

3. A record shall be maintained of the above notification as well as all variance actions, including justification for the issuance of the variances. Any variances that are issued shall be noted in any required reports.

4.2.2	Spring Conservation Overlay District	SC
<p><u>Purpose:</u> The Spring Conservation District (SC) is designed to apply special regulations to the groundwater recharge area of the Prospect Hills Spring, which serves as the source of the Clarke County Sanitary Authority's Boyce-Millwood-White Post Public Water System. The purpose of the District is to protect those water resources in Clarke County which are necessary to serve adequately and efficiently the public need, health and welfare, to preserve the natural environmental qualities and function of the land to purify water before it reaches such resources, and to prevent the use and development of land in designated water resource recharge areas in a manner tending adversely to affect the quantity and/or quality of such significant water resources or tending to destroy or have a substantially adverse effect on such resources by virtue of pollution of the land and water by foreign substances, including noxious or hazardous biological and/or chemical substances, materials, and/or wastes, whether gas, liquid, or solid.</p>		

A. Overlay District Regulations.

1. Development and use of land permitted in accordance with the district regulations for the underlying zoning district may be permitted within the SC District, provided the developer presents satisfactory evidence that such use and development is compatible with the purpose of the Spring Conservation District as noted above and that such proposed use and development will not have an adverse effect upon the environment.
2. These provisions shall not apply to any uses and structures which otherwise legally existed as of July 20, 1983, provided such existing uses and structures shall be subject to the provisions of [Section 9 \(Nonconformities\)](#), nor shall these provisions apply to ordinary gardening activities in lawn or garden areas which are primarily for home consumption.
3. No person shall engage in any land disturbing activity within the district in the absence of an approved erosion and sedimentation control plan prepared in accordance with the provisions of the Clarke County Erosion and Sedimentation Control Ordinance.
4. In no event shall the following uses or development of land within the district be permitted:
 - a. Mining, and/or extraction of natural resources;
 - b. Drilling, other than for private, on-site source of potable water;
 - c. Sanitary land filling;

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- d. Application, depositing, spreading or spraying of any hazardous or toxic chemical and/or biological materials or substances except applications of such pesticides and/or herbicides as may be required under emergency situations and as such applications of pesticides and/or herbicides may be permitted by the Zoning Administrator upon an affirmative recommendation from the Virginia Cooperative Extension Service;
 - e. Underground storage of any chemical or petroleum products for commercial or industrial purposes;
 - f. Storage, disposal, and/or land application of sludge, residue and/or effluent resulting from treatment, storage, disposal or reclamation of sewage and industrial wastes;
 - g. Animal confinement operations (feedlots).
5. Residential use and development of the land within the district may be permitted in accordance with the provisions of the underlying zoning district, except that such residential use and development shall be subject to the following conditions:
- a. Any lot upon which a new dwelling is to be located, if such dwelling is to be served by an individual subsurface septic system, shall have a minimum lot area of 2 acres and a maximum lot area of 4 acres, in the AOC District.
 - b. Maximum lot coverage by all impervious surfaces shall not exceed 20%.
6. Within 400 feet of Prospect Hill Spring only public utility structures may be constructed.

B. Special Regulations for Subsurface Septic Systems

1. For subsurface septic systems within 1,500 feet of Prospect Hill Spring:
- a. No sewage disposal system, including drainfields, shall be located within 1,000 feet of Prospect Hill Spring.
 - b. The septic/drainfield system shall be low pressure systems with oversized drainfields (1.5 times the normal size). Manhole access shall be provided to the low pressure pump on each system.
2. For subsurface septic systems between 1,500 and 3,000 feet of Prospect Hill Spring, septic/drainfield systems shall be low pressure systems.
3. For any location in the SC District:
- a. A 100% normal size reserve area shall be provided for the drainfield on each lot.
 - b. Installation of any septic/drainfield system shall be inspected and approved by the County's designated engineer or representative.
 - c. Owners of all lots shall be required to have septic systems maintained at least once every seven years. Maintenance will consist of pump out if determined necessary by a qualified septic hauler, and clean out and leveling of distribution boxes and associated lines.

- d. On-site individual subsurface septic systems shall be permitted only in accordance with page 17 of the report of [Schnabel Engineering and Associates, Contract V82600, Hydrogeologic and Engineering Study, Prospect Hills Spring, Clarke County, Virginia, dated May 2, 1983](#), and where applicable, such systems shall be designed, placed and constructed only in accordance with the recommended guidelines for installation thereof set forth in [Appendix B of the aforesaid report of Schnabel Engineering Associates \(Contract V82600\)](#).

4.2.3	Stream Protection Overlay District	SPO
<p><u>Purpose:</u> The Stream Protection Overlay District (SP) is designed to apply special regulations to the riparian buffer area no less than one hundred feet wide on each side of perennial streams and wetlands adjacent to those streams. The purpose of the buffer is to mitigate runoff, prevent erosion, filter nonpoint source pollution from runoff, moderate stream temperature, and provides for the ecological integrity of stream corridors and networks.</p>		

A. Vegetated Stream Buffer Regulations.

1. Except for those land uses listed as exempt, land containing perennial streams, and/or nontidal wetlands adjacent to these streams, shall provide for vegetated stream buffers of either 35 or 100 feet, as described below.
 - a. All lots shall retain a vegetated buffer a minimum of one hundred (100) feet from each side of the stream or wetland.
 - b. Lots that do not have sufficient acreage to qualify for the Land Preservation Special Assessment (land use taxation), that are shown on subdivision plat recorded or a site plan approved after January 1, 2000 shall establish a vegetated buffer a minimum of thirty-five (35) feet from each side of the stream or wetland per [Subsection B](#) below.
2. The minimum stream buffer width shall be measured horizontally from the top edge of the stream bank or nontidal wetlands. The top edge of the steam bank, also known as bank-full width, is the width of the steam at normal high water events. This is determined by considering differences in vegetation (aquatic vs. typical terrestrial) and physical characteristics of the stream bank.
3. The width of buffers for sloped stream banks shall be increased according to the table below: