

**TOWN OF LEESBURG
NOTICE OF TOWN COUNCIL PUBLIC HEARING
TO CONSIDER SPECIAL EXCEPTION APPLICATION
TLSE-2013-00011
EVA's HOME DAYCARE**

Pursuant to Sections 15.2-1427, 15.2-2204, 15.2-2205 and 15.2-2285 of the Code of Virginia, 1950, as amended, the **Leesburg Town Council** will hold a public hearing on **Tuesday, October 22, 2013 at 7:30 p.m.** in the Town Council Chambers, 25 West Market Street, Leesburg, Virginia, 20175 to consider Special Exception Application TLSE-2013-0011, Eva's Home Daycare a request to permit a child care center for up to 12 children at an existing residence.

The subject property is located at 814 Ferndale Drive NE, Leesburg, Virginia 20176 in the Potomac Crossing subdivision on an existing townhouse lot 0.05 acres in size that is zoned PRC, Planned Residential Community District. The property is further described as Loudoun County Parcel Identification Number (PIN) 187-30-6945 and Loudoun County Tax Map Number /40/A19///947/. The Town Plan designates this property as "Low Density Residential" on the Land Use Policy Map.

Special Exception Application TLSE 2013-0011 is a request to allow a child care center subject to the standards of Section 9.3.4 of the Zoning Ordinance.

Additional information and copies of this application are available at the Department of Planning and Zoning located on the second floor of the Leesburg Town Hall, 25 West Market Street, Leesburg, Virginia 20176 during normal business hours (Monday-Friday, 8:30 a.m. to 5:00 p.m.), or by contacting Irish Grandfield, Senior Planner at 703-771-2343 or igrandfield@leesburgva.gov.

At these hearings, all persons desiring to express their views concerning these matters will be heard. Persons requiring special accommodations at the Town Council meeting should contact the Clerk of Council at (703) 771-2733 three days in advance of the meeting. For TTY/TDD service, use the Virginia Relay Center by dialing 711.



Date of Council Meeting: November 12, 2013

**TOWN OF LEESBURG
TOWN COUNCIL PUBLIC HEARING MEETING**

Subject: TLSE-2013-0011, Eva's Home Daycare, a special exception application to permit a child care center at an existing home.

Staff Contact: Irish Grandfield, AICP, Senior Planner, Dept. of Planning & Zoning.

Recommendation: Staff recommends **conditional approval** of the proposed special exception subject to the conditions at the end of this report.

Issue: Should a special exception be granted to allow a home based child care use in an existing home at 814 Ferndale Terrace NE in the PRC zoning district?

Fiscal Analysis: Approval of this application will generate additional business tax revenue to the Town.

Background: On September 24, 2013, the Leesburg Town Council unanimously adopted revisions to the Zoning Ordinance for Child Day Care facilities. Although the new regulations went into effect immediately, this land development case was already in process. Pursuant to the Zoning Ordinance administrative regulations this special exception request continues to be considered under the zoning ordinance standards for home based child care that were in effect prior to September 24, 2013.

The Applicant Eva Vega is requesting Special Exception approval to allow a home-based "Child Care Center" for up to 12 children in the PRC zoning district at 814 Ferndale Terrace, N.E.. The property is designated as Loudoun County Parcel Identification Number (PIN) #187-30-6945.

The subject property is an existing single family detached residence in the Potomac Crossing planned development community. The lot is 0.05 acres in size. The *Town Plan* designates this property as "Low Density Residential" on the Land Use Policy Map.

Planning Commission Public Hearing and Recommendation: The Planning Commission held a public hearing on September 19, 2013 and at the conclusion of the hearing passed a motion recommending conditional approval of the application. One member of the public spoke against the application citing traffic, parking, and the need for protecting the two rental properties he owns nearby. A second member of the public spoke in support of the application noting the need for licensed Family Day Homes in Leesburg. One letter of support from a nearby neighbor of the applicant was also submitted.

The Commission discussed the potential impact on neighbors that allowing an increase from 5 to 12 children could have in this townhouse. Commissioners discussed traffic, parking, the size of the play yard, and consistency of applying review criteria to this application with other similar ones in the past year. Several commissioners expressed concern about this being a townhouse setting where there were greater impacts to neighbors than some of the previous home-based child care applications. Some also had issue with the drop-off location not being directly in front of the house. Other Commissioners found this application not significantly different from other ones that had been approved. The commission passed a motion 4-2-1 recommending approval of the application.

