

Ad to run 7/27 and 8/3

**TOWN OF LEESBURG
NOTICE OF PUBLIC HEARING
TO CONSIDER AMENDMENTS TO *ZONING ORDINANCE*
ARTICLES 6, 9, AND 18 TO ESTABLISH FLEX INDUSTRIAL BUSINESS PARK AS A SPECIAL
EXCEPTION USE WITH PERFORMANCE STANDARDS**

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, AUGUST 9, 2016 at 7:30 p.m.** in the Town Council Chambers, 25 West Market Street, Leesburg, Virginia, 20176 to consider the following amendments to the Zoning Ordinance:

1. Sec. 6.7.2 Use Regulations to include “Flex Industrial/Business Park” as a permissible use in the I-1, Industrial/Research Park, Zoning District, subject to special exception approval.
2. Sec. 9.2 Use Table to include “Flex Industrial/Business Park” as a permissible use in the I-1, Industrial/Research Park, Zoning District, subject to special exception approval.
3. Sec. 9.8 Flex Industrial/Business Park to establish use standards for the proposed use type.
4. Sec. 18.1.64.1 Flex Industrial/Business Park to establish a definition for the term “flex industrial/business park.”
5. Sec. 18.1.84.1 Industrial, Light to revise the definition to include “scientific/technological use”.

Copies and additional information regarding 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 Susan Berry Hill, Director. This *Zoning Ordinance* amendment application is identified as case number TLOA-2016-0005.

At this hearing all persons desiring to express their views concerning these matters will be heard. Persons requiring special accommodations should contact the Clerk of Council at (703) 771-2733, three days in advance of the meeting. For TTY/TDD service, use the Virginia Relay Center by dialing 711.



Date of Meeting: August 9, 2016

**TOWN OF LEESBURG
TOWN COUNCIL PUBLIC HEARING**

Subject: TLOA-2016-0005, Flex Industrial Zoning Ordinance Amendments

Staff Contact: Susan Berry Hill, AICP, Director, Department of Planning and Zoning

Council Action Requested: Approval of TLOA-2016-0005 to amend the Zoning Ordinance to establish new terms, definitions, and regulations for the flex industrial business park use category in the I-1, Industrial/Research Park District.

Staff Recommendation: Approval of TLOA-2016-0005 (Ordinance in Attachment #1) to amend the Zoning Ordinance to amend Articles 6, 9, and 18 of the Town of Leesburg Zoning Ordinance. This will increase the types of uses allowable under the “flex industrial” definition, and provide the ability to consider a single special exception approval for multiple flex industrial uses instead of individual special exception approvals for each.

Commission Recommendation: The Planning Commission held a public hearing on June 16, 2016. Three members of the public spoke in favor of the amendments with suggestions for further revisions. The Commission continued discussion on July 7, 2016, and recommended the following motion by a vote of 6-1:

I move that Zoning Ordinance Amendment TLOA-2016-0005, Flex Industrial, be forwarded to the Town Council with a recommendation of approval, on the basis that the amendments further the Town Plan and that the proposal would serve the public necessity, convenience, general welfare and good zoning practice, subject to the following changes to the language proposed in the July 7, 2016 staff report.

1. Any reference to a 60/40 split between uses or any percentage maximum of specific allowed uses is deleted. However, the Commission recommends that a 10% limitation on retail uses be imposed.
2. Provision 9.8.5 regarding the architecture of any such flex industrial center be fully defined to delineate appropriate materials for the structure.

Fiscal Impact: Positive fiscal impacts to the Town may be associated with this Zoning Ordinance Amendment due to increased development activity in I-1 districts and the resulting increase in tax revenues.

Work Plan Impact: The approval of this amendment will not negatively affect the work plan for the Department of Planning and Zoning.

Executive Summary: The proposed amendments allow more flex industrial uses under the definition of “flex industrial/business park” and allow applicants to seek one special exception

approval for multiple light industrial uses instead of individual special exception applications for each light industrial use subject to performance standards.

Background: In 2015, staff met with members of the business community to discuss ways to make flex industrial uses easier to develop in I-1 zoned properties. Flex industrial uses are those that may involve elements of production, assembly, research, and distribution which produce minimal nuisance or environmental impacts. Often flex industrial business parks include some retail uses that support the flex industrial uses in the business park. While an office/technology/business park is achievable within the framework of the current zoning regulations, the list of light industrial uses is smaller than it should be considering new business types today. Also, there is list of commercial uses supporting the industrial uses could be broader.

On February 9, 2016, Town Council heard from members of the business community who requested that Zoning Ordinance text amendments be initiated to allow for more flex uses and less reliance on individual special exception approvals for such uses. Council initiated a text amendment to address this request on February 23, 2016.

The key provisions of this text amendment are summarized as follows:

- A new definition of “Flex Industrial/Business Park” which expands the notion of flex industrial to include multiple types of uses in a building. Further, the “Business Park” portion of this definition now connotes a development which contains a broad variety of uses, but which is developed with a cohesiveness or integration between those varied, distinct uses.
- Twelve new and/or revised definitions for various uses that will now be included as permissible in the flex industrial/business park.
- A new purpose and intent section to describe flex industrial/business park.
- New and/or updated standards for the flex industrial uses.
- The ability to seek one special exception approval for multiple flex uses in a business park as opposed to having to seek individual special exceptions for each use.

Staff notes that the primary issue debated at the Planning Commission was whether to establish percentage thresholds for minimum amounts of flex industrial and maximum amounts of retail uses. Staff proposed a threshold of 60% light industrial and 40% non-light industrial uses based on a rationale that the Town Plan supports employment uses in industrial areas; the Zoning Ordinance implements those objectives by emphasizing light industrial use over retail use in the I-1; and anecdotal information from Economic Development and real estate brokers that there is a need for more light industrially zoned land in Leesburg. During discussion of this topic, staff stated that there was nothing scientific about the recommendation for the 60/40 ratio. It simply represented a majority of industrial use versus a minority of retail use. Town Plan objectives could be also be achieved using a 50/50 ratio or anything in between. However, a majority of the Planning Commission disagreed that a ratio was necessary to achieve the Town Plan objectives and reasoned that no ratio would allow property owners more flexibility to find tenants for flex

industrial parks and developments. Staff continues to believe that a ratio approach will be the best way to assure that a flex industrial business park emphasizes light industrial uses over retail uses. In staff's opinion, this will better assure that built industrial space will accommodate existing light industrial businesses in Town that wish to expand as well as new businesses looking to find industrially-oriented tenant space. A heavier emphasis on industrial uses as opposed to retail uses, or other non-industrial uses, will also advance the goal of increasing opportunities for higher paying wages to employees. Staff notes that the Planning Commission also recommended limiting the retail use category to 10% and staff agrees that this will help encourage a predominance of light industrial uses over retail uses in a flex industrial business park.

The second key issue discussed at the Planning Commission was in regard to the architectural review of a building, or buildings, within a flex industrial business park. The July 7, 2016 staff report (Attachment 2) fully discusses these issues and other topics reviewed at the Planning Commission. The text language contained in the Ordinance is based on the recommendations as forwarded by the Planning Commission (Attachment 1).

Attachments:

1. Ordinance
2. Planning Commission Public Hearing Staff Reports



Date of Commission Meeting: July 7, 2016

**TOWN OF LEESBURG
PLANNING COMMISSION
POST PUBLIC HEARING STAFF REPORT**

Subject: TLOA-2016-0005, Flex Industrial *Zoning Ordinance* Amendment

Staff Contact: Brandon White, AICP, Assistant Zoning Administrator

Proposal: Amendments to Articles 6, 9, and 18 of the *Town of Leesburg Zoning Ordinance (TLZO)* establishing new terms, definitions, and regulations for the flex industrial business park use category in the I-1. Industrial/Research Park Zoning District.

Planning Commission Critical Action Date: September 24, 2016

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

Suggested Motions:

Approval

I move that *Zoning Ordinance* Amendment TLOA 2016-0005, Flex Industrial, be forwarded to the Town Council with a recommendation of approval, as proposed in the staff report dated July 7, 2016, on the basis that the amendments further the objectives of the *Town Plan* and that the proposal would serve the public necessity, convenience, general welfare, and good zoning practice.

- Or -

Approval with Changes

I move that *Zoning Ordinance* Amendment TLOA 2016-0005, Flex Industrial, be forwarded to the Town Council with a recommendation of approval, on the basis that the amendments further the objectives of the *Town Plan* and that the proposal would serve the public necessity, convenience, general welfare, and good zoning practice, subject to the following changes to the language proposed in the July 7, 2016 staff report: _____.

- Or -

Alternate Motion

I move that _____ [list reasons].

Background:

Zoning Ordinance Amendment TLOA 2016-0005, Flex Industrial, was presented at the June 16, 2016 Planning Commission meeting. The list below contains the concerns voiced by commissioners and members of the public during the public hearing:

1. the 60/40 use limitations for light industrial and non-light industrial;
2. inclusion of “office” in the Light Industrial section and Non-Light Industrial section of Table 9.8.4 and the desire for greater clarity regarding office uses;
3. addition of higher education uses (i.e. college/university) to the flex industrial/business park use table; and
4. building appearance and architecture.

The concerns are addressed in the subsequent paragraphs along with options to resolve or minimize the concerns expressed by the Planning Commission.

Planning Commission Concerns:

#1. Use Ratio: 60% Light Industrial/40% Non-Light Industrial

Planning Commission and petitioner concerns included:

- Threshold – If a light industrial business park is operating at the threshold of 40% maximum non-industrial and a new use is proposed that pushes the threshold over 40%, what happens?
- 60/40 – What is the rationale for this ratio? Is the ratio arbitrary? Could the ratio be eliminated?

Regarding the first question pertaining to the threshold, staff’s response is that there should not be a problem because with the issuance of each zoning permit for each tenant space, the property owner and staff will be monitoring the percentage of uses as described in proposed Section 9.8.3.C.2.

Proposed Section 9.8.3.C describes uses that would be classified as “light industrial uses” in a flex industrial/business park and further states that such uses “must comprise no less than 60% of the total gross floor area of the development.” This 60% minimum threshold, consequently, also places a 40% maximum limitation on the area of development devoted to non-light industrial uses or nonresidential uses that: are not industrial, do not generally serve a scientific purpose, or customarily operate in a manner that is not consistent with or compatible with the general concept of light industry. To further clarify this distinction, the *Town Plan* describes “light industrial” as the following:

“Light industrial uses include a wide range of uses that can involve any one or combination of the following: manufacturing, processing, assembling, fabrication, treatment, packaging, storage, sales, research and development, and distribution of materials. Light industrial businesses that involve manufacturing typically involve processing from previously prepared materials as opposed to processing from raw materials. In addition, light industrial businesses do not produce, sell, or distribute products in bulk which is another differentiation between light and heavy industrial uses. Light industrial uses are characterized as those that will not generate excessive noise, particulate matter, vibration, smoke, dust, gas, fumes, odors, radiation and other nuisances. Typical light industrial uses include flex industrial facilities, light manufacturing and assembly, automobile related facilities, including dealerships and body shops, swimming pool outlets and home improvement wholesalers. Depending on the light industrial activity, many light industrial uses can locate in traditional office buildings while others that are more intensive in

activity, are better suited to locate in buildings and areas that will accommodate more intensive land use activities that are physically separated from residential areas” (page 6-34).

