

**18-21-118**

*(Also see Public Facilities Manual Amendment  
132-21-PFM adopted simultaneously)*

***ADOPTION OF AN AMENDMENT TO  
CHAPTER 118 (CHESAPEAKE BAY PRESERVATION ORDINANCE)  
OF THE 1976 CODE OF THE COUNTY OF FAIRFAX, VIRGINIA***

*At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium, Lobby Level, Government Center Building, 12000 Government Center Parkway, Fairfax, Virginia, on Tuesday, June 22, 2021, the Board after having first given notice of its intention so to do, in the manner prescribed by law, adopted an amendment to Chapter 118 (Chesapeake Bay Preservation Ordinance) of the 1976 Code of the County of Fairfax, Virginia, said amendment so adopted being in the words and figures following, to-wit:*

***BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF FAIRFAX COUNTY,  
VIRGINIA:***

*That the Code of the County of Fairfax, Virginia, Chapter 118 (Chesapeake Bay Preservation Ordinance), is amended, as follows:*

**Amend Article 3, Land Use and Development Performance Criteria, Section 118-3-3, Additional Performance Criteria for Resource Protection Areas, paragraph (f), to read as follows:**

(f) Buffer area establishment: Where buffer areas are to be established or restored, they shall must consist of a mixture of overstory trees, understory trees, shrubs and groundcovers that achieve the buffer functions set forth in §118-3-3(d). ~~The density of overstory trees shall be a minimum of 100 trees per acre. The density of understory trees shall be a minimum of 200 trees per acre. The density of shrubs shall be a minimum of 1089 plants per acre. If seedlings are used instead of container plants, the density of trees shall be doubled. Large caliper trees shall not be planted on slopes steeper than 2:1. Plant materials shall be randomly placed to achieve a relatively even spacing throughout the buffer. The Director may approve the use of a seed mixture as a supplement to or in lieu of individual plants for shrubs and groundcovers. Plants shall be native to the degree practical and adaptable to site conditions. Wetland plantings (including herbaceous plantings) and/or wetland seed mix shall be used where site conditions warrant. The density of plants, plant materials, and planting techniques shall must be as specified in the Public Facilities Manual.~~

**Amend Article 9, Violations and Penalties, Section 118-9-1, General Provisions, paragraph (d), to read as follows:**

(d) Restoration of Chesapeake Bay Preservation Areas shall must be performed as necessary to meet the intent of this Chapter, the requirements herein, and the requirements of the Public Facilities Manual. In addition to the plantings required by Section 118-3-3(f) and the Public Facilities Manual, the Director may require that trees illegally removed from Chesapeake Bay Preservation Areas be replaced by other trees of the same or comparable species of equal value and/or be replaced 2 for 1 with ≥ 1.5-inch caliper trees. The value of the replacement trees shall cannot exceed the value of those illegally removed as determined by the formula in the latest ~~revision~~ edition of the "Guide for Plant Appraisal" prepared by the Council of Tree and Landscape Appraisers and published by the International Society of Arboriculture.

*This amendment shall become effective on June 23, 2021, at 12:01 a.m.*

*GIVEN under my hand this 22<sup>nd</sup> day of June, 2021.*

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Jill G. Cooper  
Clerk for the Board of Supervisors