

**TOWN OF LEESBURG
NOTICE OF PUBLIC HEARING**

LEESBURG TOWN CODE AMENDMENTS:

CHAPTER 2 (ADMINISTRATION), ARTICLE V (BOARDS AND COMMISSIONS), DIVISION 2 (SPECIFIC BOARDS AND COMMISSIONS), SECTIONS 2-221 (LEESBURG ECONOMIC DEVELOPMENT COMMISSION); 2-228 (LEESBURG TECHNOLOGY AND COMMUNICATIONS COMMISSION); AND

CHAPTER 26 (PARKS AND RECREATION), ARTICLE II (PARK RULES), SECTIONS 26-24 (PROHIBITED USES OF PARKS); 26-26 (BEHAVIOR); AND

CHAPTER 7 (ARTS AND CULTURAL DISTRICT), SECTION 7-2 (DISTRICT BOUNDARIES AND DATE ESTABLISHED).

In accordance with Code of Virginia of 1950, as amended, Sections 15.2-1102, 15.2-1806, 15.2-1411 and 15.2-1129.1, the Leesburg Town Council will hold a public hearing on:

Tuesday, June 23, 2015, at 7:30 P.M.
in the Council Chambers of Town Hall,
25 West Market Street, Leesburg, VA

at which time the public shall have the right to present oral and written testimony on proposed amendments to the Town Code. The following ordinances will be discussed and may be enacted in whole or in part:

Sec. 2-221. – Leesburg Economic Development Commission.

(a) *Recreated and reestablished.* The Leesburg Economic Development Commission is hereby recreated and reestablished.

(b) *Duties.* The Leesburg Economic Development Commission's mission is to foster the economic vitality and stability of the town. The commission works to retain/expand existing businesses, attract/recruit ~~desirable~~ new businesses, to review the town's regulations and procedures as they relate to economic development, and enhance economic activities that will benefit local businesses and residents.

(c) *Membership.* Membership, exclusive of the rules exclusive of the rules outlined in division 1 of this article, membership may consist of town residents, town property owners, town business owners, or anyone employed inside the town. At least four members shall be town residents.

(d) *Additional powers and duties.*

(1) To work with all organizations impacting economic development in the Greater Leesburg Area.

(2) To help review and recommend to council all proposals that affect economic development requiring council action.

- (3) To offer guidance in developing and/or updating annually comprehensive economic development businesses plan (short/intermediate/long range with targeted and measurable goals, objectives and strategies; subject to council approval) and assist with implementation.
- (4) To make specific policy recommendations to the council pertaining to economic development.
- (5) To assist in reviewing proposed annual budgets for town expenditures related to economic development and making budgetary recommendations to the council.
- (6) To help identify and pursue sources of public and private **grant** funds for local economic development initiatives.
- (7) To publicize the economic development program to gain acceptance in the community.
- (8) To assist in the development of an effective communication effort between the town government and the private business community.
- (9) To help identify possible improvements in community services and infrastructure, both public and private, which enhance economic development.
- (10) To ~~assist in formulating~~ **recommend** policies and practices for the retention and expansion of existing businesses.
- (11) To assist in the promotion of economic development through close coordination with the County's economic development activities and statewide initiatives.
- (12) To assist in the promotion of tourism through close coordination with the tourism efforts in the town, county and statewide initiatives.
- ~~(13) To assist in development of town-wide special events through coordination with the Leesburg Parks and Recreation Commission.~~

Sec. 2-228. – Leesburg Technology and Communications Commission.

- (a) *Created and established.* The Leesburg Technology and Communications Commission is hereby established and created.
- (b) *Powers and duties.* The Leesburg Technology and Communications Commission makes recommendations to the town council for the efficient, economical, and productive use of technology and telecommunications for the town's residents and businesses.
- (c) *Additional powers and duties.* The following shall be additional powers and duties of the Leesburg Technology and Communications Commission:
 - (1) To make recommendations regarding the operation, staffing, maintenance, capital improvements and funding of the department of information technology.
 - ~~(2) To maintain a continuous oversight and review of cable system operations and advise the town on grantee's compliance with the terms of its contract.~~
 - (3) To develop and maintain a town technology plan including recommendations on the utilization and enhancements to the town's public communications media, especially utilizing cell phones, the internet, and other public computer-based technologies.

Sec. 26-24. – Prohibited uses of parks.