Staff Analysis: (As noted previously in this report, this application is being considered under the Zoning Ordinance standards in place at the time of its submission prior to Town Council adoption of the Zoning Ordinance revisions for child care facilities). Staff notes the following findings:

- A. Compliance with TLZO Sec. 3.4.12:** The proposed use complies with the approval criteria of TLZO Sec. 3.4.12 (see pages 4-6 of the Planning Commission Staff Report – Attachment 1). There is no adverse impact on the use of neighboring properties as this site is already developed. The traffic impact of having up to twelve children is limited and other potential impacts are largely contained within the home.
- B. Special Use Criteria:** TLZO Section 9.3.4 provides five specific use standards. Staff finds the proposed special exception use meets the child care center use standards of TLZO Section 9.3.4 as outlined on pages 6-7 of the Planning Commission staff report (Attachment 1).

Recommendation and Conditions: Staff recommends **approval** of TLSE-2013-0011 Eva's Home Daycare, a special exception use for a child care center, subject to the following conditions:

- 1. Substantial Conformance:** Development of this special exception use shall be in substantial conformance with the attached "House Location, Lot 947, Section 2E, Potomac Crossing" property plat prepared by Patton, Harris, Rust and Associates with additional notations in ink.
- 2. No Expressed or Implied Waivers:** Approval of the special exception does not express or imply any waiver or modification of the requirements set forth in the Subdivision and Land Development Regulations, the Zoning Ordinance, or the Design and Construction Standards Manual (DCSM) except as specifically approved by Town Council or as shown as approved by Town Council on the Special Exception Plat and supporting documents.
- 3. Recreational Area Fencing:** The fence at least four (4) feet in height shall be maintained in good repair to completely enclose the outdoor recreation area in accordance with TLZO Sec. 9.3.4.B.

4. **Maximums:** The maximum number of children that may be cared for in a 24-hour period, excluding the children of the provider, is twelve (12). Children may range in age from less than one year to 12 years old. Applicant shall employ no more than two (2) persons to help care for the children.
5. **Child Drop-off and Pick-up:** The applicant will assure that clients use the existing driveway or the communal parking area along the side of the residence for 816 Ferndale for drop off and pick up. Children shall not cross Ferndale Terrace during drop-off or pick-up. Drop off and pick up times shall be sufficiently staggered so that patrons shall be able to use the driveway for this purpose.
6. **Hours of Operation:** The facility shall operate only between the hours of 6:30 AM and 6:30 PM, Monday through Friday.
7. **Termination of Use:** This Special Exception shall be exclusive to the applicant and shall not run with the land. The use shall terminate in the event the applicant no longer resides at the property at 814 Ferndale Terrace, N.E. in Leesburg.
8. **Outdoor Recreational Area Use:** No more than seven (7) children shall be permitted in the outdoor recreational area at one time.

Attachments

1. Planning Commission Staff Report dated September 19, 2013
2. Resolution



Date of Planning Commission Meeting: September 19, 2013

**TOWN OF LEESBURG
PLANNING COMMISSION PUBLIC HEARING**

Subject: TLSE-2013-0011, Eva's Home Day Care, a special exception application to permit a child care center for up to 12 children at 814 Ferndale Terrace NE.

Staff Contact: Irish Grandfield, AICP, Senior Planner, Dept. of Planning & Zoning.

Recommendation: Staff recommends conditional **approval** of the proposed special exception subject to the conditions contained in this report.

I. APPLICATION SUMMARY

The Applicant Eva Vega is requesting Special Exception approval to allow a home-based "Child Care Center" for up to 12 children in the PRC zoning district at 814 Ferndale Terrace NE in the Potomac Crossing subdivision of Leesburg (see Figure 1). A plat (Attachment 1) and Statement of Compliance/Justification (Attachment 2) have been submitted in support of the application. Staff recommends conditional approval finding the proposal consistent with the Zoning Ordinance and Town Plan.

