Town Of Leesburg

ZONING ORDINANCE

Adopted February, 2003

Amended though February, 2015

Amendments to the Leesburg Zoning Ordinance
Following the February 25, 2003 Adoption

ORDINANCE NO.	ADOPTION DATE	SECTION NUMBERS	PURPOSE
2003-0-5	May 13, 2003	Article 13	Amend Flood Protection District
2003-0-6	May 13, 2003	Article 14	Add the Creek Valley Buffer District
2003-0-8	May 13, 2003	12.8.3	Modify screening & buffer yard requirements
2003-0-14	September 9, 2003	12.8.5	Amend screening & buffering requirements for special exceptions
2004-0-05	May 25, 2004	7.5.3	Expand Historic District – Paxton property
2004-0-08	August 10, 2004	3.4.16	Termination of Special Exception use
		5.4.2, 5.5.2, 5.7.2	Add Extended Family Residence use
		9.3.8.1	Add Extended Family Residence use standards
		18.1.56.1	Add Extended Family Residence definition
		6.4.3	B-2 District F.A.R. standards modification
		8.3.2	PRC District lot size clarification
		8.4.5	Delete commercial use timing requirement in PRN District
		8.4.8	Add open space requirement for “Infill” PRN
		9.3.13	Revise Neighborhood Retail Convenience Center standards
		11.3	Modify number of parking spaces required for multi-family & day care uses
		11.4.3	Prohibit Payments-In-Lieu option for residential uses in the H-1 District
		12.8.2.G	Clarify buffer yards adjacent to certain streets
		12.4.1	Permit street trees in public rights-of-way
		12.4.4	Revise permitted locations of street trees
		12.4.5	Add planting standards for trees in rights-of-way, including street pit detail, setback detail and modification/waiver provision
2004-0-11	November 23, 2004	6.4.2	Add temporary commuter parking lot to B-2 District as a special exception use
		9.3.23.1	Add use standards for temporary commuter parking lot
		18.1.31	Modify commuter parking lot definition
		18.1.175.1	Add temporary commuter parking lot definition
2005-0-14	September 13, 2005	7.9	Add section to enable Zoning Administrator to enforce noise standards for certain stationary noise sources
2006-0-5	March 28, 2006	7.5.6	Expand administrative authority of preservation planner to include certain signs
		15.11.1	Modify permit authority to show new preservation planner authority
		15.11.4	Add “area” to BAR review authority
2006-O-18	September 26, 2006	3.16	Add Town Plan Amendment process
2006-O-19	September 26, 2006	6.4.3	Amend Density/Intensity Standards in the B-2 Established Corridor Commercial Dist.

ORDINANCE NO.	ADOPTION DATE	SECTION NUMBERS	PURPOSE
2006-O-20	October 11, 2006	2.3.3	Amend members, composition and terms of the Board of Architectural Review
2006-O-21	October 11, 2006	3.1.2	Amend filing fees
2006-O-22	October 11, 2006	3.1.9.A.3.C	Amend written notice requirements for cases involving more than 25 tax map parcels
2006-O-23	October 11, 2006	3.3.6.D	Amend Concept Plan submittal requirements for Zoning Map Amendments (Rezoning)
		3.4.6.E	Amend special exception plat submittal requirements
2006-O-24	October 11, 2006	3.3.6.E	Amend Traffic Impact Analysis requirements for Zoning Map Amendment (Rezoning) applications
		3.4.6.F	Amend Traffic Impact Analysis requirements for Special Exception applications
2006-O-25	October 11, 2006	3.3.6.K	Add archeological/historic information requirement to Zoning Map Amendment (Rezoning) submittal requirements
2006-O-26	October 11, 2006	3.4.5	Amend review and approval procedures for concurrent review of Special Exceptions with Zoning Map Amendments (Rezoning)
2006-O-27	October 11, 2006	3.12	Amend Commission Permit (public project review) review and approval procedures
2006-O-28	October 11, 2006	3.15	Add appeals of proffer interpretations to Review and Approval Procedures
2006-O-29	October 11, 2006	5.1.1	Amend the description of R-E Single-Family Residential Estate District
2006-O-30	October 11, 2006	5.4.1	Amend the description of R-4 Single-Family Residential District
2006-O-31	October 11, 2006	5.6.1	Amend the description of R-HD Historic Residential District
2006-O-32	October 11, 2006	5.7.1	Amend description of R-8 Medium Density Residential District
2006-O-33	October 11, 2006	5.9.1	Amend description of R-22 Multi-Family Residential District
2006-O-34	October 11, 2006	6.1.1	Amend description of O-1 General Office District
2006-O-35	October 11, 2006	6.2	Delete the O-2 Office Park District
2006-O-36	October 11, 2006	6.3.1	Amend the description of B-1 Community (Downtown) Business District
2006-O-37	October 11, 2006	6.3.3	Amend B-1 Community (Downtown) Business District Density/Intensity and Dimensional Standards
2006-O-38	October 11, 2006	6.5.1	Amend the description of B-3, Community Retail/Commercial District
2006-O-39	October 11, 2006	6.6.1	Amend the description of B-4, Mixed-Use Business District
2006-O-40	October 11, 2006	6.8	Delete I-2, Industrial/Warehouse/Office District
2006-O-41	October 11, 2006	6.9	Delete M-1, Basic Industry District
2006-O-42	October 11, 2006	7.5.2	Amend Applicability in the H-1, Old and Historic District
2006-O-43	October 11, 2006	7.5.10	Amend Designation of Historic Districts and Landmarks

ORDINANCE NO.	ADOPTION DATE	SECTION NUMBERS	PURPOSE
2006-O-44	October 11, 2006	7.6.3	Amend Applicability within the H-2, Historic Corridor Architectural Control Overlay District
2006-O-45	October 11, 2006	8.2.1.B	Amend submittal requirements in the Planned Development District
2006-O-46	October 11, 2006	8.2.2.D	Amend PD, Planned Development District rezoning plan submittal requirements
2006-O-47	October 11, 2006	8.2.2.F.3	Add rezoning plan approval criteria in the PD, Planned Development Districts
2006-O-48	October 11, 2006	9.2	Amend Use Regulations Table
2006-O-49	October 11, 2006	9.3.21	Amend Service Station Use Standards
2006-O-50	October 11, 2006	9.3.23	Amend Telecommunications Facilities Use Standards
2006-O-51	October 11, 2006	10.4.5.C.5	Amend decks and patios setbacks
2006-O-52	October 11, 2006	10.4.5.C.9	Amend swimming pool setbacks
2006-O-53	October 11, 2006	10.4.5.E	Amend Additional Setbacks from Certain Streets
2006-O-54	October 11, 2006	11.3	Amend Number of Parking Spaces Required for Postal Service
2006-O-55	October 11, 2006	11.5.2	Amend Trucks Parked in Residential Areas
2006-O-56	October 11, 2006	11.6.1.D	Amend pavement requirements
		11.6.1.F	Amend Sidewalk and Pedestrian Facilities
2006-O-57	October 11, 2006	11.6.1.K	Add Front Yard Parking Areas to Parking and Loading Area Design Standards
2006-O-58	October 11, 2006	11.10	Amend Alternative Loading Provisions
2006-O-59	October 11, 2006	12.2.3.A	Amend Scale of landscape plans
2006-O-60	October 11, 2006	12.4.1	Amend Applicability of Street Trees
2006-O-61	October 11, 2006	12.8.4	Amend Buffer and Screening Land Use Categories to add Child Care Center
2006-O-62	October 11, 2006	12.9.4	Amend Diversity in Plant Material Specifications
2006-O-63	October 11, 2006	12.11	Amend Outdoor Lighting regulations
2006-O-64	October 11, 2006	18.1.30	Amend Cluster Development definition
		18.1.103	Amend Multi-Family Dwelling definition
		18.1.146	Amend Public Utility, Minor definition
		18.1.175	Amend telecommunications Use and/or Structures definition
		18.1.188	Amend Warehouse definition
2006-O-65	October 11, 2006	18.1.79.A	Add definition Industrial, Flex
		18.1.95.A	Add definition Mailing Services
		18.1.138.A	Add definition United States Postal Service
2007-O-04	January 23, 2007	9.4.4	Add Emergency Shelter use
		18.1.56.05	Add definition Emergency Shelter
2007-O-12	April 24, 2007	18.1.175.1	Amend definition Temporary Commuter Parking Lot
2007-O-18	October 1, 2007	2.5.1.D	Clarify Zoning Administrator's authority re occupancy permits

