

Ad to run 3/18/15 and 3/11/15

**TOWN OF LEESBURG
NOTICE OF PUBLIC HEARING
TO CONSIDER AMENDMENTS TO ZONING ORDINANCE
ARTICLES 3, 6, 8, 9, 10, 11, 12, 15, and 18**

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 MARCH 24, 2015 at 7:30 p.m.** in the Town Council Chambers, 25 West Market Street, Leesburg, Virginia, 20176 to consider the following amendments to the Zoning Ordinance:

1. Sec. 6.3.2. B-1 Community (Downtown) Business Use Regulations to allow “Research & Development and/or Production” as an allowable use.
2. Sec. 6.4.2. B-2 Established Corridor Commercial District Use Regulations to update terminology and to add “Production” as an allowable use.
3. Sec. 6.5.2. B-3 Community Retail/Commercial District Use Regulations to update terminology and to add “Production” as an allowable use.
4. Sec. 6.6.2. B-4 Mixed-Use Business District Use Regulations to update terminology and to add “Flex Industrial”, “Production”, and “Distribution” as allowable uses and to delete “Manufacturing and Assembly” as a use.
5. Sec. 6.6.4. B-4 Mixed-Use Business District Additional Standards to update terminology for use types.
6. Sec. 6.7.2. I-1 Industrial/Research Park District Use Regulations to update terminology and to add “Flex Industrial”, “Production”, “Mini-warehouse”, and “Distribution” as allowable uses and to delete “Manufacturing and Assembly” as a use.
7. Sec. 7.10.9.D.1. CD-C, Crescent Design – Commercial Use Regulations to update terminology and to add “Production” as an allowable use.
8. Sec. 7.10.9.E.1. CD-MUO, Crescent Design – Mixed Use Optional Use Regulations to update terminology and to add “Production” as an allowable use.
9. Sec. 7.10.9.H.1. CD-CC, Crescent Design – Commercial Corridor Use Regulations to update terminology and to add “Production” as an allowable use.
10. Sec. 8.6.2. PEC, Planned Employment Center Permitted Uses to update terminology and to add “Flex Industrial” and “Production” as allowable uses.
11. Sec. 9.1.1. Establishment of Use Categories to update terminology.
12. Sec. 9.2. Use Table to update terminology and allowable uses.
13. Sec. 9.3.11.2. Industrial, Flex Use Standards to establish performance standards for “Flex Industrial” uses.
14. Sec. 9.3.17.01. Office Use Standards to establish performance standards for “Office” uses.
15. Sec. 9.3.17.11. Outdoor Storage Use Standards to establish performance standards for “Outdoor Storage” uses.
16. Sec. 9.3.22. Research and Development Use Standards to update performance standards for “Research & Development” uses as well as to establish performance standards for “Production” use.

17. Sec. 9.3.32. Warehouse/Distribution Use Standards to establish performance standards for “Warehouse” and “Distribution” uses.
18. Sec. 11.3. Number of Parking Spaces Required to update terminology for use types.
19. Sec. 11.9. Number of Off Street Loading Spaces Required to update terminology for use types.
20. Sec. 18.1.15. Basic Industry to remove this definition since this use is not allowed.
21. Sec. 18.1.84. Industrial, Flex to clarify the definition in regard to “Flex Industrial” use.
22. Sec. 18.1.104. Manufacturing and Assembly to remove this definition since this use is proposed to be eliminated from the I-1 and B-4 Districts.
23. Sec. 18.1.106. Mixed Use to update terminology for use types.
24. Sec. 18.1.121. Office to modify the definition for clarity and to allow some accessory uses.
25. Sec. 18.1.127. Outdoor Storage to remove a performance standard that is being revised and relocated to Article 9.
26. Sec. 18.1.142. Planned Development to update terminology for use types.
27. Sec. 18.1.150. Production to add a new definition that describes an allowable use in non-residential districts.
28. Sec. 18.1.127. Research and Development to clarify and simplify terminology.

Copies and additional information regarding the proposed Zoning Ordinance amendments 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 calling 703-771-2766 and asking for Irish Grandfield, Project Manager. This zoning ordinance amendment application is identified as case number TLOA-2014-0005.

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 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: March 24, 2015

**TOWN OF LEESBURG
TOWN COUNCIL PUBLIC HEARING**

Subject: TLOA-2014-0005, Office/Light Industrial Zoning Ordinance Amendment

Staff Contact: Irish Grandfield, AICP, Senior Planner, DPZ

Council Action Requested: A motion is needed by Council to adopt the attached ordinance.

Staff Recommendation: Staff requests Council approve the zoning ordinance amendments following public hearing.

Planning Commission Recommendation: On January 15, 2015, the Planning Commission held a public hearing on a proposed Zoning Ordinance amendment for office and light industrial uses. Two members of the public spoke at the public hearing expressing support for the proposal. In addition, the Economic Development Commission (EDC) submitted a resolution of support for the amendments.

Following the public hearing, the Planning Commission continued discussion of the ordinance amendments at a work session on February 19, 2015. No major changes were recommended to the draft ordinance amendment, and following their discussions on February 19, the Planning Commission passed a motion 6-0-1 recommending approval to Town Council.

Fiscal Impact: It is anticipated that the zoning amendments will expand opportunities for business growth in Leesburg leading to increased tax revenue through higher property values and new Business and Professional Occupational License (BPOL) income.

Executive Summary: Due to the changing nature of advanced manufacturing and today's business office environment, the Town Council initiated amendments to the Zoning Ordinance to revise definitions and regulations to incorporate contemporary business practices. The proposed amendments comprehensively update the Town's zoning terms and standards for office and technology land uses providing flexibility and opportunity to attract and retain the types of high-tech businesses that provide desirable jobs for Town citizens while increasing tax revenue.

Background: On August 12, 2014, Town Council passed resolution 2014-092 initiating amendments to the Zoning Ordinance to update definitions and regulations for light industrial and office uses. The Planning Commission has completed its review of the draft amendments and forwarded to Council with a recommendation of approval.

Objectives of the ordinance amendments include the following:

- Implement Town Plan objectives to facilitate job growth, promote development of emerging technologies and industries, and facilitate increased non-residential revenue contributions to the Town's general fund.
- Update zoning land use categories to better reflect today's business practices providing for reasonable use of additive manufacturing ("3-D printing"), bio-manufacturing, and nanotechnology.
- Replace misleading Zoning Ordinance terminology for emerging technology companies that typically consist of a mix of office, research and development, and production space completely internal to a building without traditional "industrial" external impacts such as truck traffic, odors, or noise.
- Adopt performance standards to allow office, research and development, and production uses by-right (in some instances), subject to mitigating potential negative impacts on nearby land uses.

A key strategy with the amendments is mitigating any associated potential adverse impacts on neighboring properties. Four new sets of performance standards have been developed for "Office", "Flex Industry", "Outdoor Storage", and "Warehouse & Distribution" land uses, with a fifth set of performance standards significantly enhanced for "Research & Development" and/or "Production." Through the use of performance standards, technology-focused land uses will now be permitted by-right when they meet all use standards, or through special exception when they do not.

Highlights of the amendments include:

- Land use categories updated and refined eliminating undefined and unpermitted uses.
- Establishment of the "Production" land use classification for businesses that have an advanced manufacturing component as an essential part of their business.
- Removal of a prohibition of accessory uses for offices (allowing some 3-D manufacturing for example).
- Additional flexibility and opportunities provided (see Figures 1 and 2 showing how R&D and Production opportunities have expanded).
- Performance standards established.

Additional background information can be found in the attached Planning Commission public hearing staff report dated January 15, 2015.

Attachments: (1) Planning Commission Public Hearing Staff Report
(2) Adoption Ordinance