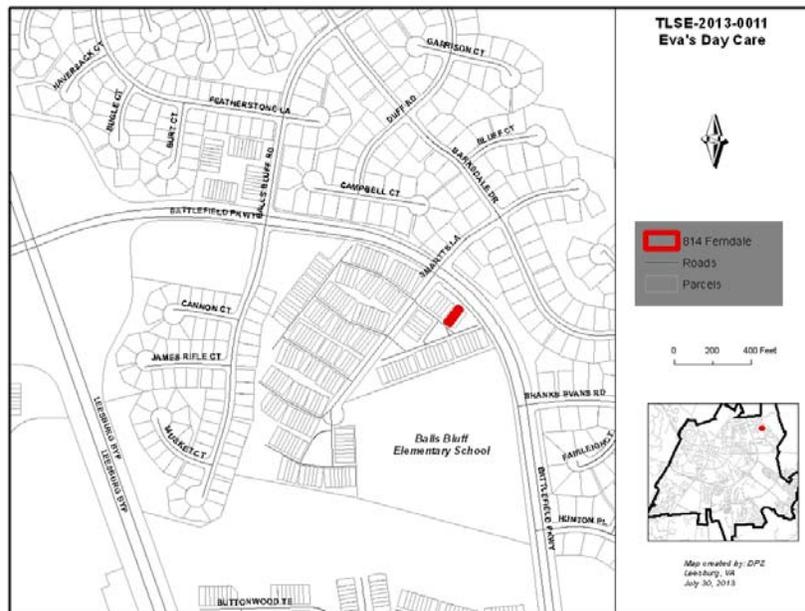


Figure 1. Application Property

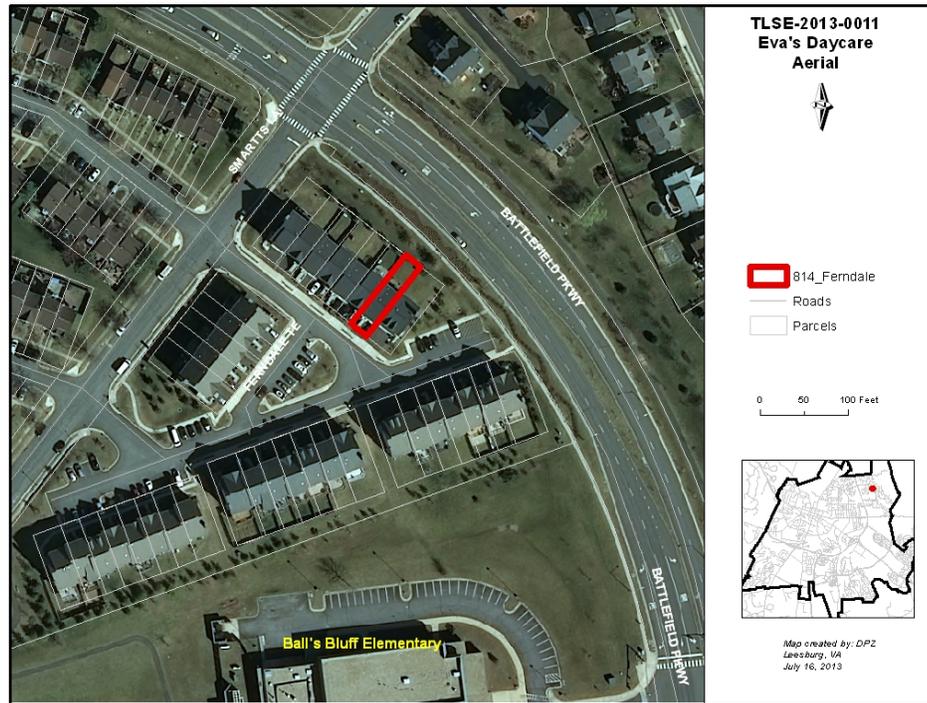


Figure 2. Aerial

II. CURRENT SITE CONDITIONS: The subject property is an existing single family attached (townhouse) residence at 814 Ferndale Terrace NE (see Figure 2, Aerial View). The property is 0.05 acres in size located in a planned development community of similarly sized lots. The property is identified as Loudoun County Parcel Identification Number (PIN) #187-30-6945. The *Town Plan* designates this property as “Low Density Residential” on the Land Use Policy Map.

