



Date of Council Meeting: October 14, 2014

**TOWN OF LEESBURG  
TOWN COUNCIL MEETING**

**Subject:** Initiation of Zoning Ordinance amendment to revise regulations pertaining to demolition of noncontributing structures and parking credit requirements in the B-1 (Downtown) District portion of the H-1 Overlay, Old and Historic District.

**Staff Contact:** Brian Boucher, Deputy Director, Department of Planning and Zoning

**Council Action Requested:** A decision by Council is needed to initiate a resolution to consider amending parking regulations applicable to demolition of noncontributing structures in the H-1 District.

**Staff Recommendation:** I recommend that Town Council initiate a resolution to consider amending parking regulations applicable to demolition of noncontributing (i.e., non-historic) structures in the B-1 District area of the H-1 Overlay District.

**Commission Recommendation:** None required at this time. If the resolution is adopted, the Planning Commission will forward a recommendation to the Town Council regarding the amendment as part of the ordinance amendment review process.

**Fiscal Impact:** The fiscal impact cannot be stated with precision at this time but the proposed amendments will foster redevelopment in the downtown area by making it less expensive for developers to redevelop sites with noncontributing structures.

**Executive Summary:** In the downtown area existing zoning regulations significantly impact the cost of redeveloping sites occupied by noncontributing structures by requiring a developer to provide all parking required for the new building when a noncontributing structure is demolished. The concern is that this inhibits redevelopment of sites containing such structures because the regulations do not distinguish between “contributing” and “noncontributing” structures for purposes of demolition. The amendment would make a distinction and give a parking credit to encourage redevelopment of such structures in the downtown area.

**Background:** The H-1 Overlay District encompasses several zoning districts, including the B-1, Community (Downtown) Business District. The H-1 Overlay District has unique parking regulations that apply to the B-1 District portion.

**Existing Regulations:** The Zoning Ordinance requires *any* building demolished and replaced in the B-1 District to provide the *full* number of parking spaces specified for the use in TLZO Sec. 11.3 Number of Parking Spaces Required. That is, if a demolished building was 10,000 s.f. in area, was used for retail use and was within 500 feet of a Town or County parking facility, then even though the use required 50 parking spaces, no

spaces were required because of the special parking rule for uses in the H-1 District. However, once that building has been demolished, the replacement building must provide *all 50 of those spaces*.

The ZO permits the spaces to be located either on-site or off-site under certain conditions. In the H-1 Overlay District a third option is available: spaces may be purchased at \$3,000/space per TLZO Sec. 11.4.3 Payments in-Lieu. If the spaces are purchased under this provision, then an owner/developer does not need to provide any spaces on-site or off-site; in theory the spaces will be provided in public facilities.

**Effect of Existing Regulations:** The current language does not distinguish between the demolition of contributing (historically significant) and non-contributing (historically insignificant) buildings. No parking credit is given when a building is demolished, whether or not that building is classed as “contributing” or “noncontributing”. At the time the ordinance was enacted, the intent was to give incentive to owners/developers to rehabilitate existing buildings, not to give incentives for demolishing existing buildings in the H-1 Overlay District. There is no record of any discussion that distinguished between buildings based on their historic significance.

**Draft Amendment Language:** One possible amendment is the following (the highlighted/underlined area is the proposed language):

#### **11.4.4.D. Demolition and Redevelopment.**

- 1. Contributing Buildings:** Where redevelopment of property in the B-1 District involves demolition of an existing buildings designated as contributing to the Old and Historic District in the Historic District Survey Files ~~to create new building sites~~, then off-site parking spaces required by Sec. 11.3 must be provided in full for the new building.
- 2. Non-Contributing Buildings:** Where redevelopment of property in the B-1 District involves demolition of an existing building designated as non-contributing in the Historic District Survey Files, and that building is within 500 feet of a municipal parking facility, then a credit will be given for off-site parking spaces required by Sec. 11.3 based on the existing building square footage and the previous use.

Staff is developing a map that indicates the status of buildings in the H-1 District based on their classification as either contributing or noncontributing. The B-1 District makes up only a portion of the H-1 District. The number of buildings in that district that are listed as noncontributing is not expected to exceed 50 buildings. Note that staff has identified gradations to the definition of “contributing” and “noncontributing”, in that some noncontributing buildings are non-historic but are designed to be compatible with the historic, contributing buildings downtown. One

example is the Town Hall. These gradations would be discussed during any ordinance amendment to arrive at the proper place to give a credit.

**Impact of Proposed Amendment:** This amendment gives a firm incentive to redevelop sites in the B-1 District that have been designated as non-contributing buildings. That incentive is a parking credit for the existing building based on the building area and use. On the negative side, the amendment would lessen the amount of money available to provide public parking facilities downtown by giving a parking credit so fewer spaces are purchased using the “pay-in lieu” option.

**Attachments:** (1) Resolution

PRESENTED: October 14, 2014

RESOLUTION NO. \_\_\_\_\_

ADOPTED: October 14, 2014

A RESOLUTION: INITIATING AMENDMENTS TO ARTICLE 11 PARKING, LOADING AND PEDESTRIAN ACCESS IN ORDER TO ESTABLISH NEW PARKING REQUIREMENTS FOR DEMOLITION AND REDEVELOPMENT OF NON-CONTRIBUTING BUILDINGS AND CONTRIBUTING BUILDINGS IN THE H-1 OVERLAY, OLD AND HISTORIC DISTRICT

WHEREAS, the Leesburg *Town Plan* in Land Use Element Objective 11 encourages infill development and in Objective 5 encourages redevelopment in the Central Planning Area (Downtown); and

WHEREAS, demolition, defined by the Zoning Ordinance as removal of more than 40% of a building, is permissible in the H-1 Overlay, Old and Historic District when a Certificate of Appropriateness is issued by the Board of Architectural Review in accordance with Zoning Ordinance Section 7.5.8 Demolition Applications; and

WHEREAS, the regulations provided in Section 7.5.8 Demolition Applications do not differentiate between contributing and non-contributing resources within the H-1 Overlay, Old and Historic District in their application; and

WHEREAS, in an effort to discourage the total demolition of buildings in the H-1 Overlay, Old and Historic District, Zoning Ordinance Section 11.4.4. D. Demolition and Redevelopment requires when a property in the H-1 is demolished and redeveloped to create a new building, then 100% of all required parking spaces required by Section 11.3 Number of Parking Spaces Required must be provided in full; and

WHEREAS, in order to foster redevelopment in the Downtown in accordance with the objectives of the *Town Plan*, it may be reasonable to amend parking requirements in the H-1 District regarding demolition and redevelopment; and

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

A RESOLUTION: INITIATING AMENDMENTS TO ARTICLE 11 PARKING, LOADING AND PEDESTRIAN ACCESS IN ORDER TO ESTABLISH NEW PARKING REQUIREMENTS FOR DEMOLITION AND REDEVELOPMENT OF NON-CONTRIBUTING BUILDINGS AND CONTRIBUTING BUILDINGS IN THE H-1 OVERLAY, OLD AND HISTORIC DISTRICT

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

SECTION 1. Amendments to the Zoning Ordinance are hereby initiated and referred to the Planning Commission to consider a reduction in the number of parking spaces required when non-contributing structures are demolished and replaced with new structures in the B-1, Community (Downtown) Business District area of the H-1 Overlay, Old and Historic District, in order to implement *Town Plan* goals and objectives.

SECTION 2. The Planning Commission shall hold a public hearing to consider these amendments to the Zoning Ordinance and report its recommendation to Town Council pursuant to Chapter 22, Title 15.2-2204 of the 1950 Code of Virginia, as amended.

PASSED this \_\_\_\_ day of October, 2014.

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Kristen C. Umstattd, Mayor  
Town of Leesburg

ATTEST:

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Clerk of Council