

This bond or letter of credit shall be equal to the cost to remove the WCF, all WCF and fence footers, underground cables, and support buildings, plus 25%. The bond or letter of credit shall remain in effect for the life of the WCF.

2. Third-Party Engineering Review. The County reserves the right to employ the services of a third-party wireless telecommunications engineer or consultant to review all WCF applications. All applicable costs for the third-party review shall be the responsibility of the applicant.
3. Engineering Information Provided by Applicant. Any information of an engineering nature that the applicant submits, whether civil, mechanical, or electrical, shall be certified by a licensed professional engineer.

## **7.4 AOC AND FOC DISTRICT DESIGN STANDARDS AND DEVELOPMENT REGULATIONS**

<b>7.4.1</b>	<b>Vegetated Property Buffer Requirements – AOC District</b>
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- A. **Vegetated property buffer required**. Except for those land uses listed below as exempt, existing woody vegetation within 25 feet of all property lines shall be retained on parcels of less than 20 acres recorded after February 21, 2003.
  1. Dead trees and shrubs may be removed.
  2. Invasive alien species may be removed. Invasive alien species shall be those listed by the Virginia Department of Conservation and Recreation.
  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:
    - Driveways and access easements of not less than 30 feet
    - Electric, gas, and telephone utility easements
    - On-site water facilities and sewage disposal systems proposed in conjunction with a major or minor subdivision per [Article II \(Subdivision Ordinance\)](#), 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
    - Public water and sewer lines (including water and sewer lines constructed by private interests for dedication to public agencies)
    - Fences

- B. Replacement of trees removed from vegetated property buffer.** 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.
- C. 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:
- A Virginia native tree species as identified in the [Virginia Department of Forestry’s Tree Seedling Brochure](#) described by the Virginia Native Plant Society;
  - Be of minimum quality as identified in the [American Standard for Nursery Stock \(ANSI Z60.1-2004\) \(as amended\)](#);
  - 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
  - A minimum of 4 feet in height with caliper dependent on species.

<b>7.4.2</b>	<b>Vegetated Property Buffer Requirements – FOC District</b>
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- A. Vegetated Property Buffer and Clearing Limits**
1. Applicability. The requirements of this subsection shall apply to all parcels except for parcels with a dwelling constructed on or before February 18, 2003, unless a different effective date or minimum parcel size is specified.
  2. Vegetated buffer required along property lines. Except for those clearing activities listed in [Subsections 7 and 8](#) below, existing woody vegetation shall be retained within 25 feet of all property lines on parcels of four acres or more. Parcels with a dwelling constructed on or before February 18, 2003 shall be exempt from this provision.
  3. Vegetated buffer required from public rights of way and private access easements. Except for those clearing activities listed in [Subsections 7 and 8](#) below, 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. Parcels with a dwelling constructed on or before June 21, 2005 shall be exempt from this provision.
  4. Retain existing vegetation on slopes. Except for those clearing activities listed in [Subsections 7 and 8](#), existing woody vegetation shall be retained on all 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 for dwellings constructed after June 21, 2005.

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- b. An average slope (within area to be cleared) from 15% up to 25 % and over the elevation of 800 feet above sea level, 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 June 21, 2005.
- c. Slopes of 25% or more.
- d. Slippage soils.

For purposes of this section, “house site” is defined as the parcel’s buildable area as modified by the regulations enumerated above.

- 5. Tree Protection during Construction. Tree preservation areas shall be identified on the subdivision plat and construction plans. Critical root zones (CRZ) shall be delineated on the plans and clearly marked and protected in the field. Field delineation of tree preservation areas and critical root zones shall be inspected by County staff prior to any land disturbance. The CRZ is the area located underneath the tree drip line.
  - a. 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.
  - b. 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.
- 6. Remediation of excessive clearing activities. 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. Violations. Any excessive clearing that occurs in violation of the requirements of this ordinance or in violation of any approved subdivision plat, site plan, or construction plan shall be remediated in accordance with this subsection. If a violation is discovered during the land clearing, land disturbance, or construction process, no certificate of occupancy (temporary or permanent) or surety release shall be granted until the violation is remediated and such remediation is inspected and approved by the Zoning Administrator. If a violation is discovered after completion of construction, it shall be remediated within thirty (30) days of the date of written notice by the Zoning Administrator. The Zoning Administrator may grant additional time to complete remediation activities if such timeframes will help ensure viability of replacement plantings due to weather or seasonal conditions.
  - b. Remediation plan. The property owner shall be responsible for providing a written remediation plan with the Zoning Administrator to correct instances of excessive clearing. The remediation plan shall be consistent with the replacement

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criteria below and with the approved conservation subdivision plat, land disturbance plan, or other approved plan. The property owner shall be responsible for ensuring the viability of all replacement plantings, shall request inspection by the Zoning Administrator or designated agent within two (2) years of planting to confirm viability, and shall replace any trees that may die. Additional fees may be imposed by the County to cover the cost of reviewing the remediation plan and conducting compliance inspections.

- c. 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:
- A Virginia native tree species as identified in the [Virginia Department of Forestry’s Tree Seedling Brochure](#) described by the Virginia Native Plant Society.
  - Be of minimum quality as identified in the [American Standard for Nursery Stock \(ANSI Z60.1-2004\) \(as amended\)](#).
  - 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 a minimum of 4 feet in height with caliper dependent on species.
7. Permitted clearing for agricultural uses. 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 Zoning Administrator. Prior to conducting the clearing activity, an affidavit for agricultural clearing shall be completed by the property owner and filed with the Zoning Administrator stating the nature of the agricultural use(s) and affirmation that they will comply with the Conservation Farm Management Plan.
8. Other permitted clearing activities. 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 5.2 \(Uses\)](#).
  - d. Clearing for the following activities may occur in the vegetated property buffer, with the written approval of the Zoning Administrator, provided no more land, trees, or vegetation shall be disturbed than is necessary for construction, use, and maintenance of:
    - Driveways and access easements of not more than 30 feet wide
    - 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 practical development of such facilities or systems

- Public water and sewer lines (including water and sewer lines constructed by private interests for dedication to public agencies).

### **7.4.3 Outdoor Lighting Requirements**

- A. Purpose.** The purpose of this section is to regulate placement, orientation, distribution patterns, and fixture type of outdoor lighting in the AOC and FOC Districts. The intent of this section is to allow lighting that provides safety, utility and security, prevents glare on public rights of ways, prevents light trespass onto adjoining properties, protects the privacy of adjacent property owners, and reduces atmospheric light pollution.
- B. Lighting Regulations.**
1. All exterior light fixtures shall be of a type that are downcast and shielded such that all light emitted is projected below a horizontal plane running through the lowest part of the fixture. The direct light from the light element and reflective surface of exterior light fixtures not on public rights of way or recorded private access easements shall not be visible off the subject property.
  2. No exterior light fixture shall be installed at a height greater than 30 feet above the ground under the light fixture.
  3. Any freestanding pole lighting, not on public rights of ways or recorded private access easements, shall be setback from property lines in accordance with setback requirements for principal structures in the subject property’s zoning district except for street lighting in public rights of ways or recorded private access easements.
  4. The following types of exterior lighting are excluded from these regulations:
    - 60 watt or less standard incandescent light elements or equivalent brightness (defined as 1000 lumens)
    - Decorative holiday lighting
    - Emergency lighting
    - Lighting for special events that are approved by the Board of Supervisors in accordance with [Code of Clarke County Chapter 57 \(Special Events\)](#)
    - Lighting of the flag of the United States, such lighting shall have directional control shields so that the directed light is substantially confined to the flag