III. ZONING HISTORY: The property is zoned PRC, Planned Residential Community District (see Figure 3). Setback requirements are 0 feet for the front yard, 10 feet minimum side yards for end unit townhouses, and 20 feet for the rear yard. The property meets setback requirements. The Applicant is seeking this special exception to meet local zoning laws to permit up to 12 children to be cared for in the home.

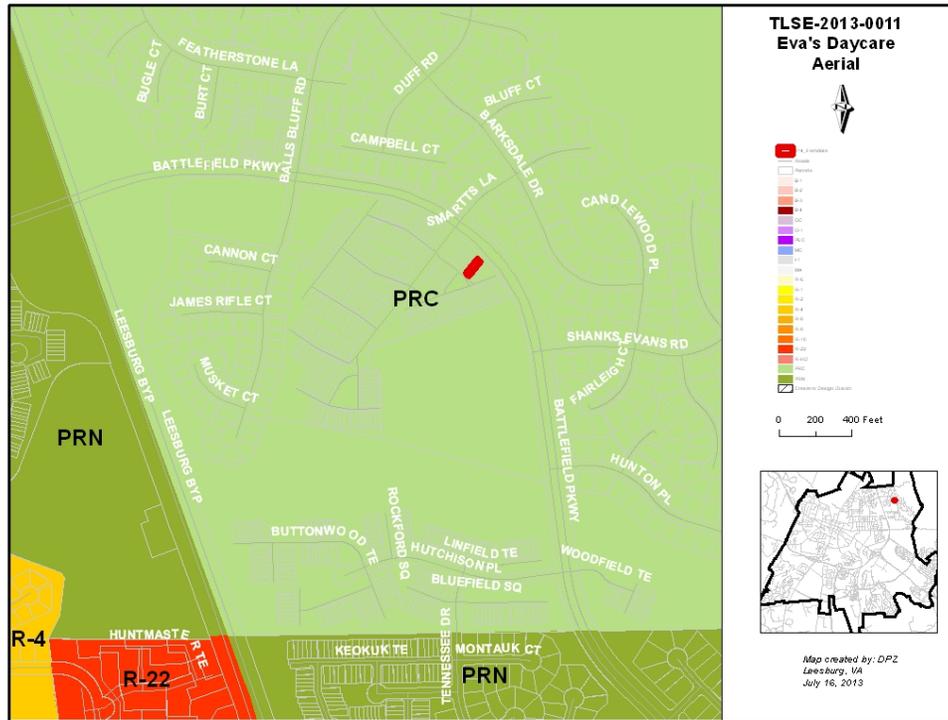


Figure 3. Zoning

- IV. USES ON ADJACENT PROPERTY:** The surrounding property is zoned PRC, Planned Residential Community District and consists of homes similar in size and design to the subject property.
- V. GENERAL BACKGROUND INFORMATION:** TLZO Sec. 9.4.3.C permits a home-based child care service of up to five (5) children, not counting those of the operator, in every residential district as a by-right home occupation. The Virginia Department of Social Services (VDSS), which regulates child care providers in Virginia, does not require a license for this use unless there are at least four children under the age of two receiving care. However, if a home-based provider wishes to have 6 -12 children in the home-based facility the state requires a VDSS “Family Day Home” license. In addition to the state requirement, the Town requires special exception approval for a child care service in accordance with the Zoning Ordinance for more than 5 children. That is what the Applicant is requesting in this case.

In July 2012, the Virginia Department of Social Services (VDSS) changed its enforcement policy and is now requiring local day care providers to prove that they comply with local zoning laws *before* they will grant a day care license. The state rules always said providers had to comply with local zoning but before July 1, 2012 they did not always check for compliance. The VDSS ruling states that providers seeking new licenses are now *required* to have the local Zoning Administrator sign off on a form saying they have been informed of the provider’s plan to seek a child care license. The

Applicant is pursuing this special exception to comply with both Town zoning laws and VDSS requirements.

VI. STAFF ANALYSIS

A. **Scope of Consideration:** The Town has no jurisdiction over the operation of the childcare facility inside the home. VDSS regulates and regularly inspects the facility for compliance with an extensive list of requirements to protect child safety. The question for the Town is simply does the operation meet two sets of criteria:

- a. The 5 specific use criteria for a child care facility as listed in TLZO 9.3.4.
- b. The 4 general approval criteria for special exceptions per TLZO 3.4.12.

