

Ad to run 1/21 and 1/28

**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 FEBRUARY 10, 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. 3.1.3.A.5. Application Completeness, to include proof of all taxes and other liens are paid prior to acceptance of an application.**
2. **Sec. 3.1.9.C.3 Time of Newspaper Notice, revise to match Code of Virginia time requirements.**
3. **Sec. 3.1.9.C.2 Contents of Newspaper Notice – Added requirement that ad must reference place where copies of the ordinance/amendment/etc., can be examined.**
4. **Sec. 3.1.9.A Written Notice – Revisions to the written notice to reflect current Virginia Code requirements.**
5. **Sec. 3.1.9.F. Additional Notice Required, eliminating this paragraph as it is inconsistent with State Code**
6. **Sec. 3.1.9.D.3. Notice Requirements for Particular Hearings eliminating Ordinance Sections not required by the Code of Virginia.**
7. **Sec. 3.7.1. Zoning Permits to include change of non-residential tenant to list of items requiring a Zoning Permit.**
8. **Sec. 3.10.2. Required Contents of Applications (for COA) adding/specifying the minimum required application materials.**
9. **Sec. 3.11.16. Lapse of Approval adding a lapse of approval to COAs in the H-2 Overlay**
10. **Sec. 6.3.3 Density/Intensity & Dimensional Standards insert language from Sec. 9.3.15. to clarify the Ordinance.**
11. **Sec. 6.5.3 Density/Intensity and Dimensional Standards amend to eliminate FAR in the B-3 District**
12. **Sec 8.4.8. Open Space Requirements for “Infill” PRN to eliminate reference to Infill Map in Town Plan.**
13. **Sec. 8.3.2. Lot Size eliminate or reduce minimum lot size and lot averaging in Planned Districts.**
14. **Establishing Sec. 9.4.5 Electric Vehicle Charging Stations to provide EV charging stations regulations.**
15. **Sec. 9.3 26.B. Antennas establishing subsection 6. establishing structures are not part of antennas when considering expansions of facilities per 1996 Telecom Act revision.**
16. **10.4.5.E.5 Increased Setbacks, to clarify where this applies.**
17. **Secs. 9.3.11.A. Area Limitation, 9.4.1.A. Maximum Floor Area, 10.4.5.C.1. Accessory Structures, 18.1.3 Accessory Building, and 18.1.5 Accessory Dwelling to establish standard size for accessory structures.**
18. **Sec. 10.4.5.C.5 Decks & Patios to simplify setback requirements for decks.**
19. **Sec. 10.4.4.F. Structure Built on Two Lots to recognize recent State Code amendment.**
20. **Sec. 11.4.5.A. Shared Parking (Mixed Use) to eliminate residential from the mixed use calculations.**

21. **Sec.11.6.1.D. Pavement Requirements for Residential and Commercial Travel Ways and Spaces** amending the requirement for residential parking on a driveway.
22. **Sec. 11.6.2. Dimensions of Parking Spaces and Aisles** specifying the maximum number of contiguous parking spaces, allowing gutter pans in width calculation of aisles and revising a note to clarify width review by fire marshal for fire access.
23. **Sec. 11.12.3.C Bonds** revising language in subsection C
24. **Sec. 11.8 Stacking Spaces** clarifying how to calculate the number of stacking spaces in a drive-through lane
25. **Sec. 12.3.1.E. Twenty-Year Tree Canopy Requirements** eliminating the requirement that every individual platted lot be required to provide minimum canopy coverage.
26. **Sec. 12.2.1. Landscape Plan Required** correcting references to latest SLDR Section numbers.
27. **Secs. 13.2.1.B. Permitted Uses and 14.3 Effect of Buffer** to allow paved trails in a floodplain and/or Creek Valley Buffer.
28. **Secs. 18.1.36. Condominium, 18.1.172 Single-Family Attached (Stacked Townhouse) Dwelling and 18.1.110. Multi-Family Dwelling** revising definitions for clarity.
29. **Secs. 18.1.164. School, Special Instruction, 6.3.2. Use Regulations, and 6.6.2 Use Regulations** revising the definition for clarity and establishing the use by in the B-1 and B-4 Zoning Districts.
30. **Sec. 18.1.172. Single-Family Attached (Townhouse) Dwelling** revising definition to codify a Zoning interpretation.
31. **Secs. 9.3 Use Standards, 9.4.5.6 Display of Merchandise, 18.1.126.1 Outdoor Sales (Accessory to Retail) and 18.1.127 Outdoor Storage** to establish seasonal outdoor display of merchandise regulations.
32. **Secs. 15.4.19. Artwork and 18.1.110.1 Mural** to clarify limitations on installing murals.

Copies and additional information regarding each of these 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 703-771-2765 and asking for Christopher Murphy, Zoning Administrator. This zoning ordinance amendment application is identified as case number TLOA-2014-0006.

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: February 10, 2015

**TOWN OF LEESBURG
TOWN COUNCIL
PUBLIC HEARING**

Subject: TLOA-2014-0006 Zoning Ordinance Batch Amendment

Staff Contact: Christopher Murphy, AICP, Zoning Administrator

Council Action Requested: Amend various sections of the Zoning Ordinance as part of the annual Zoning Ordinance Batch Amendment process.

Staff Recommendation: Staff recommends approval of the Zoning Ordinance Batch Amendments as presented in this report.

Planning Commission Recommendation: The Planning Commission forwarded the Zoning Ordinance Batch Amendments to Council with a recommendation of approval, (on an unanimous vote) as presented in the staff report dated January 15, 2015, with additional revisions to Section 11.6.2 Dimensions of Parking Spaces and Aisles as provided by staff that evening. The following draft of the Batch Ordinance Amendments, dated February 10, 2015, reflects the Ordinance in the form recommended for approval by the Planning Commission.

Fiscal Impact: Unlike a land development application, or a zoning ordinance text amendment that will lead directly to new development or uses within an existing zoning district that might produce immediate financial gains for the Town, the Zoning Ordinance Batch Amendments are intended to “update” the Zoning Ordinance, to correct errors and/or create efficiencies that make it easier to understand and to administrate the Zoning Ordinance. Any fiscal benefits will be realized through addressing needs for maintaining the health, safety, welfare and convenience of the community, by streamlining review times and opening opportunities created through efficiencies built into the Zoning Ordinance by the proposed revisions.

Executive Summary: The following table provides a quick synopsis of each amendment included in this report with the reason for each particular change, the current procedure and the effect of the proposed change going forth if approved.

Amendment	Reason for Change	Current Procedure	Effect of Change
1. (p. 6) Application Completeness & Accuracy	Ease of Use	Require all taxes and/or liens be paid prior to accepting an application for review.	No Change. Simply relocating this provision to make it more conspicuous.
2. (p. 7) Public Hearing Notices	State Code Consistency	Some TLZO notice requirements need to be revised to meet the Code of VA.	Revisions will bring the TLZO into consistency with Code of VA minimum notice requirements
3. (p. 13) When Zoning Permits Required	Ease of Use	To require a Zoning Permit for a change in non-residential tenancy	Amendment adds specific requirement for change of non-residential tenancy to obtain a Zoning Permit
4. (p. 14) Required Contents of Applications	Ease of Use	Common information necessary for thorough review is not listed in minimum submission requirements list	Streamlines BAR review by enhancing and clarifying minimum submission materials requirements
5. (p. 15) Lapse of Approval (COAs)	Correcting Error	ZO only provides lapse of approval for COAs in H-1 Overlay. H-2 is not addressed	Provides for a lapse of approval of COAs in the H-2 Overlay
6. (p. 16) Density/Intensity and Dimensional Standards	Changing Needs of Community	Multi-family dwellings in the B-1 are limited to above ground-floor commercial only.	Permits multi-family on ground floor outside of Downtown "Core".
7. (p. 18) Density/Intensity and Dimensional Standards	Correcting Error	No B-District requires an FAR except the B-3 District.	Revises the B-3 to eliminate the maximum FAR.
8. (p. 19) Open Space Requirement, "Infill" PRN	Correcting Error	This Section refers to non-existent "Infill" Map in the Town Plan.	Eliminates invalid reference and replaces with reference to "Downtown" Land use Policy Area.

Amendment	Reason for Change	Current Procedure	Effect of Change
9. (p. 19) General Development Standards	Ease of Use, Changing Needs of Community	Requires lot averaging for all PDs which promotes suburban style development.	Eliminates averaging to rely on minimum lot sizes and widths for dwelling unit types.
10. (p. 21) Accessory Uses	Changing Needs of Community	Zoning Ordinance does not provide standards for EV charging stations.	Establishes standards for EV charging stations as accessory to commercial parking facilities.
11. (p. 22) Use Standards	Changing Needs of Community	Telecommunications regulations permit antenna to be co-located on buildings.	Adds clarification to co-location standards specifying buildings are not part of the telecom facility.
12. (p. 23) Measurements, Computations and Exceptions	Ease of Use	Additional setback based on road classification is often misinterpreted.	Adds clarifying language to better describe where this setback applies.
13. (p. 23) Accessory Structures	Ease of Use	Some inconsistencies found in accessory structure regulations, and standards are found in definitions.	Standardizes regulations and removes standards from within definitions.
14. (p. 25) Extensions into Required Yards	Ease of Use	Two different extension requirements for decks based on the height of the deck above the ground.	Standardizes deck extension requirements regardless of height above the ground.
15. (p. 26) Lot Size	State Code Update	Lot consolidation requires a record plat for Town review and approval. Acts as a disincentive to correct non-conformities.	Lot consolidations can be done with deed referencing original record plat. Can incentivize elimination of non-conformities.

Amendment	Reason for Change	Current Procedure	Effect of Change
16. (p. 27) Shared Parking (Mixed Use)	Changing Needs of Community	Permits reduction of residential parking spaces in mixed-use developments.	Removes residential reduction to match what has been done in practice when reviewing mixed-use projects.
17. (p. 28) Parking and Loading Area Design Standards	Ease of Use	Parking only on a legally paved surface requirement fails to recognize paved driveways are not always required.	Language change from “legally paved surface” to “driveway” assists in enforcement activities.
18. (p. 28) Parking and Loading Area Design Standards	Ease of Use	All parking lot design requirements are located in the ZO except one that is in the DCSM.	Consolidates all applicable parking lot design standards in the ZO.
19. (p. 29) Administration	Correcting Error	As written required paving only needs to be bonded prior to issuance of Occupancy Permit if weather prohibits paving.	Only permits Occupancy Permit with bond for paving of SFD residential driveways when weather prohibits paving per current practice.
20. (p. 30) Stacking Spaces	Ease of Use	Drive through stacking space requirements are not clear on how to count the space at service window.	Clarifies how to count spaces, including the space at service window.
21. (p. 31) Twenty-Year Tree Canopy Requirement	Correcting Error	Requires every platted lot to provide at least 2½ % or 3,000 sf tree canopy towards minimum site canopy coverage.	Eliminates platted lot requirement, but maintains overall site coverage requirement.
22. (p. 32) Administration	Correcting Error	Incorrect references to DCSM are in Landscape Plan Required section.	Corrects references to the correct DCSM sections.

Amendment	Reason for Change	Current Procedure	Effect of Change
23. (p. 32) Use Regulations, Effect of Buffer	Changing Needs of Community	Paved trails not specifically permitted in Floodplain or Creek Valley Buffer.	Permits paved trails when constructed by Town capital project in Floodplain and CVB areas.
24. (p. 34) Terms Defined	Ease of Use	Confuses the definitions of condominium, multi-family dwelling. Limits definition of 2-over-2 units.	Clarifies condominium and multi-family dwelling definitions, and broadens definition of 2-over-2 units.
25. (p. 35) Use Regulations, Terms Defined	Ease of Use	Is often confused with what in actuality is a child care center use.	Clarifies that the Use cannot also be a child care use licensed by the VA DSS.
26. (p. 36) Terms Defined	Ease of Use	Town practice has been to require all SFA units to be on individual fee simple lots.	Codifies established Town practice and ZA written interpretation.
27. (p. 36) Use Standards, Accessory Uses, & Terms Defined	Ease of Use	Provides regulations for outdoor sales in wrong location, and they do not address current practices of local retailers well.	Regulations relocated and refined to better address regulation of seasonal outdoor display of merchandise.
28. (p. 38) Use Standards, Accessory Uses, & Terms Defined	Ease of Use	Limits murals to public buildings only, but that is not clear in ZO that they are otherwise prohibited elsewhere.	Clarifies permission and prohibition of murals

Background: Staff has established a process for the annual review and amendment of the Zoning Ordinance to meet recently adopted state law, to address ease of use and interpretation issues, to correct errors and to be responsive to the changing needs of the community.

Presented below is the list of amendments comprising the 2014 Zoning Ordinance Batch Text Amendments. The list is followed by a brief explanation of the reasons for each amendment along with the proposed text change(s).

Key to Text Used in this Report:

- A brief description of the proposed amendment is *written in italics* at the beginning of each section.
- Text highlighted in yellow and underlined is proposed new language.
- Text in ~~red and with strikethrough~~ is existing text proposed to be eliminated.

1.) Section 3.1.3. Application Completeness and Accuracy

This revision does not introduce any new language into the Zoning Ordinance. It only reorganizes an existing requirement placing it in a more prominent location in the list of what constitutes a complete application. In doing so, the former section (3.1.7 Proof of Payment of Real Estate Taxes) will be held in reserve for any future amendments, and to maintain the proceeding section numbers.

This is being undertaken for clarity and ease of use.

The Commission suggested that citations of Code of Virginia enabling legislation provisions be annotated within the Zoning Ordinance as appropriate.

3.1.3 Application Completeness, Accuracy, and Substantial Amendment

A. Required Completeness and Accuracy. An application will be considered complete if:

1. it is submitted in the required number and form;
2. it includes all mandatory information;
3. it is accompanied by the applicable fee; ~~and~~
4. all information material to the application is accurate. This provision does not preclude the identification and correction of inaccurate or misleading information submitted by the applicant after an application is accepted; and.
5. Proof of Payment of all Taxes and Other Charges: Prior to submission of an application by the owner of the subject property, the owner's agent, or any entity in which the owner holds an ownership interest greater than 50 percent, for a Zoning Map Amendment, Zoning Concept Plan or Proffer Amendment, Special Exception, Variance, Site Plan, B.A.R. Permit, Zoning

Permit or prior to the issuance of final approval, applicant shall provide satisfactory evidence from the Director of Finance that any delinquent real estate taxes, nuisance charges, stormwater management utility fees due and any other charges that constitute a lien on the subject property, that are owed to the Town which have been properly assessed against the property have been paid. (Per Sec. 15.2-2286.B. of the Code of Virginia, 1950, as amended.)

3.1.7 Proof of Payment of Real Estate Taxes Reserved

~~Prior to initiation of an application by the owner of the subject property, the owner's agent, or any which the owner holds an ownership interest greater than 50 percent, for a Zoning Map Amendment, Zoning Concept Plan or Proffer Amendment, Special Exception, Variance, Site Plan, B.A.R. Permit, Zoning Permit or prior to the issuance of final approval, applicant shall provide satisfactory evidence from the Director of Finance that any delinquent real estate taxes, nuisance charges, stormwater management utility fees due and any other charges that constitute a lien on the subject property, that are owed to the Town which have been properly assessed against the property have been paid.~~

2.) Section 3.1.9. Public Hearing Notices

The Virginia Code contains Sec. 15.2-2204 which specifies what types of notice are required for various land development applications such as rezonings, special exceptions, Town Plan amendments and zoning text amendments. Based on changes in the Virginia Code and to make the rules more understandable, the following changes are proposed for TLZO Sec. 3.1.9:

- *Sec. 3.1.9.C.3 Time of Newspaper Notice – A revision to amend the requirement that newspaper advertisements appear no fewer than six (6) days before a public hearing to read no fewer than five (5) days before the hearing to accord with Va. Code Sec. 15.2-2204.A. and included language that at least six (6) days must elapse between the two required newspaper ads.*
- *Sec. 3.1.9.C.2 Contents of Newspaper Notice – Added requirement that ad must reference place where copies of the ordinance/amendment/etc., can be examined.*
- *Sec. 3.1.9.A Written Notice – Revisions to the written notice to reflect current Virginia Code requirements, including adding a specific section for Zoning Ordinance text amendments that decrease density, and new sections regarding notice to Loudoun County, notice to public airport owners, and notice when electric transmission corridors are altered in the Town Plan.*
- *Sec. 3.1.9.F. Additional Notice Required – Both subsections “Deferral” and “Recessed Public Hearings” are revised to clarify what is meant in each case and to distinguish*

them from the case where a public hearing is opened and then continued, in which case written notice is specifically required to be re-mailed by the Virginia Code.

