

**TOWN OF LEESBURG
NOTICE OF PUBLIC HEARING
TO CONSIDER AMENDMENTS TO THE SUBDIVISION AND LAND
DEVELOPMENT REGULATIONS (SLDR) DIVISION 3 (DEVELOPMENT)**

Pursuant to Sections 15.2-1427, 15.2-2114, 15.2-2204, 15.2-2205, 15.2-2285 and 62.1-44.15:27 through 62.1-44.15:36 of the Code of Virginia, 1950, as amended, the **LEESBURG TOWN COUNCIL** will hold a public hearing on **TUESDAY, MAY 13, 2014 at 7:30 p.m.** in the Town Council Chambers in Town Hall, 25 West Market Street, Leesburg, Virginia, 20176 to consider the following amendments to the Subdivision and Land Development Regulations:

Subdivision and Land Development Regulations Division 3 (Development) - Amendments to revise the SLDR site plan requirements for Mini Site Plans and Site Plan Waivers as indicated below.

Sec. 3.08 Mini Site Plan

- In paragraph (a.) revise the applicability from “up to 3,200 square feet” to “over 500 square feet but less than 3,200 square feet.”

Sec. 3.09 Site Plan Waiver

- Re-format the section to add a Non-Residential component to this type of plan.
- New paragraph 1., adds provisions as to when a Site Plan Waiver is applicable and now allows minimal public improvements with type of a plan.
- New paragraph 1.(a), adds the heading “Residential”.
- New paragraph 1.(b), adds the heading “Non-Residential”.
- New paragraph 1.(b), adds sub-paragraphs to identify the specific types of land development that would qualify for a Site Plan Waiver.
- New paragraph 2., adds a heading for plan requirements.
- New paragraph 2.(a) and 2.(e) clarifies when a licensed professional must prepare the plan.
- Paragraph 2.(c), revised to summarize licensed professionals.
- Paragraph 2.(d), revised to add a provision for public improvement bonds.
- Paragraph 2.(e), revised to add additional requirements to supplement the expanded application criteria.

Copies of these proposed amendments to the SLDR and additional information are available at the Department of Plan Review, 2nd floor, 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 calling Wanda Ruffner at 703-771-2740. The amendments may also be examined on the Town’s web page at <http://www.leesburgva.gov/index.aspx?page=19&parent=12562>. This subdivision ordinance amendment application is identified as case number TLOA-2014-0004.

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

AD to run: 5/1 & 5/8/2014

ATTACHMENT #1

Changes to the Ordinance for SLDR SWM Changes

Division 3 – Development – Sections 3.08 (MINI SITE PLAN) and 3.09 (SITE PLAN WAIVER) of the SUBDIVISION AND LAND DEVELOPMENT REGULATIONS (SLDR) of THE TOWN OF LEESBURG, VIRGINIA, June 28, 2011, AS AMENDED
Draft Amendments Revised Through March 23, 2014

Sec. 3.08 Mini Site Plan

- (a) This Section shall apply to certain types of development and land disturbing activities not requiring a Final Site Plan or Minor Site Plan as defined in (b) below. Public improvements and such rights-of-way and easement dedications required by this Division shall be completed by the applicant. No zoning permit shall be issued by the Zoning Administrator and no water or sewer extension permit shall be issued by the Town Manager for any development unless the requirements of this Division are met.
- (b) “By-Right” Development and Land Disturbing Activities with the following features are governed by this Division:
- (1) Overlot Grading plans for up to two Residential lots of record associated with a previously approved set of Construction Drawings that currently has an active public improvements bond associated with it and does not require the approval of VDOT, FEMA, The Virginia Health Department and/or other State or Federal agencies; or
 - (2) Overlot Grading plans for up to two Residential lots of record not associated with a previously approved set of Construction Drawings where the Applicant can verify to the Director that the bonded value of the proposed public facilities is less than \$50,000 and does not require the approval of VDOT, FEMA, The Virginia Health Department and/or other State or Federal agencies; or
 - (3) New Construction or Re-construction of Public Facilities and, Commercial, Retail, Office, Industrial or Institutional uses or accessory uses permitted by the Zoning Ordinance **over 500 square feet but less than** ~~up to~~ 3,500 square feet of gross floor area that do not require the approval of VDOT, FEMA, The Virginia Health Department and/or other State or Federal agencies and where the Applicant can verify to the Director that the bonded value of the proposed public facilities is less than \$50,000; or
 - (4) Development or land disturbing activities where a county building permit is not required, public facilities are not required or proposed but where the land disturbing (grading) activities involves more than 1000 square feet up to 5,000 square feet of disturbance (including but not limited to new parking lots, redesigning existing parking lots or placing a hard surface on existing grassed or graveled parking areas, rough grading plans, grading of open areas for the sole purpose of bringing the land to a grade compatible with the surrounding area, etc.); or
 - (5) Expansion of existing structures within Commercial, Retail, Office, Industrial or Institutional uses or accessory uses permitted by the Zoning Ordinance up to 3,500 square feet of gross floor area proposed and where the Applicant can verify to the Director that the bonded value of the proposed public facilities is less than \$50,000 and does not require the approval of VDOT, FEMA, The Virginia Health Department and/or other State or Federal agencies.