Review and discussion of this special exception request should adhere to these standards and any conditions of approval must be directly related to these regulations. Note further that even if this special exception were to be approved the Applicant must comply with the privately enforced conditions and restrictions of the Potomac Crossing Homeowners Association regarding the use.

B. **Town Plan Compliance:** The Town of Leesburg Zoning Ordinance (TLZO) Section 3.4.12 requires an assessment of how the proposed special exception use will comply with applicable provisions of the *Town Plan*. The following elements of the *Town Plan* are applicable given the Applicant's proposal.

The property is located in the *Town Plan's* Northeast Policy area and is identified on the *Town Plan* Land Use Policy Map as "Low Density Residential" (see *Figure 4*). There is no specific guidance given relative to the proposed use. No new development is proposed and staff finds that the Applicant's proposal is not inconsistent with the goals and objectives of the *Town Plan*.

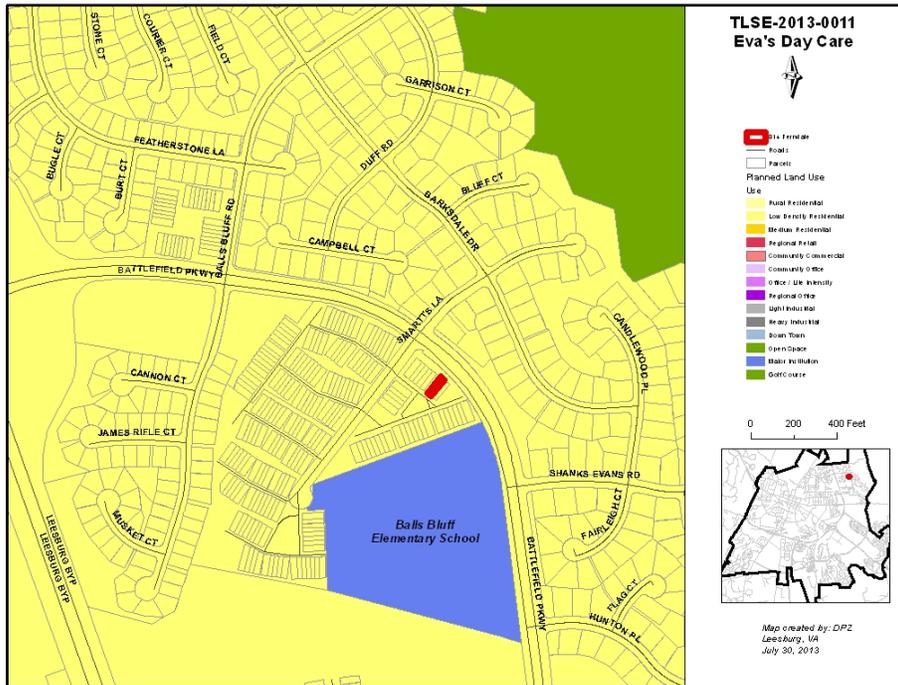


Figure 4. Town Plan Designated Land Use

- B. **Transportation Analysis:** The applicant was granted a traffic impact analysis waiver based on the fact that the proposed use generates little traffic and the existing roads are sufficient to handle the proposed traffic.
- C. **Utilities:** The site is served adequately by sewer and water.
- D. **Specific Use Standards for a Child Care Center:** TLZO Section 9.3.4 provides the specific use standards discussed below:

- A. *Recreation Area* - A minimum area of 100 square feet of usable outdoor recreation area shall be provided for each child that may use the space at any one time.

The Applicant proposes to use the existing fenced backyard which is 836 square feet in size. Pursuant to TLZO 9.3.4 no more than 80% of the required yard may be counted for purposes of calculating recreational area. In this case, the allowable recreation area consists of a total of 748 square feet. The applicant will allow no more than 7 children in the area at a given time to meet the standard. The play area is depicted on the special exception plat (attachment 2).

- B. *Fencing* - A fence at least four (4) feet in height shall completely enclose the outdoor recreation area and that all persons entering the recreation area are

within direct line of sight from the child care center classroom areas or from inside the building.

The rear yard is completely enclosed by an existing 6-foot tall wooden fence. The entrance to the play area is from French doors at the ground level. The doors together with an adjacent window provide a direct line of sight.

- C. *Play Equipment* - *No play equipment shall be located within the required yard setbacks.*

The applicant does not have any permanent play structure in the yards.