This is followed-up with a condensed, proposed “light industrial” definition included as Section 18.1.84.1 of this zoning proposal:

Activities including, but not limited to: production, processing, assembly, service/repair, distribution, warehousing, and scientific/technological use of processed or previously prepared elements and/or relatively small quantities of raw materials for consumption. Such uses are generally characterized as more consumer-oriented and/or less adversely impactful on the environmental when compared to heavy industrial activities. *(Highlighted, red text added since June 16th)*

The purpose of this use limitation is to achieve some of the Town’s light industrial land use and economic development goals while minimizing the likely effects of introducing more commercial uses into the I-1, Industrial/Research Park, Zoning District. The June 16th Planning Commission report references the description of the I-1 Zoning District and land use and economic development objectives contained in the *Town Plan*. The *Town Plan* is designed to provide policy direction and guidance. The *Zoning Ordinance*, government budgets, economic development strategies, capital improvement plans, taxation/financial strategies, and boards/commissions are all tools used to implement the policy directives and guidance provided in the *Town Plan*. In this instance, the development of a use ratio that permits non-light industrial uses may assist in achieving Town goals such as those described on page 8-3 of the *Town Plan* (Economic Development):

- *Give priority to emerging technologies, homeland security, corporate offices, research and development, and higher education;*
- *Build upon the role of the Downtown area as an activity center;*
- *Encourage compatible office and light industrial uses in the area surrounding the Leesburg Executive Airport;*
- *Encourage redevelopment and infill development;*
- *Support economic development that creates jobs that match the occupational needs of the Town’s residents;*
- *Give priority to emerging technologies, government contracting, internet based high-tech, data centers, corporate headquarters, research and development, higher education, and life sciences.*
- *Promote entrepreneurial resources, infrastructure, and institutions (such as business incubators) for business growth;*

The flex industrial/business park use concept is essentially a compromise between landowners, developers, and the Town to achieve a development model that already exists and is successful in other jurisdictions, but which is not achievable with current I-1 zoning. Many existing I-1 uses require individual special exception approvals or are limited to buildings with occupancy approval prior to October 27, 2009. The proposed amendments permit a wider variety of use options while giving assurances that the majority of the uses in the new flex industrial/business park use will be light industrial. Staff believes that marrying the types of uses through the proposed percentages helps achieve some of the desired land use and economic development goals while avoiding the problems discussed below.

Understanding that business decisions are market-driven, the Town's role is to make the environment conducive for certain types of economic development and businesses. Concerns regarding the introduction of more commercial uses into the I-1 Zoning District at this time, without reasonable use controls, are also grounded in the same *Town Plan* objectives provided on page 3 of this document along with others such as, "do not increase the land designated on the Land Use Policy Map for Regional Retail use" and "support economic development that creates jobs that match the occupational needs of the Town's residents" (pg. 8-3). The *Town Plan* and the TLZO reflect not only what uses are allowed and where, but what uses are preferred and where. The B-3, Community Retail/Commercial, Zoning District serves as the most intensive commercial district in Town. There you will find the largest retail businesses with associated higher levels of traffic generation and congestion. Those are two circumstances that are not desired in the I-1 Zoning District.

The promotion of additional retail/commerce development in the I-1 Zoning District may attract new businesses, but it may result in the exodus of businesses from downtown and other established Town nodes of commerce to areas that are not desirable for more intense levels of activity. Second, reasonable estimates can be made that the majority of retail and service related employment are not known to be relatively high wage and high employment jobs. Third, during the development of the standards for the Crescent Design District (CDD), a form based code district, initial proposals left use options relatively open. However, by the end of the public review process for the form-based code zoning amendment the finished product contained a variety of use controls (e.g. special exception uses, density controls, rezoning requirements, first floor use limitations, change of use restrictions, etc.). The preference was to achieve a 'hybrid' zoning approach that is form-based to the extent of promoting a more predictable streetscape and exterior building architecture and which continues to regulate uses, but to a lesser extent than areas outside the Crescent Design District. To maintain some control over uses and to prevent the district from becoming something it is not intended to be, a similar method has been used in the approach to the flex industrial/business park use proposal.

The 60% minimum light industrial use and 40% maximum non-light industrial use requirement is a proposed use limitation aimed at spurring development in the I-1 district with an increased mix of uses to reflect modern trends. The exact percentage mix is open to opinion, but staff believes the proposed ratio will be beneficial to the Town and owners without changing the fundamental intent or character of the I-1 district.

Please note that there are a few uses that could be included as light industrial or non-light industrial such as mailing services, media studio, office, printing and/or publication, and school of special instruction. The scale or operation proposed for such uses would determine whether they would be considered light industrial or non-light industrial. This will build in additional land use flexibility for the landowner to include various iterations of these types of uses.

Decision Options:

Staff offers some other options for the Planning Commission to consider with respect to the "60/40" issue:

- a) Remove the use ratio and all use size limitations contained within the proposal
- b) Modify the use ratio, for example: 50% light industrial and 50% non- light industrial
- c) Place limitations or performance standards on specific uses (Note: recommendations for limitations should be specific); For example: convenience stores limited to 2000 s.f.

#2. Office Uses

Planning Commissioners' concerns expressed at the June 16 public hearing include:

- Why is "office" included in both the light industrial (60%) and non-light industrial categories (40%)?

The proposed Table 9.8.4 includes the "office" use category in the Light Industrial and Non-Light Industrial sections. Approved by the Planning Commission on January 15, 2015 and Town Council on April 14, 2015, the executive summary of the March 24, 2015 staff report to Town Council described the then-proposed revisions, which included the revision of "office" as part of an initiative to "comprehensively update the Town's zoning terms and standards for office and technology land uses, providing flexibility and opportunity to attract and retain the types of high-tech businesses that provide desirable jobs for Town citizens while increasing tax revenue." The term "office" is defined in the *Town of Leesburg Zoning Ordinance (TLZO)* as:

"A use consisting of a building, room or group of rooms used for conducting the executive, management, or administrative affairs of a business, organization, institution, or government entity and/or for the provision of professional services. For the purpose of this Zoning Ordinance, an office use may include accessory research & development or production uses subject to meeting the performance standards specified in Sec. 9.3.17.01 of this Ordinance."

As the only office use term contained in the use tables of the TLZO, it encompasses a variety of potential office categories (e.g. law office, medical office, tax office, realty office, business headquarters, technology office firms, etc.). While cognizant of the many forms of "office uses," Staff determined that to be consistent with the need for greater flexibility with the proposed flex industrial/business park use category, it would be advantageous to maximize the potential of office and include it as both a potential light industrial use and a non-light industrial use; the latter being typical, low-intensity office uses (e.g. marketing office, financial advisement firm, etc.) and the former consisting of information technology, scientific, and "emerging industry" related office uses (e.g. K2M). To maximize flexibility, staff recommends that "office" be in both categories.

Decision Options:

Staff offers some options for the Planning Commission to consider with respect to the "office" issue:

- a) If the use ratio is removed, leave "office" in the table, unchanged
- b) If the use ratio remains, leave "office" unchanged and provide descriptions/examples in the use table
- c) If the use ratio remains, include "office" solely in one section of the table (light industrial or non-light industrial)
- d) If the use ratio remains, create new "office" terms and definitions and include them in the appropriate sections

#3. Higher Education Uses

The proposed Table 9.8.4 does not currently include "higher education" use categories. The terms "higher education," "higher education facilities," and "higher educational facilities," are found throughout Chapters 6 (Land Use) and 8 (Economic Development) of the *Town Plan*. "Higher education" generally refers to institutions that provide postsecondary programs and/or educational programs designed for specific occupations. "College or University" is a permissible by-right use in the I-1 Zoning District. In retrospect, staff recommends that this use be considered acceptable as a flex industrial business park use as long as the scale of the facility is appropriate to the business park.

Decision Options:

Staff offers some options for the Planning Commission to consider with respect to the “higher education” issue:

- a) Include “college or university” as a permissible use, without limitations
- b) Include “college or university” as a permissible use, with limitations

#4. Architecture

Planning Commission concern raised at the June 16 hearing include:

- There may not be enough architectural control for buildings within a flex industrial/business park.

There was a brief discussion regarding architectural concerns for proposed flex industrial/business parks. Proposed Section 9.8.5 requires architectural design that is compatible with the surrounding area and homogenous design within the business park. Presently, the only I-1 parcels required to meet particular design standards are those with frontage along Route 7. They are located in the H-2, Historic Corridor Architectural Control, Overlay District.

Section 3.4.1 of the TLZO states “[t]he special exception process provides the Town Council with the opportunity to exercise discretionary powers in considering the establishment of certain uses that, due to their nature, design or location, may have the potential for adverse impacts on adjacent land uses and/or the health, safety or welfare of the community.” The special exception process should provide sufficient time and documentation to consider matters relevant to architectural design, building materials, and other structural factors during the course of review. Moreover, proposed building elevations are a required element of a special exception request.

Decision Options:

- a) Revise proposed Section 9.8.5 (Architecture) to include a section of full building design and architectural standards
- b) Revise proposed Section 9.8.5 (Architecture) to include minimum architectural standards
- c) Apply H-2 Corridor Design Guidelines to flex industrial/business parks
- d) Leave Section 9.8.5 (Architecture) unchanged and address architecture and building aspects during the special exception process

Attachment: 1. Proposed Zoning Amendments (Revised 6-30-16)
2. June 16, 2016 Planning Commission Report

The proposed text amendments include: the proposal of the new term “flex industrial/business park,” its definition, and a new section of use standards; inclusion of “flex industrial/business park,” in the applicable use tables; and additional new terms (and definitions) that are proposed for inclusion as potential by-right uses in a flex industrial/business park.

Sec. 18.1 Terms Defined

18.1.64.1 Flex Industrial/Business Park

A cohesive development comprised of one or more flexible space buildings with a compatible mixture of light industrial facilities and other principal or accessory commercial, office, and/or civic/institutional uses.