ORDINANCE NO.	ADOPTION DATE	SECTION NUMBERS	PURPOSE
		3.10.12	Increase BAR permit duration
		3.10.13	Procedure for change of plans after BAR approval
		3.11.14	Expand administrative approval in H-2 District
		5.7.2	Remove child care center from R-8 District
		6.1.3, 6.6.3	Delete minimum district size from O-1 & B-4 District
		6.5.2, 6.6.2	Make child care center by right in B-3 & B-4 District
		6.1.2, 6.4.2, 6.5.2, 6.6.2, 7.2.2	Add college and university use to O-1, B-2, B-3, B-4 & MC Districts
		6.1.3, 6.4.3, 6.7.3	Eliminate FAR in O-1, B-2 & I-1 Districts
		7.5.6.C,D	Expand administrative approval of Historic District Permits
		8.3.5.D	Amend floor area ratio calculation in the PD Districts
		8.3.5.E	Add new section on maximum floor area ratio
		9.2	Amend Use Regulations Table
		9.3.4.1	Permit child care center by right with conditions
		9.4.3.C,D,E	Revise home occupations list & add use limitations for mobile pet grooming
		10.2	Amend Nonresidential Zoning Districts Table
		10.4.10	Amend section on floor area ratio and delete section 10.4.10.B on calculation
		11.8	Revise width calculation for stacking spaces
		11.8.3	Revise required number of stacking spaces for drive-up windows
		2.9.6	Amend tree list
		15.7.2	Amend window sign sizes
		15.6.1	Amend requirements for temporary signs
		17.2.2.A	Increase number of civil violations
		17.2.2.B	Increase penalties for civil violations
		17.2.2.D	Increase total fines for civil violations
		17.3.2.A-D	Revise procedure for issuance and appeal of civil violations
		17.3.3	Delete redundant section regarding home occupation revocation
		18.1.64	Amend definition for floor area ratio
		18.1.85A	Add definition for landscape contractor
		18.1.164A	Add definition for site plan waiver
		Various Sections	Amend nomenclature to be consistent with terms in the Subdivision and Land Development Regulations – 41 Sections
2008-O-09	April 22, 2008	Various Sections	Amend Review and Approval procedures, Planned Development Districts, Use Regulations, Sign Regulations, and Enforcement & Penalties
2008-O-10	April 22, 2008	3.18	Interim Waivers
2008-O-19	July 8, 2008	Various Sections	Board of Architectural Review Time Limits
2008-O-20	August 12, 2008	2.6.1	Clarify Land Development Official
		Various Sections	Amend Directors Planning, Zoning and Development, Plan Review, Engineering and Public Works

ORDINANCE NO.	ADOPTION DATE	SECTION NUMBERS	PURPOSE
2009-O-01	January 13, 2009	6.3.3	Increase building height in areas of B-1 District
2009-O-05	April 28, 2009	Article 14	Amendments contribute to the public necessity, convenience, general welfare and good zoning practice
2009-O-06	May 27, 2009	3.3.4	Add sketch plan requirement for rezoning pre-application conferences
		3.3.6.A-F,I-L	Amend rezoning submittal requirements
		3.4.3	Add sketch plan requirement for special exception pre-application conferences
2009-O-06	May 27, 2009	3.4.6.A-E	Amend special exception submittal requirements
		6.5.2	Add convenience food store to B-3 District
		6.6.2-3	Amend FAR maximum, height limit, personal services and indoor theatre use in B-4 District
		8.3.7.C.2	Amend requirements of landscaping in all planned developments
		8.6.3	Amend personal services use in PEC District
		8.6.7	Delete floor area ratio requirements in PEC District
		8.6.8	Delete open space requirement in PEC District
		9.2	Add uses to Use Regulations Table
		10.2	Delete FAR maximum and 5-story height limit in B-4 District
		10.3.1.B	Amend existing structure exception for cluster subdivisions
		10.4.5.F	Increase setback adjacent to residential use in O-1, MC, B-2, B-3, B-4 & I-1 Districts
		11.3	Revise number of parking spaces required
		11.4.5	Reduce shared parking requirements in mixed-use developments
		11.6.5	Amend parking spaces and aisles in parking structures
		11.6.1.D	Clarify parking pavement requirements
		11.9	Add required loading space for banks & offices
		12.2.3	Clarify contents of landscape plan
		12.4.1	Permit street tree planting in front yards
		12.4.3	Revise spacing and number of street trees
		12.6.1	Require interior parking lot landscaping
		12.7.1.A	Clarify recommendations to BAR for modified parking lot requests
		12.8.4.C	Add bank with drive-through to land use list
		12.8.5.A	Clarify recommendations to BAR for modified screening and buffer-yards
		12.8.8.B	Reduce setback of dumpsters
		12.11	Add outdoor lighting exception
		18.1.177.1	Add definition for tents
		5.2.2	Add a dog park use to R-1 District
		6.5.2	Add a dog park use to B-3 District
		9.3.6.1	Establish dog park use standards
		11.3	Establish dog park parking space standard
		18.1.42.1	Establish definition for dog park
2009-O-07	May 27, 2009	3.17	Affordable Dwelling Unit Development
2009-O-10	July 14, 2009	2.3.7	Clarify Powers and Duties
		3.1.8	Add Certificate of Appropriateness
		3.10.1,7.5.5	Clarify Certificate of Appropriateness