All permission or approvals required by this subsection shall be given upon a showing that public peace and safety will not be endangered and a further showing that no law or ordinance will be violated.

- (10) *Missiles and fireworks.* No person in a park shall carry, shoot, fire, explode or throw any fireworks, firecrackers, rockets, torpedoes, **radio-controlled aircraft** or missiles of any kind in any park without a permit from the director.

Sec. 26-26. – Behavior.

- (d) *Nondomestic animals and reptiles.* No person in any park shall have been responsible for the entry of any nondomestic animal or reptile, **unless authorized by the Director.**

Sec. 7-2. – District boundaries and date established.

The boundaries of the Leesburg Arts and Culture District are set forth on the map entitled "Leesburg Arts and Cultural District," dated ~~March 8, 2014~~ **June 23, 2015**, as maintained in the town manager's office, the provisions of which map are incorporated fully herein by reference. The designation of the area as an arts and cultural district (hereinafter referred to as "district") shall not in any respect override any applicable Town Code regulatory requirements including, but not limited to zoning regulations, fire code, nuisance, and building and property maintenance codes, unless specifically set forth in this chapter.

A copy of the proposed ordinances are available from the Town Clerk, located in Town Hall, 25 West Market Street, Leesburg, Virginia, during normal business hours (Monday-Friday, 8:30 a.m. to 5:00 p.m.); or by calling Lee Ann Green, Town Clerk, at 703-771-2733.

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.

6/12/2015



Date of Council Meeting: June 23, 2015

**TOWN OF LEESBURG
TOWN COUNCIL MEETING**

Subject: Batch Amendments to the Town Code

Staff Contact: Barbara Notar, Town Attorney

Council Action Requested: Approve batch amendments to the Town Code.

Staff Recommendation: Staff supports the proposed Town Code batch amendments.

Commission Recommendation: The Economic Development Commission and Technology and Communications Commission recommend approval of the amendments.

Fiscal Impact: The Department of Finance and Administrative Services does not anticipate any significant impact to the general fund as a result of the minimal expansion (4 parcels) of the Arts and Cultural District. There is no fee charged by the Department of Parks and Recreation when issuing administrative fees for radio-controlled aircraft or allowing petting zoos within Town parks.

Work Plan Impact: None.

Executive Summary: Each year at this time, the Town Attorney brings to Town Council's attention "batch amendments" to the Town Code which are updates and changes to the Town Code that have been suggested from the past year by boards and commissions, department directors and others within the Town organization based upon the needs of the residents, business owners and users of Town facilities.

Background: The following amendments to the Town Code have been initiated by the Town Council and should be ordained after a public hearing:

1. **EDC Duties Amendments:** The Economic Development Commission (EDC) requests amendments to its job duties as set forth in Town Code Section 2-221. After discussion in several meetings, the EDC worked to refine their duties as set forth in the Town Code. The Town Code Amendments are needed to accurately reflect the true duties of the EDC.
2. **Tech Commission Amendments:** The Technology and Communications Commission (TCC) requests an amendment to its powers and duties to eliminate their duty to oversee the Town's franchise agreements with Comcast and Verizon. This task is performed by Town staff and is not performed by the TCC.

3. Amendment to Allow Remote-Controlled Aircraft in Parks: Current Town Code requires a permit from the Director of Parks & Recreation for the use of any "fireworks, firecrackers, rockets, torpedoes or missiles of any kind" within Town Parks. This ensures that such activity is limited to specific areas within parks so as not to create a safety hazard to other park users or a nuisance to park neighbors. This practice is currently in place within the parks. The addition of the term "remote-control aircraft" provides a greater level of clarification.
4. Amendment to Allow Petting Zoos in Parks: Current Town Code prohibits non-domestic animals within Town parks. We are getting increasing requests from groups renting pavilions or parks for various activities who wish to bring in petting zoos as amenities at their permitted events. The amendment would enable the Town to meet customer needs, while establishing controls so as not to impact park operations.
5. Amendment to Expand Arts and Cultural District: An amendment to the arts and cultural district map is necessary to expand the Arts and Cultural District boundary in order to include a business that has recently relocated to the Town from Loudoun County. This business may qualify as a "qualified arts organization" within the definition of those businesses that are entitled to the incentives of the District. The expansion includes 4 parcels on the west side of Liberty St. The east side of Liberty St. is already within the boundaries of the District.