ADDITIONAL TERMS

18.1.5.1 Adult Day Care Center

A nonresidential facility, subject to Title 63.2. Welfare (Social Services) of the Code of Virginia, as amended, and licensed by the Virginia Department of Social Services, that provides a variety of health, social, and related support services in a protective setting during part of the day for four or more aged, infirmed, or disabled adults who reside elsewhere.

18.1.31.1 Commercial Bakery or Kitchen

An establishment designed for individual or shared baking, preparation, and/or cooking of food intended primarily for off-site consumption or sales.

18.1.33.1 Community Center, Senior Citizen

A publicly or privately owned facility used for and providing cultural, social, educational, or recreational programs and activities for members of the population that are age sixty (60) or older.

18.1.42.1 Distillery

A site devoted to the production, warehousing, and distribution of alcohol or spirits.

18.1.59.1 Event Rental

A business devoted to renting or leasing party or event items including but not limited to: tables, chairs, tents, serving supplies, and decorations. This use also includes warehousing and storage of event inventory.

18.1.59.1 18.1.59.2 Exercise Studio

A commercial establishment that provides instruction on personal fitness in a classroom style setting.

18.1.84.1 Industrial, Light

Activities including, but not limited to: production, processing, assembly, service/repair, distribution, warehousing, and scientific/technological use of processed or previously prepared elements and/or relatively small quantities of raw materials for consumption. Such uses are generally characterized as more consumer-oriented and/or less adversely impactful on the environment when compared to heavy industrial activities.

18.1.102 Mailing Service

Retail sales or business service establishment to facilitate the transmittal and receipt of letter, bulk and packaging mail along with other ancillary uses such as mailbox leasing, office solutions (e.g. fax, print, or internet services), and freight forwarding (e.g. sorting and distribution).

18.1.104 Reserved Media Studio

An enterprise designed for broadcasting radio, internet, or television programs or a facility providing for audio or video recording of musical performances, radio or television programs, or motion pictures. This term does not include any exterior telecommunication appurtenances.

18.1.190.1 Tool or Equipment Rental Establishment

An establishment providing for the temporary rental of hand tools, lawn and garden equipment, party supplies, and similar goods and equipment, including storage and incidental maintenance. This term does not include vehicles or any heavy equipment that requires outdoor storage such as trailers, bulldozers, tractors, etc.

18.1.192.1 Trade Contractor

An establishment that specializes in the installation and servicing of items such as air conditioners, electrical equipment, flooring, heating, painting, plumbing, roofing, tiling, ventilation; performs a specific aspect of construction/demolition, such as carpentry; or performs lawn maintenance services.

18.1.203.1 Wholesale Sales/Showroom

A place of business primarily engaged in selling and/or distributing merchandise, in gross, to retailers; industrial, commercial, institutional, or professional business users; or to other wholesalers; and in limited instances, incidental sales to the general public.

Sec. 6.7 I-1, Industrial/Research Park District**6.7.1 Description**

The I-1, Industrial/Research Park District is established solely to accommodate previously approved industrial/research park development and to permit reasonable development of lands within existing I-1 Districts until such time as those lands are rezoned to classifications that are consistent with the Town Plan. The I-1 District is not intended to be available for future rezonings, nor as a means of expanding the boundaries of existing I-1 Districts.

6.7.2 Use Regulations

Uses are allowed in the I-1 District in accordance with the following table...

I-1 Uses			
Use		Use Standards	Definition
Commercial Uses			
Exercise Studio, in existing building only	P		Sec. 18.1.59.1
Flex Industrial/Business Park	S	Sec. 9.8	Sec. 18.1.64.1
Heliport	S		Sec. 18.1.77

Sec. 9.2 Use Table

Use Type	R E	R 1	R 2	R 4	R 6	R H D	R 8	R 1 6	R 2 2	O 1	B 1	B 2	B 3	B 4	I 1	Use Standard
P = Permitted by Right S = Special Exception Approval Required (Sec. 3.4)																
Commercial Uses																
Electronic Data Storage Center															P	
Emergency care facility	S									S	S	S	P	P		
<u>Flex Industrial/Business Park</u>															<u>S</u>	<u>Sec. 9.8</u>
Funeral home											S	P	S			
Crematorium (Accessory to a Funeral Home)											S	S	S			Sec. 9.3.6.1

Sec. 9.8 Flex Industrial/Business Park

9.8.1 Purpose and Intent

The purpose of this section is to facilitate economic development in the I-1 (Industrial/Research Park) Zoning District and provide opportunities for employment generation through the development of a business park with a broader range of commercial, light industrial, limited retail, limited dining, and civic/institutional uses than is presently permissible in the I-1 District. Furthermore, this added flexibility is intended to provide property owners the ability to more efficiently attract businesses, adapt to changes in local and regional markets, and/or create the necessary synergy to enhance the economic base of the Town while functioning in a structured, unified manner with minimal modifications to the established development. Such development is intended to be compatible with its adjacent surroundings and function in a much less adverse manner compared to heavy industrial nodes and high intensity developments.

9.8.2 Special Exception Approval

The flex industrial/business park use shall be permitted only in accordance with the Special Exceptions procedures of Section 3.4 of the Zoning Ordinance. However, the option to waive or modify use standards as provided in Section 3.4.13, Compliance with Use Standards, shall not apply to the general standards or any use standards contained in this Section. Any use not listed in Table 9.8.4 that is permissible in the I-1 (Industrial/Research Park) Zoning District, only by special exception approval, may be requested independently of or concurrently with a flex industrial/business park use request.

9.8.3 General Standards

The standards below shall apply to all flex industrial/business park developments:

A. Lot Area

The minimum lot size for such development shall be five (5) acres. This may be achieved on an individual tract or a combination of tracts.

B. Building Height

Buildings shall not exceed two (2) stories or fifty (50) feet in height.

C. Use Ratio

1. Light industrial uses including, but not limited to: laboratory, production facility, research and development, mini-warehousing, warehouse/distribution, wholesale sales, repair, processing, trade contractor establishments, construction supply establishments, and office uses must comprise no less than 60% of the total gross floor area of the development.
2. Prior to zoning permit approval, each tenant shall provide documentation from the property owner indicating that the proposed use complies with the required use ratio.

9.8.4 Permitted Uses

- A. The following uses may be included as by-right uses under the umbrella of the flex industrial/business park development, if approved in the special exception ordinance for the subject property:**

Table 9.8.4 By-Right Allowable Uses in Flex Industrial/Business Park Developments [1]		
LIGHT INDUSTRIAL USES (60%)		
<u>Use</u>	<u>Use Standards</u>	<u>Definition</u>
<u>Antennas [8]</u>	<u>Sec. 9.3.26</u>	<u>Sec. 18.1.7</u>
<u>Aviation support/dependent uses</u>		
<u>Commercial bakery or kitchen</u>		<u>Sec. 18.1.31.1</u>
<u>Diagnostic laboratory [4]</u>		<u>Sec. 18.1.42</u>
<u>Distillery [11]</u>		<u>Sec. 18.1.42.1</u>
<u>Distribution Facility</u>	<u>Sec. 9.3.32</u>	<u>Sec. 18.1.43</u>
<u>Electric and/or plumbing supply [5]</u>	<u>Sec. 9.3.10</u>	
<u>Electronic Data Storage Center[12]</u>		<u>Sec. 18.1.57</u>
<u>Event rentals</u>		<u>Sec. 18.1.59.1</u>
<u>Fire and/or rescue facility</u>		<u>Sec. 18.1.64</u>
<u>Lumber and/or building material sales [5]</u>	<u>Sec. 9.3.13</u>	<u>Sec. 18.1.101</u>
<u>Mailing Services</u>		<u>Sec. 18.1.102</u>
<u>Media Studio [8]</u>		<u>Sec. 18.1.104</u>
<u>Microbrewery</u>	<u>Sec. 9.3.13.1</u>	<u>Sec. 18.1.104.1</u>
<u>Mini-warehouse facility</u>	<u>Sec. 9.3.14</u>	<u>Sec. 18.1.105</u>
<u>Office</u>	<u>Sec. 9.3.17.1</u>	<u>Sec. 18.1.121</u>
<u>Printing and/or publication</u>		<u>Sec. 18.1.148</u>
<u>Production</u>	<u>Sec. 9.3.22</u>	<u>Sec. 18.1.150.1</u>
<u>Public utility, minor</u>	<u>Sec. 9.3.31</u>	<u>Sec. 18.1.154</u>
<u>Research & Development [4]</u>	<u>Sec. 9.3.22</u>	<u>Sec. 18.1.157</u>

Table 9.8.4 By-Right Allowable Uses in Flex Industrial/Business Park Developments [1]		
LIGHT INDUSTRIAL USES (60%)		
School, special instruction	Sec. 9.3.23	Sec. 18.1.164
School, technical	Sec. 9.3.23.1	Sec. 18.1.165
Tool/equipment rentals		Sec. 18.1.190.1
Trade contractors		Sec. 18.1.192.1
Vehicle and/or equipment service facility [9]	Sec. 9.3.29	Sec. 18.1.197
Warehouse	Sec. 9.3.32	Sec. 18.1.199
Wholesale sales/showroom [10]		Sec. 18.1.203.1
NON-LIGHT INDUSTRIAL USES (40%)		
Adult day care		Sec. 18.1.5.1
Arts Center		Sec. 18.1.11
Bank without drive-in facility		Sec. 18.1.14
Club		Sec. 18.1.30
Community Center, Senior Citizen [13]		Sec. 18.1.33.1
Conference center [2]		Sec. 18.1.37
Convenience food store [3]	Sec. 9.3.8	Sec. 18.1.39
Dance studio		Sec. 18.1.40.1
Eating establishment without drive-in facility	Sec. 9.3.9	Sec. 18.1.54
Exercise studio		Sec. 18.1.59.2
Mailing Services		Sec. 18.1.102
Media Studio [8]		Sec. 18.1.104
Museum		Sec. 18.1.111
Office	Sec. 9.3.17.1	Sec. 18.1.121
Pharmacy		Sec. 18.1.139
Place of worship		Sec. 18.1.141
Printing and/or publication		Sec. 18.1.148
Recreation facility [6]	Sec. 9.3.21	Sec. 18.1.156
Retail [7]		Sec. 18.1.159
School, special instruction	Sec. 9.3.23	Sec. 18.1.164
Services, personal	Sec. 9.3.19	Sec. 18.1.168
Veterinary hospital	Sec. 9.3.30	Sec. 18.1.198

Note: [n] corresponds to additional use standards provided in 9.8.4.B

B. Use Standards

1. Unlisted uses that are similar to the approved by-right uses under the umbrella of an approved flex industrial/business park development will be subject to Sec. 9.1.4, Unlisted Uses.
2. Conference centers shall not include any lodging.
3. A convenience food store shall be limited to a gross floor area of 2,000 square feet.
4. Activity involving infectious or hazardous materials, subject to Biosafety Level 3 (BSL-3) or Biosafety Level 4 (BSL-4) best management protocols, per the Biosafety in Microbiological and Biomedical Laboratories (BMBL), current edition, shall not be permitted.
5. Such uses may be permitted with or without outdoor storage.