ORDINANCE NO.	ADOPTION DATE	SECTION NUMBERS	PURPOSE
		Various Sections	Amend Historic District Permits for Certificate of Appropriateness
		3.10.7	Board of Architectural Review Time Limits
		4.12, D	Clarify Overlay and Special Purpose
		7.5 H-1	Revise Section Title
		Various Sections	Clarify Overlay, Historic District
2009-O-13	September 9, 2009	6.3.2	Add Veterinary Hospitals in B-1 District
2009-O-20	Ocber 14, 2009	10.3.3	Add Section Traditional Design Option
2009-O-21	October 29, 2009	6.7 I-1	Add I-1 Transitional Land Use
		18.1.10A	Define Arts Center
2009-O-22	November 10, 2009	Articles 12 and 18	Tree Amendments
2010-O-001	January 12, 2010	3.10.12	Permit administrative extensions of Certificate of Apprpriateness validity
		3.10.14.B.	Amending the appeal standard for appeals of BAR decisions to Town Council
		3.11.15.B.	Amending the appeal standard for appeals of BAR decisions to Town Council
2010-O-002	January 26, 2010	Article 15	Permit A-frame/sandwich board signs in commercial districts
2010-O-003	January 26, 2010	Articles 6 & 9	Permit recreational facilities in I-1 District existing buildings
2010-O-004	January 26, 2010	Articles 9, 17 & 18	Enhance effectiveness of residential excessive occupany regulations
2010-O-018	August 10, 2010	Articles 5 and 9	Permit single-family attached (townhouse) dwelling units in the R-22 Multi-Family Residential District
2010-O-020	September 28, 2010	Articles 6, 9 & 18	Permitting Cattery in the B-2, B-3 and I-1 Districts by right.
2010-O-027	December 14, 2010	Articles 3, 7 & 15	Sign Regulation Amendments
2011-O-001	February 8, 2011	Articles 13 & 18	Flood Protection Amendments
2011-O-010	April 26, 2011	Articles 3, 5, 6, 7, 9, 10, 11 & 18	2010 Batch Amendments
2011-O-012	May 24, 2011	Articles 6 & 10	B-1 Increased Height to 65 feet
2011-O-017	July 12, 2011	Articles 6, 9 and 18	Adding Crematorium as an Accessory use to a Funeral Home
2011-O-018	September 13, 2011	Articles 9 & 18	Adding “Fair” as a permitted temporary use in the R-1 District
2012-O-004	February 14, 2012	Articles 3, 6, 7, 9, 10, 11, 12, 13 & 18	2011 Batch Amendment
2012-O-011	April 10, 2012	Articles 5 and 9	Extended Family Residence by-right

ORDINANCE NO.	ADOPTION DATE	SECTION NUMBERS	PURPOSE
2012-O-012	April 10, 2012	Article 9	Permitting Dance Lessons as a permitted Home Occupation
2012-O-019	November 1, 2012	Article 15	To establish sign regulations for Vehicle Sales Dealerships
2012-O-020	December 11, 2012	Articles 3, 6, 7, 9, 12, 15, 17 & 18	2012 Batch Amendment
2013-O-002	January 8, 2013	Articles 7, 9, 11 & 18	Crescent Design District
2013-O-010	April 23, 2013	Articles 9 & 18	Revising the definition and uses permissible as part of a Neighborhood Retail Convenience Center
2013-O-015	September 24, 2013	Articles 6, 9 & 18	To update definitions and regulations related to Family Day Homes and Child Care Centers
2014-O-002	January 14, 2014	Articles 6, 9 & 13	(A) To permit Microbrewery as a permitted use in the B-1, B-2, B-3 and B-4 Zoning Districts. (B) To eliminate the requirement for special exception approval for utilities, public facilities and improvements in the floodplain.
2014-O-008	March 25, 2014	Article 10	To permit a reduction of the setback for HVAC Equipment
2015-O-004	February 10, 2015	Articles 3, 6, 8, 9, 10, 11, 12, 13, 15 & 18	2014 Batch Amendment

Contents

Article 1 | Introduction 1-1
Sec. 1.1 Title 1-1
Sec. 1.2 Authority 1-1
Sec. 1.3 Jurisdiction 1-2
Sec. 1.4 Effective Date 1-2
Sec. 1.5 Purpose 1-2
Sec. 1.6 Implementation of the Town Plan 1-2
Sec. 1.7 Commentary 1-2
Sec. 1.8 Rules of Interpretation/Construction of Language 1-2
Sec. 1.9 Conflicting Provisions 1-4
Sec. 1.10 Transitional Provisions 1-4
Sec. 1.11 Severability 1-6
Article 2 | Review and Decision-Making Bodies 2-1
Sec. 2.1 Town Council 2-1
Sec. 2.2 Planning Commission 2-2
Sec. 2.3 Board of Architectural Review 2-3
Sec. 2.4 Board of Zoning Appeals 2-5
Sec. 2.5 Zoning Administrator 2-8
Sec. 2.6 Land Development Official 2-9
Article 3 | Review and Approval Procedures 3-1
Sec. 3.1 General 3-4
Sec. 3.2 Zoning Ordinance Text Amendments 3-13
Sec. 3.3 Zoning Map Amendments (Rezonings) 3-14
Sec. 3.4 Special Exceptions 3-22
Sec. 3.5 Temporary Use Permits 3-29
Sec. 3.6 Demolition Permits 3-30
Sec. 3.7 Zoning Permits 3-30
Sec. 3.8 Wall Check Plat 3-32
Sec. 3.9 Application for Occupancy Permit 3-32
Sec. 3.10 Certificate of Appropriateness (H-1 Overlay: Old and Historic District) 3-33
Sec. 3.11 Architectural Control Certificates of Appropriateness (H-2 Corridor District) 3-38
Sec. 3.12 Commission Permits (Public Project Review) 3-42
Sec. 3.13 Variances 3-44
Sec. 3.14 Appeals of Administrative Decisions 3-47
Sec. 3.15 Appeals of Proffer Interpretations 3-49
Sec. 3.16 Town Plan Amendments 3-50
Sec. 3.17 Affordable Dwelling Unit Development 3-54
Sec. 3.18 Interim Waivers 3-61
Sec. 3-19 Written Zoning Intrepretations 3-62
Article 4 | Zoning Districts (In General) 4-1
Sec. 4.1 Establishment of Zoning Districts 4-1
Sec. 4.2 Zoning District Hierarchy 4-2
Sec. 4.3 Zoning Upon Annexation 4-2
Sec. 4.4 Zoning Map 4-3
Article 5 | Residential Zoning Districts 5-1
Sec. 5.1 R-E, Single-Family Residential Estate District 5-2
Sec. 5.2 R-1, Single-Family Residential District 5-3
Sec. 5.3 R-2 Single-Family Residential District 5-5