- (6) Any maintenance to Hot Spots such as re-paving, tank replacements, addition of or replacement of oil water separators, etc. Other categories noted above shall apply to any other new infrastructure, buildings, building additions, public improvements, etc. related to Hot Spot properties.
 - (7) Residential Accessory Structures (with a building footprint greater than 950 square feet) such as but not limited to Garages, Pool Houses or Guest Houses.
- (c) A Final Site Plan or Minor Site Plan application, as the case may be, will be required in accordance with the criteria set forth in sections 3.06 and 3.07 if all conditions and restrictions set forth in this section cannot be met.

Approval of any Mini Site Plan within the Historic District (H-1 and/or H-2) does not relieve the Applicant from obtaining all required approvals from the Board of Architectural Review (BAR). Further, any approvals granted by the BAR do not relieve the Applicant from obtaining all required Mini Site Plan approvals.

Sec. 3.09 Site Plan Waiver

1. ~~(a)~~ **When the proposed use is permitted by the Zoning Ordinance, the** ~~The~~ following land development applications shall not be subject to the Final Site Plan or Minor Site Plan or Mini Site Plan process and can be processed as a Site Plan Waiver **provided that the project does not require a formal floodplain study to be submitted and approved by FEMA, and where the Applicant can verify to the Director that the bonded value of any proposed public facilities is less than \$50,000.**

(a) Residential

- (1.) In-ground swimming pools;
- (2.) 250 square feet to 5,000 square feet of land disturbance on existing “Residential” lots of record for uses such as but not limited to patios, hot tub, realignment of or improvements to existing driveways, terracing or re-grading of yards, and other types of improvements where a Site Plan Waiver plan is deemed necessary by the Director.
- (3.) Expansion of existing structures (excluding elevated structures such as but not limited to decks & porches) on existing “Residential” lots of record, as permitted by the Zoning Ordinance, for additions with a building footprint over 200 square feet.
- (4.) Residential Accessory Structures (with a building footprint between 200 and 950 square feet) such as but not limited to Garages, Pool Houses, Guest Houses or Sheds (that propose full perimeter foundations and/or a slab on grade).

(b) Nonresidential

- (1.) **Parking lot re-striping plan;**

- (2.) Additions with a building footprint not more than 500 gross square feet or one-third (1/3) of the gross area of the building, whichever is smaller;
- (3.) An accessory structure of not more than a total of 500 gross square feet;
- (4.) Minor site alterations to provide ADA accessibility improvements for an existing building;
- (5.) Development or land disturbing activities where only minimal (if any) public facilities are required or proposed, but where the land disturbing (grading) activities involve up to 1,000 square feet of disturbance (including but not limited to new parking lots, redesign of an existing parking lot, the placing of a hard surface on existing grassed or graveled parking areas, rough grading plans, grading of open areas for the sole purpose of bringing the land to a grade compatible with the surrounding area, or other similar type projects);
- (6.) Minor changes to existing on-site walkways or landscape plans;

2. The following information shall apply to all Site Plan Waivers:

- (a) Unless the Director determines otherwise, the plan shall be sealed by a licensed professional. If public improvements are proposed and a public improvements bond is required, without exception, a licensed professional shall be required to prepare and seal both the Site Plan Waiver and associated public improvement bond estimate.
- (b) Prior to submission of a Site Plan Waiver Application the applicant shall meet with the Director to discuss the proposed improvements to determine if the plan will need to be prepared by a licensed Virginia Professional Engineer, Surveyor, Architect, or Landscape Architect (licensed professional) and to determine the minimum submission requirements.
- (c) On a case by case basis, the Director may determine that no formal Site Plan Waiver Application is required if staff can verify (either from the application documents or a site visit) that there are no adverse grading or drainage impacts to existing structures or adjacent properties and it can be shown there are no conflicts with public utilities or public facilities.
- (d) A land development application for the Site Plan Waiver shall be submitted to the Department of Plan Review and be accompanied by the required fee, a statement describing the proposed use, ~~and~~ four (4) copies of the plan and a sealed bond estimate (if public improvements are proposed). If applicable, the application shall also be referred to the Zoning Administrator for review and approval.
- (e) ~~Unless the Director determines otherwise, the plan shall be sealed by a licensed Virginia Professional Engineer, Surveyor, Architect, or Landscape Architect and include the~~ The Site Plan Waiver shall contain the following information, unless the Director determines such information is not necessary for the review and approval of the plan and

that not providing the information will in no way adversely affect any public improvements or adjoining properties:

- (1.) Existing topography with 2-foot contour intervals;
 - (2.) Property boundaries with dimensions;
 - (3.) Proposed topography with 2-foot contour intervals and applicable spot shots;
 - (4.) All existing on-site easements;
 - (5.) Setbacks of existing and proposed buildings to each property line;
 - (6.) Existing drainage structures and drainage divides;
 - (7.) Existing facilities, such as buildings, driveways, and fences;
 - (8.) Storm, water and sanitary sewer profiles as applicable;
 - (9.) Stormwater management and BMP controls, if applicable; and
 - (10.) Proposed improvements
 - (11.) The Applicant shall verify to the Director that the bonded value of any associated proposed public facilities is less than \$50,000 and the proposed improvements do not require the approval of VDOT, FEMA, The Virginia Health Department and/or other State or Federal agencies.
 - (12.) **Any existing floodplain limits shown on or adjacent to the project site.**
 - (13.) **Other information required by the Director as necessary to review and approve the construction drawings, not in conflict with the Town's required ordinances and specifications.**
 - (14.) **Easement or Dedication Plats (if applicable)**
- (f) A Final Site Plan or Minor Site Plan or Mini Site Plan application, as the case may be, will be required in accordance with the criteria set forth in sections 3.06 and 3.07 and 3.08 respectively if all conditions and restrictions set forth in this section cannot be met.

Sec. 3.10 Pre-application Procedure

Prior to submission of a Final Site Plan, a Minor Site Plan, a Mini Site Plan or Site Plan Waiver, the applicant should meet with the Director of Plan Review to present a concept plan of the proposed development and to participate in an informal conference regarding plans for development; however, representations concerning plans do not bind the Town or applicant.

If (1.) floodplain exists on, or is adjacent to, the site, or (2.) the site contains a watercourse, or is contiguous to a watercourse, with a drainage area greater than 50 acres upstream of the subject site, a pre-application meeting shall be required to discuss the impact the Town and/or FEMA floodplain has on the property, as well as the need for submission requirements of the floodplain and floodplain alteration studies as it relates to the submission of the Final Site Plan or Minor Site Plan.

PRESENTED: May 13, 2014

ORDINANCE _____

ADOPTED: May 13, 2014

AN ORDINANCE: TO REVISE DIVISION 3 – DEVELOPMENT, SECTIONS 3.08 (MINI SITE PLAN) and 3.09 (SITE PLAN WAIVER) OF THE SUBDIVISION AND LAND DEVELOPMENT REGULATIONS (SLDR) OF THE TOWN OF LEESBURG, VIRGINIA, June 28, 2011, AS AMENDED.

The Town Council of the Town of Leesburg, Virginia, ordains:

SECTION I. That Division 3 – Development, Sections 3. 08 (MINI SITE PLAN) and 3.09 (SITE PLAN WAIVER) of the SUBDIVISION AND LAND DEVELOPMENT REGULATIONS (SLDR) OF THE TOWN OF LEESBURG, VIRGINIA, June 28, 2011, as amended, be and the same hereby is amended to read as follows:

Sec. 3.08 Mini Site Plan

- (a) This Section shall apply to certain types of development and land disturbing activities not requiring a Final Site Plan or Minor Site Plan as defined in (b) below. Public improvements and such rights-of-way and easement dedications required by this Division shall be completed by the applicant. No zoning permit shall be issued by the Zoning Administrator and no water or sewer extension permit shall be issued by the Town Manager for any development unless the requirements of this Division are met.
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 - (2) Overlot Grading plans for up to two Residential lots of record not associated with a previously approved set of Construction Drawings where the Applicant can verify to the Director that the bonded value of the proposed public facilities is less than \$50,000 and does not require the approval of VDOT, FEMA, The Virginia Health Department and/or other State or Federal agencies; or
 - (3) New Construction or Re-construction of Public Facilities and, Commercial, Retail, Office, Industrial or Institutional uses or accessory uses permitted by the Zoning Ordinance **over 500 square feet but less than ~~up to~~ 3,500 square feet** of gross floor area that do not require the approval of VDOT, FEMA, The Virginia Health Department and/or other State or Federal agencies and where the Applicant can verify to the Director that the bonded value of the proposed public facilities is less than \$50,000; or

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- (4) Development or land disturbing activities where a county building permit is not required, public facilities are not required or proposed but where the land disturbing (grading) activities involves more than 1000 square feet up to 5,000 square feet of disturbance (including but not limited to new parking lots, redesigning existing parking lots or placing a hard surface on existing grassed or graveled parking areas, rough grading plans, grading of open areas for the sole purpose of bringing the land to a grade compatible with the surrounding area, etc.); or
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- (c) A Final Site Plan or Minor Site Plan application, as the case may be, will be required in accordance with the criteria set forth in sections 3.06 and 3.07 if all conditions and restrictions set forth in this section cannot be met.

Approval of any Mini Site Plan within the Historic District (H-1 and/or H-2) does not relieve the Applicant from obtaining all required approvals from the Board of Architectural Review (BAR). Further, any approvals granted by the BAR do not relieve the Applicant from obtaining all required Mini Site Plan approvals.

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by a licensed Virginia Professional Engineer, Surveyor, Architect, or Landscape Architect **(licensed professional)** and to determine the minimum submission requirements.

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SECTION II. This Ordinance shall become effective upon the date and at the time of its final passage; and

SECTION III. If any provision of this Ordinance is declared invalid, the decision shall not affect the validity of the Ordinance as a whole or any remaining provisions of the Ordinance.

PASSED this ____ day of _____ 2014.

Kristen C. Umstattd, Mayor
Town of Leesburg

ATTEST:

Clerk of Council