6. Recreational activities shall occur indoors only.
7. Retail uses shall be limited to accessory uses or principal uses not exceeding 5,000 square feet. No single building shall be used as a “big box,” retail center.
8. Accessory telecommunication structures are subject to Sec. 9.3.26, Telecommunications Facilities.
9. Window tinting, audio installation, lawnmower repair, and similar services in this use category shall be conducted within a fully enclosed structure and shall not include outdoor storage of inoperable vehicles or discarded parts, liquids, or other substances.
10. Wholesalers may provide incidental retail sales provided, it is directly related to and supportive of an existing permitted use and subordinate to the principal wholesale sales use.
11. Distilleries shall comply with the applicable requirements of Sec. 9.3.13.1, Microbrewery, as determined by the Zoning Administrator.
12. No single building shall be used solely for a data center.
13. Residential uses are prohibited in these facilities.

9.8.5 Architecture

Flex industrial/business park development shall be compatible with the character of the adjacent area. When such development includes multiple buildings, all buildings must be homogenous in its architectural design.

9.8.6 Signage

The applicant shall develop a comprehensive sign plan establishing a uniformed signage scheme for the development limited to the following sign types: monument signs; wall signs; awning/canopy signs; window signs only for the display of information described in Sec. 15.4.8 Open/Hours of Operation Sign or Flag; street numbers; and other signs types commonly used for internal wayfinding, as approved by the Zoning Administrator.

9.8.7 Parking, Loading, Vehicular Access, and Pedestrian Areas

- A. Such areas shall be designed in accordance with Article 11, Parking Loading, and Pedestrian Access and Section 12.8.7, Screening of Outdoor Storage and Loading Areas.
- B. Flex industrial/business park uses must have access to a road classified as a minor arterial or higher Town Plan transportation functional classification without having to travel through a residentially zoned district.
- C. Screened loading areas may be used for parking or outdoor storage of accessory equipment such as generators, HVAC equipment, nitrogen tanks, and antennae.

9.8.8 Screening, Landscaping, and Lighting

Development shall be subject to the requirements of Article 12, Tree Preservation, Landscaping, Screening, Open Space, and Lighting, based on the uses approved with the flex industrial/business park use.

9.8.9 Outdoor Storage and Loading

- A. Outdoor storage shall be limited to current tenants/leaseholders only.
- B. No storage of any kind shall be permitted within any front yard.
- C. Outdoor storage areas shall be permitted as proposed on the approved special exception plat.

9.8.10 Noise

All permitted activity shall be subject to *Town of Leesburg Zoning Ordinance* Section 7.9 Noise Limitations and Enforcement and *Town Code* Chapter 24, Article 5 Offenses Against Public Peace and Order.

9.8.11 Hazardous Materials

The use, storage, and disposal of hazardous materials must meet all federal, state and local codes.



Date of Commission Meeting: June 16, 2016

**TOWN OF LEESBURG
PLANNING COMMISSION
PUBLIC HEARING**

Subject: TLOA-2016-0005, Flex Industrial *Zoning Ordinance* Amendment

Staff Contact: Brandon White, AICP, Assistant Zoning Administrator

Proposal: Amendments to Articles 6, 9, and 18 of the *Town of Leesburg Zoning Ordinance (TLZO)* establishing new terms, definitions, and regulations for the flex industrial business park use category in the I-1. Industrial/Research Park Zoning District.

Planning Commission Critical Action Date: September 24, 2016

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

Suggested Motions:

Approval

I move that *Zoning Ordinance* Amendment TLOA 2016-0005, Flex Industrial, be forwarded to the Town Council with a recommendation of approval, as proposed in the staff report dated June 16, 2016, on the basis that the amendments further the objectives of the *Town Plan* and that the proposal would serve the public necessity, convenience, general welfare, and good zoning practice.

- Or -

Approval with Changes

I move that *Zoning Ordinance* Amendment TLOA 2016-0005, Flex Industrial, be forwarded to the Town Council with a recommendation of approval, on the basis that the amendments further the objectives of the *Town Plan* and that the proposal would serve the public necessity, convenience, general welfare, and good zoning practice, subject to the following changes to the language proposed in the June 16, 2016 staff report: _____.

- Or -

Alternate Motion

I move that _____ [list reasons].

Background: On February 23, 2016, Town Council unanimously approved Resolution 2016-027 (Attachment 1) to initiate Zoning Ordinance text amendments to expand the definitions and regulations related to the “flex industrial” use category. During the summer of 2015, staff responded to an inquiry regarding the development of “flex space” in the I-1, Industrial/Research Park, Zoning District. The interested parties supplied information regarding their “flex space” development proposal, and discussions ensued between the interested parties, Planning and Zoning staff, and Economic Development staff. The “flex space” proposal consists of options for light industrial uses (e.g. research and development), limited retail uses (e.g. convenience store), educational uses (e.g. technical school), institutional uses (e.g. church), and other commercial enterprises (e.g. daycare, recreation, offices, etc.) in a business park-like setting. While an office/technology/business park is achievable within the framework of the current zoning regulations, the level of flexibility and variety of commercial uses discussed are not fully attainable under the current I-1 zoning regulations. Besides strict limits on retail uses, the existing regulations allow a number of uses but most require a special exception approved by Town Council. These limitations will be discussed in greater detail in the Effect of Existing Regulations section below. As a result, staff devised amendments that are intended to be mutually beneficial to the business community and the economic development interests of the Town by providing an expanded but reasonable level of flexibility in the I-1 District to embrace current zoning trends and increase the economic viability of the district.

Existing Regulations: Since 2003, the I-1, Industrial/Research Park, Zoning District has been designated as a provisional district designed to serve as a bridge to commercial zoning districts or planned development districts that permit more desirable uses such as regional office, emerging technologies facilities, and conference centers that meet some objectives of the *Town Plan*. Some of those objectives include the following:

- *Objective 1. Encourage Regional Office use, which includes corporate headquarters, emerging technologies facilities, hotels, conference centers, and higher educational facilities, along the Route 7 corridor and between the Leesburg Executive Airport and Dulles Greenway (Town Plan, page 64).*
- *Objective 9. The area south of Route 7 outside of the bypass, north of Tuscarora Creek, and west of the Village at Leesburg should be developed as Regional Office. Alternatively, existing industrial, auto dealerships, auto service, and light industrial uses may be appropriate provided that:*
 - *a. The property is currently zoned for light industrial use.*
 - *b. Design of development adjacent to Route 7 meets design guidelines.*
 - *c. A substantial buffer is provided to residential development south of Tuscarora Creek (Town Plan, page 64).*

A number of by-right commercial uses were removed by the Town in 2003 as a means of spurring preferred rezoning activity and economic development. While some projects have come along, for example, Village at Leesburg and Lowes, periodic amendments have been made to reintroduce more by-right nonresidential uses (e.g. office, college or university, recreation facility, flex industrial, etc.) back into the zoning district in order to allow more commercial infill as well as new development within the zoning district.

The I-1 Zoning District also permits a variety of potentially compatible nonresidential uses that depending on the nature of their operations, may be more intensive than their surrounding areas and therefore, such uses are subject to special exception approval as a means of mitigating some of the potential adverse impacts. Also included, are light industrial, agricultural, institutional, and other nonresidential by-right uses (see Attachment #2).

Effect of Existing Regulations: The I-1 Zoning District Description (TLZO Sec. 6.7.1) states that the district:

“is established solely to accommodate previously approved industrial/research park development and to permit reasonable development of lands within existing I-1 Districts until such time as those lands are rezoned to classifications that are consistent with the Town Plan. The I-1 District is not intended to be available for future rezonings, nor as a means of expanding the boundaries of existing I-1 Districts.”

This description of the I-1 Zoning District reflects the Town’s continued transition away from agrarian activities and heavy industrial uses and towards economic development that is less dependent on earth disturbance and uses that have significant off-site impacts; hence, the rezoning to I-1 zoning prohibition. The I-1 Zoning District, as a whole, can only remain stagnant or contract over time; it cannot expand. While many land use plans are long-term ones, accommodations must be made for interim uses.

The I-1 Zoning District Use Table (Sec. 6.7.2) lists uses available in the district. In addition to applicable use standards, some uses are limited to an “existing building only.”

An “existing building” refers to a building for which an occupancy permit was issued by the Town of Leesburg prior to October 27, 2009 (the date of approval for the ordinance that authorized the inclusion of those specific uses into the I-1 Use Table). Those amendments represented steps toward lessening the use restrictions on vacant or underutilized properties and therefore, allowing some infill activity to occur. Additionally, some uses such as warehouse/distribution, place of worship (in a new building), and technical school are subject to special exception approval by Town Council. These uses may be compatible in an industrial setting, to varying degrees, but they may also impose impacts on the adjacent community beyond what may currently exist so the special exception process provides an avenue for the concerns of the public or the concerns of the staff, Planning Commission and Town Council (on behalf of the public) to be considered prior to permitting certain uses.

Of the forty-six (46) use categories listed in the I-1 Use Table, eighteen (18) uses may be permitted by-right, subject to applicable use standards, without limitation to existing buildings only and/or via special exception approval. This partly accomplishes the effect of stimulating consideration of rezoning I-1 lands to more favorable zoning districts by limiting by-right uses. Conversely, it now conflicts with current development trends toward sustainable development, mixed-use buildings, flexible working space, and a sharing economy in industrial areas. If a property owner does not want to rezone from I-1 to one of the commercial zoning districts, development or redevelopment of a site may be challenging with the existing use limitations.

“Flex industrial” is one of the eighteen (18) by-right uses without limitation to existing buildings only and/or via special exception approval in the I-1 Zoning District.

It is defined in Article 18 as,

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

Flex industrial is therefore limited by definition to light industrial uses and office uses with a 65:35 total gross floor area ratio, respectively. As stated above, an office/technology/business park concept is possible in the I-1 Zoning District. However, the variety of desired nonresidential uses (e.g. light industrial uses, retail uses, educational uses, institutional uses, etc.) is not fully attainable due to the “existing building only” limitations of certain uses such as “diagnostic laboratory.” Additionally, today special exception uses such as technical school and electric and/or plumbing supply, are permissible in a flex industrial development, however, *each use* would be subject to a separate special exception request in order to be included. They could be done concurrently, however. These examples serve to illustrate that the use category (flex industrial) that most closely permits a mixture of uses in this zoning district has its set of limitations.