Sec. 5.4 R-4, Single-Family Residential District 5-6
Sec. 5.5 R-6, Moderate Density Residential District 5-8
Sec. 5.6 R-HD, Historic Residential District 5-10
Sec. 5.7 R-8, Medium-Density Attached Residential District 5-11
Sec. 5.8 R-16, Planned Housing Development District 5-13
Sec. 5.9 R-22, Multi-Family Residential District 5-14
Sec. 5.10, Residential Zoning District Regulations for the Provision of ADUs 5-16
Article 6 | Nonresidential Districts 6-1
Sec. 6.1 O-1, General Office District 6-1
Sec. 6.2 Reserved 6-3
Sec. 6.3 B-1 Community (Downtown) Business District 6-3
Sec. 6.4 B-2, Established Corridor Commercial District 6-7
Sec. 6.5 B-3, Community Retail/Commercial District 6-10
Sec. 6.6 B-4, Mixed-Use Business District 6-13
Sec. 6.7 I-1, Industrial/Research Park District 6-16
Article 7 Overlay and Special Purpose Districts 7-1
Sec. 7.1 General 7-2
Sec. 7.2 MC Medical-Hospital Center (Special Purpose) District 7-3
Sec. 7.3 GC Government Center (Special Purpose) District 7-4
Sec. 7.4 MA, Municipal Airport (Special Purpose) District 7-5
Sec. 7.5 H-1, Overlay, Old and Historic Overlay District 7-7
Sec. 7.6 H-2, Historic Corridor Architectural Control Overlay District 7-13
Sec. 7.7 A-1, Airport Overlay District 7-15
Sec. 7.8 NAC, Noise Abatement Corridor Overlay District 7-21
Sec. 7.9 Noise Limitations and Enforcement 7-22
Sec. 7.10 Crescent Design District 7-23
Article 8 | Planned Development Districts 8-1
Sec. 8.1 General 8-2
Sec. 8.2 Procedures 8-2
Sec. 8.3 General Development Standards 8-9
Sec. 8.4 PRN, Planned Residential Neighborhood District 8-15
Sec. 8.5 PRC, Planned Residential Community District 8-17
Sec. 8.6 PEC, Planned Employment Center District 8-19
Article 9 | Use Regulations 9-1
Sec. 9.1 General 9-2
Sec. 9.2 Use Table 9-4
Sec. 9.3 Use Standards 9-8
Sec. 9.4 Accessory Uses 9-27
Sec. 9.5 Temporary Uses 9-35
Sec. 9.6 Business Special Events 9-38
Sec. 9.7 Dwelling Unit Occupancy 9-39
Article 10 | Density/Intensity + Dimensional Standards 10-1
Sec. 10.1 Residential Zoning Districts 10-1
Sec. 10.2 Nonresidential Zoning Districts 10-2
Sec. 10.3 Alternative Residential Development Options 10-4
Sec. 10.4 Measurements, Computations and Exceptions 10-13
Article 11 | Parking, Loading and Pedestrian Access 11-1
Sec. 11.1 General 11-2
Sec. 11.2 Pedestrian Access 11-2
Sec. 11.3 Number of Parking Spaces Required 11-3

Sec. 11.4 Alternative Parking Provisions 11-6
Sec. 11.5 Use of Parking and Loading Areas 11-10
Sec. 11.6 Parking and Loading Area Design Standards 11-10
Sec. 11.7 Maintenance 11-16
Sec. 11.8 Stacking Spaces 11-16
Sec. 11.9 Number of Off-Street Loading Spaces Required 11-17
Sec. 11.10 Alternative Loading Provisions 11-18
Sec. 11.11 Sight Distance 11-18
Sec. 11.12 Administration 11-19
Article 12 | Landscaping, Screening, Open Space and Lighting 12-1
Sec. 12.1 General 12-2
Sec. 12.2 Administration 12-3
Sec. 12.3 Twenty-Year Tree Canopy Requirements 12-5
Sec. 12.4 Street Trees 12-8
Sec. 12.5 Perimeter Parking Lot Landscaping 12-9
Sec. 12.6 Interior Parking Lot Landscaping 12-10
Sec. 12.7 Modified Parking Lot Landscaping Standards 12-11
Sec. 12.8 Buffers and Screening 12-12
Sec. 12.9 Plant Material Specifications 12-20
Sec. 12.10 Open Space 12-29
Sec. 12.11 Outdoor Lighting 12-31
Article 13 | Flood Protection 13-1
Sec. 13.1 General 13-1
Sec. 13.2 Use Regulations 13-3
Sec. 13.3 Variances 13-4
Sec. 13.4 Existing Structures in Floodplains 13-6
Sec. 13.5 Signs in Floodplains 13-6
Article 14 | Creek Valley Buffer 14-1
Sec. 14.1 Purpose and Intent 14-1
Sec. 14.2 Buffer Setbacks 14-1
Sec. 14.3 Effect of Buffer 14-2
Sec. 14.4 Existing Lots of Record 14-3
Sec. 14.5 Development Criteria 14-3
Sec. 14.6 Permitted Uses 14-3
Article 15 | Sign Regulations 15-1
Sec. 15.1 General 15-4
Sec. 15.2 Sign Permit Required 15-4
Sec. 15.3 Definitions 15-5
Sec. 15.4 Exemptions 15-9
Sec. 15.5 Prohibited Signs 15-11
Sec. 15.6 Temporary Signs 15-13
Sec. 15.7 Regulations Applicable to All Signs 15-14
Sec. 15.8 Signs in Residential Zoning Districts 15-20
Sec. 15.9 Signs in Nonresidential Zoning Districts 15-21
Sec. 15.10 Signs in Floodplains 15-24
Sec. 15.11 Signs in the H-1 Overlay District 15-24
Sec. 15.12 Signs in the H-2 Overlay District 15-25
Sec. 15.13 Comprehensive Sign Plans 15-26
Sec. 15.14 Sign Permit Procedures 15-28
Sec. 15.15 Temporary Sign Permit Procedures 15-29

Sec. 15.16 Expiration of Sign Permits 15-29
Sec. 15.17 Removal of Illegal Signs 15-29

Article 16 | Nonconformities 16-1
Sec. 16.1 General 16-1
Sec. 16.2 Nonconforming Uses 16-2
Sec. 16.3 Nonconforming Structures 16-3
Sec. 16.4 Nonconforming Lots 16-4
Article 17 | Enforcement and Penalties 17-1
Sec. 17.1 General 17-1
Sec. 17.2 Types of Violations 17-2
Sec. 17.3 Enforcement Procedures and Remedies 17-4
Sec. 17.4 Additional Remedies 17-5
Article 18 | Definitions 18-1
Sec. 18.1 Terms Defined 18-5

Article 1 | Introduction

Contents of Article

Sec. 1.1 Title 1-1
Sec. 1.2 Authority 1-1
Sec. 1.3 Jurisdiction 1-2
Sec. 1.4 Effective Date 1-2
Sec. 1.5 Purpose 1-2
Sec. 1.6 Implementation of the *Town Plan* 1-2
Sec. 1.7 Commentary 1-2
Sec. 1.8 Rules of Interpretation/Construction of Language 1-2
1.8.1 Meanings and Intent 1-2
1.8.2 Headings, Illustrations and Text 1-2
1.8.3 Lists and Examples 1-2
1.8.4 Computation of Time 1-3
1.8.5 References to Other Regulations and Publications 1-3
1.8.6 Delegation of Authority 1-3
1.8.7 Technical and Nontechnical Terms 1-3
1.8.8 Public Officials and Agencies 1-3
1.8.9 Mandatory and Discretionary Terms 1-3
1.8.10 Conjunctions 1-3
1.8.11 Tenses and Plurals 1-3
Sec. 1.9 Conflicting Provisions 1-4
1.9.1 Repeal 1-4
1.9.2 Conflict with State or Federal Regulations 1-4
1.9.3 Conflict with Other Town Regulations 1-4
1.9.4 Conflict with Private Easements, Agreements or Covenants; Enforcement 1-4
Sec. 1.10 Transitional Provisions 1-4
1.10.1 Violations Continue 1-4
1.10.2 Nonconformities Under Previous Ordinance or Resolution 1-4
1.10.3 Existing Special Exception Uses 1-5
1.10.4 Existing Variances 1-5
1.10.5 Pending Applications 1-5
Sec. 1.11 Severability 1-6

Sec. 1.1 Title

This ordinance and the Official Zoning Map shall be officially known and cited as the “Zoning Ordinance of the Town of Leesburg.” It is referred to herein as the “Zoning Ordinance” or “this Ordinance.”