- D. *Recreation Location* - *Outdoor recreation areas shall be safely separated from parking, loading and service areas such as dumpster pads.*

Staff finds that the recreation areas are safely separated from hazardous areas due to its location in the back yard.

- E. *Parking* – *Parking areas shall be designated to enhance the safety of children as they arrive and depart the center. A designated arrival and departure zone shall be located adjacent to the child care center in such a manner that children do not have to cross vehicle travel aisles to enter or exit the center.*

Those parents who are dropping off and picking up children will either pull into the driveway directly adjacent to the sidewalk that leads to the front door of the home or park in a community lot along the side of the neighboring house at 816 Ferndale Terrace which is connected by sidewalk to the house. The sidewalk and front entrance to the home are safely separated from the parking area. Staff finds that the arrival and departure paths meet the criteria.

E. General Approval Criteria

Zoning Ordinance Section 3.4.12 establishes the following criteria for the Planning Commission and Town Council to use, in addition to other reasonable considerations, in making their decision regarding approval or disapproval of a special exception application. Listed below are the specific criteria with staff response.

- A. *“The proposed use will not adversely affect the use of neighboring properties.”* - The child care use is largely indoors. Occasional outdoor recreation for a limited number of children (in this case, no more than seven) is consistent with what occurs in residential communities. Because the use will mainly be indoors and the number of child drop-off and pick-up trips will be staggered, the use does not adversely impact neighboring properties.
- B. *“The use shall comply with applicable zoning district regulations and applicable provisions of the adopted Town Plan, including but not limited to the Plan’s Land Use Compatibility policies.”* – Subject to the proposed

conditions of approval, the facility conforms to the PRC Zoning District regulations and is compatible with the planned "Low Density Residential" land use.

- C. *"The location, size, and, height of buildings, structures, walls, and fences, and the nature and extent of screening, buffering, and landscaping shall be such that the use will not hinder or discourage the appropriate development and use of adjacent or nearby land and/or buildings."* – The existing home will not be enlarged and is compatible with the neighboring homes. The front of the house is landscaped and the rear of the home is enclosed by a six-foot tall fence. The proposed use does not hinder or discourage development and use of adjacent or nearby properties.
- D. *"The proposed use will be such that pedestrian and vehicular traffic generated will not be hazardous or conflict with the existing and anticipated traffic in the neighborhood and on the streets serving the site."* – The day care use generates little traffic. Ferndale Terrace is sufficient to handle the estimated 24 trips per day spread out over several hours in the morning and afternoon. Staff finds that the proposal will not inhibit safe and convenient pedestrian and vehicular travel.

F. Conditions and Safeguards

Zoning Ordinance Section 3.4.14 grants Town Council the authority to impose conditions and safeguards deemed necessary for the protection of general welfare and individual property rights. Such conditions may relate to topics including hours of operation, landscaping & screening, access to the site, lighting, and noise. Staff is recommending a set of conditions of approval that are included in Section VII of this report.

VII. Recommendation and Conditions of Approval:

Staff recommends **conditional approval** of TLSE-2013-0011, Eva's Home Day Care Center subject to the following conditions:

- 1. Substantial Conformance:** Development of this special exception use shall be in substantial conformance with the attached "House Location, Lot 947, Section 2E, Potomac Crossing" property plat prepared by Patton, Harris, Rust and Associates with additional notations in ink.
- 2. No Expressed or Implied Waivers:** Approval of the special exception does not express or imply any waiver or modification of the requirements set forth in the Subdivision and Land Development Regulations, the Zoning Ordinance, or the Design and Construction Standards Manual (DCSM) except as specifically approved by Town Council or as shown as approved by Town Council on the Special Exception Plat and supporting documents.

