

Article 14 | Creek Valley Buffer*

Contents of Article

Sec. 14.1 Purpose and Intent	14-1
14.1.1 Purpose	14-1
14.1.2 Intent	14-1
Sec. 14.2 Buffer Setbacks	14-1
14.2.1 Standard Setbacks	14-1
14.2.2 Reduced Setbacks.....	14-2
14.2.3 Exemptions.....	14-2
Sec. 14.3 Effect of Buffer.....	14-2
Sec. 14.4 Existing Lots of Record.....	14-3
Sec. 14.5 Development Criteria.....	14-3
Sec. 14.6 Permitted Uses.....	14-3

***Adopted May 13, 2003 per Ordinance No. 2003-0-6**

Sec. 14.1 Purpose and Intent

14.1.1 Purpose

The purpose of the Creek Valley Buffer standards of this article is to govern the construction of buildings, structures, parking and other impervious surfaces in areas adjacent to rivers and major stream areas draining greater than 640 acres, by providing for a setback area from the channel scar line or stream centerline in which construction of improvements will not occur except as set forth below.

14.1.2 Intent

The intent is to promote water quality and the preservation of significant environmental resource areas; protect and enhance water and groundwater recharge processes by protection of the natural capacity of vegetative areas along rivers and creeks to filter and purify storm water runoff; protect aquatic environments from the warming effects of solar radiation by preserving riparian tree canopy cover; promote tourism and high quality corporate investment by maintaining to the extent reasonably possible, existing high water quality; to maintain the scenic beauty of streams in the Town of Leesburg; assist the Town in meeting its obligations under the Clean Water Act; provide open space for natural habitat; provide for public access to streams; and implement the Comprehensive Plan.

Sec. 14.2 Buffer Setbacks

14.2.1 Standard Setbacks

The following setbacks are established along rivers and major streams in areas where the 100-year floodplain is less than the setbacks provided below.

- A.** Two hundred fifty (250) feet measured along the slope of the ground from the channel scar line on the Potomac River.
- B.** One hundred fifty (150) feet on each side of the creek measured along the slope of the ground from the centerline of the channel of each creek or stream where the watershed is greater than 640 acres.

14.2.2 Reduced Setbacks

The preferred alternative is for landowners to provide the full buffer as specified in this Ordinance. In certain circumstances where the Town Plan calls for more intensive development and lot configuration warrants consideration of a reduced setback, a reduced setback will be granted subject to mitigation as follows:

- A. BMP Credit Setback Reduction (applicable to all Creek Valley Buffers) – Allows a reduction of a required one hundred fifty (150)-foot buffer to fifty (50) feet subject to provision of onsite stormwater Best Management Practices (BMPs) consistent with the Design and Construction Standards Manual (DCSM).
- B. Town Branch Setback Reduction (applicable only along Town Branch upstream of the Tuscarora Creek Valley Buffer and downstream of Dry Mill Road) - Allows a further reduction of a required buffer to as little as zero (0) feet subject to provision of all required onsite stormwater BMPs as well as additional BMPs that provide the water quality benefits equal to one and one-half (1.5) times the equivalent of what the disturbed buffer area would have provided if it were in a good quality forested condition for the portion of the buffer area disturbed closer than fifty (50) feet of the stream. A further requirement for the Town Branch setback reduction is improvements providing access to the stream. Such improvements shall provide, at the least, pedestrian access that accommodates social interaction and physical proximity to the stream. The improvements shall be provided along the full length of the section of Town Branch where the stream is onsite or within fifty (50) feet of the site and tie in to similar existing or planned facilities on adjacent properties, as well as connect with other facilities on the site. Improvements shall include, at the least, a pedestrian pathway of materials and width that are complementary to the abutting development and land use as well as trees and other landscaping, and pedestrian amenities (benches, educational signs, railings) to create usable open space that takes advantage of the proximity to the stream. While meeting this requirement, improvements shall mitigate impacts of the reduced stream buffer by incorporating measures such as but not limited to pervious surfaces, stormwater retention, bioretention, shading of the stream, and wildlife habitat.
- C. Capital Improvement Project Setback Reduction. Any Capital Improvement Project, as defined by Zoning Ordinance Sec. 7.11.2, is allowed a reduction of the required 250 feet setback down to a minimum of 50 feet when the associated project is in full compliance with all applicable stormwater quality requirements of the DCSM.

14.2.3 Exemptions

The buffer setbacks of this section do not apply to agricultural, horticultural or forestall uses where a farm plan approved by the Loudoun County Soil and Water Conservation District or other Town and/or County approved agency is kept continuously in place.

Sec. 14.3 Effect of Buffer

The construction of buildings, structures, parking lots or other impermeable surfaces within the Creek Valley Buffer is prohibited except for the following: Paved trails when constructed as part of a Town project public improvement. Existing improvements including buildings, roads and structures within the Creek Valley Buffer are not considered non-conforming simply by their location within the Creek Valley Buffer. Any non-conformities shall be determined and regulated

in accordance with Article 16. Existing improvements can be added to and if destroyed by fire or casualty, they can be rebuilt to the same or equivalent setback. Existing residential dwellings may install decks and incidental accessory structures so long as other applicable zoning and development regulations are met. This buffer or setback area does not regulate uses within the setback area, although the Town encourages plantings or natural vegetative and forestall cover within the buffer area. Utilities may be located within the buffer.

Sec. 14.4 Existing Lots of Record

On any existing lot of record as of May 13, 2003 zoned RE, R1, R2, R-4, R-6 or R-8, a single-family residence and its attendant driveway, parking area and/or detached garage and incidental accessory structures may be permitted so long as there is not an existing residence on the property. The new residence cannot be within 150 feet of the stream centerline nor in floodplain, wetlands or steep slopes. Lots proposed as part of a Planned Development may be developed in accordance with the approved rezoning concept plan. Any existing lot of record with commercial or industrial zoning may be developed in accordance with this ordinance and all other applicable regulations.

Sec. 14.5 Development Criteria

The Creek Valley Buffer is not intended to and shall not limit development density (gross floor area or units per acre) otherwise allowed on land within the Creek Valley Buffer area. The Creek Valley Buffer shall be administered like any other setback provided for in this ordinance in allowing otherwise developable land within the setback area to be counted for density computation purposes and applied towards the construction of improvements outside the setback area. Road crossings and driveways shall be permitted subject to applicable federal and state regulations, this ordinance and to such performance standards as contained in the Design and Construction Standards Manual.

Sec. 14.6 Permitted Uses

Except as otherwise expressly stated in this article, only the following uses shall be permitted within required Creek Valley Buffer areas: (1) water dependent or passive recreational uses that do not involve land-disturbing activities as defined by this ordinance; (2) improvements associated with historic, cultural or archeological sites; or (3) water and sewer lines.