Sec. 1.2 Authority

This Zoning Ordinance is adopted pursuant to the powers granted and limitations imposed by Section 15.2-2280 et seq., of the Code of Virginia, 1950, as amended.

Sec. 1.3 Jurisdiction

The provisions of this Zoning Ordinance shall apply to all property within the corporate limits of the Town of Leesburg, Virginia, excepting those areas determined by law to be under the sovereign control of the United States of America or the Commonwealth of Virginia.

Sec. 1.4 Effective Date

Except as otherwise expressly stated herein, the provisions of this Zoning Ordinance shall become effective February 25, 2003.

Sec. 1.5 Purpose

This Zoning Ordinance is adopted in order to protect the health, safety, and welfare of the residents of Leesburg; to advance the objectives set out in Section 15.2-2200 of the Code of Virginia, 1950, as amended; and to implement the Leesburg *Town Plan*.

Sec. 1.6 Implementation of the *Town Plan*

This Zoning Ordinance has been prepared in accordance with the *Town Plan.* It is intended that decisions made pursuant to this Zoning Ordinance will implement and be consistent with the goals and objectives contained in the *Town Plan.* Developments that were legally established under regulations that predate this Zoning Ordinance will not be deemed inconsistent with the *Town Plan*.

Sec. 1.7 Commentary

Commentaries are included in this Zoning Ordinance whenever necessary to clarify the intent of a specific provision or provide additional information. These commentaries are a guide for administrative officials and the public to use in interpreting and understanding the Zoning Ordinance. Should any conflicts between the commentary and the general text of the Zoning Ordinance be found, the general text shall control.

Sec. 1.8 Rules of Interpretation/Construction of Language

1.8.1 Meanings and Intent

All provisions, terms, phrases and expressions contained in this Zoning Ordinance shall be construed according to the purpose set out in Sec. 1.5.

1.8.2 Headings, Illustrations and Text

In case of any difference of meaning or implication between the text of this Zoning Ordinance and any heading, drawing, table, figure, or illustration, the text shall control.

1.8.3 Lists and Examples

Unless otherwise specifically indicated, lists of items or examples that use terms such as “including,” “such as,” or similar language are intended to provide examples and not to be exhaustive lists of all possibilities.

1.8.4 Computation of Time

All references to “days” are to calendar days unless otherwise expressly stated. The time in which an act is to be completed shall be computed by excluding the first day and including the last day. If the last day is a Saturday, Sunday, or holiday observed by the town, that day shall be excluded. For example, Sec. 3.1.3.B gives staff 10 business days to accept or reject a rezoning application for processing. If an application is filed on Thursday, November 15th, staff has until close of business Thursday, November 29th to accept or reject the application. Because the 15th is the day the application was filed it is excluded; likewise, Saturdays and Sundays are excluded because only business days are counted in this case.

1.8.5 References to Other Regulations and Publications

Whenever reference is made to a resolution, ordinance, statute, regulation, or document, that reference shall be construed as referring to the most recent edition of such regulation (as amended), resolution, ordinance, statute, or document or to the relevant successor document, unless otherwise expressly stated.

1.8.6 Delegation of Authority

Whenever a provision appears requiring the head of a department or another officer or employee of the town to perform an act or duty, that provision shall be construed as authorizing the department head or officer to delegate that responsibility to others over whom the department head or officer has authority.

1.8.7 Technical and Nontechnical Terms

Words and phrases shall be construed according to the common and approved usage of the language, but technical words and phrases that have acquired a particular and appropriate meaning in law shall be construed and understood according to such meaning.

1.8.8 Public Officials and Agencies

All public officials, bodies, and agencies to which references are made are those of the Town of Leesburg unless otherwise expressly provided. Whenever reference is made to a public official’s title or name of a public agency, that reference shall be construed as referring to the most up-to-date title or agency name, or to the relevant successor official or agency.

1.8.9 Mandatory and Discretionary Terms

The words “shall,” “will,” and “must” are mandatory. The words “may” and “should” are advisory and discretionary terms.

1.8.10 Conjunctions

Unless the context clearly suggests the contrary, conjunctions shall be interpreted as follows: the word “and” indicates that all connected items, conditions, provisions, or events apply; and the word “or” indicates that 1 or more of the connected items, conditions, provisions, or events may apply.

1.8.11 Tenses and Plurals

Words used in one tense (past, present, or future) include all other tenses, unless the context clearly indicates the contrary. The singular includes the plural, and the plural includes the singular.

Sec. 1.9 Conflicting Provisions

1.9.1 Repeal

All Zoning Ordinances, maps or parts thereof in conflict with the provisions of this Zoning Ordinance are hereby repealed. Except as expressly provided in this Zoning Ordinance, such repeal shall not affect or impair any act done, offense committed or right accrued, or liability, penalty, forfeiture or punishment incurred prior to the time such repeal takes affect; the same may be enjoyed, asserted, enforced, prosecuted or inflicted, as fully and to the same extent as if such repeal had not been affected.

1.9.2 Conflict with State or Federal Regulations

If any provision of this Zoning Ordinance is inconsistent with Virginia or federal law, the more restrictive provision shall control, to the extent permitted by law.

1.9.3 Conflict with Other Town Regulations

If the provisions of this Zoning Ordinance are inconsistent with one another, or if they conflict with provisions found in other adopted ordinances or regulations of the town, the more restrictive provision will control. No text amendment, zoning variance or condition of approval attached to any form of development approval under this Zoning Ordinance shall have the effect of nullifying, abrogating or diminishing the provisions of any other town ordinance.

1.9.4 Conflict with Private Easements, Agreements or Covenants; Enforcement

This Zoning Ordinance is not intended to abrogate, annul, or otherwise interfere with any private easement, agreement, covenant, restriction or other private legal relationship. However, where the regulations of this Zoning Ordinance are in conflict with, or more restrictive or impose higher standards than such easements, agreements, covenants or other private legal relationships, the regulations of this Zoning Ordinance shall govern. The town is responsible for enforcing this Zoning Ordinance; it does not enforce private agreements, easements, covenants or restrictions.