3. **Recreational Area Fencing:** The fence at least four (4) feet in height shall be maintained in good repair to completely enclose the outdoor recreation area in accordance with TLZO Sec. 9.3.4.B.
4. **Maximums:** The maximum number of children that may be cared for in a 24-hour period, excluding the children of the provider, is twelve (12). Children may range in age from less than one year to 12 years old. Applicant shall employ no more than two (2) persons to help care for the children.
5. **Child Drop-off and Pick-up:** The applicant will assure that clients use the existing driveway or the communal parking area along the side of the residence for 816 Ferndale for drop off and pick up. Children should not cross Ferndale Terrace during drop-off or pick-up. Drop off and pick up times shall be sufficiently staggered so that patrons shall be able to use the driveway for this purpose.
6. **Hours of Operation:** The facility shall operate only between the hours of 6:30 AM and 6:30 PM, Monday through Friday.
7. **Termination of Use:** This Special Exception shall be exclusive to the applicant and shall not run with the land. The use shall terminate in the event the applicant no longer resides at the property at 814 Ferndale Terrace in Leesburg.
8. **Outdoor Recreational Area Use:** No more than seven (7) children shall be permitted in the outdoor recreational area at one time.

VIII. Sample Planning Commission Draft Motion

Approval:

I move that special exception application TLSE 2013-0011, Eva's Home Day Care be forwarded to Town Council with a recommendation of conditional approval, subject to the conditions of approval contained in the staff report dated September 19, 2013 on the basis that the approval criteria of Zoning Ordinance Sections 3.4.12 and 9.3.4 have been satisfied and that the proposal would serve the public necessity, convenience, general welfare and good zoning practice.

Denial:

I move that special exception application TLSE-2013-0011, Eva's Home Day Care, be forwarded to the Town Council with a recommendation of denial on the basis that the Approval Criteria of Zoning Ordinance Sections 3.4.12 and 9.3.4 have not been satisfied as follows:

(list findings)

Attachments

1. Property plat
2. Statement of Justification

Attachment 2: Statement of Justification

Eva's Daycare

Request for Special Exception approval for a Child Care Center

Statement of Compliance

2013

1. Background

My name is Eva Vega. I currently operate a home based child care service at my home located at 814 Ferndale Terrace NE, Leesburg VA. 20176 This property is located in the Potomac Crossing neighborhood of Leesburg.

I have a Virginia DSS license # FDH 1107687-L105 for 5 children and would like to expand to 12 children. I have two of my own children living in my home ages 4 and 9.

The parcel is 2200 SQ. FT. in size and is identified in the County tax records as (PIN 187306945000). My property is zoned as PRC (Planned Residential Community). I have prepared a letter to be sent to my neighbors regarding this proposal.

2. My daycare center will operate Monday – Friday, 6:30 AM – 6:30 PM. Children will be dropped off or picked up between those hours.

The children will be between the ages of 3 months and 5 years old.

I have a fenced in yard that is 6 feet 3 inched high and 814 SQ. FT. Once I have more than five children enrolled, I intend to hire an assistant. She will be my only employee.

I have one designated parking space which will be used by my employee.

3. See the attached property plat that shows fenced yard, drop-off area and daycare access.
4. The name of the HOA in my neighborhood is Potomac Crossing Association. According to section 6.01 of the permitted uses in the HOA standards, childcare has not been excluded as long as it is operated by the person dwelling in the residence.

II. Traffic Study Waiver Request: Ferndale Terrace is off of Battlefield Parkway. It also intersects with Smarts Lane. Parents will pull into my one designated parking space to drop off and pick up their children. Some of my parents live in the neighborhood and walk to my house to drop off their children.

III. Specific Use Standards for a Child Care Center: my proposal meets the use standards of the Town of Leesburg Zoning Ordinance section 9.3.4 (child care center) listed below.

- A. **Recreation Area:** my outdoor recreational space consist of 814 SQ. FT.
- B. **Fencing:** The area is fenced in with a fence height of 6'3".
- C. **Play Equipment:** Although the ordinance does not require outdoor play equipment, I do have equipment in the playground for the children to play on.
- D. **Recreation Location:** The outdoor play area is located in the rear of my home. The children will exit the back door and be in the fenced in play area.
- E. **Parking:** The 1 designated parking space is located in the front of the home away from the play area.

IVGeneral Approval Criteria

- A. My daycare center will not adversely affect the neighboring properties. My children will play outdoors while neighbors are at work and most of them will have gone home before my neighbors arrive from work.
- B. The use does comply with applicable zoning district regulations.
- C. The location, size and height of the building structures does not hinder or discourage the appropriate development and use of adjacent or nearby land and/or building.
- D. The proposed use will not interfere with pedestrian or vehicular traffic.

PRESENTED: November 12, 2013

RESOLUTION NO. _____

ADOPTED: _____

A RESOLUTION: APPROVING TLSE-2013-0011, EVA'S HOME DAYCARE, A CHILD CARE CENTER LOCATED ON PROPERTY IDENTIFIED AS PIN NUMBER 187-30-6945 AND LOCATED AT 814 FERNDAL TERRACE, N.E.

WHEREAS, Ms. Eva Vega has requested special exception approval to permit a child care center use for up to twelve children in an existing home at 814 Ferndale Terrace, N.E. on the property identified as Loudoun County Parcel Identification (PIN) number 187-30-6945; and

WHEREAS, the property is zoned PRC, Planned Residential Community District; and

WHEREAS, the Planning Commission held a duly advertised Public Hearing on September 19, 2013 and recommended conditional approval; and

WHEREAS, staff recommends conditional approval subject to the conditions dated November 12, 2013; and

WHEREAS, the Town Council held a duly advertised Public Hearing on November 12, 2013; and

WHEREAS, Town Council has determined the proposed use meets the special exception standards for a child care center set forth in the Zoning Ordinance; and

WHEREAS, Town Council has determined that the Approval Criteria of Zoning Ordinance Section 3.4.12 have been satisfied; and

WHEREAS, Town Council has determined that the proposal would serve the public necessity, convenience, general welfare and good zoning practice.

A RESOLUTION: APPROVING TLSE-2013-0011, EVA'S HOME DAYCARE, A CHILD CARE CENTER LOCATED ON PROPERTY IDENTIFIED AS PIN NUMBER 187-30-6945 AND LOCATED AT 814 FERNDALE TERRACE, N.E.

THEREFORE, RESOLVED by the Council of the Town of Leesburg in Virginia that Special Exception application TLSE-2013-0011, Eva's Daycare, is hereby approved to permit a child care center use for up to 12 children in an existing home at 814 Ferndale Terrace, N.E. on the property identified as Loudoun County Parcel Identification (PIN) number 187-30-6945, subject to the following conditions:

1. **Substantial Conformance:** Development of this special exception use shall be in substantial conformance with the attached "House Location, Lot 947, Section 2E, Potomac Crossing" property plat prepared by Patton, Harris, Rust and Associates with additional notations in ink.
2. **No Expressed or Implied Waivers:** Approval of the special exception does not express or imply any waiver or modification of the requirements set forth in the Subdivision and Land Development Regulations, the Zoning Ordinance, or the Design and Construction Standards Manual (DCSM) except as specifically approved by Town Council or as shown as approved by Town Council on the Special Exception Plat and supporting documents.
3. **Recreational Area Fencing:** The fence at least four (4) feet in height shall be maintained in good repair to completely enclose the outdoor recreation area in accordance with TLZO Sec. 9.3.4.B.
4. **Maximums:** The maximum number of children that may be cared for in a 24-hour period, excluding the children of the provider, is twelve (12). Children may range in age from less than one year to 12 years old. Applicant shall employ no more than two (2) persons to help care for the children.
5. **Child Drop-off and Pick-up:** The applicant will assure that clients use the existing driveway or the communal parking area along the side of the residence for 816 Ferndale Terrace, N.E. for drop off and pick up. Children shall not cross Ferndale Terrace during drop-off or pick-up. Drop off and pick up times shall be sufficiently staggered so that patrons shall be able to use the driveway for this purpose.
6. **Hours of Operation:** The facility shall operate only between the hours of 6:30 A.M. and 6:30 P.M., Monday through Friday.

A RESOLUTION: APPROVING TLSE-2013-0011, EVA'S HOME DAYCARE, A CHILD CARE CENTER LOCATED ON PROPERTY IDENTIFIED AS PIN NUMBER 187-30-6945 AND LOCATED AT 814 FERNDALE TERRACE, N.E.

7. **Termination of Use:** This Special Exception shall be exclusive to the applicant and shall not run with the land. The use shall terminate in the event the applicant no longer resides at the property at 814 Ferndale Terrace, N.E. in Leesburg.
8. **Outdoor Recreational Area Use:** No more than seven (7) children shall be permitted in the outdoor recreational area at one time.

PASSED this 12th day of November, 2013

Kristen C. Umstattd, Mayor
Town of Leesburg

ATTEST:

Clerk of Council