Where an industrial business park is built or planned so that the physical layout of the site is known, requiring separate special exception application for uses is both expensive and time consuming for all parties. In these conditions, a more inclusive single special exception application to provide a number of uses makes sense for both applicants and the economic interests of the Town. Since the *TLZO* does not effectively address the desire for a business park development with greater use flexibility in the I-1 Zoning District, Town Council directed staff through Resolution 2016-027 to develop a means *“to allow for one special exception application for multiple special exception uses for I-1 Research and Industrial Park District flex industrial developments...”*

Impact of Proposed Amendment: The proposed amendments are a continuation along the path of reintroducing compatible, by-right nonresidential uses into the I-1 Zoning District for the benefit of property owners seeking reasonable development of lands within the parameters of the existing zoning. These proposed amendments are designed to be consistent with the following *Town Plan* objectives:

- *Maintain supply of land for high wage employment* (pg. 6-5).
- *Create a Town-wide land use pattern that accommodates desired levels of population and employment growth* (pg. 6-7).
- *Allow uses that build upon regional and local economic assets* (pg. 6-8).
- *Encourage infill development that is compatible with the character of existing or planned development in the vicinity* (pg. 6-8).

Upon review of the permissible uses in the I-1 Zoning District, noticeably absent is a research park or a similar park-like use category. Therefore, the first proposal in this set of amendments is the establishment of a new term, section and definition for the use category “flex industrial/business park.” “Flex” indicates that the interior composition of the building(s) will be flexible or arranged to meet the needs of existing and prospective tenants. “Industrial” pertains to the zoning district and serves as a reminder of what should be the core of any development under this use category. “Business Park” signals that the development may contain a degree of use variety, but should maintain cohesiveness or integration between those varied, distinct uses. The proposed approach is to permit “flex industrial/business park” development as a use category, subject to special exception approval.

This method retains the preferred Planning Commission/Town Council review approach for those developments that may have a propensity to generate adverse community impacts due to scale, volume, traffic generation, noise, products, appearance, or other factors.

More importantly, the flex industrial/business park use category contains a greater number of potential by-right land use options than is available in the I-1 Zoning District presently. The proposal includes a more favorable ratio of light industrial use to non-light industrial compared to the existing flex industrial use. A minimum of sixty percent (60%) of the total gross floor area of the business park must be devoted to light industrial uses. The remaining forty percent (40%) may be used for non-light industrial or other nonresidential uses. The proposed Table 9.8.4 includes many of the uses currently limited to the “existing building only” provision such as: diagnostic laboratory and printing and/or publication facility. Existing by-right uses are included as well. Also listed are new uses and definitions proposed only for flex industrial/business park uses such as: commercial bakery or kitchen, event rental, and trade contractor. These new uses may be appropriate in other zoning districts, but in the I-1 District they shall be limited to this one use category. Under one special exception request, an applicant may request one or more of the permissible uses in Table 9.8.4 for inclusion in a proposed flex industrial/business park. In exchange for the expanded range of options, however, the applicant must demonstrate to the satisfaction of staff, Planning Commission, and Town Council that the required standards for the flex industrial/business park and applicable use standards for *each individual use* can be met. If approved by Town Council, all of the uses listed in the approval ordinance shall be permitted, subject to any applicable use standards, conditions of approval, and zoning permit approval by the Zoning Administrator. The special exception requirement means that an applicant must show the plan and layout for the flex industrial/business park, so an assessment can be made about the compatibility of each of the uses requested as part of that special exception and how the park will operate given the competing needs of the uses, such as parking.

A major advantage of this proposal is the filing requirement of only one special exception application. Presently, most uses are subject to special exception approval in the I-1 Zoning District, such as place of worship, technical school, veterinary hospital, and conference center. If all four of those uses were proposed for a 20,000 square foot building, that would require four special exception applications and \$40,000 in application fees (\$10,000 per application). Even more would be saved in consultant and engineering fees. The same request under a flex industrial/business park special exception would require one application and a \$10,000 application fee. The time, effort and money saved by owners to get a competitive flex park will result in applications for the industrial flex/business park. The efficiencies of analyzing a cohesive business park development with limited or concentrated external impacts should not warrant as much staff review compared to a project with multiple special exception uses...each with its own set of impacts that must be reviewed.

The great advantage to the Town is that an owner of a flex industrial/business park will have a much more versatile park offering a number of uses that the district *already* allows that will attract businesses to Leesburg and provide economic stimulus to the Town. Neighboring jurisdictions such as Loudoun County currently allow greater flexibility of uses in industrial areas, meaning that some businesses looking to locate in Leesburg have opted for by-right sites elsewhere rather than go through a special exception process. Concentrating several special exception uses into a single application should help the Town realize what the I-1 Zoning is intended for: “*to permit reasonable development of lands within existing I-1 Districts until such time as those lands are rezoned to classifications that are consistent with the Town Plan.*”

Note that because the industrial flex/business park is a special exception use, TLZO Sec. 3.4.12 Special Exception Approval Criteria requires the use to comply with the “*applicable provisions of the adopted Town Plan, including but not limited to the Plan’s Land Use Compatibility policies.*” Some areas, such as along Sycolin Road and adjacent to the Leesburg Municipal Airport are planned for light industrial uses.

Overall, the proposed amendments should provide a positive boost to the economic development goals of the Town and represent good planning practices.

Draft Amendment Language: Below, are the proposed amendments to the TLZO (NOTE: ALL NEW LANGUAGE IS UNDERLINED):

Sec. 18.1 Terms Defined

18.1.64.1 Flex Industrial/Business Park

A cohesive development comprised of one or more flexible space buildings with a compatible mixture of light industrial facilities and other principal or accessory commercial, office, and/or civic/institutional uses.

ADDITIONAL TERMS

18.1.5.1 Adult Day Care Center

A nonresidential facility, subject to Title 63.2. Welfare (Social Services) of the Code of Virginia, as amended, and licensed by the Virginia Department of Social Services, that provides a variety of health, social, and related support services in a protective setting during part of the day for four or more aged, infirmed, or disabled adults who reside elsewhere.

18.1.31.1 Commercial Bakery or Kitchen

An establishment designed for individual or shared baking, preparation, and/or cooking of food intended primarily for off-site consumption or sales.

18.1.33.1 Community Center, Senior Citizen

A publicly or privately owned facility used for and providing cultural, social, educational, or recreational programs and activities for members of the population that are age sixty (60) or older.

18.1.42.1 Distillery

A site devoted to the production, warehousing, and distribution of alcohol or spirits.

18.1.59.1 Event Rental

A business devoted to renting or leasing party or event items including but not limited to: tables, chairs, tents, serving supplies, and decorations. This use also includes warehousing and storage of event inventory.

18.1.59.1 18.1.59.2 Exercise Studio

A commercial establishment that provides instruction on personal fitness in a classroom style setting.

18.1.84.1 Industrial, Light

Activities including, but not limited to: production, processing, assembly, service/repair, distribution, and warehousing of processed or previously prepared elements and/or relatively small quantities of raw materials for consumption. Such uses are generally characterized as more consumer-oriented and/or less adversely impactful on the environment when compared to heavy industrial activities.

18.1.102 Mailing Service

Retail sales or business service establishment to facilitate the transmittal and receipt of letter, bulk and packaging mail along with other ancillary uses such as mailbox leasing, office solutions (e.g. fax, print, or internet services), and freight forwarding (e.g. sorting and distribution).

18.1.104 Reserved Media Studio

An enterprise designed for broadcasting radio, internet, or television programs or a facility providing for audio or video recording of musical performances, radio or television programs, or motion pictures. This term does not include any exterior telecommunication appurtenances.

18.1.190.1 Tool or Equipment Rental Establishment

An establishment providing for the temporary rental of hand tools, lawn and garden equipment, party supplies, and similar goods and equipment, including storage and incidental maintenance. This term does not include vehicles or any heavy equipment that requires outdoor storage such as trailers, bulldozers, tractors, etc.

18.1.192.1 Trade Contractor

An establishment that specializes in the installation and servicing of items such as air conditioners, electrical equipment, flooring, heating, painting, plumbing, roofing, tiling, ventilation; performs a specific aspect of construction/demolition, such as carpentry; or performs lawn maintenance services.

18.1.203.1 Wholesale Sales/Showroom

A place of business primarily engaged in selling and/or distributing merchandise, in gross, to retailers; industrial, commercial, institutional, or professional business users; or to other wholesalers; and in limited instances, incidental sales to the general public.

Sec. 6.7 I-1, Industrial/Research Park District

6.7.2 Use Regulations

Uses are allowed in the I-1 District in accordance with the following table...

I-1 Uses			
Use		Use Standards	Definition
Commercial Uses			
Exercise Studio, in existing building only	P		Sec. 18.1.59.1
<u>Flex Industrial/Business Park</u>	<u>S</u>	<u>Sec. 9.8</u>	<u>Sec. 18.1.64.1</u>
Heliport	S		Sec. 18.1.77

Sec. 9.2 Use Table

Use Type	R E	R 1	R 2	R 4	R 6	R H D	R 8	R 1 6	R 2 2	O 1	B 1	B 2	B 3	B 4	I 1	Use Standard
P = Permitted by Right S = Special Exception Approval Required (Sec. 3.4)																
Commercial Uses																
Electronic Data Storage Center															P	
Emergency care facility	S									S	S	S	P	P		
Flex Industrial/Business Park															S	Sec. 9.8
Funeral home											S	P	S			
Crematorium (Accessory to a Funeral Home)											S	S	S			Sec. 9.3.6.1

Sec. 9.8 Flex Industrial/Business Park

9.8.1 Purpose and Intent

The purpose of this section is to facilitate economic development in the I-1 (Industrial/Research Park) Zoning District and provide opportunities for employment generation through the development of a business park with a broader range of commercial, light industrial, limited retail, limited dining, and civic/institutional uses than is presently permissible in the I-1 District. Furthermore, this added flexibility is intended to provide property owners the ability to more efficiently attract businesses, adapt to changes in local and regional markets, and/or create the necessary synergy to enhance the economic base of the Town while functioning in a structured, unified manner with minimal modifications to the established development. Such development is intended to be compatible with its adjacent surroundings and function in a much less adverse manner compared to heavy industrial nodes and high intensity developments.

9.8.2 Special Exception Approval

The flex industrial/business park use shall be permitted only in accordance with the Special Exceptions procedures of Section 3.4 of the Zoning Ordinance. However, the option to waive or modify use standards as provided in Section 3.4.13, Compliance with Use Standards, shall not apply to the general standards or any use standards contained in this Section. Any use not listed in Table 9.8.4 that is permissible in the I-1 (Industrial/Research Park) Zoning District, only by special exception approval, may be requested independently of or concurrently with a flex industrial/business park use request.