Sec. 1.10 Transitional Provisions

The following transitional provisions shall apply to various activities, actions and other matters pending or occurring on February 25, 2003:

1.10.1 Violations Continue

Any violation of the previous zoning regulations of the town shall continue to be a violation under this Zoning Ordinance and shall be subject to penalties and enforcement under Article 17, unless the use, development, construction or other activity complies with the express terms of this Zoning Ordinance.

1.10.2 Nonconformities Under Previous Ordinance or Resolution

A legal nonconformity is a use, setback, lot width or the like that was legal at the time it was established but which no longer complies with the regulations of the Zoning Ordinance. Any legal nonconformity under the previous zoning regulations of the town shall be considered a legal nonconformity under this Zoning Ordinance, provided that the situation that resulted in the nonconforming status under the previous regulations continues to exist. Such legal nonconformity may continue in accordance with the provisions of Article 16 (Nonconformities). If, however, a legal nonconformity under prior ordinance becomes conforming as a result of the adoption of this Zoning Ordinance or any subsequent

amendment to this Zoning Ordinance, then such situation shall no longer be considered a legal nonconformity.

1.10.3 Existing Special Exception Uses

A. **Approved Special Exceptions** Any special exception lawfully approved prior to February 25, 2003, or any amendment thereof, shall continue to be valid after February 25, 2003, subject to the period of validity provided for in Sec. 3.4.16 (Termination of Use). Development in accordance with an approved special exception shall meet the requirements of this Zoning Ordinance, provided that in the event of any inconsistency between an approved special exception plat and the requirements of this Zoning Ordinance, development in accordance with the special exception plat shall be permitted.

B. **Existing Uses** Any use in legal existence prior to February 25, 2003, and still in legal existence on February 25, 2003, that is classified as a special exception use under this Zoning Ordinance shall be deemed to have special exception approval. Any expansion of such use shall require a new special exception approval in compliance with the procedures set out in Sec. 3.4 (Special Exceptions).

1.10.4 Existing Variances

Any variance lawfully approved prior to February 25, 2003, shall continue to be valid after such date. Development in accordance with an approved variance shall meet the requirements of this Zoning Ordinance, provided that in the event of any inconsistency between an approved variance and the requirements of this Zoning Ordinance, development in accordance with the approved variance shall be permitted.

1.10.5 Pending Applications

This Zoning Ordinance shall apply to all applications officially accepted after February 25, 2003, with the following exceptions:

A. **Rezonings and Special Exceptions**. All rezonings and special exception applications officially accepted prior to February 25, 2003, shall be processed pursuant to the provisions of the Zoning Ordinance in effect at the time of acceptance.

B. **Plats and Plans**. All preliminary or final subdivision plats, boundary line adjustments, Site Plan Waivers, plats of vacation or site plans officially accepted prior to February 25, 2003, shall be processed pursuant to the provisions of the Zoning Ordinance in effect at the time of acceptance.

C. **Proffers and Special Exception Conditions**. The text of this Zoning Ordinance shall apply to any property covered by a previous grant of zoning with proffered conditions pursuant to Section 15.2-2297 of the Code of Virginia except that in those cases where the requirements of this Zoning Ordinance conflict with a specific proffered condition, the proffered condition shall supersede the requirements of this Zoning Ordinance.

D. **Zoning Permit Issued/Plan Approval Issued Prior to Effective Date.** Nothing in this Zoning Ordinance shall require a change in any plans or construction for a structure where:

1. Zoning Permits**.** A Zoning Permit for such structure was lawfully issued prior to February 25, 2003, and the permit had not expired prior to February 25, 2003.
2. Site Plan or Subdivision Plat**.** A final site plan or subdivision plat, or any amendment thereof, was lawfully approved prior to February 25, 2003, and the approval had not by its own terms expired prior to February 25, 2003.
3. Right to Occupy as Nonconformity**.** Upon completion of any structure under subparagraphs 1 or 2 above, a Certificate of Occupancy shall be issued for the use designated on the zoning permit, subject thereafter to the provisions of Article 16 (Nonconformities).

Sec. 1.11 Severability

Should any article, section, clause, or provision of this Zoning Ordinance be declared by any Virginia or federal court of competent jurisdiction to be invalid, the same shall not affect the validity of this Zoning Ordinance as a whole, or any part thereof other than that which is so declared to be invalid.

Article 2 | Review and Decision-Making Bodies

Contents of Article

Sec. 2.1 Town Council 2-1
2.1.1 Powers and Duties 2-1
Sec. 2.2 Planning Commission 2-2
2.2.1 Purpose 2-2
2.2.2 Establishment; Consistency with Town Code 2-2
2.2.3 Powers and Duties 2-2
Sec. 2.3 Board of Architectural Review 2-3
2.3.1 Purpose 2-3
2.3.2 Authority and Establishment 2-3
2.3.3 Members, Compositions and Terms 2-3
2.3.4 Required Qualifications 2-4
2.3.5 Election of Officers 2-4
2.3.6 Procedure for Meeting 2-4
2.3.7 Powers and Duties 2-4
2.3.8 Rules of Procedure 2-5
2.3.9 Record of Meetings 2-5
2.3.10 Authority to Request Information 2-5
Sec. 2.4 Board of Zoning Appeals 2-5
2.4.1 Purpose 2-5
2.4.2 Establishment 2-5
2.4.3 Members, Compositions and Terms 2-5
2.4.4 Officers 2-6
2.4.5 Meetings and Hearings 2-6
2.4.6 Powers and Duties 2-7
2.4.7 Records 2-7
2.4.8 Annual Report 2-7
Sec. 2.5 Zoning Administrator 2-8
2.5.1 Powers and Duties 2-8
2.5.2 Response Time 2-9
Sec. 2.6 Land Development Official 2-9
2.6.1 Appointment 2-9
2.6.2 Powers and Duties 2-9

Sec. 2.1 Town Council

2.1.1 Powers and Duties

The Town Council shall have the following powers and duties under this Zoning Ordinance:

Zoning Ordinance Amendments. To initiate, consider and make final decisions upon proposed amendments to this Zoning Ordinance.

Zoning Map Amendments. To initiate, consider and make final decisions upon proposed amendments to the Official Zoning Map, including amendments to proffered conditions, and to hear and decide appeals of proffer interpretations made by the Zoning Administrator.

Special Exception Uses. To consider and make final decisions regarding special exception uses, as specified by this Zoning Ordinance.

Establish Fees. To establish fees, charges and other expenses imposed by this Zoning Ordinance.

Appoint Commissions and Boards. To appoint members of the Planning Commission, Board of Architectural Review and any other board or commission as now or as may be required by the Zoning Ordinance.

Enforce Zoning Ordinance. To take all actions necessary, including appropriate administrative and legal actions, to ensure the enforcement of these zoning regulations.

Application Submission Requirements. To adopt by resolution regulations specifying the information and materials required to be included for each application required under this Zoning Ordinance.

Sec. 2.2 Planning Commission

2.2.1 Purpose

The Planning Commission shall advise the Town Council on all matters relating to the orderly growth and development of the Town of Leesburg.

2.2.2 Establishment; Consistency with Town Code

The Planning Commission heretofore established pursuant to the provisions of Section 15.2-2210 of the Code of Virginia, 1950, as amended, shall continue as the Planning Commission and hold regular meetings in compliance with Chapter 13 of the Town Code of Leesburg.

2.2.3 Powers and Duties

In addition to those powers and duties established for the Planning Commission in Section 15.2-2210 and Section 15.2-2217 of the Code of Virginia, 1950, as amended, and Chapter 13 of the Town Code or as otherwise lawfully assigned, the Planning Commission shall have the following powers and duties:

Prepare Ordinance. To prepare and recommend amendments to the Zoning Ordinance.

Recommendations on Rezonings. To consider whether or not proposed Zoning Map amendments and proffered amendments are consistent with the overall goals and objectives of the *Town Plan*, and to make recommendations regarding all such amendments to the Town Council.

Review Comprehensive Plan. To review the Town comprehensive plan at least once every 5 years and recommend amendments

Recommendations on Special Exception Uses. To receive, hear and investigate applications for special exception uses under this Zoning Ordinance and, if the facts and conditions required by this Zoning Ordinance for the approval of such uses are found to be present, to recommend to the Town Council that the application be granted.

Conduct Public Hearings. To conduct such public hearings as may be required to gather information for the drafting, establishment and maintenance of the various components of the *Town Plan*, and such additional public hearings as are specified under the provisions of this Zoning Ordinance.

Commission Permits. To issue commission permits for streets, parks or other public areas, public building or public structure, public utility facility or public service corporation facility other than railroad facilities, whenever such public facility or area is not identified within the adopted

Town Plan, pursuant to the procedures of Section 15.2-2232 of the Code of Virginia, 1950, as amended.

Authority to Employ Staff and Consultants. Within the limits of funds generally appropriated for the performance of its duties, the Planning Commission may obtain the services of qualified persons to advise and assist the Planning Commission, and may obtain the equipment, supplies and other material necessary to its effective operation.

Authority to Request Information. The Planning Commission shall have the authority to request and receive information, cooperation, assistance, or studies from any town departments, boards, agencies or commissions.

> Commentary
>
> The Code of Virginia contains the following relevant provisions:
>
> Section 15.2-2217 Officers, employees and consultants; expenditures; rules and records; special surveys
>
> The local planning commission shall elect from the appointed members a chairman and a vice-chairman, whose terms shall be for one year. If authorized by the governing body the commission may (i) create and fill such other offices as it deems necessary; (ii) appoint such employees and staff as it deems necessary for its work; and (iii) contract with consultants for such services as it requires. The expenditures of the commission, exclusive of gifts or grants, shall be within the amounts appropriated for such purpose by the governing body.
>
> The commission shall adopt rules for the transaction of business and shall keep a record of its transactions which shall be a public record. Upon request of the commission, the governing body or other public officials may, from time to time, for the purpose of special surveys under the direction of the commission, assign or detail to it any members of the staffs of county or municipal administrative departments, or such governing body or other public official may direct any such department employee to make for the commission special surveys or studies requested by the local commission.
> See also Chapter 13 of the Town Code.

Other. To perform any other duties which may lawfully be assigned to it.

Sec. 2.3 Board of Architectural Review

2.3.1 Purpose

The purpose of the Board of Architectural Review shall be to administer the provisions of this Zoning Ordinance relating to Historic Districts and to advise the Town Council in its efforts to preserve and protect historic structures and sites within the town.

2.3.2 Authority and Establishment

The Board of Architectural Review heretofore established pursuant to the Section15.2-2306 of the Code of Virginia, 1950, as amended, and as authorized in Section 7A-2 of the Town Charter shall continue as the Board of Architectural Review for the purposes of this Zoning Ordinance.

2.3.3 Members, Compositions and Terms

The Board of Architectural Review shall consist of the following:

Composition. Nine (9) members including seven (7) voting members and two (2) non-voting members. One non-voting member shall be a Town Council member appointed by the Town Council and one non-voting member shall be a Planning Commission member appointed by the Planning Commission.

Terms. Appointment of voting members to serve on the Board of Architectural Review shall be as follows: In the year of an election, each newly elected or re-elected Council member, including the Mayor, may nominate one person to serve on the Board of Architectural Review. The Town Council shall vote to approve or disapprove the selection. The term of each Board member shall correspond to the official tenure of office of the Council member who nominated them. The term of the Town Council member and Planning Commission member shall correspond to their official tenure of office.

Reappointments. Members may be reappointed to serve consecutive terms**.**

Partial and Expired Terms. Members appointed as a result of resignation or removal of a member shall serve for the remaining term of the member they are replacing. A member whose term has expired shall continue to serve until a successor is appointed.

2.3.4 Required Qualifications

Qualified and acceptable candidates shall demonstrate an interest in historic preservation, and a majority of Board of Architectural Review members shall have professional training or equivalent experience in history, architectural history, archaeology, or planning. At least one member of the Board of Architectural Review shall be an architect. All persons appointed to the Board of Architectural Review shall be bona fide residents of the Town of Leesburg and shall have a demonstrated interest in and knowledge of the history of the community.

2.3.5 Election of Officers

The Board of Architectural Review shall elect its Chairman and Vice-Chairman from its membership, and the Director of Planning and Zoning or the Director's designee, shall be its recording secretary.

2.3.6 Procedure for Meeting

The Chairman shall conduct the meeting of the Board of Architectural Review. In the absence of the Chairman, the Vice-chairman shall preside. The recording secretary shall keep minutes of the meetings and a permanent record of all resolutions, motions, transactions and determinations. All members of the Board of Architectural Review shall be entitled to vote except the non-voting members appointed from the Planning Commission and the Town Council. Decisions of the Board of Architectural Review shall be determined by a majority vote of those members present and voting. A quorum of four voting members present is required before the Board of Architectural Review may take any official action.

2.3.7 Powers and Duties

The powers and duties of the Board of Architectural Review shall be as follows:

Decision Making Authority

A. Exterior Alterations. Review and decide upon exterior alterations to all structures (including buildings, bridges, signs, fences, walls, and monuments) or sites within the boundaries established by this Zoning Ordinance.

B. Demolition**.** Review and decide upon any proposed demolition within the boundaries of the H-1 and H-2 Overlay Districts.

C. New Construction**.** Review and decide upon all proposed new construction within the boundaries established by this Zoning Ordinance.

D. Relocation**.** Review and decide upon any proposed relocation of a structure (including buildings, bridges, signs, fences, walls, and monuments) within the boundaries established by this Zoning Ordinance.

E. Comprehensive Sign Plans**.** Review and make recommendations to the Town Council regarding comprehensive sign plans within the boundaries established by this Zoning Ordinance and in accordance with Sec. 15.14 (Comprehensive Signage Plans)**.**

Advisory Duties

F. List. Establish and maintain a list of structures, sites and areas having a special historical, architectural or aesthetic interest or value.

G. Recommend Designations. Make recommendations to the Town Council regarding the designation of individual sites for inclusion in the H-1 Overlay District, or establishment of a new district or landmark site.