Attachment: Ordinance

PRESENTED: June 23, 2015

ORDINANCE NO. _____

ADOPTED: _____

AN ORDINANCE: AMENDING CHAPTER 2 (ADMINISTRATION), ARTICLE V (BOARDS AND COMMISSIONS), DIVISION 2 (SPECIFIC BOARDS AND COMMISSIONS), SECTION 2-221 (LEESBURG ECONOMIC DEVELOPMENT COMMISSION), SECTION 2-228 (LEESBURG TECHNOLOGY AND COMMUNICATIONS COMMISSION), CHAPTER 26 (PARKS AND RECREATION), ARTICLE II (PARK RULES), SECTIONS 26-24 (PROHIBITED USES OF PARKS), SECTION 26-26 (BEHAVIOR) AND CHAPTER 7 (ARTS AND CULTURAL DISTRICT), SECTION 7-2 (DISTRICT BOUNDARIES AND DATE ESTABLISHED)

WHEREAS, Code of Virginia of 1950, as amended, Sections 15.2-1102, 15.2-1806, 15.2-1411 and 15.2-1129.1 authorize the governing body of any locality to appoint and compensate advisory boards, commissions and committees, to establish parks, recreation facilities and playgrounds and operate their use, and establish within its boundaries one or more arts and cultural districts; and

WHEREAS, the Leesburg Town Code, Chapter 2, Article V, Division 2 establish and define certain boards, commissions and committees to advise the Town Council; and

WHEREAS, the Leesburg Town Council wishes to further define the duties of certain commissions; and make corrections to the language within this chapter; and

WHEREAS, the Leesburg Town Council wishes to allow the Director of Parks and Recreation the discretion to approve and authorize certain activities including the use of remote-controlled aircraft and petting zoos; and

WHEREAS, the Leesburg Town Council seeks to expand a portion of the Arts and Cultural District boundary to include a “qualifying arts organization” business.

AN ORDINANCE: AMENDING CHAPTER 2 (ADMINISTRATION), ARTICLE V (BOARDS AND COMMISSIONS), DIVISION 2 (SPECIFIC BOARDS AND COMMISSIONS), SECTION 2-221 (LEESBURG ECONOMIC DEVELOPMENT COMMISSION), SECTION 2-228 (LEESBURG TECHNOLOGY AND COMMUNICATIONS COMMISSION), CHAPTER 26 (PARKS AND RECREATION), ARTICLE II (PARK RULES), SECTIONS 26-24 (PROHIBITED USES OF PARKS), SECTION 26-26 (BEHAVIOR) AND CHAPTER 7 (ARTS AND CULTURAL DISTRICT), SECTION 7-2 (DISTRICT BOUNDARIES AND DATE ESTABLISHED)

THEREFORE, ORDAINED by the Council of the Town of Leesburg in Virginia:

SECTION I. That the following sections of the Leesburg Town Code are amended as follows:

Sec. 2-221. – Leesburg Economic Development Commission.

- (a) *Recreated and reestablished.* The Leesburg Economic Development Commission is hereby recreated and reestablished.
- (b) *Duties.* The Leesburg Economic Development Commission's mission is to foster the economic vitality and stability of the town. The commission works to retain/expand existing businesses, attract/recruit ~~desirable~~ new businesses, to review the town's regulations and procedures as they relate to economic development, and enhance economic activities that will benefit local businesses and residents.
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- (d) *Additional powers and duties.*
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- (8) To assist in the development of an effective communication effort between the town government and the private business community.
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SECTION II. All prior ordinances in conflict herewith are hereby repealed.

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

AN ORDINANCE: AMENDING CHAPTER 2 (ADMINISTRATION), ARTICLE V (BOARDS AND COMMISSIONS), DIVISION 2 (SPECIFIC BOARDS AND COMMISSIONS), SECTION 2-221 (LEESBURG ECONOMIC DEVELOPMENT COMMISSION), SECTION 2-228 (LEESBURG TECHNOLOGY AND COMMUNICATIONS COMMISSION), CHAPTER 26 (PARKS AND RECREATION), ARTICLE II (PARK RULES), SECTIONS 26-24 (PROHIBITED USES OF PARKS), SECTION 26-26 (BEHAVIOR) AND CHAPTER 7 (ARTS AND CULTURAL DISTRICT), SECTION 7-2 (DISTRICT BOUNDARIES AND DATE ESTABLISHED)

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