9.8.3 General Standards

The standards below shall apply to all flex industrial/business park developments:

A. Lot Area

The minimum lot size for such development shall be five (5) acres. This may be achieved on an individual tract or a combination of tracts.

B. Building Height

Buildings shall not exceed two (2) stories or fifty (50) feet in height.

C. Use Ratio

1. Light industrial uses including, but not limited to: laboratory, production facility, research and development, mini-warehousing, warehouse/distribution, wholesale sales, repair, processing, trade contractor establishments, construction supply establishments, and office uses must comprise no less than 60% of the total gross floor area of the development.
2. Prior to zoning permit approval, each tenant shall provide documentation from the property owner indicating that the proposed use complies with the required use ratio.

9.8.4 Permitted Uses

- A.** The following uses may be included as by-right uses under the umbrella of the flex industrial/business park development, if approved in the special exception ordinance for the subject property:

Table 9.8.4 By-Right Uses in Flex Industrial/Business Park Developments [1]		
LIGHT INDUSTRIAL USES (60%)		
Use	Use Standards	Definition
Antennas [8]	Sec. 9.3.26	Sec. 18.1.7
Aviation support/dependent uses		
Commercial bakery or kitchen		Sec. 18.1.31.1
Diagnostic laboratory [4]		Sec. 18.1.42
Distillery [11]		Sec. 18.1.42.1
Distribution Facility	Sec. 9.3.32	Sec. 18.1.43
Electric and/or plumbing supply [5]	Sec. 9.3.10	
Electronic Data Storage Center[12]		Sec. 18.1.57
Event rentals		Sec. 18.1.59.1
Fire and/or rescue facility		Sec. 18.1.64
Lumber and/or building material sales [5]	Sec. 9.3.13	Sec. 18.1.101
Mailing Services		Sec. 18.1.102
Media Studio [8]		Sec. 18.1.104
Microbrewery	Sec. 9.3.13.1	Sec. 18.1.104.1
Mini-warehouse facility	Sec. 9.3.14	Sec. 18.1.105
Office	Sec. 9.3.17.1	Sec. 18.1.121
Printing and/or publication		Sec. 18.1.148
Production	Sec. 9.3.22	Sec. 18.1.150.1

Table 9.8.4 By-Right Uses in Flex Industrial/Business Park Developments [1]		
LIGHT INDUSTRIAL USES (60%)		
Public utility, minor	Sec. 9.3.31	Sec. 18.1.154
Research & Development [4]	Sec. 9.3.22	Sec. 18.1.157
School, special instruction	Sec. 9.3.23	Sec. 18.1.164
School, technical	Sec. 9.3.23.1	Sec. 18.1.165
Tool/equipment rentals		Sec. 18.1.190.1
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Adult day care		Sec. 18.1.5.1
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Club		Sec. 18.1.30
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Conference center [2]		Sec. 18.1.37
Convenience food store [3]	Sec. 9.3.8	Sec. 18.1.39
Dance studio		Sec. 18.1.40.1
Eating establishment without drive-in facility	Sec. 9.3.9	Sec. 18.1.54
Exercise studio		Sec. 18.1.59.2
Mailing Services		Sec. 18.1.102
Media Studio [8]		Sec. 18.1.104
Museum		Sec. 18.1.111
Office	Sec. 9.3.17.1	Sec. 18.1.121
Pharmacy		Sec. 18.1.139
Place of worship		Sec. 18.1.141
Printing and/or publication		Sec. 18.1.148
Recreation facility [6]	Sec. 9.3.21	Sec. 18.1.156
Retail [7]		Sec. 18.1.159
School, special instruction	Sec. 9.3.23	Sec. 18.1.164
Services, personal	Sec. 9.3.19	Sec. 18.1.168
Veterinary hospital	Sec. 9.3.30	Sec. 18.1.198

Note: [n] correspond to additional use standards provided in 9.8.4.B

B. Use Standards

1. Unlisted uses that are similar to the approved by-right uses under the umbrella of an approved flex industrial/business park development will be subject to Sec. 9.1.4, Unlisted Uses.
2. Conference centers shall not include any lodging.

3. A convenience food store shall be limited to a gross floor area of 2,000 square feet.
4. Activity involving infectious or hazardous materials, subject to Biosafety Level 3 (BSL-3) or Biosafety Level 4 (BSL-4) best management protocols, per the Biosafety in Microbiological and Biomedical Laboratories (BMBL), current edition, shall not be permitted.
5. Such uses may be permitted with or without outdoor storage.
6. Recreational activities shall occur indoors only.
7. Retail uses shall be limited to accessory uses or principal uses not exceeding 5,000 square feet. No single building shall be used as a "big box," retail center.
8. Accessory telecommunication structures are subject to Sec. 9.3.26, Telecommunications Facilities.
9. Window tinting, audio installation, lawnmower repair, and similar services in this use category shall be conducted within a fully enclosed structure and shall not include outdoor storage of inoperable vehicles or discarded parts, liquids, or other substances.
10. Wholesalers may provide incidental retail sales provided, it is directly related to and supportive of an existing permitted use and subordinate to the principal wholesale sales use.
11. Distilleries shall comply with the applicable requirements of Sec. 9.3.13.1, Microbrewery, as determined by the Zoning Administrator.
12. No single building shall be used solely for a data center.
13. Residential uses are prohibited in these facilities.

9.8.5 Architecture

Flex industrial/business park development shall be compatible with the character of the adjacent area. When such development includes multiple buildings, all buildings must be homogenous in its architectural design.

9.8.6 Signage

The applicant shall develop a comprehensive sign plan establishing a uniformed signage scheme for the development limited to the following sign types: monument signs; wall signs; awning/canopy signs; window signs only for the display of information described in Sec. 15.4.8 Open/Hours of Operation Sign or Flag; street numbers; and other signs types commonly used for internal wayfinding, as approved by the Zoning Administrator.

9.8.7 Parking, Loading, Vehicular Access, and Pedestrian Areas

- A. Such areas shall be designed in accordance with Article 11, Parking Loading, and Pedestrian Access and Section 12.8.7, Screening of Outdoor Storage and Loading Areas.
- B. Flex industrial/business park uses must have access to a road classified as a minor arterial or higher Town Plan transportation functional classification without having to travel through a residentially zoned district.
- C. Screened loading areas may be used for parking or outdoor storage of accessory equipment such as generators, HVAC equipment, nitrogen tanks, and antennae.

9.8.8 Screening, Landscaping, and Lighting

Development shall be subject to the requirements of Article 12, Tree Preservation, Landscaping, Screening, Open Space, and Lighting, based on the uses approved with the flex industrial/business park use.

9.8.9 Outdoor Storage and Loading

- A. Outdoor storage shall be limited to current tenants/leaseholders only.
- B. No storage of any kind shall be permitted within any front yard.
- C. Outdoor storage areas shall be permitted as proposed on the approved special exception plat.

9.8.10 Noise

All permitted activity shall be subject to *Town of Leesburg Zoning Ordinance* Section 7.9 Noise Limitations and Enforcement and *Town Code* Chapter 24, Article 5 Offenses Against Public Peace and Order.

9.8.11 Hazardous Materials

The use, storage, and disposal of hazardous materials must meet all federal, state and local codes.

- Attachments: 1. Resolution 2015-144
2. Sec. 6.7.2 Use Regulations

The Town of
**Leesburg,
Virginia**

PRESENTED February 23, 2016

RESOLUTION NO.: 2016-027

ADOPTED February 23, 2016

A RESOLUTION: INITIATING AMENDMENTS TO THE *LEESBURG ZONING ORDINANCE* FOR THE PURPOSE OF UPDATING DEFINITIONS, USE STANDARDS, AND PERFORMANCE REGULATIONS RELATED TO FLEX INDUSTRIAL USES INCLUDING, BUT NOT LIMITED TO: ARTICLES 6, 9, 11, AND 18.

WHEREAS, the *Town of Leesburg Zoning Ordinance (TLZO)* was adopted with public input and for the purpose of protecting the health, safety, and welfare of Town residents and businesses by providing regulation of land uses; and

WHEREAS, the Town Council encourages commercial growth and development within town; and

WHEREAS, in an effort to foster said growth and development, Town Council wishes to streamline the land development review process by amending the Zoning Ordinance to allow for one special exception application to encompass multiple special exception uses for I-1 Research and Industrial Park District flex industrial developments; and

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

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

SECTION I. Amendments to the Zoning Ordinance Sections 6, 9, 11 and 18 and other sections as necessary are hereby initiated and referred to staff to establish appropriate use, performance criteria and definitions for a singular special exception review for multiple special exception application for flex industrial developments.

A RESOLUTION: INITIATING AMENDMENTS TO THE *LEESBURG ZONING ORDINANCE* FOR THE PURPOSE OF UPDATING DEFINITIONS, USE STANDARDS, AND PERFORMANCE REGULATIONS RELATED TO FLEX INDUSTRIAL USES INCLUDING, BUT NOT LIMITED TO: ARTICLES 6, 9, 11, AND 18.

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

PASSED this 23rd day of February, 2016.



David S. Butler, Mayor
Town of Leesburg

ATTEST:



Clerk of Council

Attachment 2

Sec. 6.7 I-1, Industrial/Research Park District

6.7.1 Description

The I-1, Industrial/Research Park District is established solely to accommodate previously approved industrial/research park development and to permit reasonable development of lands within existing I-1 Districts until such time as those lands are rezoned to classifications that are consistent with the Town Plan. The I-1 District is not intended to be available for future rezonings, nor as a means of expanding the boundaries of existing I-1 Districts.

6.7.2 Use Regulations

Uses are allowed in the I-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 districts, see the Use Table in Sec. 9.2.