These revisions are being undertaken to make the Zoning Ordinance consistent with the Code of Virginia. [As a result of Commission input a single change was made in Sec. 3.1.9.F Additional Notice Required to change “recessed” to “closed”.] [A chart has been added to clarify written notice requirements for ease of use. Also, some descriptive titles have been added in places as indicated to make the ordinance easier to navigate under the written notice sections.]

3.1.9 Public Hearing Notices

Each public hearing involving planning and zoning matters before the Town Council, Planning Commission or Board of Zoning Appeals requires notice, as set out in Sec. 15.2-2204 of the Code of Virginia, 1950, as amended, and as set forth below

A. Written Notice.

1. **Landowner Initiated Cases.** In any case involving a zoning map amendment, special exception or variance which is initiated at the request of a landowner, such landowner shall be designated by the Planning Commission, Town Council or Board of Zoning Appeals as the appropriate and responsible party for sending any written notice required by this section and Section 15.2-2204 of the Code of Virginia, 1950, as amended.
2. **Cases Involving 25 or Fewer Tax Map Parcels.** For a zoning map amendment, special exception or variance that involves 25 or fewer tax map parcels, the Planning Commission, Town Council, Board of Zoning Appeals, or designee as appropriate shall provide written notice of the public hearing to:
 - a. **Owners, etc.** The owner or owners, their agent or the occupant, of each parcel involved and to the owner or owners, their agent or the occupant, of all abutting property and property immediately ~~and diagonally~~ across the street or road from the property affected, including those properties which lie in other localities of the Commonwealth.
 - b. **Planned Development District:** In addition, if any portion of the affected property ~~that is the subject of a proffered zoning map amendment and/or~~ is within a planned development district then written notice of a public hearing shall be provided to any incorporated property owner's associations within the planned development district that have members owning property located within 2,000 feet of the affected property ~~landowner subject to such existing proffered conditions in accordance with § 15.2-2302 of the Code of Virginia, 1950, as amended.~~
 - c. **Public Land:** In addition, when a proposed amendment to the zoning ordinance involves a tract of land not less than 500 acres owned by the Commonwealth or by the federal government, and when the proposed change affects only a portion of the larger tract, notice need be given only to the owners of those properties that are adjacent to the affected area of the larger tract.

- d. When/Type of Mail:** Notice shall be sent at least ten (10) calendar days before the hearing by registered or certified mail to the last known address of an owner as listed in the current Loudoun County real estate tax assessment records or current real estate tax assessment books.
 - e. Continued Hearing:** If the hearing is continued, notice shall be re-mailed.
- 3. Cases Involving More Than 25 Tax Map Parcels.** For a zoning map amendment, special exception or variance application that involves more than 25 tax map parcels, the Planning Commission, Town Council, Board of Zoning Appeals, or designee as appropriate shall provide written notice of the public hearing to:
 - a. Owners, etc.** The owner, owners, or their agent of each parcel involved and to the owner or owners, or their agent of all abutting property and property immediately ~~and diagonally~~ across the street or road from the property affected, including those properties which lie in other localities of the Commonwealth.
 - b. Planned Development District:** In addition, if any portion of property that is the subject of a proffered zoning map amendment and/or is within a planned development district then written notice of a public hearing shall be provided to any landowner subject to such existing proffered conditions in accordance with § 15.2-2302 of the Code of Virginia, 1950, as amended.
 - c. When/Type of Mail:** Notice shall be sent at least ten (10) calendar days before the hearing by first class mail to the last known address of an owner as listed in the current Loudoun County real estate tax assessment records or current real estate tax assessment books.
 - d. Continued Hearing:** If the hearing is continued, notice shall be re-mailed.
- 4. Zoning Ordinance changes that decrease density.** For a Zoning Ordinance text change that decreases the allowed dwelling unit density of any parcel of land, the Planning Commission or its representative shall provide written notice of the public hearing to:
 - a. Owners, etc.** The owner, owners, or their agent of each parcel involved and to the owner or owners, or their agent of all abutting property and property immediately across the street or road from the property affected, including those properties which lie in other localities of the Commonwealth. However, written notice of such changes to zoning ordinance text regulations shall not have to be mailed to the owner, owners or their agents of lots shown on a subdivision plat approved and recorded pursuant to the Subdivision and Land Development Regulations where such lots are less than 11,500 square feet.
 - b. When/Type of Mail:** Notice shall be sent at least ten (10) calendar days before the hearing by first class mail to the last known address of an owner as listed in the current Loudoun County real estate tax assessment records or current real estate tax assessment books.
 - c. Continued Hearing:** If the hearing is continued, notice shall be re-mailed.

5. Notice to Adjoining Localities. When a comprehensive plan amendment, zoning map amendment, or special exception application involves any parcel of land located within one-half mile of a boundary of an adjoining locality of the Commonwealth, written notice of the application shall be given by the local commission, or its representative, at least ten (10) calendar days before the hearing to the chief administrative officer, or his designee, of such adjoining locality.
6. Contents of Written Notice. All required written notice shall contain:
 - a. The time, date and place of hearing;
 - b. A brief description of the matter being heard;
 - c. Identification of the land that is the subject of the application (including the tax map number of the property and complete street address of the property, if any); and
 - d. The assigned case file number.
7. Notice by Town. Notwithstanding any other provisions of this section, whenever the notices required under this section are sent on behalf of an agency, department or division of the Town, such notice shall be sent by the Zoning Administrator and may be sent by first class mail; however, the Zoning Administrator shall make affidavit that such mailings have been made and file such affidavit with the papers in the case.
8. Certification. At least five (5) calendar days prior to the hearing, an affidavit, prepared by the person or persons, or their representative providing notice, shall be filed with the Director of Planning and Zoning certifying that written notices have been sent and such affidavit shall include a list of names of those to whom notice was sent. A copy of such affidavit shall be presented at the beginning of the public hearing on the application.
9. Failure to Receive Notice. Failure to receive any notice of a hearing required by this section, in and of itself, shall not invalidate any action taken at or subsequent to the hearing.
10. Condominium Ownership. In the case of a condominium, written notice may be sent to the unit owners' association instead of to each individual unit owner.
11. Notice to County. For a comprehensive plan amendment, a zoning map amendment, or special exception application involving any parcel of land located within one-half mile of a boundary of an adjoining locality in the Commonwealth, then written notice shall also be given by the Zoning Administrator to the chief administrative officer or his designee, of such adjoining locality. Such notice must be mailed at least ten (10) days prior to the hearing.
12. Notice to Airport Owner. For a comprehensive plan amendment, a zoning map amendment, or special exception application involving any parcel of land located within 3,000 feet of a boundary of a licensed public-use airport, then written notice shall also be given at least thirty (30) days before the public hearing to the owner of the public-use airport, and the notice shall advise of the opportunity to submit comments or recommendations.

13. Notice involving Electric Transmission Corridors. When a comprehensive plan amendment designates or alters previously designated corridors or routes for electric transmission lines of 150 kilovolts or more, written notice shall also be given by the Zoning Administrator to each electric utility with a certified service territory that includes any part of such designated electric corridor transmission corridors or routes at least ten (10) days prior to the hearing.

14. Board of Architectural Review Written Notice. For cases before the Board of Architectural Review, the town shall mail written notice of the public hearing by first class mail at least ten (10) calendar days prior to the public hearing.

B. Placard Notice. Placard notice shall be posted by the applicant, using a form of placard approved by the Town Council, at least fifteen (15) calendar days and no more than twenty (20) calendar days prior to each public hearing. Certification of posting shall be provided to the Director of Planning, Zoning and Development, except that such certification shall be provided to the Zoning Administrator for public hearings before the Board of Zoning Appeals.

1. Location of Placards. Placards shall be affixed to a pole, post, fence or other structure to be clearly visible from each public road abutting the property. If no public roads abut the property, then the placard shall be posted so as to be clearly visible from at least two abutting properties and at the access points to said property. Placards shall be weatherproof.

2. Contents of Placards. Placards shall contain:

- a.** The time, date and place of the hearing;
- b.** A brief description of the matter being heard;
- c.** Identification of the land that is the subject of the application including the property tax identification number, tax map number and complete address of the property, if any; and
- d.** The assigned case file number.

3. Maintenance and Removal of Placards. The applicant shall maintain all placards up to the time of the hearing and shall remove all posted placards no later than fifteen (15) calendar days after the public hearing has been closed.

4. Penalties. It shall be unlawful for any person to destroy, deface or remove such placard notice. Any person taking such action shall be subject to the penalties set forth in Sec. 17.3.

C. Newspaper Notice. The Town shall give newspaper notice prior to each public hearing.

1. Type of Newspaper. Notice shall be published in a newspaper or newspapers of general circulation in the locality

2. Contents of Newspaper Notice. The notice shall contain:

- a.** The time, date and place of the hearing;
- b.** A brief description of the matter being heard;

- c.** Identification of the land that is the subject of the application including the property tax identification number, tax map number and complete address of the property, if any;
 - d.** In the case of a zoning map amendment, including an amendment to an approved concept plan, or a modification of ordinance regulations, the general usage and density range of the proposed zoning amendment, and the general usage and density range, if any, set forth in the Town Comprehensive Plan shall be included within the notice; and
 - e.** The assigned case file number.
 - f.** References to the place or places in the Town where copies of the proposed plans, ordinances or amendments may be examined.
- 3.** Time of Newspaper Notice. The notice shall appear at least once a week for two (2) successive weeks with not less than six (6) days elapsing between the first and second publication. ~~and with the~~ The second advertisement shall be published no more than twenty-one (21) calendar days and no fewer than ~~six (6)~~ five (5) calendar days prior to the public hearing.

D. Notice Requirements for Particular Hearings. The following hearings require the following form of notice:

- 1.** Appeals to Town Council. Public hearings on appeals to the Town Council require that the Town provide newspaper notice of the hearing.
- 2.** Appeals to Board of Zoning Appeals. Public hearings on appeals to the Board of Zoning Appeals require that the Town provide newspaper notice of the hearing.
- 3.** ~~Submission Requirements. A resolution to be presented to the Town Council pursuant to Sec. 2.1.1.G shall be advertised in a newspaper of general circulation in the County at least twenty (20) calendar days before consideration of the resolution by the Town Council.~~

E. Cost of Notice. The cost of all notice required by this section shall be paid by the applicant. The costs of placing the original newspaper notice are included in the application fee. However, The cost of newspaper notices for re-hearings or additional hearings required by the applicant's actions shall be paid by the applicant.

F. Additional Notice Required.

- 1.** Deferral. If an item is not heard at the time for which it was noticed and the public hearing is not opened, but is deferred ~~or continued~~ at that time to another date, all notice required by this section shall be given for the deferred public hearing.
- 2.** Recessed Closed Public Hearings. If a public hearing is closed begun but the particular agenda item is not completed, ~~thereby requiring the meeting to be recessed,~~ no additional notice is required as long as the date(s) for completion of the public hearing agenda is announced at the hearing that has been recessed closed.

WRITTEN NOTICE REQUIREMENTS				
Circumstance	Section	Written	Recipient	When/Mailing Type
Rezoning, S.E. or variance involving less than 25 parcels	3.1.9.A.2.a	Yes	See Sec. 3.1.9.2.a-d	10 days prior to hearing by registered or certified mail
Rezoning, S.E. or variance involving more than 25 parcels	3.1.9.A.3	Yes	See Sec. 3.1.9.2.a-b	10 days prior to hearing by registered or certified mail
Zoning Ordinance text change that decreases density	3.1.9.A.4	Yes	3.1.9.A.4.a	10 days prior to hearing by 1 st class mail
Town Plan amendment, Rezoning or S.E. within ½ mile of adjoining locality	3.1.9.A.5	Yes	Chief admin. officer, or his designee, of such adjoining locality	10 days prior to hearing
Town Plan amendment, Rezoning or S.E. within 3,000 feet of public airport	3.1.9.A.12	Yes	Owner of airport	30 days prior to hearing
Town Plan amendment designates or alters routes of electric transmission lines of 150 kilovolts or more	3.1.9.A.13	Yes	Each electric utility with a certified service territory that includes any part of the designated routes	10 days prior to hearing
B.A.R. meeting	3.1.9.A.14	Yes	Adjacent property owners	10 days prior to hearing by 1 st class mail

3.) Section 3.7.1 When Zoning Permits Required

This revision is being made to clarify when a Zoning Permit is required prior to occupancy, and to codify what has been the on-going practice of the Town.

3.7.1 When Permits Required

No wall, building, structure, or part thereof, shall be built, constructed, reconstructed, moved, altered, ~~including internal alterations,~~ or added to; ~~including internal alterations and~~ no excavation or filling operation shall ~~be~~ commenced; ~~no activity which requires a Loudoun County building permit shall commence; or and no~~ change in use ~~or nonresidential tenancy shall be~~ permitted until ~~an~~ application ~~is~~ ~~has been made~~ submitted and a zoning permit ~~is~~ issued by the Zoning Administrator, in accordance with the provisions of this *Zoning Ordinance*. Change in nonresidential tenancy shall not be construed to mean a change of business name or a change in the ownership/operator of a legally permitted business.

4.) Section 3.10.2 Required Contents of Applications

Additional information and clarification is needed for submittals associated with Certificates of Appropriateness (COA) to assist in determining impact and the extent of project work. This will serve to streamline review by the Preservation Planner and Board of Architectural Review (BAR). Also detailed information is needed for window replacements in contributing historic buildings because there are a substantial number of inferior products in the marketplace and it is the most requested COA work item in the H-1 overlay district. Please note that for simpler COA applications, Section 3.10.2, C allows for the waiver of these requirements at the discretion of the Preservation Planner and BAR.

This amendment is being undertaken for clarity and ease of use. The new language proposed herein is consistent with specifications already listed on the COA Application Form.

3.10.2 Required Contents of Applications

A. General. When making application for a Certificate of Appropriateness, applicants must submit information for consideration by the Board of Architectural Review, including the following:

1. All affected architectural elevations, floor plans, and roof plan drawn to scale showing existing conditions, proposed alterations, and proposed new construction;

2. Site plans drawn to scale with land parcel boundaries showing footprints of existing buildings, footprints of proposed new construction, and required setbacks;
3. Complete materials list including product specification sheets and/or material or samples of materials as deemed necessary;
4. Photographs of the affected building elevations and any deteriorated conditions. For proposed new construction, photographs or drawings relating the proposed project to the surrounding streetscape;
5. Proposed colors including color chips from the paint manufacturer;
6. Exterior light fixtures Lighting; and and/or lighting plan when required by Article 12;
7. A landscape plan Landscaping; when required by Article 12-;
8. A narrative providing justification for the request; and
9. For the replacement of windows in contributing historic resources, an assessment of each window proposed for replacement including a statement of condition, photographs, and the following detailed information:
 - a. Dimensions of the window opening and size of the proposed replacement window;
 - b. Depth of reveal for the existing and proposed window;
 - c. Proportions of the window frame and sash for the existing and proposed window;
 - d. Configuration of window panes in the existing and proposed window;
 - e. Muntin profiles for the existing and proposed window;
 - f. Material of the proposed window;
 - g. Paint color;
 - h. Characteristics of the glass in the proposed window; and
 - i. Associated window details such as arched tops, hoods, or other decorative elements.

5.) Section 3.11.16 Lapse of Approval

This amendment will create a new section 3.11.16 Lapse of Approval providing a lapse of approval for Certificates of Appropriateness issued in the H-2 corridor overlay district and is the same as the language found in the H-1 overlay district. No expiration date for COAs in the H-2 district is currently provided.

This amendment is being undertaken to bring consistency between the H-1 and H-2 Overlays and to correct an apparent oversight in the Zoning Ordinance.

3.11.16 Lapse of Approval

A Certificate of Appropriateness (COA) shall lapse and become void unless:

- A. Construction has commenced within twenty-four (24) months from the date the COA was issued ; or.**
- B. Prior to the sunset of twenty-four month period in (A.) above, the applicant has obtained a six-month extension from the Zoning Administrator by clearly demonstrating to the Zoning Administrator diligent pursuit of other necessary land development approvals. The Zoning Administrator shall include notification of the request for an administrative extension to adjacent property owners. There is no limit to the number of six-month extensions that an applicant may obtain.**

6.) Section 6.3.3. Density/Intensity and Dimensional Standards

Currently, Section 9.3.15.I. restricts multi-family in the B-1 Zoning District to above the first floor of the subject building only. This amendment will relocate the requirement to locate multi-family units above the first floor to a more conspicuous location in Section 6.3.3. Density/Intensity and Dimensional Standards. This will aid in the ease of use of the Zoning Ordinance since 9.3.15. can be inadvertently missed when a by right application for five or fewer dwelling units is being discussed.

In addition to making the regulations more conspicuous, this amendment limits the above the first floor requirement to what is recognized as the “core” of the Downtown within the B-1 District, i.e., where non-residential uses on the first floor exist and make the most sense to continue.

This amendment will not require either residential or non-residential uses outside of the identified area on the first floor of a building. Any available use will remain available on any floor in accordance with the B-1 use regulations.

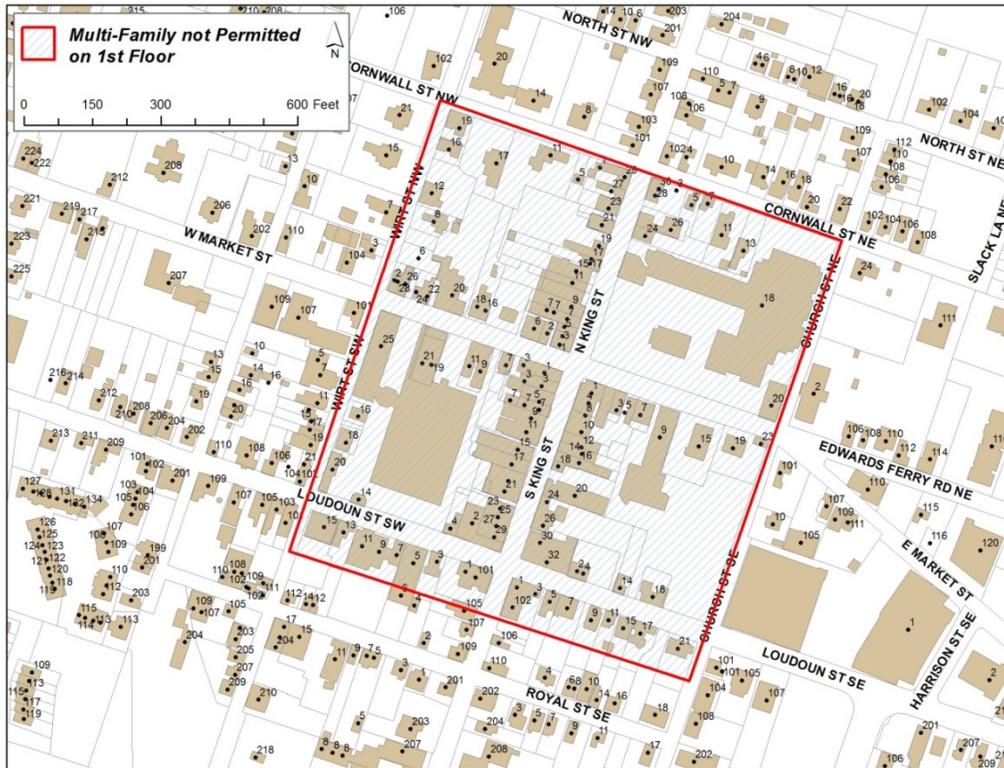
[Staff has proposed a slight language change to better state the objective to require residential units to be located only above the first floor in the Downtown “core” area. Also, the map has been included to visually indicate the area to the public.]

6.3.3. Density/Intensity and Dimensional Standards

All development in the B-1 District shall be subject to the following standards (See also Article 10):

B-1 District Standards	
A. Minimum Lot Area (square feet)	
Single-Family Detached	4,000
Single-Family Attached (Interior Lots)	2,000
Single-Family Attached (Corner and End Lots)	3,000
Duplex, Vertical	3,000
Duplex Horizontal	6,000
Multi-Family	10,000 [8]
All Other Development	None

[8] Multi-family dwellings shall be permitted by-right in the B-1 District, up to a maximum of five (5) units. However, residential units ~~and must~~ can only be located above the first floor of a ~~commercial or office~~ building that fronts on a public street in the following area: between the east side of Wirt Street to the west side of Church Street, and between the south side of Cornwall Street to the south side of Loudoun Street. For purposes of height measurement and lot size limitations such buildings shall be considered nonresidential uses.



Map showing the area where first floor non-residential is required in the B-1 District as described in revised Section 6.3.3.Note [8] above.

9.3.15. Multi-family Development and Attached Single-Family Development

~~I. — Multi-family dwellings shall be permitted by-right in the B-1 District, up to a maximum of five (5) units and must be located above the first floor of a commercial or office building. For purposes of height measurement and lot size limitations such buildings shall be considered nonresidential uses.~~

7.) Section 6.5.3. Density/Intensity and Dimensional Standards

The B-3 Zoning District is the only non-residential B-District that requires a maximum Floor Area Ratio. It appears to serve no specific purpose, and runs counter to the Town Plan Goal of redeveloping the Town in a more urban style development pattern. An FAR of 0.35 is indicative of the typical suburban commercial development pattern where buildings are setback from

streets and surrounded by large surface parking lots, as is evident in the B-3 zoned areas of town.

6.5.3 Density/Intensity and Dimensional Standards

All development in the B-3 District shall be subject to the following standards (See also Article 10):

B-3 District Standards	
A. Minimum Lot Area (square feet)	
All Development	20,000
B. Minimum Lot Width (feet)	
All Development	200 [1]
C. Maximum Floor Area Ratio	0.35 None
D. Minimum Yards/Setbacks (feet)	
Front	40
Side	25
Rear	25
E. Maximum Building Height (feet)	
All Development	45[2]
F. Minimum Zoning District Area (acres)	5[1]

8.) Section 8.4.8. Open Space Requirement for “Infill” PRN

This amendment corrects a reference in Section 8.4.8. The Town Plan no longer provides an “Infill” Map. The Land Use Policy Type that calls for redevelopment and infill development in an urban development pattern is the Downtown Policy Area. Being in an “infill” will allow a PRN a reduction in the amount of required open space to 15% versus the 25% required in an undeveloped area outside of the Downtown Land Use Policy Area.

This amendment is being undertaken for clarity and ease of use

8.4.8 Open Space Requirement for “Infill” PRN

A Planned Residential Neighborhood (PRN) located in an area designated in the Town Plan as ~~“Infill” on Map 6.3 therein~~ **Downtown** shall provide at least fifteen percent (15%) of the land area as public and common open space. In the H-1 Overlay, Old and Historic

District this open space requirement can be further reduced by the Land Development Official with the concurrence of the Board of Architectural Review. The Land Development Official shall set forth in writing the reasons for granting such a waiver of the fifteen percent (15%) open space requirement.

9.) Section 8.3. General Development Standards

The Lot Averaging provisions in the PD District regulations achieve nothing but the continuation of the suburban style development pattern the Town Plan seeks to avoid in future development.

The lot width dimensional changes proposed herein are consistent with lot width requirements for the corresponding dwelling unit types currently provided in the Zoning Ordinance.

[The proposed changes provided herein are meant to establish a starting point for the development of the type of design patterns called for in TLZO Section 8.1.1 Purpose of the Planned Development Districts (PDs). The intent of the PDs is to provide the flexibility needed for creative and innovative designs, and encouraged in the Town Plan, that are not otherwise achievable in standard zoning districts. The changes shown below will set the minimum standards while eliminating maximum thresholds giving both applicants and Town Council the greatest amount of flexibility in designing and reviewing future proposed PDs.]

8.3.2. Lot Size

No planned development shall be approved which contains lots with areas or widths less than provided below for the dwelling types shown:

Dwelling Types	Lot Area	Lot Width
Single-family, detached	6,500 sq. ft. minimum no more than 25% of total SFD units. [1]	55 40 feet minimum for lots less than 8,000 sq. ft.;
	8,000 sq. ft. minimum no fewer than 75% of total SFD units. [1]	
	9,000 sq. ft. average [1]	65 feet for lots 8,000 sq. ft. and above
Single-family, attached (townhouses)	1,600 sq. ft. minimum no more than 25% of total SFA units. [2]	18 feet minimum , interior,
	2,000 sq. ft. minimum no fewer than 75% of total SFA units. [2]	28 feet minimum corner/end lots for lots

Dwelling Types	Lot Area	Lot Width
	2,000 sq. ft. average [2]	less than 2,000 sq. ft. 20 feet for lots 2,000 sq. ft. and above
Duplex	8,000 sq. ft.	75 feet
Multi-Family	10,000 square feet	75 feet

[1]—Where lots less than 8,000 sq. ft. in area are proposed, an equal number of lots above 8,000 sq. ft. in area shall be proposed so that the overall lot size averages out to 9,000 sq. ft. For example, if 100 SFDs are proposed, then at least 900,000 sq. ft. of SFD lot area must be created (i.e., 100 lots × 9,000 sq. ft. average = 900,000). If 25 of the lots are proposed to be 6,500 sq. ft., that is 162,500 sq. feet (25 lots × 6,500 = 162,500). The remaining 75 lots must contain 737,500 sq. ft. (900,000 — 162,500 = 737,500). That means these 75 lots must average approximately 9,833 sq. ft. (with none less than 8,000 sq. ft.) per lot to reach the 900,000 sq. ft. requirement. A calculation demonstrating that the required lot average has been met shall be submitted as part of the rezoning request.*

[2]—Where lots less than 2,000 sq. ft. in area are proposed, an equal number of lots above 2,000 sq. ft. in area shall be proposed so that the overall lot size averages out to 2,000 sq. ft. For example, if 100 SFAs are proposed, then at least 200,000 sq. ft. of SFA lot area must be created (i.e., 100 lots × 2,000 sq. ft. average = 200,000). If 25 of the lots are proposed to be 1,600 sq. ft., that is 40,000 sq. feet (25 lots × 1,600 = 40,000). The remaining 75 lots must contain 160,000 sq. ft. (200,000 — 40,000 = 160,000). That means these 75 lots must average approximately 2,133 sq. ft. (with none less than 2,000 sq. ft.) per lot to reach the 200,000 sq. ft. requirement. A calculation demonstrating that the required lot average has been met shall be submitted as part of the rezoning request.*

10.) Section 9.4. Accessory Uses

This amendment will establish a new Section 9.4.5. Electric Vehicle (EV) Charging Station adding such facilities as accessory to commercial parking facilities. As plug-in hybrid electric vehicles and battery electric vehicle ownership is expanding, there is a growing need for widely distributed publicly accessible charging stations. Permitting EV charging stations will help the Town’s business community offer such facilities to their customers as EV ownership become more prevalent. Having such facilities more widespread will encourage more EVs throughout town, and this can help to improve the health, safety and welfare of the town.

[The Commission expressed their desire to see that the number of EV charging stations per permitted from the number of required parking spaces instead of being comprised of excess spaces only. This change has been made to the text below by eliminating #1 and renumbering subsequent numbers accordingly.]

9.4.5 Electric Vehicle (EV) Charging Station

- A.** EV charging station may be permitted as an accessory to a parking facility when the minimum standards provided below are met:
- ~~1.~~ EV charging station cannot cause a reduction in the minimum number of required parking spaces for the site.
 - ~~2.~~ 1. EV charging station spaces may be identified by non-illuminated signs measuring no more than two (2) square feet, posted directly in front of each space at heights between 42 inches and no more than 72 inches; and,
 - ~~3.~~ 2. Commercial signage shall be limited to wrapping the charging station “pumps” with cling-type appliques, paint or one non-illuminated, ground mounted sign measuring no more than two (2) square feet.
 - ~~4.~~ 3. If no existing parking lot lighting is available to provide adequate illumination for the EV charging station, supplemental lighting may be provided in accordance with the minimum lighting standards provided in Section 12.11 Outdoor Lighting.

11.) Section 9.3. Use Standards

This amendment adds Subparagraph 6 to Paragraph B of Section 9.3.26 Telecommunications Facilities which is clarifying language consistent with the 2013 amendment of the 1996 Telecommunications Act [Section 6409(a) of the Spectrum Act]. The Telecommunications Act amendment established certain rights for expansions of telecom facilities based on existing heights and other dimensions of the facility. This new language in the Zoning Ordinance simply establishes what does and does not qualify in the calculation of any potential expansions allowed by right under Telecom Act Sec 6409(a)

9.3.26 Telecommunication Facilities

- B. Antennas.** Roof top mounted dipole/whip or panel antennas and related unmanned equipment may be installed in those districts where permitted subject to the minimum standards provided below. Note that these provisions do not apply to antenna installed on utility transmission towers. (See power-mount facilities in C. below):
1. Such antennas and related equipment may exceed the maximum building height limitations, provided the use is in accordance with the development criteria herein.
 2. Dipole or whip antennas shall not exceed twenty (20) feet in height or seven (7) inches in diameter and shall be of a material or color which matches the exterior of the building or structure.
 3. Directional or panel antennas shall not exceed five (5) feet in height or two (2) feet in width and shall be of a material, color, or finish that minimizes the visual impact of the structure and emulates the exterior of the building or structure on which it is mounted.
 4. Equipment structures located on the roof of a building shall not occupy more than twenty-five (25%) percent of the roof area.
 5. Antennas and related unmanned equipment are permitted in any zoning district on buildings and structures owned or controlled by a federal, state, county, or Leesburg Town governmental unit.
 6. Structures upon which an antenna is mounted/co-located, that were not constructed solely or primarily to support antennas, shall not be deemed to be a telecommunications facility per Sec 6409(a) of the Spectrum Act.

12.) Section 10.4. Measurements, Computations and Exceptions

The proposed amendment is meant only to help clarify that Section 10.4.5.E.5 only applies on properties adjoining specific roadway types outside of the Bypass. There continues to be confusion relative to the applicability of this Section. This amendment intends to address this once and for all.

10.4.5. Minimum Yard Requirements

- E. Additional Setback Requirements from Certain Streets.** In addition to those

yard requirements established for zoning districts, the building setback requirements established herein for certain public streets within the Town of Leesburg shall also be applicable. In case of conflict with other provisions of this Zoning Ordinance, the greater setback requirement shall prevail.

1. Route 7, East of the Route 7/15 Bypass: 100 feet from the right-of-way line.
2. Route 15, South of the Route 7/15 Bypass: 100 feet from the right-of-way line.
3. West Market Street, north side only, between Ayr Street and the western corporate limits: 100 feet from the centerline of the right-of-way.
4. Dulles Greenway Private Toll Road: 120 feet from the right-of-way line.
5. Increased Setbacks Based on Road Classification **Outside of the Bypass**. No building shall be located closer than 100 feet from the right-of-way of any limited access highway, 80 feet from a major arterial road, 50 feet from a minor arterial road, and 35 feet from the right-of-way of a through collector road located **outside of the Route 7/15 By-pass** in the area to the east side and/or south side of the Route **7/15 Bypass** as indicated in the Transportation Element of the Town Plan.
6. Pursuant to the process outlined in Section 3.18, the setbacks may be waived or modified by the Town Council.

13.) Accessory Structures

Currently the Zoning Ordinance provides for three different methods for calculating the maximum size of accessory structures. The following revisions are intended to standardize the calculation of maximum size of accessory structures.

[During the discussion of this proposed amendment, the Commission questioned the use of word “customarily” when describing the use of accessory structures/buildings and whether that word is needed or needs to be clarified. How the word “customarily” is used in this context is a “term of art” in administration of a zoning ordinance and has meaning from a zoning interpretation standpoint. By describing something as “customarily incidental or subordinate to” limits what can and cannot be done with that being described. Thus, staff does not recommend removing this term as currently presented.]

9.3.11. Extended Family Residence

An Extended family residence shall be permitted by right when all of the following regulations are met. If any one of these regulations cannot be complied with, then an application for special exception will be required for the extended family use.

- A. **Area Limitation.** An extended family residence shall be limited to a maximum square footage of nine hundred (900) square feet in area or fifty percent (50%) of the principal structure footprint, whichever is less.

9.4.1 Accessory Dwelling Units

- A. **Maximum Floor Area.** The maximum square footage of an accessory dwelling unit shall be limited to ~~one-half~~ fifty percent (50%) of the total square footage of the principal structure or nine hundred (900) square feet, whichever is less.

10.4.5 Minimum Yard Requirements

- C. **Extensions into Required Yards.** The following uses and structures shall be permitted to be located within required yards, subject to the limitations established herein. No structure may be erected over a public right-of-way or easement, except as permitted in the Town Code.
1. **Accessory Structures.** Accessory structures which are customarily incidental and subordinate to the principal structure or use on the property, and are separated from the principal structure by a minimum of ten (10) feet, may be erected within a required side or rear yard, provided such accessory structures are located a minimum of two (2) feet from the property line for single-family detached, duplex and townhouse dwelling units, ~~and a minimum of three feet from the property line for all other residential uses.~~ No accessory structure shall be located closer than five (5) feet to a principal structure on another lot. No accessory structure within a residential district shall exceed twenty (20) feet in height. No accessory structure within a residential zoning district shall exceed 900 square feet in area or fifty ~~thirty~~ percent (~~5~~30%) of the principal structure footprint, whichever is less ~~greater~~. Multi-family and non-residential uses shall adhere to the district regulations for side and rear yard requirements for accessory structures, excluding signs.

18.1.3 Accessory Building

A subordinate building ~~of no more than 1,200 square feet~~, the ~~non-residential~~ use of which is associated with and customarily subordinate to the principal building and which is located upon the same lot as the principal building.

18.1.5 Accessory Dwelling

A dwelling or apartment within or detached from the principal dwelling ~~of no more than 900 square feet~~, the use of which is associated with and subordinate to the principal dwelling and which is located upon the same lot as the principal dwelling.

14.) Sec. 10.4.5.C. Extensions into Required Yards

The current setback requirements for decks and patios found in Sec. 10.4.5.C.5 are somewhat confusing and can be overly burdensome to the point that some neighborhoods are denied installing decks for failure to meet minimum setback requirements. Current regulations provide for a five, ten or twenty-foot minimum setback depending on whether the deck is lower than or higher than three feet from the ground, and whether or not the lot backs up to an open space area. Meanwhile, some planned development zoning neighborhoods, i.e., Tavistock, Potomac Crossing and Oaklawn, obtained approval for a lesser setback (10 feet) for decks as part of their rezoning. Between the specifications provided in the Zoning Ordinance and the particular approvals for deck setbacks in PD zoned neighborhoods, administration of deck regulations has become overly complicated. The proposed ordinance will simplify the requirements and make them more equitable town wide

[The current allowance for decks lower than three feet above the ground to extend to within five feet of a property line has been restored in this revision. The proposed extension of decks higher than three feet up to five feet from the rear property line remains. The final change is to better organize the paragraphs for clarity.]

10.4.5 Minimum Yard Requirements

C. Extensions into Required Yards

5. Decks and Patios.

- a.** Uncovered decks which are attached/abutting to the principal structure and are not more than three (3) feet above grade on the lot may extend into a required side or-rear yard within ~~ten (10)~~ **five (5)** feet of the **rear** property line for-single-family detached residences; and three (3) feet of the side or rear property line for all other residential uses.
- b.** Uncovered decks, which are attached to the principal structure and are more than three (3) feet above grade on the lot, may extend into a required rear yard to within ~~twenty (20)~~ **ten (10) feet** of the property line, however, side yard requirements shall apply. ~~The preceding setback requirements notwithstanding, if a rear lot line is adjacent to an open space area of a least ten (10) feet in width, a deck may extend into a required rear yard to within fifteen (15) feet of the property line.~~
- c.** A patio adjoining the principal structure may extend into a required side or rear yard within two (2) feet of the property line for all residential uses subject to buffer guidelines.

15.) Sec. 10.4.4 Lot Size

There are many cases in Leesburg where buildings have been constructed across property boundaries so that a single structure crosses a property line and is considered a legally nonconforming structure because it violates subsequently adopted building setback

requirements. This situation is primarily found in the older sections of Town where narrow “shot gun” lots exist, such as in the old Fairview Subdivision, where as many as 47 houses are built across property lines. In addition, some older commercial buildings were built across property lines, such as the current Sherriff’s office on Catoctin Circle, which crosses three lots. The impact of this practice is that the buildings are “legally nonconforming structures” and cannot be expanded because it would make the structure more nonconforming under the current ordinance. Today the solution is to consolidate the lots to create a single lot which in most cases would make the structure legally conforming. From a Town standpoint, removal of nonconforming structure situations is preferable because it achieves greater compliance with current regulations.

The intent of this amendment is to revise the Zoning Ordinance in order to coordinate with a pending amendment to the SLDR to provide the deed option to those property owners who desire to consolidate lots without having to go through the time and expense of creating a record plat for Town review and approval. This amendment could result in incentivizing the correction of nonconforming lot and structure situations.

[Note that this amendment was initiated separately by Town Council on October 8, 2013.]

10.4.4 Lot Size

F. Structure Built on Two Lots. A single building constructed on a site consisting of two lots must be located either within the required setback from the common or center lot line, or the building must be constructed on both lots. Any person wishing to build a structure on two lots must provide legal assurance, approved by the Zoning Administrator, which demonstrates unity of title for both lots. Prior to issuance of a zoning permit for a structure built on two lots, either a plat of vacation or boundary line adjustment plat, or a deed referencing the recorded plat by which the lot line to be vacated was originally created, shall be submitted for signature and recordation which locates the structure on a single lot in compliance with these zoning regulations. (Per Sec. 15.2-2275 of the Code of Virginia, 1950, as amended.)

16.) Sec. 11.4.5 Shared Parking (Mixed Use)

The change proposed herein will eliminate any reduction in parking for Residential uses in the Shared Use Time of Day Factors table used to calculate parking space reductions based on shared use. Because of the need to have residential parking available at all times in a mixed-use

development, the shared use tabulation will not allow for a reduction in the number of required residential parking spaces. As a result, parking for residential uses will always be provided at 100% of the rate required by TLZO Sec 12.8.

Requests for parking modifications can be submitted and reviewed by Town Council as part of a legislative application, i.e., special exception or rezoning.

11.4.5 Shared Parking (Mixed Use)
A. Shared Use Time of Day Factors

Weekdays

	8AM – 5 PM	6PM – 9PM	10 PM – 7AM
Retail	77%	80%	12%
Fine/Casual Dining	55%	99%	65% (12am)
Family Restaurant	72%	75%	41%
Fast Food	66%	60%	10%
Movie Theater	48%	85%	62% (12 AM)
Health Club	70%	85%	39%
Lodging	64%	79%	96%
Residential	75% 100%	96% 100%	98% 100%
Office (General)	89%	12%	11%
Office (Medical)	96%	37%	0%
Bank	96%	0%	0%

Weekends

	8AM – 5 PM	6PM – 9PM	10 PM – 7AM
Retail	71%	68%	14%
Fine/Casual Dining	32%	94%	77%
Family Restaurant	72%	59%	17%
Fast Food	66%	62%	10%
Movie Theater	58%	85%	77%
Health Club	46%	49%	32%
Lodging	64%	79%	96%
Residential	75% 100%	96% 100%	98% 100%
Office (General)	63%	5%	0%
Office (Medical)	82%	0%	0%
Bank	66%	0%	0%

17.) Sec. 11.6. Parking and Loading Area Design Standards

This ordinance provision is used to enforce parking and/or storing vehicles on lawn restrictions. The proposed amendment is being made to acknowledge the fact that not all residential driveways are required to be paved.

11.6.1 General

D. Pavement Requirements for Residential and Commercial Travel Ways and Spaces.

No person shall park any motor vehicle, trailer, or semi-trailer on the front, side or rear yard of any lot, improved with a single-family dwelling, zoned for residential use, except on a ~~lawfully paved surface~~ driveway.

18.) Sec. 11.6. Parking and Loading Area Design Standards

This amendment will add the existing regulation that there be no more than twenty (20) parking spaces in a contiguous row to the parking lot design standards of the Zoning Ordinance from the DCSM. This provision is the only parking lot standard not provided for in the Zoning Ordinance, and the only one provided for in the DCSM.

Once this regulation is added to the Zoning Ordinance, all parking lot design standards will be consolidated in a single location within the Zoning Ordinance, and it may then be removed from the DCSM.

11.6.2 Dimensions of Parking Spaces and Aisles

For the purposes of these regulations there shall be two general categories of off-street parking dimensions: standard parking spaces and parking spaces for disabled persons. The maximum number of contiguous parking spaces in a row shall be no greater than twenty (20). Parking spaces may be situated at the following angles: 90, 60, 45, 30 and 0 (parallel). Spaces shall be measured based on the minimum rectangular dimensions established herein.

C. Parking Aisle Dimensions. Parking facilities shall provide travel aisles in compliance with the following minimum width aisle standards:

Minimum Aisle Widths Adjacent to Parking [1]					
Parking Angle (degrees)					
	0	30	45	60	90
1-Way Traffic	13 ft	13 ft	13 ft	18 ft	22 ft
2-Way Traffic	19 20 ft	20 ft	21 ft	24 ft	24 ft
Aisle with no Adjacent Parking [1]					
1-Way Traffic	12 ft				
2-Way Traffic	18 20 ft				

[1] Minimum aisle widths, shown above, include the width of the gutter pan. Additional width may be required based upon the type of vehicular access required to traverse the site or when an aisle or travelway is designated as a fire apparatus access road in accordance with the Leesburg Fire Code as may be required by the Loudoun County Fire Marshal's Office

19.) Sec. 11.12. Administration

This amendment revises Section 11.12.3.C. Bonds under Monitoring and Enforcement specific to pavement requirements for parking areas to be consistent with the long-standing practice of the Town.

As written, Section 11.12.3.C allows a developer to post a bond instead of paving required parking and loading areas if weather prohibited such paving. In actuality, the Town has adopted a long-standing practice to require paving to be complete prior to issuance of occupancy permit sign-off when the development is intended to be open to the public. Conversely, the Town will accept bonds for driveway pavement when that driveway will only serve a single, private residence, i.e. single-family detached or single-family attached dwellings when weather prohibits paving. The basis for this practice is the difference in traffic volume between a single family dwelling and a commercial/multi-family development and the difference in the damage caused in an unpaved area between the uses.

[The new text provided below reflects language suggested by the Town Attorney at the December 4th meeting relative to covering costs to the Town in administrating bonded improvements. Staff checked with the Department of Finance & Admin. Services. to verify to proposed procedure comports to the Town's existing procedures.]

11.12.3 Monitoring and Enforcement

- C. **Bonds.** If the weather prohibits the paving of the required driveways for single-family detached or single-family attached development, ~~parking and loading areas~~ at the time of occupancy, the applicant may, at the applicant's option, post a cash bond for the paving of ~~the parking and loading areas~~ driveways. The bond shall be supported by an estimate from a paving contractor of the cost of such paving and a letter expressing the intent of the contractor to perform the service; In addition to the contractor's estimate, the amount of the bond shall include a reasonable sum for administrative expenses, in accordance with Sections 15.2-2241.5 and 15.2-2299 of the Code of Virginia, 1950, as amended. If the work is not completed within six (6) months, the bond shall be forfeited to the town to use for the completion of the work. ~~After completion, the Town shall refund any surplus funds after deducting the direct costs of the work together with reasonable administrative expenses. If the bond amount is less than such amount, the Town may recover the excess from the applicant or owner of the property.~~

20.) Sec. 11.8 Stacking Spaces

This amendment adds language clarifying how to count the minimum number of stacking spaces required in a drive-through lane. Some confusion persists as to whether the count includes the space at the point of service, or not. This amendment makes it clear that the space at the point of service does count toward the minimum number of required stacking spaces in a drive-through lane.

Sec 11.8 Stacking Spaces

All uses which include a drive-up window or which are characterized by patrons remaining in their vehicles to receive service shall provide stacking spaces in order to alleviate traffic congestion. Stacking spaces shall be a minimum of ten (10) feet in width inclusive of gutter pans and eighteen (18) feet in length. All stacking areas must be separate from other circulation aisles and parking spaces. The use of a minimum five (5) foot landscaped island with curbing is recommended to channelize traffic. When counting the minimum number of spaces required in any stacking lane, the space at the point of service shall be counted as one of the minimum total required stacking spaces.

21.) Sec. 12.3 Twenty-Year Tree Canopy Requirements

Currently, Section 12.3.1.E requires that every platted lot shall have a minimum tree canopy coverage of two and one-half (2½) percent or 3,000 square feet, whichever is less. This is interpreted as meaning each platted lot must have at least one tree planted on it. Although meant with good intention, this requirement has become impossible to maintain from an enforceability standpoint.

The twenty-year canopy coverage can, and is, being achieved in non-residential and residential developments on an overall percentage basis via the other requirements provided under Section 12.3.1 without having to also obtain canopy coverage minimums on each individual lot within a development. In fact, this is a better method for achieving the requisite canopy coverage requirements. Required canopy provided in open space areas and/or community spaces are guaranteed to be preserved through the approval process. Any unauthorized cutting of trees can be more effectively enforced by the Town.

This amendment eliminates the language in subparagraph E requiring minimum canopy coverage on individual lots. It has no other effect on minimum tree canopy coverage requirements.

12.3.1 Requirements

All submittals of a final subdivision plats or site plans under Article 13 of the Subdivision and Land Development Regulations shall include a plan for the preservation, planting and/or replacement of trees on the site to the extent that, at maturity of twenty years, minimum tree canopies or covers will be provided in the areas designated in the Town of Leesburg Zoning Ordinance as follows:

- A. Ten percent (10%) tree canopy for a site zoned business, commercial or industrial.
- B. Ten percent (10%) tree canopy for a residential site zoned twenty (20) or more units per acre.
- C. Fifteen percent (15%) tree canopy for a residential site zoned more than ten (10) but less than twenty (20) units per acre.
- D. Twenty percent (20%) tree canopy for a residential site zoned ten (10) units or less per acre.
- ~~E. Every platted lot shall have a minimum tree canopy coverage of 2 1/2 percent or 3,000 sq. ft, whichever is less.~~
- F. **E.** If the full canopy requirement cannot be achieved on-site, the remaining requirement of canopy shall be calculated with the cost amount listed in

Section G. below and a fee for the total shall be collected and deposited in the Town of Leesburg tree fund.

- G. F.** The cost to establish a new tree with a twenty (20) year canopy area starting with a two (2) – inch caliper nursery stock shall be \$990.00.
- H. G.** For the purpose of this section, “site” shall include all of the area within a property boundary, either as proposed on the final subdivision plat or site plan or the existing property (property line to property line). In instances where a small portion of land is not being subdivided out of a larger tract of land and is the subject of a site plan application, the Land Development Official may accept the smaller site area for canopy calculation purposes. For multi-phased or sectioned subdivisions, canopy may be calculated for the overall subdivision.

22.) Sec. 12.2 Administration

The purpose of this revision is simply to correct the references to the applicable Sections of the Subdivision and Land Development Regulations (SLDR).

12.2.1 Landscape Plan Required

A landscape plan meeting the requirements of this article is required for all subdivision plat and site plan applications as described in ~~Sections 13-62~~ **Division 2 (Subdivision)** and **Division 3 (Development)** ~~13-74~~ of the **Subdivision and Land Development Regulations**.

23.) Sec. 13.2 Use Regulations and Sec. 14.3 Effect of Buffer

The intent of the Creek Valley Buffer is to minimize or eliminate development within riparian areas so as to eliminate the potential for degradation of streams and their natural systems by excessive development. Besides prohibitions on constructing buildings, structures and parking lots within the Creek Valley Buffer, also included in the list of prohibitions are “other impervious surfaces”. Thus, any new paved surfaces are expressly prohibited within the CVB. Because the Town standard for public trails calls for a paved trail surface, new trails are currently prohibited within the CVB

Part of the stated intent of the Creek Valley Buffer is to also provide public access to streams as called for in the Town Plan.

This revision would allow the Town to design and construct public trail projects that include paved trail access to those streams subject to the CVB regulations as part of a public capital project improvement.

[The Commission suggested removing the word “capital” from the type of projects the amendment applies to.]

13.2.1 Permitted Uses

The following uses are permitted in the Floodplain provided that they are not prohibited by any other applicable ordinance and provided that they do not require structures, fill (except for item “E”), or storage of materials and equipment:

- B.** Public and private recreational uses and activities such as parks, day camps, picnic grounds, golf courses, boat launching and swimming areas, hiking and horseback riding trails, wildlife and nature preserves, game farms, fish hatcheries and fishing areas.
Paved trails are permitted when constructed as part of a Town ~~capital~~ project public improvement.

Sec 14.3 Effect of Buffer

The construction of buildings, structures, parking lots or other impermeable surfaces within the Creek Valley Buffer is prohibited except for the following: Paved trails when constructed as part of a Town ~~capital~~ project public improvement. Existing improvements including buildings, roads and structures within the Creek Valley Buffer are not considered non-conforming simply by their location within the Creek Valley Buffer. Any non-conformities shall be determined and regulated in accordance with Article 16. Existing improvements can be added to and if destroyed by fire or casualty, they can be rebuilt to the same or equivalent setback. Existing residential dwellings may install decks and incidental accessory structures so long as other applicable zoning and development regulations are met. This buffer or setback area does not regulate uses within the setback area, although the Town encourages plantings or natural vegetative and forestall cover within the buffer area. Utilities may be located within the buffer.

24.) Sec. 18.1 Terms Defined

These revisions are intended to clarify that the term Condominium refers to a form of ownership only and does not define a dwelling unit type, i.e., a multi-family (apartment) type dwelling unit.

The revision also cleans up a reference to 2-over-2 type units as qualifying as Multi-Family type dwelling units. This designation was amended previously when Section 18.1.172.1 Single-Family Attached (Stacked Townhouse) Dwelling was established to qualify 2-over-2 unit types as single-family attached dwellings.

Section 18.1.172.1 Single-Family Attached (Stacked Townhouse) Dwelling is being revised to add more explanatory language to define the dwelling type.

[The question was asked whether or not it might be advisable to differentiate a “stacked townhouse” from a “single-family attached” townhouse (defined in # 28 below) by virtue of the ownership style. Staff concludes that since the ownership of both types of townhouse could be similar that such a distinction is not necessary.]

18.1.36 Condominium

A form of Real Property ownership whereby a building or group of buildings in which dwelling units, offices, or floor area are owned individually, and the structure, common areas, and facilities are owned by all the owners on a proportional, undivided basis. An owners association is organized for the purpose of maintaining, administering and operating the common areas and facilities. Condominium shall not mean any particular type of dwelling or unit.

18.1.110 Multi-Family Dwelling

A building containing three or more dwellings units located on a single lot or parcel of ground where each unit accesses the outside via a common hallway, stairs or elevators. Such units are located back-to-back, adjacent, or stacked on top of each other. Multi-family dwellings shall include apartments, ~~condominiums~~, triplex dwellings, and quadruplex dwellings, ~~and “2-over-2” units.~~

18.1.172.1 Single-Family Attached (Stacked Townhouse) Dwelling

Buildings configured to place one single family dwelling unit directly on top of another single family dwelling unit, each having independent access to the outside or shared access with only an adjacent unit, with the whole having the appearance of a single unified structure. Stacked townhouses shall be a minimum of three (3) units wide, and shall be vertically and horizontally separated by a common party walls. Stacked townhouses are also referred to as “two-over-two” dwellings and are typically incorporated in a common owners association



25.) Sec. 6.3.2 Use Regulations, Sec 6.6.2 Use Regulations, and 18.1 Terms Defined

This amendment revises the definition of School, Special Instruction adding the extra qualifier that the use shall not also require licensure or documentation by the State as a child care center. This revision is being undertaken as a result of individuals attempting to apply for a Zoning Permit as a School, Special Instruction when the use is , in fact, a child care facility. This was attempted in districts where School, Special Exception is permitted by right so as to avoid the special exception review process

Additionally, this amendment will make the use permitted by right in the B-1 and B-4 districts, the same as currently permitted the B-2 and B-3 districts, in order to more readily facilitate the development of arts and cultural instruction in furtherance of the goals and objectives of the Arts and Cultural District.

18.1.164 School, Special Instruction

A school primarily devoted to giving instruction in professional, musical, dramatic, artistic, scientific or other special subjects, exclusive of a conventional primary or secondary Curriculum **and does not require licensure by the State as a Daycare Center use.**

6.3.2 Use Regulations

Uses are allowed in the B-1 District in accordance with the following table. A “P” in the second column of the table indicates that the use is permitted by-right, subject to compliance with all applicable standards of this Zoning Ordinance. An “S” in the second column of the table indicates that the use may be allowed if reviewed and approved in accordance with the Special Exception procedures of Sec. 3.4. For a summary of uses permitted in all zoning districts, see the Use Table in Sec. 9.2.

B-1 Uses			
Use		Use Standards	Definition
Commercial Uses			
School, Special Instruction	S P	Sec 9.3.23	Sec. 18.1.164

6.6.2 Use Regulations

Uses are allowed in the B-4 District in accordance with the following table. A “P” in the second column of the table indicates that the use is permitted by-right, subject to compliance with all applicable standards of this Zoning Ordinance. An “S” in the second column of the table indicates that the use may be allowed if reviewed and approved in accordance with the Special Exception procedures of Sec. 3.4. For a summary of uses permitted in all zoning districts, see the Use Table in Sec. 9.2.

B-4 Uses			
Use		Use Standards	Definition
Commercial Uses			
School, Special Instruction	S P	Sec 9.3.23	Sec. 18.1.164

26.) Sec. 18.1 Terms Defined

This amendment adds language clarifying that all single-family attached (townhouse) dwelling units are required to be on their own individual fee simple lots. This amendment codifies the established practice of the Town to require SFA units to be their own individual lots, as well as, codifies a Zoning Administrator determination (March 28, 2013, TLZC-2013-0007).

18.1.172 Single-Family Attached (Townhouse) Dwelling

A single-family dwelling in a row of at least three such units in which each unit occupies its own individual lot that meets the minimum lot area requirements of the applicable zoning district, has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by a common party wall.

27.) Sec. 9.3 Use Standards, 9.4 Accessory Uses and 18.1 Terms Defined

This amendment is intended to establish regulations that address the practice of retailers who display and sell merchandise outside of the building housing the business. The amendment will clarify what is permitted and where regarding outdoor display of goods in excess parking spaces in commercial parking lots

Revisions were made to resolve a minor numbering conflict, to indicate Planning Commission's recommendation to raise the maximum display height from 6ft to 8ft, and to include a term change recommended by legal staff.

Sec. 9.3 Use Standards

~~9.3.17.1 Outdoor Sales (Accessory to Retail Sales Uses)~~

- ~~A. Within the H-1 Overlay District and within the public right-of-way shall comply with the requirements of Town Code Chapter 30 Streets, Sidewalks and Other Public Places.~~
- ~~B. Outside of the H-1 Overlay District the Outdoor Sales Area (Accessory to Retail Sales Uses) shall not be located within a public right-of-way, within required parking spaces, landscaping or travel aisles.~~
- ~~C. The area of the Outdoor Sales Area (Accessory to Retail Sales Uses) shall not exceed 25% of the gross floor area of the sales area of the principal retail sales use or 200 square feet whichever is less and shall not extend beyond the extent of the building, or part of the building, that houses the principal retail sales use unless otherwise approved by special exception.~~

Sec. 9.4 Accessory Uses

9.4.5 6. Display of Merchandise

- A. Businesses within the H-1 Overlay, Old and Historic District and within the public right-of-way shall comply with the requirements of Town Code Chapter 30 Streets, Sidewalks and Other Public Places.
- B. Outside of the H-1 Overlay, Old and Historic District, business merchandise may be displayed in the pedestrian travel aisle immediately adjacent to the front of the building, provided that such area be limited to a depth of 6 feet measured from the wall of the building and that the pedestrian travel aisle maintains sufficient width, as required by the Americans with Disabilities Act (ADA).
- C. Seasonal outdoor display of merchandise such as, but not limited to, summer garden products, plants, and similar products may be permitted in a commercial parking lot on the same lot as the business selling such wares. The outdoor display may only be permitted in parking spaces in excess of the minimum required by Article 11 (Parking, Loading, and Pedestrian Access) of this Ordinance. Seasonal outdoor display of merchandise in parking lots shall be limited to a period of three (3) consecutive months with a maximum of two (2) zoning permits within a calendar year. Prior to the issuance of a zoning permit, in accordance with Sec. 3.7 (Zoning Permits), the applicant must demonstrate that the seasonal outdoor display area(s) shall comply with the following:
 1. Vehicle travel aisles will be kept clear for vehicular traffic;
 2. Parking lot display areas must be located in such a manner as to provide safe pedestrian circulation;
 3. Merchandise displayed cannot exceed ~~six (6)~~ eight (8) feet in height;
 4. Display areas shall not exceed the area of eight (8) standard size parking spaces (i.e. 9' x 18') and ~~such enclosures~~ display areas shall be enclosed on at least three sides and not exceed ~~six (6)~~ eight (8) feet in height.

Sec. 18.1 Terms Defined

~~18.1.126.1 Outdoor Sales (Accessory to Retail Sales Uses)~~

~~Clearly incidental and subordinate to the permitted principal retail sales use, the temporary display and sale of goods outside of the building where those same goods are also available for retail sale, (“sidewalk sales”) exclusive of Wayside Stands, Christmas Tree Sales, Outdoor Retail Sales Events, Farmers Markets, or similar temporary uses regulated by Sec. 9.5 Temporary Uses~~

18.1.127 Outdoor Storage Area

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 ~~Outdoor Sales (Accessory to Sales Uses)~~ **the Display of Merchandise**, as ~~defined~~ **described** in Sec. ~~9.4.5 6~~ **18.1.126.1**

**28.) Sec. 9.3 Use Standards, 9.4 Accessory Uses and
18.1 Terms Defined**

This amendment establishes Section 15.5.14 more specifically clarifying that murals are only permitted on public buildings or walls and only when reviewed and approved by COPA in accordance with Public Art Policy and Public Art Guidelines.

The 2012 Batch Amendment established the definition of Mural in Section 18.1.110.1. This definition says a mural is, in pertinent part:

A graphic affixed to the exterior of a **public** building or wall...

The intent of this amendment was to establish language in the Zoning Ordinance that would permit public art and its review that corresponds with the recently adopted Commission on Public Art Public Art Policy and Public Art Guidelines.

Section 15.4.19 is amended to eliminate potentially confusing language that appears to be contradictory.

Sec 15.4 Exemptions

15.4.19 Artwork

Artwork, including sculptures, murals (installed on a public building or wall following the Public Art Policy as reviewed and approved by the Leesburg Commission on Public Art in accordance with Leesburg Public Art Guidelines as defined by Sec. 18.1.110.1 Murals), seasonal displays and decorations which do not advertise a product or service.

Sec. 18.1. Definitions

18.1.110.1 Mural

A graphic painted on, or affixed to the exterior of a public building or wall generally for the purposes of decoration or artistic expression, including but not limited to painting, fresco, or mosaic not interpreted by the Zoning Administrator to contain a commercial message and installed following the Public Art Policy as reviewed and approved by the Leesburg Commission on Public Art in accordance with Leesburg Public Art Guidelines.

PRESENTED: _____

ORDINANCE NO: _____

ADOPTED: _____

AN ORDINANCE: AMENDING ARTICLE 3 REVIEW AND APPROVAL PROCEDURES; ARTICLE 6 NONRESIDENTIAL ZONING DISTRICTS; ARTICLE 8 PLANNED DEVELOPMENT DISTRICTS; ARTICLE 9 USE REGULATIONS; ARTICLE 10 DENSITY/INTENSITY & DIMENSIONAL STANDARDS; ARTICLE 11 PARKING, LOADING AND PEDESTRIAN ACCESS; ARTICLE 12 TREE PRESERVATION, LANDSCAPING, SCREENING, OPEN SPACE AND OUTDOOR LIGHTING; ARTICLE 13 FLOOD PROTECTION; ARTICLE 15 SIGNS; AND ARTICLE 18 DEFINITIONS.

The Town Council of Leesburg, Virginia, 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:

1.) Section 3.1.3. Application Completeness and Accuracy

3.1.3 Application Completeness, Accuracy, and Substantial Amendment

- A. Required Completeness and Accuracy.** An application will be considered complete if:
1. it is submitted in the required number and form;
 2. it includes all mandatory information;
 3. it is accompanied by the applicable fee; ~~and~~
 4. all information material to the application is accurate. This provision does not preclude the identification and correction of inaccurate or misleading information submitted by the applicant after an application is accepted; ~~and,~~
 5. Proof of Payment of all Taxes and Other Charges: Prior to submission of an application by the owner of the subject property, the owner's agent, or any entity in which the owner holds an ownership interest greater than 50 percent, for a Zoning Map Amendment, Zoning Concept Plan or Proffer Amendment, Special Exception, Variance, Site Plan, B.A.R. Permit, Zoning Permit or prior to the issuance of final approval, applicant shall provide satisfactory evidence from the Director of Finance that any delinquent real estate taxes, nuisance charges, stormwater management utility fees due and any other charges that constitute a lien on the subject property, that are owed to the Town which have been properly assessed against the property have been paid. (Per Sec. 15.2-2286.B. of the Code of Virginia, 1950, as amended.)

AN ORDINANCE: AMENDING ARTICLES 3, 6, 8, 9, 10, 11, 12, 13, 15 AND 18 OF THE
LEESBURG ZONING ORDINANCE.

3.1.7 Proof of Payment of Real Estate Taxes Reserved

~~Prior to initiation of an application by the owner of the subject property, the owner's agent, or any which the owner holds an ownership interest greater than 50 percent, for a Zoning Map Amendment, Zoning Concept Plan or Proffer Amendment, Special Exception, Variance, Site Plan, B.A.R. Permit, Zoning Permit or prior to the issuance of final approval, applicant shall provide satisfactory evidence from the Director of Finance that any delinquent real estate taxes, nuisance charges, stormwater management utility fees due and any other charges that constitute a lien on the subject property, that are owed to the Town which have been properly assessed against the property have been paid.~~

2.) Section 3.1.9. Public Hearing Notices

3.1.9 Public Hearing Notices

Each public hearing involving planning and zoning matters before the Town Council, Planning Commission or Board of Zoning Appeals requires notice, as set out in Sec. 15.2-2204 of the Code of Virginia, 1950, as amended, and as set forth below

A. Written Notice.

1. Landowner Initiated Cases. In any case involving a zoning map amendment, special exception or variance which is initiated at the request of a landowner, such landowner shall be designated by the Planning Commission, Town Council or Board of Zoning Appeals as the appropriate and responsible party for sending any written notice required by this section and Section 15.2-2204 of the Code of Virginia, 1950, as amended.
2. Cases Involving 25 or Fewer Tax Map Parcels. For a zoning map amendment, special exception or variance that involves 25 or fewer tax map parcels, the Planning Commission, Town Council, Board of Zoning Appeals, or designee as appropriate shall provide written notice of the public hearing to:
 - a. Owners, etc. The owner or owners, their agent or the occupant, of each parcel involved and to the owner or owners, their agent or the occupant, of all abutting property and property immediately ~~and diagonally~~ across the street or road from the property affected, including those properties which lie in other localities of the Commonwealth.
 - b. Planned Development District: In addition, if any portion of the affected property ~~that is the subject of a proffered zoning map amendment and/or~~ is within a planned development district then written notice of a public hearing shall be provided to any incorporated property owners associations within the planned development district that have members owning property located within 2,000 feet of the affected property ~~landowner subject to such existing proffered conditions in accordance with § 15.2-2302 of the Code of Virginia, 1950, as amended.~~

AN ORDINANCE: AMENDING ARTICLES 3, 6, 8, 9, 10, 11, 12, 13, 15 AND 18 OF THE LEESBURG ZONING ORDINANCE.

- c. Public Land:** In addition, when a proposed amendment to the zoning ordinance involves a tract of land not less than 500 acres owned by the Commonwealth or by the federal government, and when the proposed change affects only a portion of the larger tract, notice need be given only to the owners of those properties that are adjacent to the affected area of the larger tract.
- d. When/Type of Mail:** Notice shall be sent at least ten (10) calendar days before the hearing by registered or certified mail to the last known address of an owner as listed in the current Loudoun County real estate tax assessment records or current real estate tax assessment books.
- e. Continued Hearing:** If the hearing is continued, notice shall be re-mailed.
3. **Cases Involving More Than 25 Tax Map Parcels.** For a zoning map amendment, special exception or variance application that involves more than 25 tax map parcels, the Planning Commission, Town Council, Board of Zoning Appeals, or designee as appropriate shall provide written notice of the public hearing to:
- a. Owners, etc.** The owner, owners, or their agent of each parcel involved and to the owner or owners, or their agent of all abutting property and property immediately ~~and diagonally~~ across the street or road from the property affected, including those properties which lie in other localities of the Commonwealth.
- b. Planned Development District:** In addition, if any portion of property that is the subject of a proffered zoning map amendment and/or is within a planned development district then written notice of a public hearing shall be provided to any landowner subject to such existing proffered conditions in accordance with § 15.2-2302 of the Code of Virginia, 1950, as amended.
- c. When/Type of Mail:** Notice shall be sent at least ten (10) calendar days before the hearing by first class mail to the last known address of an owner as listed in the current Loudoun County real estate tax assessment records or current real estate tax assessment books.
- d. Continued Hearing:** If the hearing is continued, notice shall be re-mailed.
- 4. Zoning Ordinance changes that decrease density.** For a Zoning Ordinance text change that decreases the allowed dwelling unit density of any parcel of land, the Planning Commission or its representative shall provide written notice of the public hearing to:
- a. Owners, etc.** The owner, owners, or their agent of each parcel involved and to the owner or owners, or their agent of all abutting property and property immediately across the street or road from the property affected, including those properties which lie in other localities of the Commonwealth. However, written notice of such changes to zoning ordinance text regulations shall not have to be mailed to the owner,

AN ORDINANCE: AMENDING ARTICLES 3, 6, 8, 9, 10, 11, 12, 13, 15 AND 18 OF THE LEESBURG ZONING ORDINANCE.

owners or their agents of lots shown on a subdivision plat approved and recorded pursuant to the Subdivision and Land Development Regulations where such lots are less than 11,500 square feet.

b. When/Type of Mail: Notice shall be sent at least ten (10) calendar days before the hearing by first class mail to the last known address of an owner as listed in the current Loudoun County real estate tax assessment records or current real estate tax assessment books.

c. Continued Hearing: If the hearing is continued, notice shall be re-mailed.

5. Notice to Adjoining Localities. When a comprehensive plan amendment, zoning map amendment, or special exception application involves any parcel of land located within one-half mile of a boundary of an adjoining locality of the Commonwealth, written notice of the application shall be given by the local commission, or its representative, at least ten (10) calendar days before the hearing to the chief administrative officer, or his designee, of such adjoining locality.
6. Contents of Written Notice. All required written notice shall contain:
 - a. The time, date and place of hearing;
 - b. A brief description of the matter being heard;
 - c. Identification of the land that is the subject of the application (including the tax map number of the property and complete street address of the property, if any); and
 - d. The assigned case file number.
7. Notice by Town. Notwithstanding any other provisions of this section, whenever the notices required under this section are sent on behalf of an agency, department or division of the Town, such notice shall be sent by the Zoning Administrator and may be sent by first class mail; however, the Zoning Administrator shall make affidavit that such mailings have been made and file such affidavit with the papers in the case.
8. Certification. At least five (5) calendar days prior to the hearing, an affidavit, prepared by the person or persons, or their representative providing notice, shall be filed with the Director of Planning and Zoning certifying that written notices have been sent and such affidavit shall include a list of names of those to whom notice was sent. A copy of such affidavit shall be presented at the beginning of the public hearing on the application.
9. Failure to Receive Notice. Failure to receive any notice of a hearing required by this section, in and of itself, shall not invalidate any action taken at or subsequent to the hearing.
10. Condominium Ownership. In the case of a condominium, written notice may be sent to the unit owners' association instead of to each individual unit owner.
11. Notice to County. For a comprehensive plan amendment, a zoning map amendment, or special exception application involving any parcel of land

AN ORDINANCE: AMENDING ARTICLES 3, 6, 8, 9, 10, 11, 12, 13, 15 AND 18 OF THE LEESBURG ZONING ORDINANCE.

located within one-half mile of a boundary of an adjoining locality in the Commonwealth, then written notice shall also be given by the Zoning Administrator to the chief administrative officer or his designee, of such adjoining locality. Such notice must be mailed at least ten (10) days prior to the hearing.

12. Notice to Airport Owner. For a comprehensive plan amendment, a zoning map amendment, or special exception application involving any parcel of land located within 3,000 feet of a boundary of a licensed public-use airport, then written notice shall also be given at least thirty (30) days before the public hearing to the owner of the public-use airport, and the notice shall advise of the opportunity to submit comments or recommendations.

13. Notice involving Electric Transmission Corridors. When a comprehensive plan amendment designates or alters previously designated corridors or routes for electric transmission lines of 150 kilovolts or more, written notice shall also be given by the Zoning Administrator to each electric utility with a certified service territory that includes any part of such designated electric corridor transmission corridors or routes at least ten (10) days prior to the hearing.

14. Board of Architectural Review Written Notice. For cases before the Board of Architectural Review, the town shall mail written notice of the public hearing by first class mail at least ten (10) calendar days prior to the public hearing.

B. Placard Notice. Placard notice shall be posted by the applicant, using a form of placard approved by the Town Council, at least fifteen (15) calendar days and no more than twenty (20) calendar days prior to each public hearing. Certification of posting shall be provided to the Director of Planning, Zoning and Development, except that such certification shall be provided to the Zoning Administrator for public hearings before the Board of Zoning Appeals.

1. Location of Placards. Placards shall be affixed to a pole, post, fence or other structure to be clearly visible from each public road abutting the property. If no public roads abut the property, then the placard shall be posted so as to be clearly visible from at least two abutting properties and at the access points to said property. Placards shall be weatherproof.

2. Contents of Placards. Placards shall contain:

- a.** The time, date and place of the hearing;
- b.** A brief description of the matter being heard;
- c.** Identification of the land that is the subject of the application including the property tax identification number, tax map number and complete address of the property, if any; and
- d.** The assigned case file number.

3. Maintenance and Removal of Placards. The applicant shall maintain all placards up to the time of the hearing and shall remove all posted placards no later than fifteen (15) calendar days after the public hearing has been closed.

4. Penalties. It shall be unlawful for any person to destroy, deface or remove such placard notice. Any person taking such action shall be subject to the penalties set forth in Sec. 17.3.

AN ORDINANCE: AMENDING ARTICLES 3, 6, 8, 9, 10, 11, 12, 13, 15 AND 18 OF THE
LEESBURG ZONING ORDINANCE.

- C. Newspaper Notice.** The Town shall give newspaper notice prior to each public hearing.
1. Type of Newspaper. Notice shall be published in a newspaper or newspapers of general circulation in the locality
 2. Contents of Newspaper Notice. The notice shall contain:
 - a. The time, date and place of the hearing;
 - b. A brief description of the matter being heard;
 - c. Identification of the land that is the subject of the application including the property tax identification number, tax map number and complete address of the property, if any;
 - d. In the case of a zoning map amendment, including an amendment to an approved concept plan, or a modification of ordinance regulations, the general usage and density range of the proposed zoning amendment, and the general usage and density range, if any, set forth in the Town Comprehensive Plan shall be included within the notice; and
 - e. The assigned case file number.
 - f. References to the place or places in the Town where copies of the proposed plans, ordinances or amendments may be examined.
 3. Time of Newspaper Notice. The notice shall appear at least once a week for two (2) successive weeks with not less than six (6) days elapsing between the first and second publication. ~~and with the~~ The second advertisement shall be published no more than twenty-one (21) calendar days and no fewer than ~~six (6)~~ five (5) calendar days prior to the public hearing.
- D. Notice Requirements for Particular Hearings.** The following hearings require the following form of notice:
1. Appeals to Town Council. Public hearings on appeals to the Town Council require that the Town provide newspaper notice of the hearing.
 2. Appeals to Board of Zoning Appeals. Public hearings on appeals to the Board of Zoning Appeals require that the Town provide newspaper notice of the hearing.
 - ~~3. Submission Requirements. A resolution to be presented to the Town Council pursuant to Sec. 2.1.1.G shall be advertised in a newspaper of general circulation in the County at least twenty (20) calendar days before consideration of the resolution by the Town Council.~~
- E. Cost of Notice.** The cost of all notice required by this section shall be paid by the applicant. The costs of placing the original newspaper notice are included in the application fee. However, The cost of newspaper notices for re-hearings or additional hearings required by the applicant's actions shall be paid by the applicant.
- F. Additional Notice Required.**
1. Deferral. If an item is not heard at the time for which it was noticed and the public hearing is not opened, but is deferred ~~or continued~~ at that time to

AN ORDINANCE: AMENDING ARTICLES 3, 6, 8, 9, 10, 11, 12, 13, 15 AND 18 OF THE LEESBURG ZONING ORDINANCE.

another date, all notice required by this section shall be given for the deferred public hearing.

2. **Recessed Closed Public Hearings.** If a public hearing is **closed** begun but the **particular** agenda **item** is not completed, ~~thereby requiring the meeting to be recessed,~~ no additional notice is required as long as the date(s) for completion of the public hearing agenda is announced at the hearing that has been **recessed closed**.

WRITTEN NOTICE REQUIREMENTS				
Circumstance	Section	Written	Recipient	When/Mailing Type
Rezoning, S.E. or variance involving less than 25 parcels	3.1.9.A.2.a	Yes	See Sec. 3.1.9.2.a-d	10 days prior to hearing by registered or certified mail
Rezoning, S.E. or variance involving more than 25 parcels	3.1.9.A.3	Yes	See Sec. 3.1.9.2.a-b	10 days prior to hearing by registered or certified mail
Zoning Ordinance text change that decreases density	3.1.9.A.4	Yes	3.1.9.A.4.a	10 days prior to hearing by 1 st class mail
Town Plan amendment, Rezoning or S.E. within ½ mile of adjoining locality	3.1.9.A.5	Yes	Chief admin. officer, or his designee, of such adjoining locality	10 days prior to hearing
Town Plan amendment, Rezoning or S.E. within 3,000 feet of public airport	3.1.9.A.12	Yes	Owner of airport	30 days prior to hearing
Town Plan amendment designates or alters routes of electric transmission lines of 150 kilovolts or more	3.1.9.A.13	Yes	Each electric utility with a certified service territory that includes any part of the designated routes	10 days prior to hearing
B.A.R. meeting	3.1.9.A.14	Yes	Adjacent property owners	10 days prior to hearing by 1 st class mail

3.) Section 3.7.1 When Zoning Permits Required

3.7.1 When Permits Required

No wall, building, structure, or part thereof, shall be built, constructed, reconstructed, moved, altered or added to; ~~including internal alterations and~~ no excavation or filling operation shall ~~be~~ commenced; ~~no activity which requires a Loudoun County building permit shall commence;~~ ~~or~~ ~~and no~~ change in use ~~or nonresidential tenancy shall be~~ permitted until ~~an~~ application ~~is~~ ~~has been made~~ ~~submitted~~ and a zoning permit ~~is~~ issued by the Zoning Administrator, in accordance with the provisions of this *Zoning Ordinance*. ~~Change in nonresidential tenancy shall not be construed to mean a change of business name or a change in the ownership/operator of a legally permitted business.~~

4.) Section 3.10.2 Required Contents of Applications

3.10.2 Required Contents of Applications

A. General. When making application for a Certificate of Appropriateness, applicants must submit information for consideration by the Board of Architectural Review, including the following:

1. All ~~affected~~ architectural elevations, ~~floor plans, and roof plan~~ drawn to scale ~~showing existing conditions, proposed alterations, and proposed new construction;~~
2. Site plans ~~drawn to scale with land parcel boundaries showing footprints of existing buildings, footprints of proposed new construction, and required setbacks;~~
3. Complete materials list ~~including product specification sheets and/or material or samples of materials as deemed necessary;~~
4. Photographs ~~of the affected building elevations and any deteriorated conditions. For proposed new construction, photographs~~ or drawings relating the proposed project to the surrounding streetscape;
5. Proposed colors ~~including color chips from the paint manufacturer;~~
6. ~~Lighting; and~~ ~~Exterior light fixtures and/or lighting plan when required by Article 12;~~
7. ~~Landscaping;~~ ~~A landscape plan~~ when required by Article 12;
8. ~~A narrative providing justification for the request; and~~
9. ~~For the replacement of windows in contributing historic resources, an assessment of each window proposed for replacement including a statement of condition, photographs, and the following detailed information:~~
 - a. ~~Dimensions of the window opening and size of the proposed replacement window;~~

AN ORDINANCE: AMENDING ARTICLES 3, 6, 8, 9, 10, 11, 12, 13, 15 AND 18 OF THE LEESBURG ZONING ORDINANCE.

- b. Depth of reveal for the existing and proposed window;
- c. Proportions of the window frame and sash for the existing and proposed window;
- d. Configuration of window panes in the existing and proposed window;
- e. Muntin profiles for the existing and proposed window;
- f. Material of the proposed window;
- g. Paint color;
- h. Characteristics of the glass in the proposed window; and
- i. Associated window details such as arched tops, hoods, or other decorative elements.

5.) Section 3.11.16 Lapse of Approval

3.11.16 Lapse of Approval

A Certificate of Appropriateness (COA) shall lapse and become void unless:

- A. Construction has commenced within twenty-four (24) months from the date the COA was issued ; or.
- B. Prior to the sunset of twenty-four month period in (A.) above, the applicant has obtained a six-month extension from the Zoning Administrator by clearly demonstrating to the Zoning Administrator diligent pursuit of other necessary land development approvals. The Zoning Administrator shall include notification of the request for an administrative extension to adjacent property owners. There is no limit to the number of six-month extensions that an applicant may obtain.