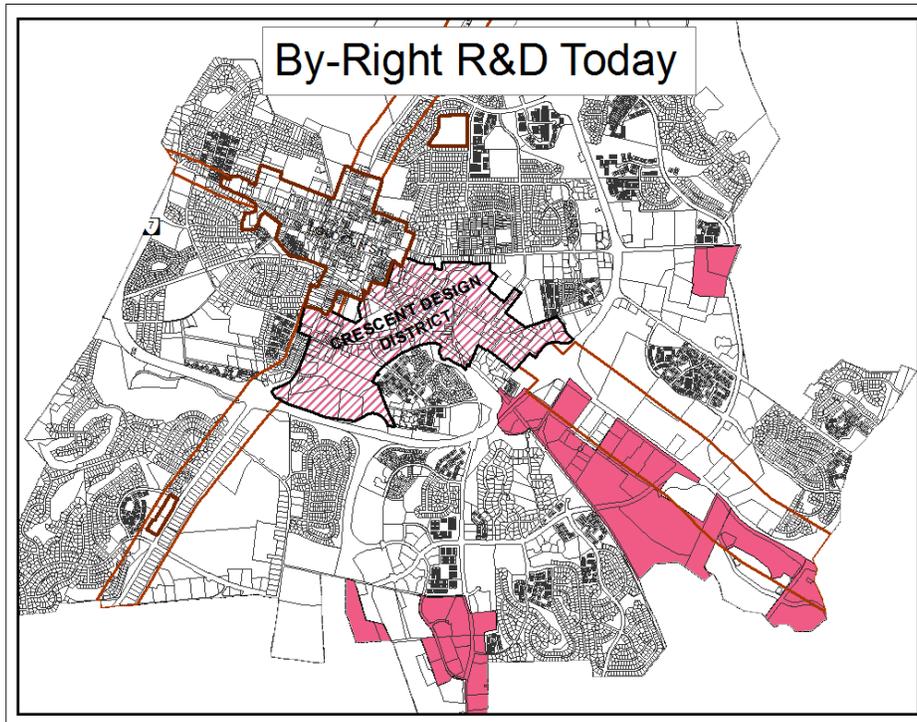


Figure 1. By-Right R&D Allowable Today

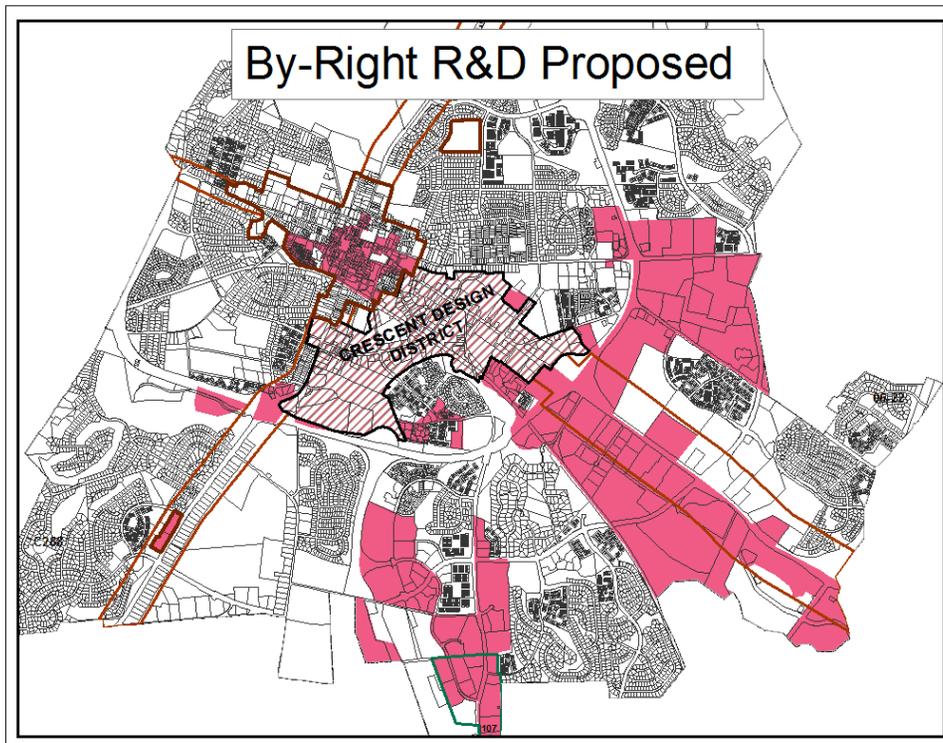


Figure 2. By-Right R&D Allowable as Proposed



Date of Meeting: January 15, 2015

**TOWN OF LEESBURG
PLANNING COMMISSION PUBLIC HEARING**

Subject: TLOA-2014-0005, Office/Light Industrial Zoning Ordinance Amendment

Staff Contact: Irish Grandfield, AICP, Senior Planner, DPZ

Proposal: Amendments to Articles 6, 7, 8, 9, 11, and 18 of the Town of Leesburg Zoning Ordinance (TLZO) regarding definitions and regulations for office, light industrial, research & development, and warehouse land uses.

Planning Commission Critical Action Date: April 25, 2015

Recommendation: Staff recommends approval of the amendments to the Zoning Ordinance as presented in this report.

Motion: I move that Zoning Ordinance Amendment TLOA 2014-0005, Office/Light Industrial be scheduled for further discussion at the Planning Commission's February 5, 2015 meeting.

I. BACKGROUND

A. Initiation of Amendments

On August 12, 2014, Town Council passed resolution 2014-092 initiating amendments to the Zoning Ordinance to update definitions and regulations for light industrial and office uses. The resolution's stated purpose for the amendments is to ensure the various definitions are compatible with each other and coordinated with other sections of the Zoning Ordinance (see Attachment 1). The amendments will not only update definitions and regulations but also consider which zoning districts are appropriate for different light industrial-type uses.

One of the primary objectives of this Zoning Ordinance amendment is to ensure that office and light industrial definitions reflect today's business practices while planning for the future. The Town Plan promotes emerging technologies and providing flexibility for allowing high tech uses. The amendments are intended to further this objective.

B. Process

In September 2014 the Department of Planning and Zoning developed a project charter including objectives, process, and schedule for project completion. From October through December a project team with expertise in planning, zoning, and economic development researched and developed the draft ordinance amendments. In November and December staff organized and consulted with a focus group of real estate and business development professionals to discuss objectives and review an initial draft of the amendments. Staff will brief the Economic Development Commission on the draft amendments at their January 7, 2015 meeting and receive input that can be taken under advisement by the

Planning Commission (*note: this report was completed before the January EDC meeting so that a summary of EDC comments is not included. Staff will update the Planning Commission at their meeting on January 15th*). The Planning Commission will hold a public hearing on the amendments on January 15, 2015 and following their recommendation Town Council will also hold a public hearing and may adopt the changes to the Zoning Ordinance.

C. Objectives of the Amendments

1. **Implement Town Plan Objectives:** Facilitate job growth, promote development of emerging technologies and industries, and facilitate increasing the percentage of non-residential revenue contributions to the Town's general fund. Provide flexibility for allowing light industrial and high tech uses consistent with applicable Town Plan policies (see Attachment 2).
2. **Simplify and Clarify:** Update zoning land use categories to better reflect today's business practices. Combine zoning uses that have similar impacts. Simplify the terms making the Zoning Ordinance more user friendly.
3. **Promote Business Growth:** Build in flexibility in the Zoning Ordinance regulations to accommodate emerging technology and industry trends. Provide opportunities for new employment in the HUB Zone (see Hub Zone Map, Attachment 3). Consider by-right options for uses that have limited impacts by their nature or scale and can meet appropriate performance standards to remove negative impacts on surrounding properties.
4. **Update Terminology and Regulations:** Ensure that office and light industrial terms and regulations reflect today's practices.
 - a. Account for the nature of new technologies such as additive manufacturing ("3-D printing"), bio-manufacturing, and nanotechnology that are fundamentally changing what has traditionally been considered light industry.
 - b. Provide for a limited amount of accessory uses in office land uses to the extent that the accessory uses are compatible.
5. **Protect Neighboring Uses:** Develop performance standards to ensure that office and light industrial uses do not negatively impact neighboring and nearby land uses.

II. EXISTING REGULATIONS: The existing regulations regarding light industrial and office uses are listed in separate sections of the Zoning Ordinance including Article 6 "Non-Residential Districts," Article 7 "Overlay and Special Purpose Districts," Article 8 "Planned Development Districts," Article 9 "Use Regulations," and Article 18 "Definitions." Most of the light industrial-type terms are defined in Article 18 although one ("Light Intensity Industrial") is described in Article 8 but has no definition in Article 18. Table 1 below provides a summary of the terms in the Zoning Ordinance related to industrial and office uses and the districts where each specified use is allowed. See also Attachment 4, Leesburg Zoning Map.

Table 1. Existing Office and Industrial Zoning Terms, Definitions, and Districts			
Term	Definition	Zoning Districts*	Use Standards
Basic Industry	An establishment engaged in the basic processing and manufacturing of materials or products predominately from extracted or raw materials, or a use engaged in storage of, or manufacturing processes utilizing flammable or explosive materials, or storage or manufacturing processes which potentially involve hazardous or commonly recognized offensive conditions. (TLZO 18.1.15)	None (Prohibited)	None
Extraction of Earth Products	None (See Use Table TLZO 9.2)	None (Prohibited)	None
Industrial, Flex	Any structure occupied by at least two (2) of the following uses: contractors offices and shops; establishments for production, processing, assembly, manufacturing, compounding, preparation, cleaning, servicing, testing, or repair of materials, goods or products; warehousing establishments; wholesale trade establishments; and offices; provided however that non-office use shall utilize at least 65% of the total gross floor area of the site. (TLZO 18.1.84)	None Specified – (term not listed in the Use Table TLZO 9.2) but I-1 per Zoning interpretation	None
Manufacturing and Assembly	The processing, fabrication, assembly, distribution of products such as, but not limited to: scientific and precision instruments, photographic equipment, communication equipment, computation equipment, household appliances, toys, sporting and athletic goods, glass products made of purchase glass, electric lighting and wiring equipment, industrial controls, radio and TV receiving sets, optical goods, and electrical machinery. (TLZO 18.1.104)	B-4 (P) I-1 (P)	None
Office	A building, room or group of rooms used for conducting the affairs of a business, profession, services or government. For the purpose of this Zoning Ordinance, an office shall not involve manufacturing, fabrication, production, processing, assembling, cleaning, testing or repair of materials, goods or products. (TLZO 18.1.121)	O-1 (P), B-1 (P) B-2 (P), B-3 (P) B-4 (P), I-1 (P) PEC (P)	None
Research & development	Basic and applied investigations in the natural, physical, or social sciences directed toward the discovery, invention, design, or establishment of new products and services. (TLZO 18.1.157)	B-2 (S) B-3 (S) B-4 (P) I-1 (P)	TLZO 18.1.127
Light Intensity Industrial	None (TLZO 8.6.2)	PEC	TLZO 8.6.2

* See Attachment 4. Zoning Map (P) = Permitted by-right; (S) = Permitted by Special Exception

III. ISSUES WITH EXISTING REGULATIONS: Recent land development application reviews have highlighted the fact that the terms used in the Zoning Ordinance to define office and industrial uses do not accurately reflect the changes in both uses since the terms were first included in the ordinance over 50 years ago. The current ordinance places great responsibility on the Zoning Administrator to interpret provisions that in some cases give little or no descriptive help to that official when answering questions regarding what constitutes a light industrial use. Equally significant, ordinance terms for such basic uses as “office” are strictly defined and do not reflect what is generally considered an “office” use today based on evolving business practices. If Leesburg desires to keep up with current land use trends and provide a more practical and cohesive approach to development and reuse of its nonresidential zoning districts then the following issues must be addressed through these amendments:

- A. Clarity and Distinct Land Use Categories:** TLZO Sec. 9.2 Land Use Table currently lists seven types of industrial manufacturing and warehousing uses as seen in Table 1 above.
- a. Two of these uses are mentioned elsewhere in the ordinance but do not appear in the Use Table (“Light Intensity Industrial” TLZO Sec. 8.6.2 and “Industrial Flex” TLZO Sec. 18.1.84) nor are they listed in any zoning district as an allowable use. That is, the ordinance is not clear regarding where and under what circumstances these two uses are acceptable and generally leave the decision to the Zoning Administrator.
 - b. The Ordinance lacks clarity in what category to classify certain evolving quasi-light industrial uses thereby increasing the need for Zoning interpretations and adding more risk to those proposing emerging technology uses. An example of one of these new uses is for “Makers Movement” space to house work spaces and shared equipment for entrepreneurs, inventors, and do-it-yourselfers.
 - c. Some uses overlap several different categories of light industrial-type land use.
 - d. Some industrial land use categories described in the Zoning Ordinance (i.e. “Basic Industry” and “Extraction of Earth Products”) are not listed as an allowable use and are prohibited in all districts thus making their inclusion in the Ordinance unnecessary.

The proposed amendments will address all of these issues.