I-1 Uses			
Use		Use Standards	Definition
Agricultural Uses			
Farming	P		Sec. 18.1.63
Nursery	P		Sec. 18.1.119
Stable	P		Sec. 18.1.176
Commercial Uses			
Arts center, in existing building only	P		Sec. 18.1.11
Microbrewery	P	Sec. 9.3.13.1	Sec. 18.1.104.1
Cattery	P	Sec. 9.3.12.1	Sec. 18.1.27.1
Child care center, in existing building only	S	Sec. 9.3.4	Sec. 18.1.29
Child care center, ancillary to new office building only	P	Sec. 9.3.4	Sec. 18.1.29
Child care center as an accessory use in existing buildings	P	Sec. 9.3.4	Sec. 18.1.29
College or university	P		Sec. 18.1.33
Conference center	S		Sec. 18.1.37
Dance Studio, in existing building only	P		Sec. 18.1.40.1
Diagnostic laboratory, in existing building only	S		Sec. 18.1.42
Eating establishment without drive-in facility	S	Sec. 9.3.9	Sec. 18.1.54
Electric and/or plumbing supply	S	Sec. 9.3.10	
Electronic Data Storage Center	P		Sec. 18.1.57
Exercise Studio, in existing building only	P		Sec. 18.1.59.1
Heliport	S		Sec. 18.1.77
Hotel/motel	S		Sec. 18.1.83
Kennel	S	Sec. 9.3.12	Sec. 18.1.88
Lumber and/or building material sales without outdoor storage	P		Sec. 18.1.101
Lumber and/or building material sales with outdoor storage	S	Sec. 9.3.13	Sec. 18.1.101
Museum	P		Sec. 18.1.111
Office	P		Sec. 18.1.121

I-1 Uses			
Use		Use Standards	Definition
Outdoor storage	P/S	Sec. 9.3.17.2	Sec. 18.1.127
Outdoor storage, Vehicles	S		
Parking structure, private	S		Sec. 18.1.135
Telecommunications Facility: Antenna	P	Sec. 9.3.26	Sec. 18.1.7
Printing and/or publication, in existing building only	P		Sec. 18.1.148
Recreation facility, in existing building only	P	Sec. 9.3.21	Sec. 18.1.156
School, General Education, in existing building only	S		Sec. 18.1.162
School, Special Instruction, in existing building only	S	Sec. 9.3.23	Sec. 18.1.164
Telecommunications Facility: Monopole	S	Sec. 9.3.26	Sec. 18.1.108
Telecommunications Facility: Transmission Tower	S	Sec. 9.3.26	Sec. 18.1.192
Temporary Mobile Land-Based Telecommunications Testing Facility	P	Sec. 9.3.26	
Veterinary hospital	S	Sec. 9.3.30	Sec. 18.1.198
Research & Development, Production and Warehousing Uses			
Industrial, Flex	P	Sec. 9.3.11.2	Sec. 18.1.84
Mini-warehouse facility	S	Sec. 9.3.14	Sec. 18.1.105
Production	P	Sec. 9.3.22	Sec. 18.1.150.1
Research & Development	P	Sec. 9.3.22	Sec. 18.1.157
Warehouse/Distribution	S	Sec. 9.3.32	Sec. 18.1.199, 18.1.43
Institutional and Community Service Uses			
Fire and/or rescue facility	P		Sec. 18.1.64
Park, public	P		
Place of worship	S		Sec. 18.1.141
Place of Worship, in existing building only	P		Sec. 18.1.141
School, technical	S		Sec. 18.1.165
U.S. Postal Service	S		Sec. 18.1.146
Utility Uses			
Public utility, major	S	Sec. 9.3.31	Sec. 18.1.153
Public utility, minor	P	Sec. 9.3.31	Se. 18.1.154

PRESENTED: August 9, 2016

ORDINANCE NO. _____

ADOPTED: _____

AN ORDINANCE: AMENDING ZONING ORDINANCE SECTIONS 6.7, 9.2, 9.8. AND 18.1 TO ADD A NEW DEFINITION “FLEX INDUSTRIAL/BUSINESS PARK”, ADD USE STANDARDS, INCLUDE FLEX INDUSTRIAL /BUSINESS PARK IN APPLICABLE USE TABLES, AND INCLUDE TERMS AND DEFINITIONS FOR USES THAT ARE ACCEPTABLE IN A FLEX INDUSTRIAL /BUSINESS PARK

WHEREAS, the Town Council initiated zoning text amendment TLOA-2016-0005 on February 23, 2016 to consider ways to enhance Flex Industrial development in I-1 Districts; and

WHEREAS, a duly advertised Planning Commission public hearing was held on June 16, 2016; and

WHEREAS, at the July 7, 2016 meeting, the Planning Commission recommended approval of these amendments to the Zoning Ordinance to the Town Council; and

WHEREAS, the Town Council held a duly advertised public hearing on these amendments on August 9, 2016; and

WHEREAS, the Council has concluded that the approval of these amendments to the Zoning Ordinance would be in the public interest and in accordance with sound zoning and planning principles.

The Council of the Town of Leesburg, Virginia hereby ORDAINS:

SECTION I. The zoning text amendments contained in TLOA 2016-0005 - Flex Industrial, is hereby approved; and

SECTION II. 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:

AN ORDINANCE: AMENDING ZONING ORDINANCE SECTIONS 6.7, 9.2, 9.8. AND 18.1 TO ADD A NEW DEFINITION “FLEX INDUSTRIAL/BUSINESS PARK”, ADD USE STANDARDS, INCLUDE FLEX INDUSTRIAL /BUSINESS PARK IN APPLICABLE USE TABLES, AND INCLUDE TERMS AND DEFINITIONS FOR USES THAT ARE ACCEPTABLE IN A FLEX INDUSTRIAL /BUSINESS PARK

Sec. 18.1 Terms Defined

18.1.64.1 Flex Industrial/Business Park

A cohesive development comprised of one or more flexible space buildings with a compatible mixture of light industrial facilities and other principal or accessory commercial, office, and/or civic/institutional uses.

ADDITIONAL TERMS

18.1.5.1 Adult Day Care Center

A nonresidential facility, subject to Title 63.2. Welfare (Social Services) of the Code of Virginia, as amended, and licensed by the Virginia Department of Social Services, that provides a variety of health, social, and related support services in a protective setting during part of the day for four or more aged, infirmed, or disabled adults who reside elsewhere.

18.1.31.1 Commercial Bakery or Kitchen

An establishment designed for individual or shared baking, preparation, and/or cooking of food intended primarily for off-site consumption or sales.

18.1.33.1 Community Center, Senior Citizen

A publicly or privately owned facility used for and providing cultural, social, educational, or recreational programs and activities for members of the population that are age sixty (60) or older.

18.1.42.1 Distillery

A site devoted to the production, warehousing, and distribution of alcohol or spirits.

18.1.59.1 Event Rental

A business devoted to renting or leasing party or event items including but not limited to: tables, chairs, tents, serving supplies, and decorations. This use also includes warehousing and storage of event inventory.

18.1.59.1 18.1.59.2 Exercise Studio

A commercial establishment that provides instruction on personal fitness in a classroom style setting.

18.1.84.1 Industrial, Light

Activities including, but not limited to: production, processing, assembly, service/repair, distribution, warehousing, and scientific/technological use of processed or previously prepared elements and/or relatively small quantities of raw materials for consumption. Such uses are

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generally characterized as more consumer-oriented and/or less adversely impactful on the environmental when compared to heavy industrial activities.

18.1.102 Mailing Service

Retail sales or business service establishment to facilitate the transmittal and receipt of letter, bulk and packaging mail along with other ancillary uses such as mailbox leasing, office solutions (e.g. fax, print, or internet services), and freight forwarding (e.g. sorting and distribution).

18.1.104 Reserved Media Studio

An enterprise designed for broadcasting radio, internet, or television programs or a facility providing for audio or video recording of musical performances, radio or television programs, or motion pictures. This term does not include any exterior telecommunication appurtenances.

18.1.190.1 Tool or Equipment Rental Establishment

An establishment providing for the temporary rental of hand tools, lawn and garden equipment, party supplies, and similar goods and equipment, including storage and incidental maintenance. This term does not include vehicles or any heavy equipment that requires outdoor storage such as trailers, bulldozers, tractors, etc.

18.1.192.1 Trade Contractor

An establishment that specializes in the installation and servicing of items such as air conditioners, electrical equipment, flooring, heating, painting, plumbing, roofing, tiling, ventilation; performs a specific aspect of construction/demolition, such as carpentry; or performs lawn maintenance services.

18.1.203.1 Wholesale Sales/Showroom

A place of business primarily engaged in selling and/or distributing merchandise, in gross, to retailers; industrial, commercial, institutional, or professional business users; or to other wholesalers; and in limited instances, incidental sales to the general public.

Sec. 6.7 I-1, Industrial/Research Park District

6.7.1 Description

The I-1, Industrial/Research Park District is established solely to accommodate previously approved industrial/research park development and to permit reasonable development of lands within existing I-1 Districts until such time as those lands are rezoned to classifications that are consistent with the Town Plan. The I-1 District is not intended to be available for future rezonings, nor as a means of expanding the boundaries of existing I-1 Districts.

6.7.2 Use Regulations

Uses are allowed in the I-1 District in accordance with the following table...

AN ORDINANCE: AMENDING ZONING ORDINANCE SECTIONS 6.7, 9.2, 9.8. AND 18.1 TO ADD A NEW DEFINITION “FLEX INDUSTRIAL/BUSINESS PARK”, ADD USE STANDARDS, INCLUDE FLEX INDUSTRIAL /BUSINESS PARK IN APPLICABLE USE TABLES, AND INCLUDE TERMS AND DEFINITIONS FOR USES THAT ARE ACCEPTABLE IN A FLEX INDUSTRIAL /BUSINESS PARK

I-1 Uses			
Use		Use Standards	Definition
Commercial Uses			
Exercise Studio, in existing building only	P		Sec. 18.1.59.1
<u>Flex Industrial/Business Park</u>	<u>S</u>	<u>Sec. 9.8</u>	<u>Sec. 18.1.64.1</u>
Heliport	S		Sec. 18.1.77

Sec. 9.2 Use Table

Use Type	R E	R 1	R 2	R 4	R 6	R H D	R 8	R 1 6	R 2 2	O 1	B 1	B 2	B 3	B 4	I 1	Use Standard
P = Permitted by Right S = Special Exception Approval Required (Sec. 3.4)																
Commercial Uses																
Electronic Data Storage Center															P	
Emergency care facility	S									S	S	S	P	P		
<u>Flex Industrial/Business Park</u>															<u>S</u>	<u>Sec. 9.8</u>
Funeral home											S	P	S			
Crematorium (Accessory to a Funeral Home)											S	S	S			Sec. 9.3.6.1

Sec. 9.8 Flex Industrial/Business Park

9.8.1 Purpose and Intent

The purpose of this section is to facilitate economic development in the I-1 (Industrial/Research Park) Zoning District and provide opportunities for employment generation through the development of a business park with a broader range of commercial, light industrial, limited retail, limited dining, and civic/institutional uses than is presently permissible in the I-1 District. Furthermore, this added flexibility is intended to provide property owners the ability to more efficiently attract businesses, adapt to changes in local and regional markets, and/or create the necessary synergy to enhance the economic base of the Town while functioning in a structured,

AN ORDINANCE: AMENDING ZONING ORDINANCE SECTIONS 6.7, 9.2, 9.8. AND 18.1 TO ADD A NEW DEFINITION “FLEX INDUSTRIAL/BUSINESS PARK”, ADD USE STANDARDS, INCLUDE FLEX INDUSTRIAL /BUSINESS PARK IN APPLICABLE USE TABLES, AND INCLUDE TERMS AND DEFINITIONS FOR USES THAT ARE ACCEPTABLE IN A FLEX INDUSTRIAL /BUSINESS PARK

unified manner with minimal modifications to the established development. Such development is intended to be compatible with its adjacent surroundings and function in a much less adverse manner compared to heavy industrial nodes and high intensity developments.