6.) Section 6.3.3. Density/Intensity and Dimensional Standards

6.3.3. Density/Intensity and Dimensional Standards

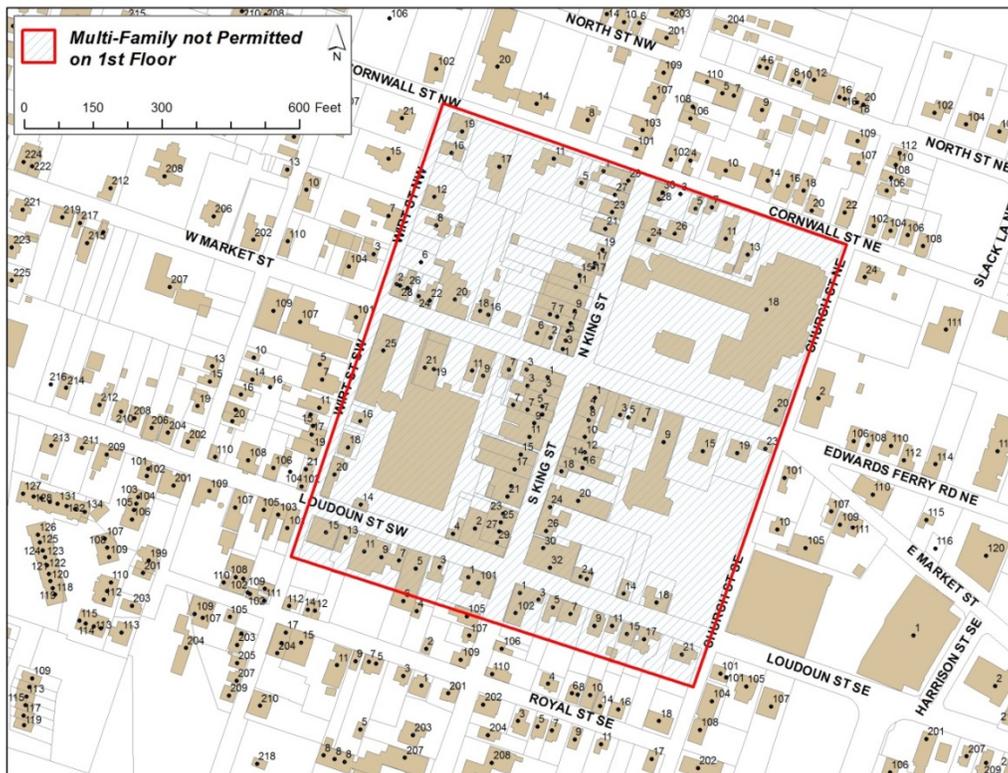
All development in the B-1 District shall be subject to the following standards (See also Article 10):

B-1 District Standards	
A. Minimum Lot Area (square feet)	
Single-Family Detached	4,000
Single-Family Attached (Interior Lots)	2,000
Single-Family Attached (Corner and End Lots)	3,000
Duplex, Vertical	3,000
Duplex Horizontal	6,000
Multi-Family	10,000 [8]

AN ORDINANCE: AMENDING ARTICLES 3, 6, 8, 9, 10, 11, 12, 13, 15 AND 18 OF THE LEESBURG ZONING ORDINANCE.

B-1 District Standards	
All Other Development	None

[8] Multi-family dwellings shall be permitted by-right in the B-1 District, up to a maximum of five (5) units. However, residential units **and must** can only be located above the first floor of a **commercial or office** building that fronts on a public street in the following area: between the east side of Wirt Street to the west side of Church Street, and between the south side of Cornwall Street to the south side of Loudoun Street. For purposes of height measurement and lot size limitations such buildings shall be considered nonresidential **USES.**



Map showing the area where first floor non-residential is required in the B-1 District as described in revised Section 6.3.3.Note [8] above.

9.3.15. Multi-family Development and Attached Single-Family Development

I. Multi-family dwellings shall be permitted by-right in the B-1 District, up to a maximum of five (5) units and must be located above the first floor of a commercial

AN ORDINANCE: AMENDING ARTICLES 3, 6, 8, 9, 10, 11, 12, 13, 15 AND 18 OF THE LEESBURG ZONING ORDINANCE.

~~or office building. For purposes of height measurement and lot size limitations such buildings shall be considered nonresidential uses.~~

7.) Section 6.5.3. Density/Intensity and Dimensional Standards

6.5.3 Density/Intensity and Dimensional Standards

All development in the B-3 District shall be subject to the following standards (See also Article 10):

B-3 District Standards	
A. Minimum Lot Area (square feet)	
All Development	20,000
B. Minimum Lot Width (feet)	
All Development	200 [1]
C. Maximum Floor Area Ratio	0.35 None
D. Minimum Yards/Setbacks (feet)	
Front	40
Side	25
Rear	25
E. Maximum Building Height (feet)	
All Development	45[2]
F. Minimum Zoning District Area (acres)	5[1]

8.) Section 8.4.8. Open Space Requirement for “Infill” PRN

8.4.8 Open Space Requirement for “Infill” PRN

A Planned Residential Neighborhood (PRN) located in an area designated in the Town Plan as ~~“Infill” on Map 6.3 therein~~ **Downtown** shall provide at least fifteen percent (15%) of the land area as public and common open space. In the H-1 Overlay, Old and Historic District this open space requirement can be further reduced by the Land Development Official with the concurrence of the Board of Architectural Review. The Land Development Official shall set forth in writing the reasons for granting such a waiver of the fifteen percent (15%) open space requirement.

AN ORDINANCE: AMENDING ARTICLES 3, 6, 8, 9, 10, 11, 12, 13, 15 AND 18 OF THE
LEESBURG ZONING ORDINANCE.

9.) Section 8.3. General Development Standards

8.3.2. Lot Size

No planned development shall be approved which contains lots with areas or widths less than provided below for the dwelling types shown:

Dwelling Types	Lot Area	Lot Width
Single-family, detached	6,500 sq. ft. minimum —no more than 25% of total SFD units. [1]	55 40 feet minimum for lots less than 8,000 sq. ft.;
	8,000 sq. ft. minimum —no fewer than 75% of total SFD units. [1]	
	9,000 sq. ft. average [1]	65 feet for lots 8,000 sq. ft. and above
Single-family, attached (townhouses)	1,600 sq. ft. minimum —no more than 25% of total SFA units. [2]	18 feet minimum, interior,
	2,000 sq. ft. minimum —no fewer than 75% of total SFA units. [2]	28 feet minimum corner/end lots for lots less than 2,000 sq. ft.
	2,000 sq. ft. average [2]	20 feet for lots 2,000 sq. ft. and above
Duplex	8,000 sq. ft.	75 feet
Multi-Family	10,000 square feet	75 feet

[1] ~~Where lots less than 8,000 sq. ft. in area are proposed, an equal number of lots above 8,000 sq. ft. in area shall be proposed so that the overall lot size averages out to 9,000 sq. ft. For example, if 100 SFDs are proposed, then at least 900,000 sq. ft. of SFD lot area must be created (i.e., 100 lots × 9,000 sq. ft. average = 900,000). If 25 of the lots are proposed to be 6,500 sq. ft., that is 162,500 sq. feet (25 lots × 6,500 = 162,500). The remaining 75 lots must contain 737,500 sq. ft. (900,000 — 162,500 = 737,500). That means these 75 lots must average approximately 9,833 sq. ft. (with none less than 8,000 sq. ft.) per lot to reach the 900,000 sq. ft. requirement. A calculation demonstrating that the required lot average has been met shall be submitted as part of the rezoning request.*~~

[2] ~~Where lots less than 2,000 sq. ft. in area are proposed, an equal number of lots above 2,000 sq. ft. in area shall be proposed so that the overall lot size averages out to 2,000 sq. ft. For example, if 100 SFAs are proposed, then at least 200,000 sq. ft. of SFA lot area must be created (i.e., 100 lots × 2,000 sq. ft. average = 200,000). If 25 of the lots are proposed to be 1,600 sq. ft., that is 40,000 sq. feet (25 lots × 1,600 = 40,000). The remaining 75 lots must contain 160,000 sq. ft. (200,000 — 40,000 = 160,000). That means these 75 lots must average approximately 2,133 sq. ft. (with none less than 2,000 sq. ft.) per lot to reach the 200,000 sq. ft. requirement. A calculation demonstrating that the required lot average has been met shall be submitted as part of the rezoning request.*~~

AN ORDINANCE: AMENDING ARTICLES 3, 6, 8, 9, 10, 11, 12, 13, 15 AND 18 OF THE
LEESBURG ZONING ORDINANCE.

10.) Section 9.4. Accessory Uses

9.4.5 Electric Vehicle (EV) Charging Station

- A. EV charging station may be permitted as an accessory to a parking facility when the minimum standards provided below are met:
1. EV charging station spaces may be identified by non-illuminated signs measuring no more than two (2) square feet, posted directly in front of each space at heights between 42 inches and no more than 72 inches; and,
 2. Commercial signage shall be limited to wrapping the charging station "pumps" with cling-type appliques, paint or one non-illuminated, ground mounted sign measuring no more than two (2) square feet.
 3. If no existing parking lot lighting is available to provide adequate illumination for the EV charging station, supplemental lighting may be provided in accordance with the minimum lighting standards provided in Section 12.11 Outdoor Lighting.

11.) Section 9.3. Use Standards

9.3.26 Telecommunication Facilities

- B. **Antennas.** Roof top mounted dipole/whip or panel antennas and related unmanned equipment may be installed in those districts where permitted subject to the minimum standards provided below. Note that these provisions do not apply to antenna installed on utility transmission towers. (See power-mount facilities in C. below):
1. Such antennas and related equipment may exceed the maximum building height limitations, provided the use is in accordance with the development criteria herein.
 2. Dipole or whip antennas shall not exceed twenty (20) feet in height or seven (7) inches in diameter and shall be of a material or color which matches the exterior of the building or structure.
 3. Directional or panel antennas shall not exceed five (5) feet in height or two (2) feet in width and shall be of a material, color, or finish that minimizes the visual impact of the structure and emulates the exterior of the building or structure on which it is mounted.
 4. Equipment structures located on the roof of a building shall not occupy more than twenty-five (25%) percent of the roof area.

AN ORDINANCE: AMENDING ARTICLES 3, 6, 8, 9, 10, 11, 12, 13, 15 AND 18 OF THE
LEESBURG ZONING ORDINANCE.

5. Antennas and related unmanned equipment are permitted in any zoning district on buildings and structures owned or controlled by a federal, state, county, or Leesburg Town governmental unit.
6. Structures upon which an antenna is mounted/co-located, that were not constructed solely or primarily to support antennas, shall not be deemed to be a telecommunications facility per Sec 6409(a) of the Spectrum Act.

12.) Section 10.4. Measurements, Computations and Exceptions

10.4.5. Minimum Yard Requirements

- E. Additional Setback Requirements from Certain Streets.** In addition to those yard requirements established for zoning districts, the building setback requirements established herein for certain public streets within the Town of Leesburg shall also be applicable. In case of conflict with other provisions of this Zoning Ordinance, the greater setback requirement shall prevail.
1. Route 7, East of the Route 7/15 Bypass: 100 feet from the right-of-way line.
 2. Route 15, South of the Route 7/15 Bypass: 100 feet from the right-of-way line.
 3. West Market Street, north side only, between Ayr Street and the western corporate limits: 100 feet from the centerline of the right-of-way.
 4. Dulles Greenway Private Toll Road: 120 feet from the right-of-way line.
 5. Increased Setbacks Based on Road Classification **Outside of the Bypass**. No building shall be located closer than 100 feet from the right-of-way of any limited access highway, 80 feet from a major arterial road, 50 feet from a minor arterial road, and 35 feet from the right-of-way of a through collector road located **outside of the Route 7/15 By-pass** in the area to the east side and/or south side of the Route **7/15 Bypass** as indicated in the Transportation Element of the Town Plan.
 6. Pursuant to the process outlined in Section 3.18, the setbacks may be waived or modified by the Town Council.

13.) Accessory Structures

9.3.11. Extended Family Residence

AN ORDINANCE: AMENDING ARTICLES 3, 6, 8, 9, 10, 11, 12, 13, 15 AND 18 OF THE
LEESBURG ZONING ORDINANCE.

An Extended family residence shall be permitted by right when all of the following regulations are met. If any one of these regulations cannot be complied with, then an application for special exception will be required for the extended family use.

- A. **Area Limitation.** An extended family residence shall be limited to a maximum square footage of nine hundred (900) square feet in area or fifty percent (50%) of the principal structure footprint, whichever is less.

9.4.1 Accessory Dwelling Units

- A. **Maximum Floor Area.** The maximum square footage of an accessory dwelling unit shall be limited to ~~one-half~~ fifty percent (50%) of the total square footage of the principal structure or nine hundred (900) square feet, whichever is less.

10.4.5 Minimum Yard Requirements

- C. **Extensions into Required Yards.** The following uses and structures shall be permitted to be located within required yards, subject to the limitations established herein. No structure may be erected over a public right-of-way or easement, except as permitted in the Town Code.

1. Accessory Structures. Accessory structures which are customarily incidental and subordinate to the principal structure or use on the property, and are separated from the principal structure by a minimum of ten (10) feet, may be erected within a required side or rear yard, provided such accessory structures are located a minimum of two (2) feet from the property line for single-family detached, duplex and townhouse dwelling units ~~and a minimum of three feet from the property line for all other residential uses.~~ No accessory structure shall be located closer than five (5) feet to a principal structure on another lot. No accessory structure within a residential district shall exceed twenty (20) feet in height. No accessory structure within a residential zoning district shall exceed 900 square feet in area or fifty ~~thirty~~ percent (~~530%~~) of the principal structure footprint, whichever is less ~~greater~~. Multi-family and non-residential uses shall adhere to the district regulations for side and rear yard requirements for accessory structures, excluding signs.

18.1.3 Accessory Building

A subordinate building ~~of no more than 1,200 square feet~~, the ~~non-residential~~ use of which is associated with and customarily subordinate to the principal building and which is located upon the same lot as the principal building.

18.1.5 Accessory Dwelling

A dwelling or apartment within or detached from the principal dwelling ~~of no more than 900 square feet~~, the use of which is associated with and subordinate to the principal dwelling and which is located upon the same lot as the principal dwelling.

14.) Sec. 10.4.5.C. Extensions into Required Yards

10.4.5 Minimum Yard Requirements

C. Extensions into Required Yards

5. Decks and Patios.

- a. Uncovered decks which are attached/abutting to the principal structure and are not more than three (3) feet above grade on the lot may extend into a required side or-rear yard within five (5) feet of the property line for single-family detached residences; and three (3) feet of the side or rear property line for all other residential uses.
- b. Uncovered decks, which are attached to the principal structure and are more than three (3) feet above grade on the lot, may extend into a required rear yard to within ~~twenty (20)~~ **ten (10) feet** of the property line, however, side yard requirements shall apply. ~~The preceding setback requirements notwithstanding, if a rear lot line is adjacent to an open space area of a least ten (10) feet in width, a deck may extend into a required rear yard to within fifteen (15) feet of the property line.~~
- c. A patio adjoining the principal structure may extend into a required side or rear yard within two (2) feet of the property line for all residential uses subject to buffer guidelines.

