification shall proceed as provided for processing zoning applications.

### **Sec. 4-6.11.3 General Development Plan.**

A general development plan and general post-closure land use plan shall accompany the zoning application requesting a PD-R-IL (Planned Development-Reclamation for Industrial Landfill) District. The general post-closure land use plan shall identify the use or rescue of the site after the termination of the landfill activities. The general development plan shall include a plat of the site and adjacent property including the location of existing buildings. The general development plan shall also identify the areas where surface mining and landfill activities are proposed, the location and condition of abutting roads, major drainage features, and a generalized post-closure land use plan proposed for the area including a statement of the proposed use or reuse of the property. The proposed post-closure land use (s) shall be compatible for a site utilized for an industrial landfill; and all Georgia EPD permits and local development standards

shall be complied with. No portion of the excavated property or landfill site shall be utilized as a lake or any other body of water nor be located within a topographic or geologic setting so as to threaten the contamination of any surface water or well supply.

The general development plan shall also identify the proposed time schedule for start and completion of surface mining and landfill activities and shall include the following information.

- a. Calculation of the volume of fill or excavation expressed in total cubic yards determined by the dimensions of the landfill or excavation area;
- b. Identification of the volume of available fill material on a weekly or monthly basis;
- c. Description of the type of material to be used for fill;
- d. Description of the proposed landfilling operation as required by GEPD for review and permitting; and
- e. Any other information required by the County's Land Disturbing Activities Ordinance as determined by the County Engineering Department.
- f. A scaled model, sketch or drawing which depicts the height of any proposed landfill in feet in proportion to and in relationship to the existing natural buffers and the ground elevation of the site shall be submitted along with the general development plan. A landfill shall not exceed a height of one hundred and twenty-five (125') feet above the existing base grade of the landfill and shall be visually screened to the extent reasonably possible from any viewing point within two thousand (2,000') feet of the highest point of the landfill, as measured from a point six (6') feet above the natural ground level. Except where easements, right-of-way and/or restrictive covenants require a break in the existing natural buffers and where such breaks are shown on the approved site plan, such buffer shall conceal at least ninety-five (95%) percent of the landfill activities. Easements, right-of-way, restrictive covenants and all other governmentally and/or contractually required areas shall be depicted on the scaled model, sketch or drawing.

The Planning Commission, following a review of the above required data along with environmental concerns and prior to approval of the General Development Plan, shall recommend to the Chatham County Commission the time for completion of all landfill activities and shall determine that the landfill activities, to the extent reasonable and practical, will be visually screened.

The Planning Commissions, following a review of the above data along with the environmental concerns, and an analysis report from the County Engineer with input from GEPD, shall set a recommended time for the completion of all landfill and associated activities located on the site or associated with the landfill activities. The Planning Commission's recommendations to the Board of Commissioners shall encompass and accommodate the recommendations of the GEPD and County Engineering Department. The Chatham County commissioners shall disapprove, approve with modifications or approve the general development and post-closure land use plans as part of the public hearing proceedings on the application or petition to rezone.

#### **Sec. 4-6.11.4 Specific Development Plan.**

Following the establishment of the PD-R-IL (Planned Development-Reclamation for Industrial Landfill) Zoning District designation, a detailed development plan, consistent with the approved general development plan, shall be submitted to and approved by the MPC. No activity shall take place within the PD-R-IL zoning district, except for securing the property or continuing existing surface mining operations for which Chatham County and Georgia EPD permits were granted until the specific development plan has been approved by the County Engineer and MPC. Such plan shall include, but not necessarily be limited to, the following:

- a. A scaled drawing of the site including adjacent property and location of all buildings and bodies of water on-site or within 100 feet of all property lines.
- b. Location of proposed and existing surface including type and quantity of materials proposed to be handled at each area.
- c. Location and condition of abutting roads and proposed principal route to and from the site and location of on-site roads to serve areas of activity and points of ingress and egress at the site.
- d. Type and location of buffers including permanent open spaces and retention of tree cover. A buffer plan shall be submitted showing the location and cross-section of buffers proposed to screen the landfill activities from view. The plan shall identify the size, type and density of the buffer and shall state that is shall be maintained and protected for the duration of the landfill activities.

A contingency plan shall be submitted to the MPC and County Engineer in the event that the screening provide by the established landscaped buffer is destroyed or impaired by fire, Act of God or other occurrence. This mitigation plan and fire protection plan shall show how the existing natural buffer will be protected and if necessary established in a reasonable manner to prevent the

loss or impairment of the required buffer. Vegetation, fencing, berms, or other screening features deemed appropriate by the Metropolitan Planning Commission may be approved upon a showing that it is reasonably capable of providing the height and density necessary to screen the landfill activities and to replace the vegetation which previously existed in the buffer.

The approved buffer plan shall become part of the specific and post-closure plans when the visual buffer has been determined by the MPC (or the County Commissioners as part of the general site plan review) to be necessary to screen the site activities and/or post-closure site.

- e. Topography of the area including contours, easements and major drainage features. The existing ground elevations and proposed landfill contours shall be shown. The height of the landfill shall be no greater than shown on the approved general development plan.
- f. Existing and proposed post-closure land use plans to include the identification of any portions of the site for use as a landfill.
- e. A time schedule for start and completion of landfill activities within the time frame set by the Chatham County Commission upon approval of the General Development Plan.
- f. Provision for erosion and siltation control as required by the County's Land-Disturbing Activities Ordinance including final grading plans for landfill areas and slopping plans for drainage and soil erosion control.
- g. A copy of the site assessment report (submitted to the Georgia Environmental Protection Division for further review) shall also be submitted to the Chatham County Engineer for review, comment and/or approval under the County's Land-Disturbing Activities Ordinance.

