



**Date of Council Meeting: September 8, 2015**

**TOWN OF LEESBURG  
TOWN COUNCIL MEETING**

**Subject:** Initiation of 2015 Zoning Ordinance Batch Amendments

**Staff Contact:** Christopher Murphy, AICP, Zoning Administrator

**Council Action Requested:** A resolution to initiate the 2015 Zoning Ordinance Batch text amendments.

**Staff Recommendation:** Approval of the 2015 Zoning Ordinance Batch Initiation Resolution dated September 8, 2015.

**Commission Recommendation:** Not applicable at this time.

**Fiscal Impact:** No fiscal impact analysis has been conducted as part of this initiation.

**Work Plan Impact:** The Zoning Ordinance Batch Amendment is accounted for as part of the Department of Planning & Zoning's regular work plan.

**Executive Summary:** The Department of Planning & Zoning has maintained a regular process and schedule for maintaining the Town's Zoning Ordinance through the annual Zoning Ordinance "Batch" amendment process since 2011. The purpose of the annual review is to update the Zoning Ordinance to:

1. Reflect any state mandated changes;
2. Correct errors, inconsistencies or problems discovered in the day-to-day administration of the Zoning Ordinance;
3. Address minor Council-directed changes; and
4. Codify past Zoning Administrator determinations.

The draft Batch for this year includes 26 amendments to 11 Articles. See the attached list of the amendments. This list may change slightly as deemed necessary as work progresses on the Batch.

**Background:** The Batch amendment process is not intended for major overhauls of the Zoning Ordinance (e.g., Sign Regulations, Form-Based Code, etc.) or to respond to Town Council mandated changes that require more in-depth research, processing and public-involvement. Instead, the Batch is meant to make relatively minor changes to meet state mandated changes, and to correct "glitches" and maintain the Zoning Ordinance so that it is easy for the general public to understand and for Town staff to administer.

**Attachments:**

1. Draft 2015 Zoning Ordinance Batch List
2. Initiation Resolution dated September 8, 2015

## 2015 Zoning Ordinance Batch Amendment List

| #                 | Assigned to | Zoning Ordinance Section # | Suggested Change   |
|-------------------|-------------|----------------------------|--|
| <b>Article 2</b>  |             |                            |  |
| 1                 | TS          | 2.3.7                      | Amend to reflect current CSP procedures  |
| <b>Article 3</b>  |             |                            |  |
| 2                 | CM          | 3.4.13.                    | Establish paragraph A. creating a requirement that illustrations depicting development with use standard per ordinance and with the use standard waived must be submitted as part of any special exception when waivers of specific use standards are being requested. |
| 3                 | BW          | 3.13.9                     | Amend variance approval criteria to comport with changes adopted to 15.2-2309 para 2. by HB 1849 of 2015   |
| 4                 | BW          | 3.14.8                     | Amend appeal of admin decisions to comport with changes adopted to 15.2-2309 para 1 by HB 1849 of 2015   |
| 5                 | TS          | 3.3.6.M.1                  | Amending submittal requirements relating to Archeological /Historical studies with rezonings   |
| <b>Article 5</b>  |             |                            |  |
| 6                 | CM          | 5.11                       | Establish Sec 5.11 by removing and relocating Sec. 10.3 Alternative Residential Development Options into Article 5   |
| <b>Article 7</b>  |             |                            |  |
| 7                 | TS          | 7.5.5                      | Establishing paragraph G Preliminary Plans for COAs in the H-1   |
| 8                 | TS          | 7.6.9                      | Establishing paragraph H preliminary plans for COAs in H-2   |
| 9                 | TS          | 7.5.6                      | Amending 7.5.6 establishing additional COA administrative approvals  |
| <b>Article 8</b>  |             |                            |  |
| 10                | CM          | 8.2.2.E.                   | Establish E.1. Adding a requirement that illustrations depicting development per ordinance and as modified must be submitted as part of any rezoning when modifications are being requested  |
| <b>Article 9</b>  |             |                            |  |
| 11                | CM          | 9.2                        | Delete "Indoor vehicle auctions" from Use Table. All vehicle auction uses are prohibited everywhere under 9.1.5 Prohibited Uses  |
| 12                | BW          | 9.3.11.1                   | Remove family day homes from 9.3.11.1 and re-insert under accessory uses as 9.4.7.   |
| 13                | BW          | 9.5.4.D.2.                 | Increase the maximum number of event days per year   |
| <b>Article 10</b> |             |                            |  |
| 14                | CM          | 10.4.5.C.2.                | Establish eighteen (18) inches (1½-foot) setback for HVAC units for interior single-family attached dwelling units.  |

