



Date of Council Meeting: September 23, 2013

**TOWN OF LEESBURG
TOWN COUNCIL MEETING**

Subject: Initiation of Zoning Ordinance text amendments to permit townhouse condominiums (townhouses with no lot) in the B-1, Community (Downtown) District.

Staff Contact: Brian Boucher, Deputy Director, Planning and Zoning

Issue: Should Town regulations be amended to permit townhouse condominiums in the B-1, Community (Downtown) District?

Recommendation: Provide guidance to Town staff as to whether it is the desire of the Council to initiate Zoning Ordinance text amendments to permit townhouse condominiums in the B-1, Community (Downtown) District.

Background: Townhouse condominiums are a new type of residential unit that seeks to retain the look of a modern townhouse while dispensing with the lot requirement. That is, traditional townhouse units are situated on an individual lot with fee simple ownership, whereas a townhouse condominium project is located on a single lot with the owners having interests akin to a condominium. The lack of a lot requirement means there are no individual yards or front and rear setbacks – everything outside of the unit is common ground/Homeowners Association land. Town house condominiums are a multi-family unit type that has appeared in Northern Virginia but it is not specifically listed in the Zoning Ordinance, nor does the unit type fit the Town definition for either “townhouse” or “multi-family” dwelling.

A property owner has approached Council and met with staff regarding a specific layout for townhouse condominiums on property in the B-1 District. The owner has also asked that Council consider the use as by-right. Staff notes that if a residential use is permitted by-right, there is no specific concept plan. Instead, a developer can choose to build in accordance with whatever design meets the minimum ordinance requirements – there is no legislative process to specify a specific concept plan, conditions or proffers. Therefore, any ordinance must take into consideration the possible impacts of a by-right multifamily development within the ordinance itself.

In order to amend the B-1 District to permit this type of unit in the layout as proposed by the owner, other ordinance sections will need to be amended, including provisions related to density, open space, building setbacks, recreation area requirements, and a definition for townhouse condominiums. Also, multifamily developments with six or more units currently require a special exception in the B-1 District; this amendment would permit a type of multifamily development by-right.

The ordinance as requested would apply to the entire B-1 District. Because no concept plan is required and no conditions beyond the ordinance itself can be applied, the amendments must deal with any anticipated adverse potential.

The intent of this initiation would be to amend the Zoning Ordinance to provide the option for townhouse condominiums in the B-1 District for those property owners who desire to build this type of multifamily unit without a special exception and without meeting other regulations currently applicable to multifamily and townhouse developments above a density of eight (8) units per acre.

Staff has prepared the attached draft resolution to amend the Zoning Ordinance to permit townhouse condominiums in the B-1 District.

Attachment: Draft Resolution

PRESENTED September 24, 2013

RESOLUTION NO. _____

ADOPTED September 24, 2013

A RESOLUTION: INITIATING AMENDMENTS TO THE LEESBURG ZONING
ORDINANCE TO PERMIT TOWNHOUSE CONDOMINIUMS IN THE B-
1, COMMUNITY (DOWNTOWN) BUSINESS DISTRICT

WHEREAS, The Leesburg Town Plan encourages diverse residential housing types in the
Town to provide for a diverse citizenry; and

WHEREAS, Townhouse condominiums are a type of multifamily residential unit that is
currently not permitted in any zoning district in the Town; and

WHEREAS, these amendments will provide enhanced residential opportunities in
accordance with the Town Plan; and

WHEREAS, the public necessity, convenience, general welfare and good zoning practice
require the proposed amendments.

THEREFORE, RESOLVED, by the Council of the Town of Leesburg in Virginia as
follows:

SECTION I. Amendments to the Zoning Ordinance are hereby initiated and referred to the
Planning Commission to consider townhouse condominiums (townhouse units without individual
fee simple lots) as a new multifamily residential unit type in the B-1 District and to amend other
sections of the Zoning Ordinance as necessary to accommodate the proposed unit type.

SECTION II. The Planning Commission shall hold a public hearing to consider these
amendments to the Zoning Ordinance, and report its recommendation to the Town Council pursuant
to Chapter 22, Title 15.2-2204 of the 1950 Code of Virginia, as amended.

PASSED this 24th day of September, 2013.

Kristen C. Umstattd, Mayor

A RESOLUTION: INITIATING AMENDMENTS TO THE LEESBURG ZONING
ORDINANCE TO PERMIT TOWNHOUSE CONDOMINIUMS IN THE B-
1, COMMUNITY (DOWNTOWN) BUSINESS DISTRICT

Town of Leesburg

ATTEST:

Clerk of Council