#### **Sec. 4-6.11.5 Post-Closure Land Use Plan.**

Prior to any new construction or development within a PD-R-IL (Planned Development-Reclamation for Industrial Landfill) district, a detailed post-closure land use plan consistent with the approved general land use plan showing the proposed post-closure use and final reuse of this property shall be submitted to and approved by the MPC and the State EPD. The approved post-closure land use plan shall set forth the permitted use or uses of the property along with specific development standards that shall run with the land. Such final post-closure land use plan shall be submitted and processed pursuant to the review procedures as set forth in Section 4-6.5 Planned Development District. No use or reuse of property located within a PD-R-IL zoning district shall be permitted that is not shown on the approved post-closure land use plan.

**Sec. 4-6.11.6 Industrial Landfill Design and Operations Standards.**

- a. The industrial landfill operations and design standards shall be as approved by the County Engineer and MPC on the specific development plan. The County Engineer and MPC approved standards shall be, in addition to design standards, established by the Georgia Environmental Protection Division based on O.C.G.A 12-8-20, including any measures specified in the GEPD's Rules Chapter 391-2-4 Solid Waste Management, current edition, plus any special site design requirements established by the GEPD pursuant to their permitting process.
  - (1) A minimum of a 100 foot wide thick mature, natural or cultivated landscape buffer shall be established and maintained along all property lines, excluding approved driveways, building sites, and drainage facilities as shown on the approved Specific Development Plan.
  - (2) The County's "Land-Disturbing Activities Ordinance," Chatham County Code Section 24-301 through 24-247 shall apply in addition to the general provisions of Section 4-6.5 of the Chatham County Zoning Ordinance.
- b. Each GEPD permitted industrial landfill shall be operated in accordance with the requirements of the GEPD permits and "design and operation plan" as established by the GEPD for said project. Any noted apparent violations shall be reported to the GEPD for investigation and appropriate enforcement action.
- c. In addition to the controls and standards referenced above, the following standards shall apply if they are more restrictive:
  - (1) Access to the site shall be controlled and monitored by a responsible agent of the operator. Signs shall be posted at the site to forbid trespass. Access shall be limited to authorized entrances, which shall be closed when the site is not in operation.
  - (2) All roads and driveways subject to continuous use shall be treated as necessary as determined by the County Engineer to minimize dust emissions.
  - (3) Hours of operation for the landfill shall be as specified on the specific development plan in order to abate or prevent neighborhood nuisances.
  - (4) The operator shall be responsible for the control and proper disposal of incidental litter by providing fencing or other physical barriers as necessary and by policing the site. The operator shall be responsible for prompt cleanup of any waste dumped on the site or within 500 feet of the premises along any public right-of-way.

- (5) The landfill shall be operated in such a manner as to prevent air, land or water pollution, public health hazards or nuisances.

#### **Sec. 4-6.11.7 Closure and Post-Closure Requirement for Industrial Landfill Sites.**

The GEPD's Rules, Chapter 391-3-4 Solid Waste Management provide detailed requirements for closure and post-closure care of industrial landfills. Closure and post closure care of an industrial landfill shall be governed by plans and permits approved by GEPD.

The following closure standards shall be enforced in addition to the State imposed controls if they are more restrictive than the GEPD requirements.

- a. Abandoned or worn-out equipment shall not be permitted on the site and large rocks and debris such as stumps, logs, and timber shall be removed from the site or buried.
- b. All structures, buildings, and foundation associated with operations shall be removed from the site or buried unless they are compatible with reclamation objectives.
- c. Closure of the landfill shall be done to the extent possible concurrent with landfill operations on an annual basis as lands become available, and in any case shall be completed within 12 months from the cessation of operation and shall be carried on in a manner that will achieve the objectives of the approved post-closure land use plan.

#### **Sec. 4-6.11.8 Enforcement of Closure Plan and Post-Closure Care Requirements.**

The Chatham County Engineer designee shall be responsible for regular inspection of surface mining and landfill sites and for the enforcement of standards set forth within this section of the Zoning Regulations. Failure of the operator to comply with any of these regulations or GEPD rules shall be grounds for closure of the site, non-renewal of annual business license, or other legal action as deemed appropriate under the Zoning Ordinance and Land-Disturbing Activities Ordinance.

#### **Sec. 4-6.11.9 Certification of Approved Plans.**

Specific development plans approved by the County Engineer and MPC, as certified by the MPC Executive Director, shall be submitted to the zoning Administrator and to the County engineer for the issuance of applicable permits and for enforcement of the approved development plans.

A certified copy of the approved specific development plans, a post-closure land use plan and a final post-closure plan and any protective covenants on the property, permitted uses, development standard, protecting buffer easements, permanent open spaces, easements, and any other development controls for the landfill shall be forwarded by the MPC Executive Director to the Clerk of Superior Court of Chatham County, Georgia, to be recorded. The Planning Commission shall provide the developer, the County Engineer, and the Zoning Administrator with the plat number and page number in which the development plans and covenants have been recorded by the Clerk of Superior Court. The cost of such recording shall be paid by the developer and shall be deposited with the Planning Commission prior to such recording.

**Sec. 4-6.11.10 Variances.**

The Planning Commission may approve variances from these requirements at the request of the developer on a finding that such variances would:

- a. Be in keeping with the overall character of the area;
- b. Would not be contrary to the purpose and intent of these GEPD plans and permits;
- c. Would not be detrimental of existing or proposed surrounding land uses; and
- d. Would serve public purposes to a degree equal to or greater than the standards replaced and are in keeping with GEPD plans, permits, regulations, and requirements.