| <b>Article 11</b> |            |                       |   |
|-------------------|------------|-----------------------|---|
| 15                | CM         | 11.6.2                | Removing the word 'required' from paragraph B.  |
| 16                | CM         | 11.4.4.A.             | Exclude Loudoun County parking garage from municipal parking facilities for pay-in-lieu 500-foot qualification  |
|                   |            |                       |   |
| <b>Article 12</b> |            |                       |   |
| 17                | CM         | 12.3.1.               | Re-write paragraph F to add exclusion of trees within 20 feet of a light pole from minimum canopy coverage requirement.   |
| 18                | CM         | 12.4.1.<br>12.4.3.    | Revise the section adding an exclusion for the linear length of an entranceway in frontage calculations for determining the number of required street trees. Deleting language referring to overhead utility lines, etc.  |
| 19                | CM         | 12.5.1                | Various amendments relating to applicability of perimeter parking lot landscaping.  |
| 20                | CM         | Table<br>12.9.6.H     | Clarify when ground cover is required on steep slopes.  |
| 21                | BB         | 12.8.3                | Correct errors in the Buffer Yard Matrix  |
|                   |            |                       |   |
| <b>Article 15</b> |            |                       |   |
| 22                | CM         | 15.7.4                | Add paragraph 7. Establishing a sunset provision for non-conforming signs, e.g., should a non-conforming sign remain blank, or continue to advertise a business that has been discontinued, vacated or has been inactive on the premises where the non-conforming sign is situated, for a period of two (2) years, it cannot be used, and shall be removed. |
| 23                | BW         | 15.4.4                | Add development standards for non-exempt flags (signs)  |
| 24                | BW         | 15.13.7               | Eliminate para B CSP – Non-conforming signs   |
| 25                | CM         | 15.4.12               | Removing 60 day start to political signs regulations  |
|                   |            |                       |   |
| <b>Article 18</b> |            |                       |   |
| 26                | BB &<br>MW | 18.1.39 &<br>18.1.169 | Redefine Convenience Food Store and Service Station to match today's standard combined gas/convenience, ala Sheetz, Circle K, Wawa, etc.  |

PRESENTED: September 8, 2015

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

ADOPTED: \_\_\_\_\_

A RESOLUTION: INITIATING AMENDMENTS TO VARIOUS ARTICLES AND SECTIONS OF THE LEESBURG ZONING ORDINANCE AS PART OF THE 2015 ANNUAL “BATCH” AMENDMENTS ADDRESSING MINOR CHANGES TO IMPLEMENT TOWN PLAN GOALS AND OBJECTIVES, TO MAKE CORRECTIONS AND CLARIFICATIONS, CHANGES NECESSARY TO COMPLY WITH ANNUAL STATE CODE LEGISLATIVE CHANGES AND TO ADDRESS MINOR TOWN COUNCIL DIRECTIVES

WHEREAS, the Department of Planning and Zoning has developed a regular process and schedule for maintaining the Town’s Zoning Ordinance for the purpose of making minor changes resulting from implementing Town Plan goals and objectives, annual state mandated legislative changes, the correction of errors, inconsistencies or problems discovered in the day-to-day administration of the Zoning Ordinance; and

WHEREAS, the Batch amendment process was first used by the Town in 2001 then used again in 2004, 2007 and 2008. Starting in 2010 the Batch amendment process has been applied on an annual basis for regular maintenance and to see to the relevancy of the Zoning Ordinance; and

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

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

SECTION 1. Amendments to the Zoning Ordinance are hereby initiated and referred to the Planning Commission to make minor changes to implement Town Plan goals and objectives,

A RESOLUTION: INITIATING AMENDMENTS TO VARIOUS ARTICLES AND SECTIONS OF THE LEESBURG ZONING ORDINANCE AS PART OF THE 2014 ANNUAL "BATCH" AMENDMENTS ADDRESSING MINOR CHANGES TO IMPLEMENT TOWN PLAN GOALS AND OBJECTIVES, TO MAKE CORRECTIONS AND CLARIFICATIONS, CHANGES NECESSARY TO COMPLY WITH ANNUAL STATE CODE LEGISLATIVE CHANGES AND TO ADDRESS MINOR TOWN COUNCIL DIRECTIVES

to make corrections and clarifications, to make changes that address compliance with annual state code legislative changes and minor Town Council directives.

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

PASSED this \_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
Kristen C. Umstattd, Mayor  
Town of Leesburg

ATTEST:

\_\_\_\_\_  
Clerk of Council