

CLARKE COUNTY ZONING ORDINANCE (VEGETATED BUFFERS)

3-A-1-f
(2/21/03)

Vegetated Property Buffer (AOC)

Except for those land uses listed as exempt, existing woody vegetation within 25 feet of all property lines shall be retained on parcels of less than 20 acres recorded after 21 February 2003.

3-A-1-f(1)

Dead trees and shrubs may be removed.

3-A-1-f(2)

Invasive alien species may be removed. Invasive alien species shall be those listed by the Virginia Dept of Conservation and Recreation.

3-A-1-f(3)

The following types of development may be located in the vegetated property buffer, provided no more land, trees, or vegetation shall be disturbed than is necessary for construction, use, and maintenance of:

- a. driveways and access easements of not less than 30 feet,
- b. electric, gas, and telephone utility easements,
- c. on-site water facilities and sewage disposal systems, if the Planning Commission determines that not allowing such facilities or systems in the buffer would prohibit the practical development of such facilities or systems,
- d. public water and sewer lines (including water and sewer lines constructed by private interests for dedication to public agencies), or
- e. fences.

- 3-A-2-f (6/21/05) **Vegetated Property Buffer and Clearing Limits (FOC)**
- 3-A-2-f-(1) Except for those clearing activities listed in section 3-A-2-f-(9), existing woody vegetation shall be retained within 25 feet of all property lines on parcels of four acres or more with a dwelling constructed after 18 February 2003,
- 3-A-2-f-(2) Except for those clearing activities listed in section 3-A-2-f-(9), existing woody vegetation shall be retained within 50 feet of the edge of public rights of way or 25 feet of the edge of private access easements on parcels of four acres or more with a dwelling constructed after 21 June 2005.
- 3-A-2-f-(3) Except for those clearing activities listed in section 3-A-2-f-(9), existing woody vegetation shall be retained on parcels with:
- a. an average slope (within area to be cleared) from 7% up to 15 % and over the elevation of 800 feet above sea level, except for 2 acres for a house site, and
 - b. an average slope (within area to be cleared) from 15% up to 25 %, except for 1 acre for a house site, or 1.5 acres if an erosion and sediment control plan is prepared by a professional engineer and approved by the Zoning Administrator for dwellings constructed after 21 June 2005.
- 3-A-2-f-(4) Except for those clearing activities listed in section 3-A-2-f-(9), clearing is allowed within 200 feet of the house site area described in the previous section provided: 1) there are no clear-cut openings, 2) the thinning of trees of 2 inches or more in diameter (measured 4.5 feet above ground), is allowed, if randomly spaced with not more than 50% of the crown cover removed within any 10 year period, 3) pruning of branches is limited to the bottom 1/3 of the tree, and 4) this clearing within 200 feet of house site areas shall be done before issuance of final certificate of occupancy.
- 3-A-2-f-(5) Except for those clearing activities listed in section 3-A-2-f-(9), existing woody vegetation shall be retained on all parcels:
- a. on slopes of 25% or more, and
 - b. on slippage soils.
- 3-A-2-f-(6) **Tree Protection during Construction**
- a. **Critical Root Zone**
Tree preservation areas shall be identified on the subdivision plat or construction plans. A “critical root zone” (CRZ) shall be delineated on the plans and clearly marked and protected in the field prior to any land disturbance. The CRZ is the area underneath the Tree Drip Line as defined in Section 9-B-170.
 - b. **General Requirements**
 1. Before any land disturbance, suitable protective barriers, such as safety fencing, shall be erected outside of the CRZ of any tree or stand of trees to be preserved. Protective barriers shall remain so erected throughout all phases of construction. No grade changes or storage of equipment, materials, debris, or fill shall be allowed within the area protected by the barrier. No construction traffic, parking of vehicles, or disposal of liquids is permitted within the CRZ.
 2. Trees likely to die as a result of site disturbance activities within 25 feet of the safety fence, as identified in the tree conservation plan, shall be removed.
- 3-A-2-f-(7) Revegetation/tree replacement, in consultation with a Forestry Consultant or Certified Arborist and within the guidelines described below, shall be required for all areas where any clearing occurs in excess of the standards for maximum cleared area or in required vegetative buffer.
- a. **Replacement criteria.**
Trees that are removed shall be replaced so that there is, at a minimum, no loss of tree canopy coverage upon maturity of the

replacement trees. All trees to be used as replacement trees shall be:

1. a Virginia native tree species as identified in the Virginia Department of Forestry's Tree Seedling Brochure described by the Virginia Native Plant Society (dcr.Virginia.gov);
2. be of minimum quality as identified in the American Standard for Nursery Stock (ANSI Z60.1-2004) (as amended);
3. planted as described in the American Standard for Nursery Stock (ANSI Z60.1-2004) (as amended); by a qualified landscape contractor to insure survival; and
4. a minimum of 4 feet in height with caliper dependent on species.

3-A-2-f-(8)

Clearing for agricultural uses shall require a Conservation Farm Management Plan approved by either the regional Soil and Water Conservation District or the federal Natural Resources Conservation Service and submitted to the County Zoning Administrator.

3-A-2-f-(9)

The following clearing activities shall be allowed in the no-clear areas:

- a. Dead trees and shrubs may be removed.
- b. Invasive alien species may be removed. Invasive alien species shall be those listed by the Virginia Department of Conservation and Recreation.
- c. Forestry activities as described in Section 3-C-2-1.
- d. Clearing for the following activities may occur in the vegetated property buffer, provided no more land, trees, or vegetation shall be disturbed than is necessary for construction, use, and maintenance of:
 - i. driveways and access easements of not more than 30 feet wide,
 - ii.* electric, gas, and telephone utility easements, on-site water facilities and sewage disposal systems, if the Planning Commission determines that not allowing such facilities or systems in the buffer would prohibit the feasible construction of such facilities or systems,
 - iii. public water and sewer lines (including water and sewer lines constructed by private interests for dedication to public agencies), or
 - iv. fences
 - v. Forestry activities as described in Section 3-C-2-1.