- B. Misleading Terminology:** The current Zoning Ordinance classifies many of today’s emerging technology uses as “industry” and “manufacturing and assembly.” To many people these terms conjure up images of old style factories. However, production innovations have led to replacement of traditional labor intensive manufacturing with automated processes. Many of the emerging technology companies consist of a mix of office, research & development, and production space. Production is often in limited quantities either in the form of prototypes or individually specialized products. This production is often done completely internal to a building without traditional “industrial” external impacts such as truck traffic, odors, or noise. The current terms do not capture this evolution in what has traditionally been termed as “industrial” uses, or the limited impacts of many modern production techniques. The

proposed amendments update the terms used to describe these emerging technology uses and to better define them for ease of understanding.

- C. Flexibility for the Changing Nature of Offices: Under the current Zoning Ordinance office uses may not include any manufacturing, fabrication, or production. This standard was adopted to ensure that industrial uses did not crop up in office areas and reflects a period of time when technology and production practices were almost universally incompatible and inappropriate for traditional office uses. Today, many companies need office areas that can also produce a limited quantity of products that are proto-types or individually specialized products. Even when the predominant use is office and there is no difference in the impacts of a small amount of accessory use on the external environment the current ordinance only allows these uses in industrial areas. That is, no blending of the uses is permitted at all which does not reflect the needs or the practices of many modern businesses. The amendments will provide additional flexibility to accommodate accessory uses in offices while maintaining traditional office as the predominant function.
- D. Performance Standards: Few of the allowable land uses have performance standards to ensure compatibility with surrounding land use (i.e. no use standards for “office”, “flex industrial”, or “manufacturing and assembly”). This lack of direction results in hesitation on the part of the Zoning Administrator when making interpretations and for businesses concerned about what is permitted and under what circumstances. The ordinance amendment will establish appropriate performance standards.
- E. Improving the Business Climate: Because there are few performance standards many uses require costly and time consuming special exception applications in order to get use approval. Through the creation of new performance standards the ordinance amendments will allow more uses by-right, based on those conditions that are typically imposed through the special exception process to achieve compatibility with adjacent properties and uses.

IV. SECTIONS AMENDMENTED BY THIS ORDINANCE REVISION

Below is a brief listing and description of the sections that are proposed to be amended. See Attachment 6 for the proposed amendment language.

1. Sec. 6.3.2. B-1 Community (Downtown) Business Use Regulations to allow “Research & Development and/or Production” as an allowable use.
2. Sec. 6.4.2. B-2 Established Corridor Commercial District Use Regulations to update terminology and to add “Production” as an allowable use.
3. Sec. 6.5.2. B-3 Community Retail/Commercial District Use Regulations to update terminology and to add “Production” as an allowable use.
4. Sec. 6.6.2. B-4 Mixed-Use Business District Use Regulations to update terminology and to add “Flex Industrial”, “Production”, and “Distribution” as allowable uses and to delete “Manufacturing and Assembly” as a use.

5. Sec. 6.6.4. B-4 Mixed-Use Business District Additional Standards to update terminology for use types.
6. Sec. 6.7.2. I-1 Industrial/Research Park District Use Regulations to update terminology and to add “Flex Industrial”, “Production”, “Mini-warehouse”, and “Distribution” as allowable uses and to delete “Manufacturing and Assembly” as a use.
7. Sec. 7.10.9.D.1. CD-C, Crescent Design – Commercial Use Regulations to update terminology and to add “Production” as an allowable use.
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10. Sec. 8.6.2. PEC, Planned Employment Center Permitted Uses to update terminology and to add “Flex Industrial” and “Production” as allowable uses.
11. Sec. 9.1.1. Establishment of Use Categories to update terminology.
12. Sec. 9.2. Use Table to update terminology and allowable uses.
13. Sec. 9.3.11.2. Industrial, Flex Use Standards to establish performance standards for “Flex Industrial” uses.
14. Sec. 9.3.17.01. Office Use Standards to establish performance standards for “Office” uses.
15. Sec. 9.3.17.11. Outdoor Storage Use Standards to establish performance standards for “Outdoor Storage” uses.
16. Sec. 9.3.22. Research and Development Use Standards to update performance standards for “Research & Development” uses as well as to establish performance standards for “Production” use.
17. Sec. 9.3.32. Warehouse/Distribution Use Standards to establish performance standards for “Warehouse” and “Distribution” uses.
18. Sec. 11.3. Number of Parking Spaces Required updating terminology for use types.
19. Sec. 11.9. Number of Off Street Loading Spaces Required to update terminology for use types.
20. Sec. 18.1.15. Basic Industry to remove this definition since this use is not allowed.
21. Sec. 18.1.84. Industrial, Flex to clarify the definition in regard to “Flex Industrial” use.
22. Sec. 18.1.104. Manufacturing and Assembly to remove this definition since this use is proposed to be eliminated from the I-1 and B-4 Districts.
23. Sec. 18.1.106. Mixed Use to update terminology for use types.
24. Sec. 18.1.121. Office to modify the definition for clarity and to allow some accessory uses.
25. Sec. 18.1.127. Outdoor Storage to remove a performance standard that is being revised and relocated to Article 9.
26. Sec. 18.1.142. Planned Development to update terminology for use types.

27. Sec. 18.1.150. Production to add a new definition that describes an allowable use in non-residential districts.

28. Sec. 18.1.127. Research and Development to clarify and simplify terminology.

V. IMPACTS OF PROPOSED AMENDMENTS

A. Overview

Use categories have been updated and refined (see table 2.) Terminology has been updated to better describe use types. Uses that have similar impacts have been combined into one use category and are now subject to the same set of performance standards (for example, Distribution and Warehousing now are one category). Undefined as well as non-permitted land use terms have been eliminated.

Table 2. Proposed Zoning Terms and Districts				
Use Type	Districts*	Restrictions	Use Standards	Examples
Office	P: B-1, B-2, B-3, B-4, O-1, I-1	Less than 35% R&D and/or production	9.3.17.01	Doctor's office, insurance agency, corporate headquarters
Research & Development and/or Production	P/S: B-1, B-2, B-3; P: B-4, I-1		9.3.22	Specialty medical device manufacturer, computer service facility, "Maker's" space
Industrial, Flex	P: B-4, I-1	Less than 35% Office	9.3.11.2	Contractor's headquarters with yard; Wholesale plumbing supply company
Warehouse/Distribution	S: B-4, I-1	Special Exception	9.3.32	Shipping Company
Mini-Warehouse	S: B-2, B-3, B-4, I-1	Special Exception req.	9.3.14	Individual storage unit rental

***P** = Permitted by-right; **S** = Permitted by Special Exception
P/S = Permitted by-right in some cases otherwise by Special Exception

While "Office" and "Production" uses will continue to represent different land uses, flexibility has been provided to allow a limited amount of production in office settings consistent with the changing nature of emerging technologies. Performance standards have been developed to mitigate potential adverse land use impacts reducing the need for costly and time consuming special exceptions. Economic development opportunities are expanded through allowance of emerging technology uses in more areas including the HUB Zone.

B. Office

The prohibition of any fabrication, production, or assembly is removed from the ordinance allowing research & development and/or production uses as an accessory use to office use. The accessory research & development and/or production uses are allowable in commercial districts only and must meet a set of five newly established performance standards in TLZO Sec. 9.3.17.01 to ensure compatibility as follows:

- Limit accessory uses such as research & development, productions, processing, service, and/or repair to no more than 35% of the total floor area for the office use.
- Require use to be wholly contained within an enclosed building.
- Prohibit creation of nuisance greater than what is typically associated with office use.
- Require the front and side exteriors of the building to maintain the appearance of an office building even if there are accessory uses interior to the building.
- Prohibit Home Occupation Offices from having research & development and/or production as an accessory use.

Accessory office uses have been clearly identified as permissible uses for Research & Development and Production.

C. Research & Development and/or Production

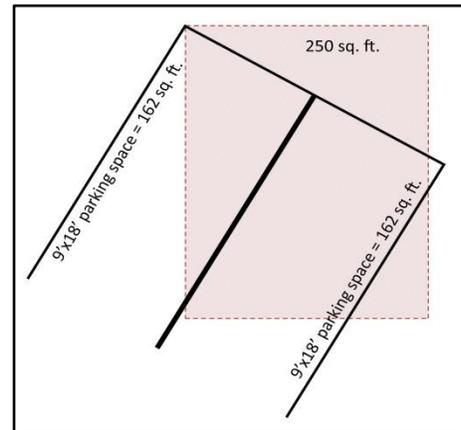
The term “Industrial” is no longer used in the Ordinance. “Production” is the term used for manufacturing, processing, and assembly of finished or semi-finished products from previously prepared materials. Production uses are subject to an enhanced set of performance standards previously in effect for Research & Development. The “Production” definition and performance standards preclude heavy industry/manufacturing and processing of raw materials.

Research & Development and Production uses will now be allowable by-right subject to meeting a strict set of performance standards in the B-1, B-2, B-3, B-4 and I-1 zoning districts. Currently these uses are allowable in all of these zoning districts except the B-1 Zoning District. Most of the western portion of the HUB Zone is zoned B-1 (see Attachment 3). Allowing Research & Development and Production in the B-1 creates more opportunities for commercial development that contributes greatly to Leesburg’s tax base and job growth.

All Research & Development and Production are subject to performance standards to mitigate impacts as follows:

- Require use to be wholly contained within an enclosed building.
- Require use, storage, and disposal of hazardous materials to meet all codes.
- Prohibit creation of nuisances detectable at the property line.
- Allow accessory outdoor storage by-right for up to 250 s.f. in the B-2, B-3, B-4, and I-1 Zoning Districts subject to mitigating impacts.
- Require additional mitigation measures where such uses are within 300 feet of residential property.

Allowance of 250 s.f. of outdoor storage as an accessory use by-right in certain commercial districts is intended to provide flexibility for Research & Development and Production uses that may otherwise have to seek special exception approval for a small amount of outdoor storage. Such outdoor storage would need to be screened, enclosed, and properly sited to ensure compatibility with neighboring uses. Look at the graphic to the right for a comparison of 250 s.f. in relation to a parking space (*note: required parking spaces cannot be used for outdoor storage*). If the outdoor storage request was for more than 250 s.f. or 8 feet in height the landowner may request a special exception similar to the existing ordinance.



Comparative size of allowable outdoor storage to parking spaces

D. Flex Industrial

Flex Industrial is permitted by-right in the B-4 and I-1 Zoning Districts where previously the Zoning Ordinance Use tables did not list the use. A new set of performance standards now applies to Flex Industrial uses as follows:

- Require use, storage, and disposal of hazardous materials to meet all codes.
- Require access to a road classified as a minor arterial or higher without having to travel through residentially zoned property (see Attachment 5. Town Plan Road Classification Map)
- Allow accessory outdoor storage by-right for up to 10% of the lot.

Allowing Flex Industrial uses by-right with a limited amount of accessory outdoor storage puts the Town on competitive terms with Loudoun County who allow the use by-right in light industrial districts and allow 10% of a flex industrial site to have outdoor storage by-right. The current Town Zoning Ordinance requires special exception for all outdoor storage.

E. Mini-warehouse

The prohibition of loading docks is no longer a performance standard for mini-warehouse facilities. Loading docks are an essential feature of the newer types of mini-warehouse now being constructed. Most mini-warehouses today are multi-story climate-controlled buildings with interior access rather than rows of individual units accessed from the outside. Loading docks can be at-grade to service cars and certain types of trucks, two-foot high to accommodate box trucks, or four feet high to service semi-tractor trailers. Technically, every mini-warehouse has one or more loading docks so the performance standard being removed from the ordinance essentially prohibits the use altogether.

F. Outdoor Storage

As in the existing ordinance, no outdoor storage is permitted at all in the O-1 and B-1 Zoning districts. Outdoor storage continues to be allowable by special exception in other commercial zoning districts. What is new is that a limited amount of outdoor storage would be permitted by-right as an accessory use for Research & Development, Production, and Flex-Industrial uses as described in Sections C and D above.

VI. RECOMMENDATION AND DRAFT MOTION

Following sufficient Planning Commission review, staff recommends the Commission forward these amendments to Town Council with a recommendation of approval.

Motion to Refer to Worksession

I move that Zoning Ordinance Amendment TLOA 2014-0005, Office/Light Industrial be scheduled for further discussion at the Planning Commission's February 5, 2015 meeting.

- Or -

Motion for Approval

I move that Zoning Ordinance Amendment TLOA 2014-0005, Office/Light Industrial be forwarded to the Town Council with a recommendation of approval, on the basis that the amendments further the objectives of the Town Plan and that the proposal would serve the public necessity, convenience, general welfare and good zoning practice.

- Or -

Alternate Motion

I move that _____.

- Attachments:
1. Resolution 2014-092
 2. Town Plan Policies
 3. HUB Zone Map
 4. Zoning Map
 5. Road Classification Map
 6. Proposed Zoning Ordinance Text

The Town of
Leesburg,
Virginia

PRESENTED August 12, 2014

RESOLUTION NO.: 2014-092

ADOPTED August 12, 2014

A RESOLUTION: INITIATING AMENDMENTS TO THE LEESBURG ZONING ORDINANCE FOR THE PURPOSE OF UPDATING DEFINITIONS AND DESCRIPTIONS OF LIGHT INTENSITY INDUSTRIAL AND OFFICE LAND USE PARTICULARLY, BUT NOT LIMITED TO, ARTICLES 6, 8, AND 18.

WHEREAS, the Town of Leesburg wishes to attract and maintain business so as to be competitive with other jurisdictions in the region and to maintain a healthy sustainable tax base; and

WHEREAS, periodic updates to the Zoning Ordinance are necessary to keep abreast of contemporary business practices which will help Leesburg's effort to maintain a competitive edge in retaining existing business and attracting new business; and

WHEREAS, in particular, Section 8.6.2, Planned Employment Center (PEC) Zoning District, allows for 'Light Intensity Industrial' land use as a permitted use in the PEC district so long as impacts and nuisances are mitigated; and

WHEREAS, there is no definition of 'Light Intensity Industrial' use in the PEC District nor is there a definition in Article 18; and

WHEREAS, there is no definition of 'Light Industrial' or 'Industrial' in Article 18; and

WHEREAS, the Zoning Ordinance definition for 'Office' should be updated and expanded to reflect contemporary business activities; and

WHEREAS, the updated definitions and descriptions of 'Industrial' and 'Office' should be carefully considered in conjunction with the respective districts in the Zoning Ordinance to assure clarity; and

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RESOLUTION: INITIATING AMENDMENTS TO THE LEESBURG ZONING ORDINANCE FOR PURPOSE OF UPDATING DEFINITIONS AND DESCRIPTIONS OF INDUSTRIAL AND OFFICE LAND USE PARTICULARLY, BUT NOT LIMITED TO, ARTICLES 6, 8, AND 18.

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 Zoning Ordinance Articles 6, 8, and 18 are hereby initiated and referred to the Planning Commission to provide and update definitions related to 'Light Intensity Industrial', 'Light Industrial' or 'Industrial' and 'Office' and to assure that these definitions are compatible and coordinated with other sections of the ordinance.

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 12th day of August, 2014.


Kristen C. Umstatt, Mayor
Town of Leesburg

ATTEST:

Clerk of Council

Attachment 2. Town Plan Policies

Land Use

“Objective 3. Create a Town-wide land use pattern that accommodates desired levels of population and employment growth.

- a. Provide a variety of land uses that maintains the Town’s jobs/housing balance so that for every household there are between 1.4 and 1.7 jobs available...
- c. Provide a mixture of types of development so that no more than 45% of general fund revenues are generated from residential sources.” (Town Plan, General Land Use Objective 3, p. 6-7)

“Objective 9. Locations for light industrial uses will be designated in Town as well as in the JLMA. Low impact industrial uses may be acceptable inside the bypass depending on how their impacts are mitigated through setbacks, landscape buffering and site planning. Those light industrial uses that have greater impacts will be more suitable for outside the bypass or in the JLMA.” (Town Plan, General Land Use Objective 9, p. 6-8)

Economic Development

“Objective 1. Promote economic development that builds upon the strengths of the Town and region.

- c. Give priority to emerging technologies, homeland security, corporate offices, research and development, and higher education.” (Town Plan, Economic Development Objective 1, p. 8-3)

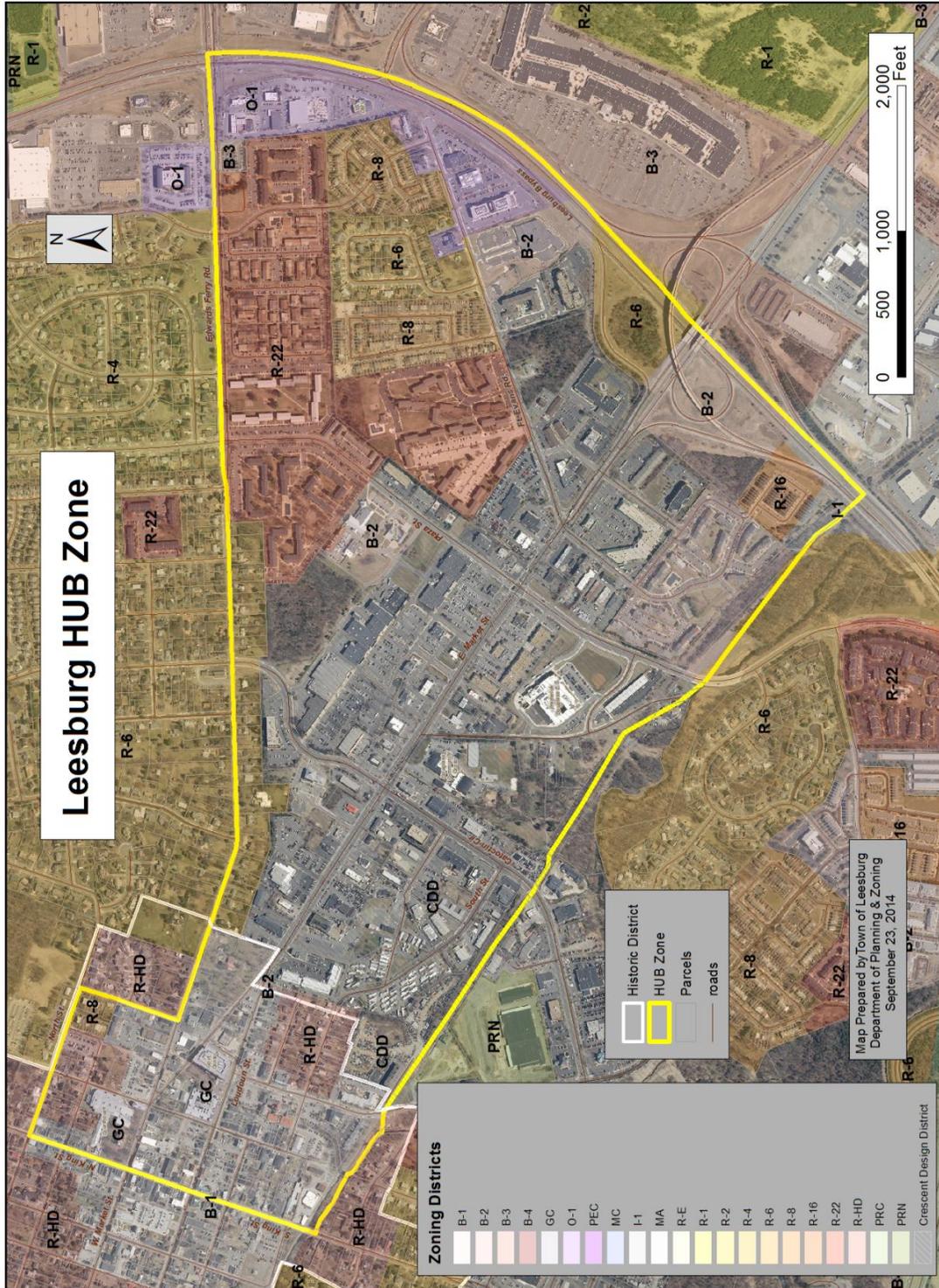
“Objective 2. Promote a diversified economic base which takes advantage of emerging opportunities.

- b. Give priority to emerging technologies, government contracting, internet based high-tech, data centers, corporate headquarters, research and development, higher education, and life sciences.” (Town Plan, Economic Development Objective 2, p. 8-3)

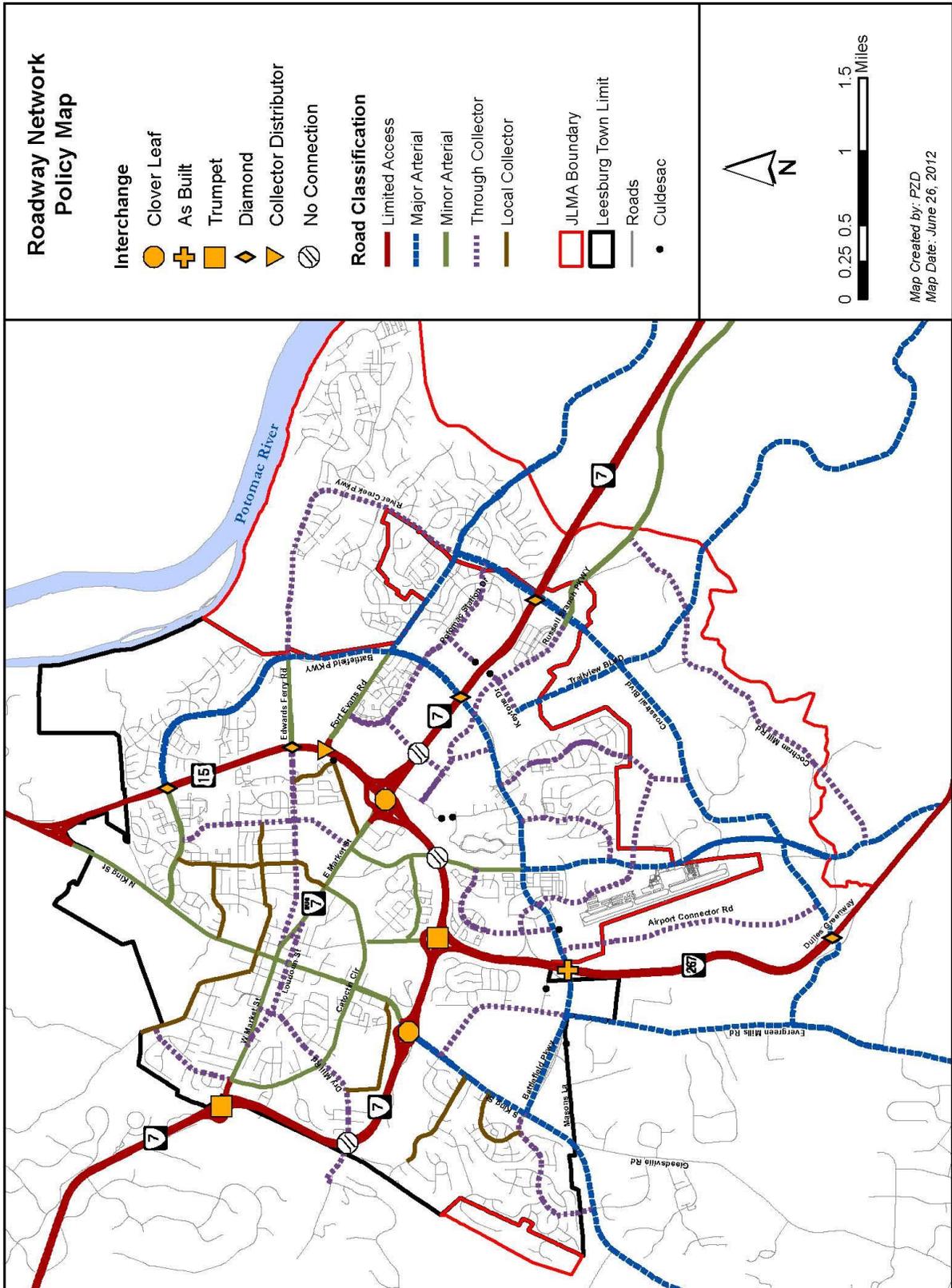
“Objective 3. Promote business and employment growth that enhances the quality of life and maintains the character of the Town.

- a. Promote business that is compatible with existing or planned development in the vicinity.
- b. Provide economic development opportunities that maintain the Town’s jobs/housing ratio (so that for every household there are between 1.4 and 1.7 jobs available) and that attain a jobs/housing balance (so that available housing is affordable for those employed within the Town).
- c. Increase business and employment so that at least 55 % of general fund revenues are generated from nonresidential sources.” (Town Plan, Economic Development Objective 3, p. 8-3 – 8-4)

Attachment 3. HUB Zone



Attachment 5. Town Plan Road Classification Map



Attachment 6. Proposed Zoning Ordinance Text for Office and Industrial Uses

6.3 B-1 Community (Downtown) Business

Research & Development, Production, and Warehousing Uses			
Research & Development	P/S	Sec. 9.3.22	Sec. 18.1.157
Production	P/S	Sec. 9.3.22	18.1.150.1

6.4 B-2 Established Corridor Commercial District

Commercial Uses			
Outdoor Storage	P/S		Sec. 18.1.127
Research & Development, Production, Industrial, Manufacturing and Warehousing Uses			
Mini-warehouse facility	S	Sec. 9.3.14	Sec. 18.1.105
Research & Development	P/S	Sec. 9.3.22	Sec. 18.1.157
Production	P/S	Sec. 9.3.22	18.1.150.1

6.5 B-3 Community Retail/Commercial District

Commercial Uses			
Outdoor Storage	P/S		Sec. 18.1.127
Research & Development, Production, Industrial, Manufacturing and Warehousing Uses			
Mini-warehouse facility	S	Sec. 9.3.14	Sec. 18.1.105
Research & Development	P/S	Sec. 9.3.22	Sec. 18.1.157
Production	P/S	Sec. 9.3.22	18.1.150.1

6.6 B-4 Mixed-Use Business District

Commercial Uses			
Outdoor Storage	S		Sec. 18.1.127
Research & Development, Production, Industrial, Manufacturing and Warehousing Uses			
Manufacturing and assembly	P		Sec. 18.1.104
Industrial, Flex	P	Sec. 9.3.11.2	Sec. 18.1.84
Mini-warehouse facility	S	Sec. 9.3.14	Sec. 18.1.105
Production	P/S	Sec. 9.3.22	18.1.150.1
Research & Development	P/S	Sec. 9.3.22	Sec. 18.1.157
Warehouse/ Distribution	S	Sec. 9.3.32	Sec. 18.1.199, 18.1.43

6.6.4 Additional Standards

- a. **Mix of Uses.** The following use mix standards are established in order to promote the intended mixed-use character of the B-4 District.

Use Type	Min. Gross Floor Area (pct. of development)	Max. Gross Floor Area (pct. of development)
Office	50	70
Research & Development, Production, and Warehousing Warehouse		
Commercial[1]	0	15 or 15 acres whichever is less
Residential	0	1 dwelling unit per 5,000 square feet of nonresidential (gross) floor area
Institutional, Community Service and Utilities	0	0

6.7 I-1 Industrial/Research Park District

Commercial Uses			
Outdoor Storage	P/S		Sec. 18.1.127
Research & Development, Production, Industrial, Manufacturing and Warehousing Uses			
Distribution Facility	S		Sec. 18.1.43
Manufacturing and assembly	P		Sec. 18.1.104
Industrial, Flex	P	Sec. 9.3.11.2	Sec. 18.1.84
Mini-warehouse facility	S	Sec. 9.3.14	Sec. 18.1.105
Production	P	Sec. 9.3.22	18.1.150.1
Research & Development, and/or	P	Sec. 9.3.22	Sec. 18.1.157
Warehouse/ Distribution	S	Sec. 9.3.32	Sec. 18.1.199, 18.1.43

7.10.9.D.1 Crescent Design – Commercial Use Regulations

Commercial Uses			
Outdoor Storage	S		Sec. 18.1.127
Industrial/Manufacturing Research & Development, Production, and Warehousing Uses			
Research & Development	P/S	Sec. 9.3.22	Sec. 18.1.157
Production	P/S	Sec. 9.3.22	18.1.150.1

7.10.9.E.1 Crescent Design – Mixed Use Optional Use Regulations

Industrial/Manufacturing Research & Development, Production, and Warehousing Uses			
Manufacturing and assembly	S		Sec. 18.1.104
Warehouse, accessory	P		Sec. 18.1.199
Production	P/S	Sec. 9.3.22	18.1.150.1
Research & Development	P/S	Sec. 9.3.22	Sec. 18.1.157

7.10.9.H.1 Crescent Design – Commercial Corridor Use Regulations

Commercial Uses			
Outdoor Storage	S		Sec. 18.1.127
Industrial/Manufacturing Research & Development, Production, and Warehousing Uses			
Production	P/S	Sec. 9.3.22	18.1.150.1
Research & Development	P/S	Sec. 9.3.22	Sec. 18.1.157

8.6.2 PEC Permitted Uses

Industrial Uses Research & Development, Production, and Warehousing Uses			
Light intensity industrial so long as use is rendered unobjectionable because noise, heavy truck traffic, odor, fumes and other potential nuisances are effectively mitigated by performance standards set out in the ordinance establishing the use.			
Industry, Flex	S	Sec. 9.3.11.2	Sec. 18.1.84
Production	P/S	Sec. 9.3.22	18.1.150.1
Research & Development	P/S	Sec. 9.3.22	Sec. 18.1.157

9.1.1 Establishment of Use Categories

- A. Use Categories, Generally. In order to implement the purpose and intent and provisions of this Zoning Ordinance, the following general use categories are hereby established:
1. Agricultural Uses
 2. Residential Uses Institutional and Community Service Uses
 3. Commercial Uses
 4. Industrial, Manufacturing **Research & Development, Production,** and Warehousing Uses
 5. Utility Uses

9.2 Use Table

Commercial Uses																
Use Type	RE	R1	R2	R4	R6	RHD	R8	R16	R22	O1	B1	B2	B3	B4	I1	Use Std.
Outdoor Storage												P/S	P/S	P/S	P/S	
Industrial Manufacturing Research, Development, Production, and Warehousing Uses																
Use Type	RE	R1	R2	R4	R6	RHD	R8	R16	R22	O1	B1	B2	B3	B4	I1	Use Std.
Basic Industry																
Distribution Facility															S	
Extraction of Earth Products																
Industrial, Flex														P	P	Sec. 9.3.11.2
Manufacturing and assembly														P	P	
Mini-warehouse facility												S	S	S	S	Sec. 9.3.14
Production											P/S	P/S	P/S	P	P	Sec. 9.3.22
Research & Development											P/S	P/S	P/S	P	P	Sec. 9.3.22
Warehouse/ Distribution														S	S	Sec. 9.3.32

9.3.11.2 Industrial, Flex

- A. The use, storage, and disposal of hazardous materials must meet all federal, state, and local codes.**
- B. Flex Industrial uses must have access to a road classified as a minor arterial or higher Town Plan transportation functional classification without having to travel through a residentially zoned district.**
- C. Accessory outdoor storage not to exceed ten percent (10%) of the building area of the primary use or 10,000 square feet (whichever is lesser of the two) is permitted by-right subject to the use standards of Section 9.3.17.11. Outdoor storage greater than ten percent (10%) of the building area of the primary use or 10,000 square feet is permissible with special exception approval per TLZO Sec. 3.4.**

9.3.14 Mini-warehouse Facilities

- A. Storage units shall be provided for long-term storage only, and all storage shall be within completely enclosed buildings.
- ~~B. Loading docks shall not be permitted.~~
- C. Except for the purposes of loading and unloading, there shall be no incidental parking or storage of trucks and/or moving vans.
- D. No office, retail or wholesale use of the storage units shall be permitted.
- E. One accessory residential unit may be permitted solely for the use of a caretaker or watchman. (See 9.4.2)
- F. The outdoor storage area, loading or parking shall be limited to areas designated on an approved site plan, and adequately screened from adjacent properties and roadways. Such areas shall not be used for the storage or display of inoperable vehicles as defined in Section 32-147 of the Town Code.

9.3.17.01 Office

- A. Incidental and subordinate accessory research & development and production uses not to exceed 35% of the gross floor area are permitted by-right subject to meeting the performance standards of TLZO Sec. 9.3.22.**
- B. Office uses must be wholly enclosed within a building except as otherwise approved for outdoor storage allowable by zoning district regulations.**
- C. Allowable accessory uses shall not create air pollution, fire or explosion hazard, radiation hazard, electromagnetic radiation or interference, noise, vibration, smoke, dust, odor, heat, or glare beyond what is typically associated with an office use.**
- D. Allowable accessory uses are permitted to the extent that they do not substantially change the visible front or side elevations of the office building in a manner that is inconsistent with typical appearance of an office building.**

E. Home Occupation offices are excluded from these use standards and may not have accessory uses as listed in 9.3.17.01.A. Additionally, Home Occupation offices must meet the requirements of TLZO Sec. 9.4.3.

9.3.17.11 Outdoor Storage

A. By Right. Outdoor Storage as an accessory to Research & Development, Production, and Flex Industrial use is permitted by-right subject to meeting the use standards provided below in their entirety:

- 1. Outdoor storage shall be limited to the rear or side of a building adjacent to other commercially zoned property.**
- 2. All outdoor storage shall be required to be fully screened by a fence, wall, landscaped berm, or other suitable method as deemed appropriate by the Zoning Administrator.**
- 3. All outdoor storage shall be required to be located on a paved surface.**
- 4. Outdoor storage areas must be located in such a manner as to not impede safe vehicle and pedestrian circulation by blocking travel aisles or pedestrian areas.**
- 5. Outdoor storage areas cannot exceed eight (8) feet in height.**
- 6. Outdoor storage areas may not be located in required parking as established by TLZO sec. 11.3.**

B. Special Exception. Outdoor Storage not meeting the applicable standards of 9.3.17.11A for by-right use may be approved by special exception as set forth in TLZO Sec. 3.4.

9.3.22 Research & Development and/or Production

A. By Right. Research & Development and/or Production uses are permitted by right in accordance with the use standards provided below:

- 1. Research, Development, and Production shall have business, service, storage and display of goods, equipment or materials. All operations, activities and storage shall be conducted within a completely enclosed building, except research requiring solar exposure and uses which by their nature may must be conducted outside a building; or as otherwise approved for outdoor storage allowable by zoning district regulations.**
- 2. The use, storage, manufacturing or and disposal of hazardous materials is prohibited must meet all federal, state, and local codes.**
- 3. The Town Council shall consider the type and nature of any proposed assembly, integration and testing of products and shall determine that the use is compatible with the surrounding area. No vibration, odor, smoke, radiation, particulate matter or other adverse impacts that create significant negative impacts to adjacent land uses shall be detectable at the property boundary.**

4. **Accessory outdoor storage in the B-2, B-3, B-4 and I-1 Zoning Districts no greater than 250 square feet is permitted by-right subject to the use standards of Section 9.3.17.11. Outdoor storage shall not be allowed in the B-1 Zoning District. Outdoor storage larger than 250 square feet in the B-2, B-3, B-4 and I-1 Zoning Districts is permissible with special exception approval per TLZO Sec. 3.4.**
 5. **Additional standards where Research & Development, and/or Production uses are located within 250 feet of residentially zoned property:**
 - a. **No outdoor activity, including loading, unloading, maintenance, truck idling, or related activity shall occur between the hours of 7:00pm and 7:00am.**
 - b. **Fences, walls, and/or berms shall be used in combination with vegetative screening to interrupt the view of adjacent residential districts. Use of decorative, opaque fence or wall with a minimum height of six (6) feet or berms with a minimum height of four (4) feet with hedges and/or shrubs within the buffer yard can reduce some of the requirements screening as determined by the Land Development Official. The design of fences or walls shall avoid long stretches to the point of visual monotony and shall be varied by using changes in height, different material combinations, offset angles, or other types of articulation. An architectural elevation detail of the screening treatment type shall be submitted for review when a fence or wall is utilized and shall demonstrate that attractive visual continuity has been achieved.**
- B. Special Exception. Research & Development and/or Production uses shall require special exception approval if the proposed use does not comply with all applicable standards for by-right use as set forth Sec. 9.3.22.A.**

9.3.32 Warehouse/Distribution

- a. **Warehouse and Distribution uses must have access to a road classified as a minor arterial or higher Town Plan transportation functional classification without having to travel through a residentially zoned district.**
- b. **Fences, walls, and/or berms shall be used in combination with vegetative screening to interrupt the view of adjacent residential districts and public roads. Use of decorative, opaque fence or wall with a minimum height of six (6) feet or berms with a minimum height of four (4) feet with hedges and/or shrubs within the buffer yard can reduce some of the requirements screening as determined by the Land Development Official. The design of fences or walls shall avoid long stretches to the point of visual monotony and shall be varied by using changes in height, different material combinations, offset angles, or other types of articulation. An architectural elevation detail of the**

screening treatment type shall be submitted for review when a fence or wall is utilized and shall demonstrate that attractive visual continuity has been achieved.

11.3 Number of Parking Spaces Required

Industrial, Trade and Warehouse Uses	
Assembly or Manufacturing Operation	1.0 per 1,000 square feet gross floor area, or 1.0 per employee, whichever is more.
Building Contractors and Similar Trades and Services	1.0 per 500 square feet gross floor area, plus 1.0 per company vehicle.
Heavy Equipment Sales	1.0 per 500 square feet enclosed sales area, plus 2.0 per service bay, plus 1.0 per employee, plus 1.0 per 2,500 square feet of open sales area.
Mini-Warehouse Facility	4.0 per 1,000 square feet gross floor area of office space, plus 1.0 per employee, plus 2.0 for resident manager quarters.
Printing or Publishing, Major	1.0 per 1,000 square feet gross floor area, or 1.0 per employee, whichever is more.
Research & development or Production Facility	1.0 per 1,000 square feet gross floor area, or 1.0 per employee, whichever is more.
Warehousing Facility or Freight Terminal	1.0 per 1,000 square feet gross floor area, or 1.0 per employee, whichever is more.

11.9 Number of Off Street Loading Spaces Required

Industrial, Trade and Warehouse Use	
Assembly and General Manufacturing Operations	One semi-trailer loading space for the first 10,000 square feet of gross floor area, plus one additional space for each additional 25,000 square feet.
Building Contractors and Similar Trades and Services	One standard loading space for the first 10,000 square feet of gross floor area, plus one additional space for each additional 10,000 square feet.
Heavy Equipment Sales	One semi-trailer loading space.
Mini-Warehouse Facilities	One standard loading space for the first 10,000 square feet of gross floor area, plus one additional space for each additional 10,000 square feet.
Research & development or Production Facilities	One semi-trailer loading space for the first 10,000 square feet of gross floor area, plus one additional space for each additional 25,000 square feet.
Warehouse Facilities, Freight Terminals and Similar Uses	One semi-trailer loading space for the first 10,000 square feet of gross floor area, plus one additional space for each additional 25,000 square feet.

18.1.15 Basic Industry — An establishment engaged in the basic processing and manufacturing of materials or products predominately from extracted or raw materials, or a use engaged in storage of, or manufacturing processes utilizing flammable or explosive materials, or storage or manufacturing processes which potentially involve hazardous or commonly recognized offensive conditions.

18.1.43 Distribution Facility - An establishment engaged in the receipt of goods, products, cargo and materials, individually or in bulk, the short-term holding or storage of such goods or merchandise, and/or the breaking up into lots or parcels and subsequent shipment off-site of such goods and merchandise. Distribution may be provided to an entity with an identity of interest with the distribution facility or to businesses and individuals unrelated to the distributor. The term "Distribution Facility" shall also include a transshipment facility for the temporary holding, storage and shipment of goods or vehicles.

18.1.84 Industrial, Flex - Any ~~structure occupied by~~ **use or establishment consisting of** at least two (2) of the following uses: contractors offices and shops; establishments for production, processing, assembly, manufacturing, compounding, preparation, cleaning, servicing, testing, or repair of materials, goods or products; warehousing establishments; wholesale trade establishments; and offices; provided however that non-office use shall utilize at least 65% of the total gross floor area of the site.

18.1.104 Manufacturing and Assembly *Reserved*

~~The processing, fabrication, assembly, distribution of products such as, but not limited to: scientific and precision instruments, photographic equipment, communication equipment, computation equipment, household appliances, toys, sporting and athletic goods, glass products made of purchase glass, electric lighting and wiring equipment, industrial controls, radio and TV receiving sets, optical goods, and electrical machinery.~~

18.1.105 Mini-warehouse Facility

A structure or structures containing separate storage spaces of varying sizes leased or rented on an individual basis.

18.1.106 Mixed Use

A variety of complementary and integrated uses, including but not limited to residential, office, **research & development, production** ~~manufacturing~~, retail, public, entertainment, conference and lodging uses arranged in a compact urban form.

18.1.121 Office

A **use consisting of a** building, room or group of rooms used for conducting the **executive, management, or administrative** affairs of a business, **organization, institution, or government entity and/or for the provision of** professional services. For the purpose of this Zoning Ordinance, an office **use may include accessory research & development or production uses subject to meeting the performance standards specified in section 9.3.17.01 of this Ordinance.** ~~shall not involve manufacturing, fabrication, production, processing, assembling, cleaning, testing or repair of materials, goods or products.~~

18.1.127 Outdoor Storage

An unroofed area, or a roofed structure enclosed on not more than three sides, for the keeping of any goods, materials, or merchandise in the same place for more than twenty-four (24) hours. ~~All outdoor storage shall be required to be enclosed by a fence, wall, landscaped berm, or other suitable and appropriate method.~~ This definition shall not apply to the Display of Merchandise as described in Sec 9.4.6.

18.1.142 Planned Development

An area of land to be developed as a single entity according to a plan, containing residential, commercial, industrial **research & development, production** and/or public areas, under the provisions of this Zoning Ordinance.

18.1.150.1 Production

The manufacturing, compounding, processing, packaging, storage, assembly, and/or treatment of finished or semifinished products from previously prepared materials; and accessory offices associated with such uses. Examples of such activities include, but are not limited to: the assembly of the furniture, toys, prosthetics, pharmaceuticals, electronic components, and computer software.

18.1.157 Research & development

Basic and applied **scientific** investigations in the natural, physical, or social sciences toward the discovery, invention, design, or establishment of new products and services **and accessory offices associated with such uses.**

18.1.199 Warehouse - A structure used for the storage of goods and materials which may also include ancillary wholesale sales not to exceed 25% of the site.

PRESENTED: March 24, 2015

ORDINANCE NO. _____

ADOPTED: March 24, 2015

AN ORDINANCE: AMENDING ARTICLES 3, 6, 8, 9, 10, 11, 12, 15, AND 18 OF THE LEESBURG ZONING ORDINANCE TO UPDATE DEFINITIONS AND REGULATIONS FOR OFFICE AND TECHNOLOGY LAND USES

The Council of the Town of Leesburg in Virginia hereby ordains:

SECTION I. That the following sections of the Zoning Ordinance of the Town of Leesburg, Virginia, 2003, as amended, be and the same are hereby amended to read as follows:

6.3 B-1 Community (Downtown) Business

Research & Development, Production, and Warehousing Uses			
Research & Development	P/S	Sec. 9.3.22	Sec. 18.1.157
Production	P/S	Sec. 9.3.22	18.1.150.1

6.4 B-2 Established Corridor Commercial District

Commercial Uses			
Outdoor Storage	P/S		Sec. 18.1.127
Research & Development, Production, Industrial, Manufacturing and Warehousing Uses			
Mini-warehouse facility	S	Sec. 9.3.14	Sec. 18.1.105
Research & Development	P/S	Sec. 9.3.22	Sec. 18.1.157
Production	P/S	Sec. 9.3.22	18.1.150.1

6.5 B-3 Community Retail/Commercial District

Commercial Uses			
Outdoor Storage	P/S		Sec. 18.1.127
Research & Development, Production, Industrial, Manufacturing and Warehousing Uses			
Mini-warehouse facility	S	Sec. 9.3.14	Sec. 18.1.105
Research & Development	P/S	Sec. 9.3.22	Sec. 18.1.157
Production	P/S	Sec. 9.3.22	18.1.150.1

6.6 B-4 Mixed-Use Business District

Commercial Uses			
Outdoor Storage	S		Sec. 18.1.127
Research & Development, Production, Industrial, Manufacturing and Warehousing Uses			

AN ORDINANCE: AMENDING ARTICLES 3, 6, 8, 9, 10, 11, 12, 15, AND 18 OF THE LEESBURG ZONING ORDINANCE TO UPDATE DEFINITIONS AND REGULATIONS FOR OFFICE AND TECHNOLOGY LAND USES

Manufacturing and assembly	P		Sec. 18.1.104
Industrial, Flex	P	Sec. 9.3.11.2	Sec. 18.1.84
Mini-warehouse facility	S	Sec. 9.3.14	Sec. 18.1.105
Production	P/S	Sec. 9.3.22	18.1.150.1
Research & Development	P/S	Sec. 9.3.22	Sec. 18.1.157
Warehouse/ Distribution	S	Sec. 9.3.32	Sec. 18.1.199, 18.1.43

6.6.4 Additional Standards

- a. **Mix of Uses.** The following use mix standards are established in order to promote the intended mixed-use character of the B-4 District.

Use Type	Min. Gross Floor Area (pct. of development)	Max. Gross Floor Area (pct. of development)
Office	50	70
Research & Development, Production, and Warehouse/Distribution Warehouse		
Commercial[1]	0	15 or 15 acres whichever is less
Residential	0	1 dwelling unit per 5,000 square feet of nonresidential (gross) floor area
Institutional, Community Service and Utilities	0	0

6.7 I-1 Industrial/Research Park District

Commercial Uses			
Outdoor Storage	P/S		Sec. 18.1.127
Research & Development, Production, Industrial, Manufacturing and Warehousing Uses			
Distribution Facility	S		Sec. 18.1.43
Manufacturing and assembly	P		Sec. 18.1.104
Industrial, Flex	P	Sec. 9.3.11.2	Sec. 18.1.84
Mini-warehouse facility	S	Sec. 9.3.14	Sec. 18.1.105
Production	P	Sec. 9.3.22	18.1.150.1
Research & Development	P	Sec. 9.3.22	Sec. 18.1.157
Warehouse/ Distribution	S	Sec. 9.3.32	Sec. 18.1.199, 18.1.43

7.10.9.D.1 Crescent Design – Commercial Use Regulations

Commercial Uses			
Outdoor Storage	S		Sec. 18.1.127
Industrial/Manufacturing Research & Development, Production, and Warehousing Uses			

AN ORDINANCE: AMENDING ARTICLES 3, 6, 8, 9, 10, 11, 12, 15, AND 18 OF THE LEESBURG ZONING ORDINANCE TO UPDATE DEFINITIONS AND REGULATIONS FOR OFFICE AND TECHNOLOGY LAND USES

Research & Development	P/S	Sec. 9.3.22	Sec. 18.1.157
Production	P/S	Sec. 9.3.22	18.1.150.1

7.10.9.E.1 Crescent Design – Mixed Use Optional Use Regulations

Industrial/Manufacturing Research & Development, Production, and Warehousing Uses			
Manufacturing and assembly	S		Sec. 18.1.104
Warehouse, accessory	P		Sec. 18.1.199
Production	P/S	Sec. 9.3.22	18.1.150.1
Research & Development	P/S	Sec. 9.3.22	Sec. 18.1.157

7.10.9.H.1 Crescent Design – Commercial Corridor Use Regulations

Commercial Uses			
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Industrial/Manufacturing Research & Development, Production, and Warehousing Uses			
Production	P/S	Sec. 9.3.22	18.1.150.1
Research & Development	P/S	Sec. 9.3.22	Sec. 18.1.157

8.6.2 PEC Permitted Uses

Industrial Uses Research & Development, Production, and Warehousing Uses			
Light intensity industrial so long as use is rendered unobjectionable because noise, heavy truck traffic, odor, fumes and other potential nuisances are effectively mitigated by performance standards set out in the ordinance establishing the use.			
Industrial, Flex	S	Sec. 9.3.11.2	Sec. 18.1.84
Production	P/S	Sec. 9.3.22	18.1.150.1
Research & Development	P/S	Sec. 9.3.22	Sec. 18.1.157

9.1.1 Establishment of Use Categories

- A. Use Categories, Generally. In order to implement the purpose and intent and provisions of this Zoning Ordinance, the following general use categories are hereby established:
1. Agricultural Uses
 2. Residential Uses Institutional and Community Service Uses
 3. Commercial Uses
 4. ~~Industrial, Manufacturing~~ **Research & Development, Production,** and Warehousing Uses
 5. Utility Uses

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9.2 Use Table

Commercial Uses																
Use Type	RE	R1	R2	R4	R6	RHD	R8	R16	R22	O1	B1	B2	B3	B4	I1	Use Std.
Outdoor Storage												P/S	P/S	P/S	P/S	
Industrial Manufacturing Research & Development, Production , and Warehousing Uses																
Use Type	RE	R1	R2	R4	R6	RHD	R8	R16	R22	O1	B1	B2	B3	B4	I1	Use Std.
Basic Industry																
Distribution Facility															S	
Extraction of Earth Products																
Industrial, Flex														P	P	Sec. 9.3.11.2
Manufacturing and assembly														P	P	
Mini-warehouse facility												S	S	S	S	Sec. 9.3.14
Production											P/S	P/S	P/S	P	P	Sec. 9.3.22
Research & Development											P/S	P/S	P/S	P	P	Sec. 9.3.22
Warehouse/ Distribution														S	S	Sec. 9.3.32

9.3.11.2 Industrial, Flex

- A. The use, storage, and disposal of hazardous materials must meet all federal, state, and local codes.**
- B. Flex Industrial uses must have access to a road classified as a minor arterial or higher Town Plan transportation functional classification without having to travel through a residentially zoned district.**
- C. Accessory outdoor storage not to exceed ten percent (10%) of the building area of the primary use or 10,000 square feet (whichever is lesser of the two) is permitted by-right subject to the use standards of Sec. 9.3.17.1. Outdoor storage greater than ten percent (10%) of the building area of the primary use or 10,000 square feet is permissible with special exception approval per Sec. 3.4.**

9.3.14 Mini-warehouse Facilities

- A. Storage units shall be provided for long-term storage only, and all storage shall be within completely enclosed buildings.
- ~~B. Loading docks shall not be permitted.~~
- C. Except for the purposes of loading and unloading, there shall be no incidental parking or storage of trucks and/or moving vans.
- D. No office, retail or wholesale use of the storage units shall be permitted.
- E. One accessory residential unit may be permitted solely for the use of a caretaker or watchman. (See Sec. 9.4.2)

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- F. The outdoor storage area, loading or parking shall be limited to areas designated on an approved site plan, and adequately screened from adjacent properties and roadways. Such areas shall not be used for the storage or display of inoperable vehicles as defined in Section 32-147 of the Town Code.

9.3.17.1 Office

- A. **Incidental and subordinate accessory research & development and production uses not to exceed 35% of the gross floor area are permitted by-right subject to meeting the performance standards of Sec. 9.3.22.**
- B. **Office uses must be wholly enclosed within a building except as otherwise approved for outdoor storage allowable by zoning district regulations.**
- C. **Allowable accessory uses shall not create air pollution, fire or explosion hazard, radiation hazard, electromagnetic radiation or interference, noise, vibration, smoke, dust, odor, heat, or glare beyond what is typically associated with an office use.**
- D. **Allowable accessory uses are permitted to the extent that they do not substantially change the visible front or side elevations of the office building in a manner that is inconsistent with typical appearance of an office building.**
- E. **Home Occupation offices are excluded from these use standards and may not have accessory uses as listed in Sec. 9.3.17.01.A. Additionally, Home Occupation offices must meet the requirements of Sec. 9.4.3.**

9.3.17.2 Outdoor Storage

- A. **Outdoor storage shall be limited to the rear or side of a building adjacent to other commercially zoned property.**
- B. **All outdoor storage shall be required to be fully screened by a fence, wall, landscaped berm, or other suitable method as deemed appropriate by the Zoning Administrator.**
- C. **All outdoor storage shall be required to be located on a paved surface.**
- D. **Outdoor storage areas must be located in such a manner as to not impede safe vehicle and pedestrian circulation by blocking travel aisles or pedestrian areas.**
- E. **Outdoor storage areas cannot exceed eight (8) feet in height.**
- F. **Outdoor storage areas may not be located in required parking as established by Sec. 11.3.**

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9.3.22 Research & Development **and/or Production**

A. By Right. Research & Development and/or Production uses are permitted by right in accordance with the use standards provided below.

1. Research, Development uses shall have business, service, storage and display of goods, equipment or materials. **All operations, activities and storage shall be** conducted within a completely enclosed building, except research requiring solar exposure and uses which by their nature **may must** be conducted outside a building; **or as otherwise approved for outdoor storage allowable by zoning district regulations.**
2. The **use**, storage, manufacturing or **and** disposal of hazardous materials is prohibited **must meet all federal, state, and local codes.**
3. The Town Council shall consider the type and nature of any proposed assembly, integration and testing of products and shall determine that the use is compatible with the surrounding area. **No vibration, odor, smoke, radiation, particulate matter or other adverse impacts that create significant negative impacts to adjacent land uses shall be detectable at the property boundary.**
4. **Accessory outdoor storage in the B-2, B-3, B-4 and I-1 Zoning Districts no greater than 250 square feet is permitted by-right subject to the use standards of Sec. 9.3.17.1. Outdoor storage shall not be allowed in the B-1 Zoning District. Outdoor storage greater than 250 square feet in the B-2, B-3, B-4 and I-1 Zoning Districts is permissible with special exception approval per Sec. 3.4.**
5. **Additional standards where Research & Development, and/or Production uses are located within 250 feet of residentially zoned property:**
 - a. **No outdoor activity, including loading, unloading, maintenance, truck idling, or related activity shall occur between the hours of 7:00pm and 7:00am.**
 - b. **Fences, walls, and/or berms shall be used in combination with vegetative screening to interrupt the view of adjacent residential districts. Use of a decorative, opaque fence or wall with a minimum height of six (6) feet, or berms with a minimum height of four (4) feet with hedges, and/or shrubs within the buffer yard can reduce some of the required screening as determined by the Land Development Official. The design of fences or walls shall avoid long stretches to the point of visual monotony and shall be varied by using changes in height, different material combinations, offset angles, or other types of articulation. An architectural elevation detail of the screening treatment type shall be submitted for review when a fence or wall is**

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utilized and shall demonstrate that attractive visual continuity has been achieved.

- B. Special Exception. Research & Development and/or Production uses shall require special exception approval if the proposed use does not comply with all applicable standards for by-right use as set forth Sec. 9.3.22.A.**

9.3.32 Warehouse/Distribution

- a. Warehouse and Distribution uses must have access to a road classified as a minor arterial or higher Town Plan transportation functional classification without having to travel through a residentially zoned district.**
- b. Fences, walls, and/or berms shall be used in combination with vegetative screening to interrupt the view of adjacent residentially zoned districts and public roads. Use of a decorative, opaque fence or wall with a minimum height of six (6) feet, or berms with a minimum height of four (4) feet with hedges, and/or shrubs within the buffer yard can reduce some of the required screening as determined by the Land Development Official. The design of fences or walls shall avoid long stretches to the point of visual monotony and shall be varied by using changes in height, different material combinations, offset angles, or other types of articulation. An architectural elevation detail of the screening treatment type shall be submitted for review when a fence or wall is utilized and shall demonstrate that attractive visual continuity has been achieved.**

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11.3 Number of Parking Spaces Required

Industrial, Trade and Warehouse Uses	
Assembly or Manufacturing Operation	1.0 per 1,000 square feet gross floor area, or 1.0 per employee, whichever is more.
Building Contractors and Similar Trades and Services	1.0 per 500 square feet gross floor area, plus 1.0 per company vehicle.
Heavy Equipment Sales	1.0 per 500 square feet enclosed sales area, plus 2.0 per service bay, plus 1.0 per employee, plus 1.0 per 2,500 square feet of open sales area.
Mini-Warehouse Facility	4.0 per 1,000 square feet gross floor area of office space, plus 1.0 per employee, plus 2.0 for resident manager quarters.
Printing or Publishing, Major	1.0 per 1,000 square feet gross floor area, or 1.0 per employee, whichever is more.
Research & Development or Production Facility	1.0 per 1,000 square feet gross floor area, or 1.0 per employee, whichever is more.
Warehousing Facility or Freight Terminal	1.0 per 1,000 square feet gross floor area, or 1.0 per employee, whichever is more.

11.9 Number of Off Street Loading Spaces Required

Industrial, Trade and Warehouse Use	
Assembly and General Manufacturing Operations	One semi-trailer loading space for the first 10,000 square feet of gross floor area, plus one additional space for each additional 25,000 square feet.
Building Contractors and Similar Trades and Services	One standard loading space for the first 10,000 square feet of gross floor area, plus one additional space for each additional 10,000 square feet.
Heavy Equipment Sales	One semi-trailer loading space.
Mini-Warehouse Facilities	One standard loading space for the first 10,000 square feet of gross floor area, plus one additional space for each additional 10,000 square feet.
Research & Development or Production Facilities	One semi-trailer loading space for the first 10,000 square feet of gross floor area, plus one additional space for each additional 25,000 square feet.
Warehouse Facilities, Freight Terminals and Similar Uses	One semi-trailer loading space for the first 10,000 square feet of gross floor area, plus one additional space for each additional 25,000 square feet.

18.1.15 Basic Industry – An establishment engaged in the basic processing and manufacturing of materials or products predominately from extracted or raw materials, or a use engaged in storage of, or manufacturing processes utilizing flammable or explosive materials, or storage or manufacturing processes which potentially involve hazardous or commonly recognized offensive conditions.

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18.1.43 Distribution Facility - An establishment engaged in the receipt of goods, products, cargo and materials, individually or in bulk, the short-term holding or storage of such goods or merchandise, and/or the breaking up into lots or parcels and subsequent shipment off-site of such goods and merchandise. Distribution may be provided to an entity with an identity of interest with the distribution facility or to businesses and individuals unrelated to the distributor. The term "Distribution Facility" shall also include a transshipment facility for the temporary holding, storage and shipment of goods or vehicles.

18.1.84 Industrial, Flex - Any ~~structure occupied by~~ **use or establishment consisting of** at least two (2) of the following uses: contractors offices and shops; establishments for production, processing, assembly, manufacturing, compounding, preparation, cleaning, servicing, testing, or repair of materials, goods or products; warehousing establishments; wholesale trade establishments; and offices; provided however that non-office use shall utilize at least 65% of the total gross floor area of the site.

18.1.104 Manufacturing and Assembly Reserved

~~The processing, fabrication, assembly, distribution of products such as, but not limited to: scientific and precision instruments, photographic equipment, communication equipment, computation equipment, household appliances, toys, sporting and athletic goods, glass products made of purchase glass, electric lighting and wiring equipment, industrial controls, radio and TV receiving sets, optical goods, and electrical machinery.~~

18.1.105 Mini-warehouse Facility

A structure or structures containing separate storage spaces of varying sizes leased or rented on an individual basis.

18.1.106 Mixed Use

A variety of complementary and integrated uses, including but not limited to residential, office, **research & development, production** manufacturing, retail, public, entertainment, conference and lodging uses arranged in a compact urban form.

18.1.121 Office

A **use consisting of a** building, room or group of rooms used for conducting the **executive, management, or administrative** affairs of a business, **organization, institution, or government entity and/or for the provision of** professional services ~~or government~~. For the purpose of this Zoning Ordinance, an office **use may include accessory research & development or production uses subject to meeting the performance standards specified in Sec. 9.3.17.01 of this Ordinance.** ~~shall not involve manufacturing, fabrication, production, processing, assembling, cleaning, testing or repair of materials, goods or products.~~

18.1.127 Outdoor Storage

An unroofed area, or a roofed structure enclosed on not more than three sides, for the keeping of any goods, materials, or merchandise in the same place for more than twenty-four (24)

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hours. ~~All outdoor storage shall be required to be enclosed by a fence, wall, landscaped berm, or other suitable and appropriate method.~~ This definition shall not apply to the Display of Merchandise as described in Sec 9.4.6.

18.1.142 Planned Development

An area of land to be developed as a single entity according to a plan, containing residential, commercial, ~~industrial~~ **research & development, production** and/or public areas, under the provisions of this Zoning Ordinance.

18.1.150.1 Production

The manufacturing, compounding, processing, packaging, storage, assembly, and/or treatment of finished or semifinished products from previously prepared materials; and accessory offices associated with such uses. Examples of such activities include, but are not limited to: the assembly of the furniture, toys, prosthetics, pharmaceuticals, electronic components, and computer software.

18.1.157 Research & Development

Basic and applied **scientific** investigations ~~in the natural, physical, or social sciences~~ **directed** toward the discovery, invention, design, or establishment of new products and services **and accessory offices associated with such uses.**

18.1.199 Warehouse - A structure used for the storage of goods and materials which may also include ancillary wholesale sales not to exceed 25% of the site.

SECTION II. All prior ordinances in conflict herewith are hereby repealed.

SECTION III. Severability. If a court of competent jurisdiction declares any provision of this ordinance invalid, the decision shall not affect the validity of the ordinance as a whole or any remaining provisions of the Leesburg Town Code.

SECTION IV. This ordinance shall be effective upon its adoption.

PASSED this 24th day of March 2015.

Kristen C. Umstattd, Mayor
Town of Leesburg

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ATTEST:

Clerk of Council