15.) Sec. 10.4.4 Lot Size

10.4.4 Lot Size

F. Structure Built on Two Lots. A single building constructed on a site consisting of two lots must be located either within the required setback from the common or center lot line, or the building must be constructed on both lots. Any person wishing to build a structure on two lots must provide legal assurance, approved by the Zoning Administrator, which demonstrates unity of title for both lots. Prior to issuance of a zoning permit for a structure built on two lots, either a plat of vacation or boundary line adjustment plat, **or a deed referencing the recorded plat by which the lot line to be vacated was originally created,** shall be submitted for signature and recordation which locates the structure on a single lot in compliance with these zoning regulations. **(Per Sec. 15.2-2275 of the Code of Virginia, 1950, as amended.)**

16.) Sec. 11.4.5 Shared Parking (Mixed Use)

11.4.5 Shared Parking (Mixed Use)

A. Shared Use Time of Day Factors

**AN ORDINANCE: AMENDING ARTICLES 3, 6, 8, 9, 10, 11, 12, 13, 15 AND 18 OF THE
LEESBURG ZONING ORDINANCE.**

Weekdays

	8AM – 5 PM	6PM – 9PM	10 PM – 7AM
Retail	77%	80%	12%
Fine/Casual Dining	55%	99%	65% (12am)
Family Restaurant	72%	75%	41%
Fast Food	66%	60%	10%
Movie Theater	48%	85%	62% (12 AM)
Health Club	70%	85%	39%
Lodging	64%	79%	96%
Residential	75% 100%	96% 100%	98% 100%
Office (General)	89%	12%	11%
Office (Medical)	96%	37%	0%
Bank	96%	0%	0%

Weekends

	8AM – 5 PM	6PM – 9PM	10 PM – 7AM
Retail	71%	68%	14%
Fine/Casual Dining	32%	94%	77%
Family Restaurant	72%	59%	17%
Fast Food	66%	62%	10%
Movie Theater	58%	85%	77%
Health Club	46%	49%	32%
Lodging	64%	79%	96%
Residential	75% 100%	96% 100%	98% 100%
Office (General)	63%	5%	0%
Office (Medical)	82%	0%	0%
Bank	66%	0%	0%

17.) Sec. 11.6. Parking and Loading Area Design Standards

11.6.1 General

D. Pavement Requirements for Residential and Commercial Travel Ways and Spaces.

No person shall park any motor vehicle, trailer, or semi-trailer on the front, side or rear yard of any lot, improved with a single-family dwelling, zoned for residential use, except on a ~~lawfully paved surface~~ **driveway**.

18.) Sec. 11.6. Parking and Loading Area Design Standards

AN ORDINANCE: AMENDING ARTICLES 3, 6, 8, 9, 10, 11, 12, 13, 15 AND 18 OF THE LEESBURG ZONING ORDINANCE.

11.6.2 Dimensions of Parking Spaces and Aisles

For the purposes of these regulations there shall be two general categories of off-street parking dimensions: standard parking spaces and parking spaces for disabled persons. **The maximum number of contiguous parking spaces in a row shall be no greater than twenty (20).** Parking spaces may be situated at the following angles: 90, 60, 45, 30 and 0 (parallel). Spaces shall be measured based on the minimum rectangular dimensions established herein.

C. Parking Aisle Dimensions. Parking facilities shall provide travel aisles in compliance with the following minimum width aisle standards:

Minimum Aisle Widths Adjacent to Parking [1]					
Parking Angle (degrees)					
	0	30	45	60	90
1-Way Traffic	13 ft	13 ft	13 ft	18 ft	22 ft
2-Way Traffic	19 20 ft	20 ft	21 ft	24 ft	24 ft
Aisle with no Adjacent Parking [1]					
1-Way Traffic	12 ft				
2-Way Traffic	18 20 ft				

[1] Minimum aisle widths, shown above, include the width of the gutter pan. Additional width may be required based upon the type of vehicular access required to traverse the site or when an aisle or travelway is designated as a fire apparatus access road in accordance with the *Leesburg Fire Code*.

19.) Sec. 11.12. Administration

11.12.3 Monitoring and Enforcement

C. Bonds. If the weather prohibits the paving of the required **driveways for single-family detached or single-family attached development, parking and loading areas** at the time of occupancy, the applicant may, at the applicant's option, post a cash bond for the paving of **the parking and loading areas, driveways.** The bond shall be supported by an estimate from a paving contractor of the cost of such paving and a letter expressing the intent of the contractor to perform the service; **In addition to the contractor's estimate, the amount of the bond shall include a reasonable sum for administrative expenses, in accordance with Sections 15.2-2241.5 and 15.2-2299 of the Code of Virginia, 1950, as amended.** If the work is not completed within six (6) months, the bond shall be forfeited to the town to use for the completion of the work.



20.) Sec. 11.8 Stacking Spaces

Sec 11.8 Stacking Spaces

All uses which include a drive-up window or which are characterized by patrons remaining in their vehicles to receive service shall provide stacking spaces in order to alleviate traffic congestion. Stacking spaces shall be a minimum of ten (10) feet in width inclusive of gutter pans and eighteen (18) feet in length. All stacking areas must be separate from other circulation aisles and parking spaces. The use of a minimum five (5) foot landscaped island with curbing is recommended to channelize traffic. When counting the minimum number of spaces required in any stacking lane, the space at the point of service shall be counted as one of the minimum total required stacking spaces.

21.) Sec. 12.3 Twenty-Year Tree Canopy Requirements

12.3.1 Requirements

All submittals of a final subdivision plats or site plans under Article 13 of the Subdivision and Land Development Regulations shall include a plan for the preservation, planting and/or replacement of trees on the site to the extent that, at maturity of twenty years, minimum tree canopies or covers will be provided in the areas designated in the Town of Leesburg Zoning Ordinance as follows:

- A. Ten percent (10%) tree canopy for a site zoned business, commercial or industrial.
- B. Ten percent (10%) tree canopy for a residential site zoned twenty (20) or more units per acre.
- C. Fifteen percent (15%) tree canopy for a residential site zoned more than ten (10) but less than twenty (20) units per acre.
- D. Twenty percent (20%) tree canopy for a residential site zoned ten (10) units or less per acre.
- ~~E. Every platted lot shall have a minimum tree canopy coverage of 2 1/2 percent or 3,000 sq. ft, whichever is less.~~
- F. **E.** If the full canopy requirement cannot be achieved on-site, the remaining requirement of canopy shall be calculated with the cost amount listed in Section G. below and a fee for the total shall be collected and deposited in the Town of Leesburg tree fund.
- G. **F.** The cost to establish a new tree with a twenty (20) year canopy area starting with a two (2) – inch caliper nursery stock shall be \$990.00.

AN ORDINANCE: AMENDING ARTICLES 3, 6, 8, 9, 10, 11, 12, 13, 15 AND 18 OF THE
LEESBURG ZONING ORDINANCE.

- H. G.** For the purpose of this section, “site” shall include all of the area within a property boundary, either as proposed on the final subdivision plat or site plan or the existing property (property line to property line). In instances where a small portion of land is not being subdivided out of a larger tract of land and is the subject of a site plan application, the Land Development Official may accept the smaller site area for canopy calculation purposes. For multi-phased or sectioned subdivisions, canopy may be calculated for the overall subdivision.

22.) Sec. 12.2 Administration

12.2.1 Landscape Plan Required

A landscape plan meeting the requirements of this article is required for all subdivision plat and site plan applications as described in ~~Sections 13-62~~ **Division 2 (Subdivision)** and **Division 3 (Development)** ~~13-74~~ of the ***Subdivision and Land Development Regulations***.

23.) Sec. 13.2 Use Regulations and Sec. 14.3 Effect of Buffer

13.2.1 Permitted Uses

The following uses are permitted in the Floodplain provided that they are not prohibited by any other applicable ordinance and provided that they do not require structures, fill (except for item “E”), or storage of materials and equipment:

- B.** Public and private recreational uses and activities such as parks, day camps, picnic grounds, golf courses, boat launching and swimming areas, hiking and horseback riding trails, wildlife and nature preserves, game farms, fish hatcheries and fishing areas.

Paved trails are permitted when constructed as part of a Town project public improvement.

Sec 14.3 Effect of Buffer

The construction of buildings, structures, parking lots or other impermeable surfaces within the Creek Valley Buffer is prohibited except for the following: **Paved trails when constructed as part of a Town project public improvement.** Existing improvements including buildings, roads and structures within the Creek Valley Buffer are not considered non-conforming simply by their location within the Creek Valley Buffer. Any non-conformities shall be determined and regulated in accordance with Article 16. Existing improvements can be added to and if destroyed by fire or casualty, they can be rebuilt to the same or equivalent setback. Existing residential dwellings may install decks and incidental accessory structures so long as other applicable zoning and development regulations are met. This buffer or setback area does not

AN ORDINANCE: AMENDING ARTICLES 3, 6, 8, 9, 10, 11, 12, 13, 15 AND 18 OF THE
LEESBURG ZONING ORDINANCE.

regulate uses within the setback area, although the Town encourages plantings or natural vegetative and forestall cover within the buffer area. Utilities may be located within the buffer.

24.) Sec. 18.1 Terms Defined

18.1.36 Condominium

A **form of Real Property ownership whereby a** building or group of buildings in which dwelling units, offices, or floor area are owned individually, and the structure, common areas, and facilities are owned by all the owners on a proportional, undivided basis. An owners association is organized for the purpose of maintaining, administering and operating the common areas and facilities. **Condominium shall not mean any particular type of dwelling or unit.**

18.1.110 Multi-Family Dwelling

A building containing three or more dwellings units located on a single lot or parcel of ground where each unit accesses the outside via a common hallway, stairs or elevators. Such units are located back-to-back, adjacent, or stacked on top of each other. Multi-family dwellings shall include apartments, ~~condominiums~~, triplex dwellings, **and** quadruplex dwellings, ~~and "2-over-2" units.~~

18.1.172.1 Single-Family Attached (Stacked Townhouse) Dwelling

Buildings configured to place one single family dwelling unit directly on top of another single family dwelling unit, each having independent access to the outside **or shared access with only an adjacent unit**, with the whole having the appearance of a single unified structure. Stacked townhouses shall be a minimum of three (3) units wide, and shall be vertically **and horizontally** separated by **a** common party walls. Stacked townhouses are also referred to as "two-over-two" dwellings and are typically incorporated in a common owners association

25.) Sec. 6.3.2 Use Regulations, Sec 6.6.2 Use Regulations, and 18.1 Terms Defined

18.1.164 School, Special Instruction

A school primarily devoted to giving instruction in professional, musical, dramatic, artistic, scientific or other special subjects, exclusive of a conventional primary or secondary Curriculum **and does not require licensure by the State as a Daycare Center use.**

AN ORDINANCE: AMENDING ARTICLES 3, 6, 8, 9, 10, 11, 12, 13, 15 AND 18 OF THE
LEESBURG ZONING ORDINANCE.

6.3.2 Use Regulations

Uses are allowed in the B-1 District in accordance with the following table. A “P” in the second column of the table indicates that the use is permitted by-right, subject to compliance with all applicable standards of this Zoning Ordinance. An “S” in the second column of the table indicates that the use may be allowed if reviewed and approved in accordance with the Special Exception procedures of Sec. 3.4. For a summary of uses permitted in all zoning districts, see the Use Table in Sec. 9.2.

B-1 Uses			
Use		Use Standards	Definition
Commercial Uses			
School, Special Instruction	S P	Sec 9.3.23	Sec. 18.1.164

6.6.2 Use Regulations

Uses are allowed in the B-4 District in accordance with the following table. A “P” in the second column of the table indicates that the use is permitted by-right, subject to compliance with all applicable standards of this Zoning Ordinance. An “S” in the second column of the table indicates that the use may be allowed if reviewed and approved in accordance with the Special Exception procedures of Sec. 3.4. For a summary of uses permitted in all zoning districts, see the Use Table in Sec. 9.2.

B-4 Uses			
Use		Use Standards	Definition
Commercial Uses			
School, Special Instruction	S P	Sec 9.3.23	Sec. 18.1.164

26.) Sec. 18.1 Terms Defined

18.1.172 Single-Family Attached (Townhouse) Dwelling

A single-family dwelling in a row of at least three such units in which each unit occupies its own individual lot that meets the minimum lot area requirements of the applicable zoning district, has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by a common party wall.

**27.) Sec. 9.3 Use Standards, 9.4 Accessory Uses and
18.1 Terms Defined**

AN ORDINANCE: AMENDING ARTICLES 3, 6, 8, 9, 10, 11, 12, 13, 15 AND 18 OF THE
LEESBURG ZONING ORDINANCE.

Sec. 9.3 Use Standards

~~9.3.17.1 Outdoor Sales (Accessory to Retail Sales Uses)~~

- ~~A. Within the H-1 Overlay District and within the public right-of-way shall comply with the requirements of Town Code Chapter 30 Streets, Sidewalks and Other Public Places.~~
- ~~B. Outside of the H-1 Overlay District the Outdoor Sales Area (Accessory to Retail Sales Uses) shall not be located within a public right-of-way, within required parking spaces, landscaping or travel aisles.~~
- ~~C. The area of the Outdoor Sales Area (Accessory to Retail Sales Uses) shall not exceed 25% of the gross floor area of the sales area of the principal retail sales use or 200 square feet whichever is less and shall not extend beyond the extent of the building, or part of the building, that houses the principal retail sales use unless otherwise approved by special exception.~~

Sec. 9.4 Accessory Uses

9.4.6. Display of Merchandise

- A. Businesses within the *H-1 Overlay, Old and Historic District* and within the public right-of-way shall comply with the requirements of Town Code Chapter 30 Streets, Sidewalks and Other Public Places.
- B. Outside of the *H-1 Overlay, Old and Historic District*, business merchandise may be displayed in the pedestrian travel aisle immediately adjacent to the front of the building, provided that such area be limited to a depth of 6 feet measured from the wall of the building and that the pedestrian travel aisle maintains sufficient width, as required by the Americans with Disabilities Act (ADA).
- C. Seasonal outdoor display of merchandise such as, but not limited to, summer garden products, plants, and similar products may be permitted in a commercial parking lot on the same lot as the business selling such wares. The outdoor display may only be permitted in parking spaces in excess of the minimum required by Article 11 (Parking, Loading, and Pedestrian Access) of this Ordinance. Seasonal outdoor display of merchandise in parking lots shall be limited to a period of three (3) consecutive months with a maximum of two (2) zoning permits within a calendar year. Prior to the issuance of a zoning permit, in accordance with Sec. 3.7 (Zoning Permits), the applicant must demonstrate that the seasonal outdoor display area(s) shall comply with the following:
 - 1. Vehicle travel aisles will be kept clear for vehicular traffic;
 - 2. Parking lot display areas must be located in such a manner as to provide safe pedestrian circulation;
 - 3. Merchandise displayed cannot exceed eight (8) feet in height;

AN ORDINANCE: AMENDING ARTICLES 3, 6, 8, 9, 10, 11, 12, 13, 15 AND 18 OF THE
LEESBURG ZONING ORDINANCE.

4. Display areas shall not exceed the area of eight (8) standard size parking spaces (i.e. 9' x 18') and display areas shall be enclosed on at least three sides and not exceed eight (8) feet in height.

Sec. 18.1 Terms Defined

~~18.1.126.1 Outdoor Sales (Accessory to Retail Sales Uses)~~

~~Clearly incidental and subordinate to the permitted principal retail sales use, the temporary display and sale of goods outside of the building where those same goods are also available for retail sale, ("sidewalk sales") exclusive of Wayside Stands, Christmas Tree Sales, Outdoor Retail Sales Events, Farmers Markets, or similar temporary uses regulated by Sec. 9.5 Temporary Uses~~

18.1.127 Outdoor Storage Area

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 ~~Outdoor Sales (Accessory to Sales Uses)~~ the Display of Merchandise, as ~~defined~~ described in Sec. ~~9.4.5 6~~ 18.1.126.1

28.) Sec. 9.3 Use Standards, 9.4 Accessory Uses and 18.1 Terms Defined

Sec 15.4 Exemptions

15.4.19 Artwork

Artwork, including sculptures, murals (as defined by Sec. 18.1.110.1 Murals), seasonal displays and decorations which do not advertise a product or service.

Sec. 18.1. Definitions

18.1.110.1 Mural

A graphic painted on or affixed to the exterior of a public building or wall generally for the purposes of decoration or artistic expression, including but not limited to painting, fresco, or mosaic not interpreted by the Zoning Administrator to contain a commercial message and installed following the Public Art Policy as reviewed and approved by the Leesburg Commission on Public Art in accordance with Leesburg Public Art Guidelines.

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

AN ORDINANCE: AMENDING ARTICLES 3, 6, 8, 9, 10, 11, 12, 13, 15 AND 18 OF THE
LEESBURG ZONING ORDINANCE.

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 Zoning Ordinance.

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

PASSED this ____ day of _____, 2015

Kristen C. Umstattd, Mayor
Town of Leesburg

ATTEST:

Clerk of Council