9.8.2 Special Exception Approval

The flex industrial/business park use shall be permitted only in accordance with the Special Exceptions procedures of Section 3.4 of the Zoning Ordinance. However, the option to waive or modify use standards as provided in Section 3.4.13, Compliance with Use Standards, shall not apply to the general standards or any use standards contained in this Section. Any use not listed in Section 9.8.4 that is permissible in the I-1 (Industrial/Research Park) Zoning District, only by special exception approval, may be requested independently of, or concurrently with, a flex industrial/business park use request subject to Section 6.7.2 Use Regulations.

9.8.3 General Standards

The standards below shall apply to all flex industrial/business park developments:

A. Lot Area

The minimum lot size for such development shall be five (5) acres. This may be achieved on an individual tract or a combination of tracts.

B. Building Height

Buildings shall not exceed two (2) stories or fifty (50) feet in height.

C. Architecture

Flex industrial/business park developments shall be compatible with the character of the adjacent area. When such developments include multiple buildings, all buildings must be homogenous in their architectural design. Materials such as brick, fiber cement siding, stone, wood, stucco and similar natural or man-made materials are generally appropriate. Selection of materials should be based on the established architecture of the context of the area where the business park is located.

D. Signage

The applicant shall develop a comprehensive sign plan establishing a uniformed signage scheme for the development. The types of signs permitted in a Flex Industrial /Business Park comprehensive sign plan shall be limited to the following sign types: monument signs; wall signs; awning/canopy signs; window signs only for the display of information described in Sec. 15.4.8 Open/Hours of Operation Sign or Flag; street numbers; and other signs types commonly used for internal wayfinding, as approved by the Zoning Administrator.

AN ORDINANCE: AMENDING ZONING ORDINANCE SECTIONS 6.7, 9.2, 9.8. AND 18.1 TO ADD A NEW DEFINITION “FLEX INDUSTRIAL/BUSINESS PARK”, ADD USE STANDARDS, INCLUDE FLEX INDUSTRIAL /BUSINESS PARK IN APPLICABLE USE TABLES, AND INCLUDE TERMS AND DEFINITIONS FOR USES THAT ARE ACCEPTABLE IN A FLEX INDUSTRIAL /BUSINESS PARK

E. Parking, Loading, Vehicular Access, and Pedestrian Areas

1. Flex industrial/business park uses must have access to a road classified as a minor arterial or higher Town Plan transportation functional classification without having to travel through a residentially zoned district.
2. Screened loading areas may be used for parking or outdoor storage of accessory equipment such as generators, HVAC equipment, nitrogen tanks, and antennae.

F. Outdoor Storage and Loading

1. Outdoor storage shall be restricted to use by current tenants/leaseholders of the subject property only.
2. No storage of any kind shall be permitted within any front yard.
3. All outdoor storage areas shall be limited to only those areas designated for outdoor storage on an approved special exception plat.

G. Hazardous Materials

The use, storage, and disposal of hazardous materials must meet all applicable federal, state and local codes.

9.8.4 Permitted Uses

- A. The following uses may be included as permissible uses under the umbrella of the flex industrial/business park development, if approved as part of the special exception ordinance for the subject property:

<u>Table 9.8.4 Allowable Uses in Flex Industrial/Business Park Developments [1]</u>		
<u>LIGHT INDUSTRIAL USES</u>		
<u>Use</u>	<u>Use Standards</u>	<u>Definition</u>
<u>Antennas [8]</u>	<u>Sec. 9.3.26</u>	<u>Sec. 18.1.7</u>
<u>Aviation support/dependent uses</u>		
<u>Commercial bakery or kitchen</u>		<u>Sec. 18.1.31.1</u>
<u>Diagnostic laboratory [4]</u>		<u>Sec. 18.1.42</u>
<u>Distillery [11]</u>		<u>Sec. 18.1.42.1</u>
<u>Distribution Facility</u>	<u>Sec. 9.3.32</u>	<u>Sec. 18.1.43</u>
<u>Electric and/or plumbing supply [5]</u>	<u>Sec. 9.3.10</u>	
<u>Electronic Data Storage Center[12]</u>		<u>Sec. 18.1.57</u>
<u>Event rentals</u>		<u>Sec. 18.1.59.1</u>

AN ORDINANCE: AMENDING ZONING ORDINANCE SECTIONS 6.7, 9.2, 9.8. AND 18.1 TO ADD A NEW DEFINITION “FLEX INDUSTRIAL/BUSINESS PARK”, ADD USE STANDARDS, INCLUDE FLEX INDUSTRIAL /BUSINESS PARK IN APPLICABLE USE TABLES, AND INCLUDE TERMS AND DEFINITIONS FOR USES THAT ARE ACCEPTABLE IN A FLEX INDUSTRIAL /BUSINESS PARK

Table 9.8.4 Allowable Uses in Flex Industrial/Business Park Developments [1]		
LIGHT INDUSTRIAL USES		
Fire and/or rescue facility		Sec. 18.1.64
Lumber and/or building material sales [5]	Sec. 9.3.13	Sec. 18.1.101
Mailing Services		Sec. 18.1.102
Media Studio [8]		Sec. 18.1.104
Microbrewery	Sec. 9.3.13.1	Sec. 18.1.104.1
Mini-warehouse facility	Sec. 9.3.14	Sec. 18.1.105
Office	Sec. 9.3.17.1	Sec. 18.1.121
Printing and/or publication		Sec. 18.1.148
Production	Sec. 9.3.22	Sec. 18.1.150.1
Public utility, minor	Sec. 9.3.31	Sec. 18.1.154
Research & Development [4]	Sec. 9.3.22	Sec. 18.1.157
School, special instruction	Sec. 9.3.23	Sec. 18.1.164
School, technical	Sec. 9.3.23.1	Sec. 18.1.165
Tool/equipment rentals		Sec. 18.1.190.1
Trade contractors		Sec. 18.1.192.1
Vehicle and/or equipment service facility [9]	Sec. 9.3.29	Sec. 18.1.197
Warehouse	Sec. 9.3.32	Sec. 18.1.199
Wholesale sales/showroom [10]		Sec. 18.1.203.1
NON-LIGHT INDUSTRIAL USES		
Adult day care		Sec. 18.1.5.1
Arts Center		Sec. 18.1.11
Bank without drive-in facility		Sec. 18.1.14
Club		Sec. 18.1.30
Community Center, Senior Citizen [13]		Sec. 18.1.33.1
Conference center [2]		Sec. 18.1.37
Convenience food store [3]	Sec. 9.3.8	Sec. 18.1.39
Dance studio		Sec. 18.1.40.1
Eating establishment without drive-in facility	Sec. 9.3.9	Sec. 18.1.54
Exercise studio		Sec. 18.1.59.2
Mailing Services		Sec. 18.1.102
Media Studio [8]		Sec. 18.1.104
Museum		Sec. 18.1.111
Office	Sec. 9.3.17.1	Sec. 18.1.121
Pharmacy		Sec. 18.1.139

AN ORDINANCE: AMENDING ZONING ORDINANCE SECTIONS 6.7, 9.2, 9.8. AND 18.1 TO ADD A NEW DEFINITION “FLEX INDUSTRIAL/BUSINESS PARK”, ADD USE STANDARDS, INCLUDE FLEX INDUSTRIAL /BUSINESS PARK IN APPLICABLE USE TABLES, AND INCLUDE TERMS AND DEFINITIONS FOR USES THAT ARE ACCEPTABLE IN A FLEX INDUSTRIAL /BUSINESS PARK

Table 9.8.4 Allowable Uses in Flex Industrial/Business Park Developments [1]		
LIGHT INDUSTRIAL USES		
Place of worship		Sec. 18.1.141
Printing and/or publication		Sec. 18.1.148
Recreation facility [6]	Sec. 9.3.21	Sec. 18.1.156
Retail [7]		Sec. 18.1.159
School, special instruction	Sec. 9.3.23	Sec. 18.1.164
Services, personal	Sec. 9.3.19	Sec. 18.1.168
Veterinary hospital	Sec. 9.3.30	Sec. 18.1.198

Note: [n] corresponds to additional use standards provided in 9.8.4.B

B. Use Standards

1. Conference centers shall not include any lodging.
2. A convenience food store shall be limited to a gross floor area of 2,000 square feet.
3. Activity involving infectious or hazardous materials, subject to Biosafety Level 3 (BSL-3) or Biosafety Level 4 (BSL-4) best management protocols, pursuant to the Biosafety in Microbiological and Biomedical Laboratories (BMBL), current edition, shall not be permitted.
4. Uses may be permitted with or without outdoor storage. Any outdoor storage is subject to Section 9.8.3.G.
5. Recreational activities shall occur indoors only.
6. Any retail use, whether principal or accessory, shall not exceed 5,000 s.f. gross floor area. Retail uses in a Flex Industrial/Business Park shall not exceed 10% of the total gross floor area of the development.
7. Window tinting, audio installation, lawnmower repair, and similar services in this use category shall be conducted within a fully enclosed structure and shall not include outdoor storage of inoperable vehicles or discarded parts, liquids, or other substances.
8. Wholesalers may provide incidental retail sales provided it is directly related to and supportive of an existing permitted use. Any such retail area shall be limited to 5,000 s.f. or 25% of the gross floor area of the principal uses, whichever is less.
9. Distilleries shall comply with the applicable requirements of Sec. 9.3.13.1, Microbrewery, as determined by the Zoning Administrator.
10. No single building shall be used solely for a data center.
11. Residential uses are prohibited in these facilities.

AN ORDINANCE: AMENDING ZONING ORDINANCE SECTIONS 6.7, 9.2, 9.8. AND 18.1 TO ADD A NEW DEFINITION “FLEX INDUSTRIAL/BUSINESS PARK”, ADD USE STANDARDS, INCLUDE FLEX INDUSTRIAL /BUSINESS PARK IN APPLICABLE USE TABLES, AND INCLUDE TERMS AND DEFINITIONS FOR USES THAT ARE ACCEPTABLE IN A FLEX INDUSTRIAL /BUSINESS PARK

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

SECTION IV. 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 this ordinance.

SECTION V. This ordinance shall be in effect upon its adoption.

PASSED this 9th day of August, 2016.

David S. Butler, Mayor
Town of Leesburg

ATTEST:

Clerk of Council