H. Buffer-yard Modifications. Review modifications of buffer-yards in the H-1 Overlay District, in accordance with Sec. 12.8.5 (Modification of Screening and Buffer-yard Requirements).

Annual Report

I. Annual Report. Submit an annual report of its activities and decisions to the Town Council.

2.3.8 Rules of Procedure

In matters covering the procedure for meetings not covered by this article (e.g., schedules for regular periodic meetings), the Board of Architectural Review may establish its own rules, provided they are not contrary to the spirit of this section.

2.3.9 Record of Meetings

A record shall be kept of pertinent information presented at all public meetings and of all decisions by the Board of Architectural Review.

2.3.10 Authority to Request Information

In accordance with the powers, duties, and responsibilities imposed on the Board of Architectural Review by this Zoning Ordinance, the Board of Architectural Review shall have the power and authority to request and receive any appropriate information, cooperation, assistance, or studies from any town departments, board, agencies, or commissions.

Sec. 2.4 Board of Zoning Appeals

2.4.1 Purpose

The Board of Zoning Appeals shall perform those duties set forth in Article 7, Chapter 22, Title 15.2 of the Code of Virginia, 1950, as amended.

2.4.2 Establishment

The Board of Zoning Appeals heretofore established pursuant to the provisions of the Code of Virginia shall continue as the Board of Zoning Appeals for the purpose of this Zoning Ordinance.

2.4.3 Members, Compositions and Terms

The Board of Zoning Appeals shall consist of the following:

- Five (5) residents of the Town, appointed by the Circuit Court of Loudoun County.
- The term of office of each member shall be for five (5) years, with the term of one (1) member expiring each year.
- The Secretary of the Board of Zoning Appeals shall notify the court at least thirty (30) days in advance of the expiration of any term of office and shall also notify the court of any vacancy. Appointments to fill such vacancies shall be only for the unexpired portion of the term.
- Members may be reappointed to succeed themselves.
- A member whose term has expired shall continue to serve until a successor is appointed and qualifies.
- Members of the Board of Zoning Appeals shall hold no other public office in the Town, except that one (1) member may be a member of the Planning Commission.
- Any Board of Zoning Appeals member may be removed for malfeasance, misfeasance or nonfeasance in office, or for other just cause shown by the court that appointed him, after a hearing held no sooner than fifteen (15) days after notice to the member whose removal is sought.
- Any member of the Board of Zoning Appeals shall be disqualified to act on a matter before the Board of Zoning Appeals with respect to property pursuant to Section 2.1-636(11) of the Code of Virginia.

2.4.4 Officers

The Board of Zoning Appeals shall designate the following officers:

- **Chairman.** The Board of Zoning Appeals shall elect from its own membership a Chairman who shall serve an annual term and who may be elected to consecutive terms.
- **Vice-Chairman**. The Board of Zoning Appeals shall elect from its own membership a Vice-Chairman who shall serve an annual term and who may be elected to consecutive terms.
- **Secretary.** The Zoning Administrator or the Zoning Administrator's designee shall serve as secretary to the Board of Zoning Appeals and shall prepare minutes of meetings, keep all records and conduct official correspondence. A court stenographer may be employed to record such proceedings as the Board of Zoning Appeals may direct.

2.4.5 Meetings and Hearings

Meetings and hearings of the Board of Zoning Appeals shall be conducted in accordance with the following provisions:

- **Meetings and Hearings.** Meetings or hearings of the Board of Zoning Appeals shall be held at the call of the Chairman or Vice Chairman, or at the request of any two (2) members, provided that notice thereof has been mailed or delivered to each member of the Board of Zoning Appeals at least seven (7) days in advance of the meeting date, or that a waiver of such notice is obtained from each member. All hearings of the Board of Zoning Appeals shall be open to the public.

- **Quorum Required.** A quorum shall be necessary for the transaction of any official business, the taking of any action or for the conduct of a hearing. No less than a majority of all members of the Board of Zoning Appeals shall constitute a quorum.
- **Witnesses.** The presiding Chairman may compel the attendance of witnesses and administer oaths. All witnesses and speakers presenting facts and evidence before the Board of Zoning Appeals, including the Zoning Administrator when a party, shall give oath or affirmation regarding the truth of their statements.
- **Conduct.** Persons appearing before the Board of Zoning Appeals shall abide by the order and direction of the Chairman or Vice Chairman. Discourteous or disorderly or contemptuous behavior shall be regarded as a breach of the privileges extended by the Board of Zoning Appeals and shall be dealt with as the Chairman deems proper.

2.4.6 Powers and Duties

The Board of Zoning Appeals shall have the following powers and duties:

- **Appeals of Administrative Decisions.** To hear and decide appeals as provided in Sec. 3.14.
- **Variances.** To authorize variances from the terms of this Zoning Ordinance upon application in specific cases as provided in Sec. 3.13.
- **Appeals of Zoning Map Interpretations.** To hear and decide appeals from decisions of the Zoning Administrator regarding interpretation of the Official Zoning Map where there is uncertainty as to the location of a zoning district boundary. After notice to the owners of the property about any such interpretation, and after a public hearing thereon, the Board of Zoning Appeals shall interpret the map in a manner that carries out the purpose and intent of this Zoning Ordinance and shall be guided by the provisions of Sec. 4.4. The Board of Zoning Appeals does not have the power to rezone property or to change the location of zoning district boundaries as established by this Zoning Ordinance.
- **Other Matters.** To hear and decide all other matters referred to and upon which it is required to act by this Zoning Ordinance.
- **Procedures.** To make, alter and rescind rules and forms for its procedures, consistent with the ordinances of the Town and the general laws of the State.
- **Public Hearing Conduct Procedures.** To proscribe procedures for the conduct of public hearings it is required to hold.

2.4.7 Records

The Board of Zoning Appeals shall keep written records and minutes of all its proceedings, showing evidence presented, findings of fact by the Board of Zoning Appeals, and the vote of each member upon each question. All such records shall be kept on file in the office of the Zoning Administrator.

2.4.8 Annual Report

The Board of Zoning Appeals shall prepare an annual report to the Town Council summarizing all appeals and applications made to it and summarizing its decisions on such appeals and applications. At the same time the report is filed with the Town Council, copies shall also be filed with the Zoning Administrator, the Planning Commission, the Town Attorney and the Director of Planning and Zoning.

Sec. 2.5 Zoning Administrator

2.5.1 Powers and Duties

In accordance with Section 15.2-2286 of the Code of Virginia, 1950, as amended, the Zoning Administrator shall be responsible for the administration, interpretation and enforcement of the provisions of this Zoning Ordinance. The Zoning Administrator shall perform all required duties and act in accordance with the terms, purposes, intent and spirit of this Zoning Ordinance. The Zoning Administrator may be assisted in the enforcement of this Zoning Ordinance by the Loudoun County Health Officer, Chief of Police and all other officials of Leesburg, Virginia, pursuant to their respective fields. In addition to those responsibilities specifically prescribed elsewhere in this Zoning Ordinance, the Zoning Administrator shall have the following powers and duties:

A. **Receipt and Review of Applications**. To receive and/or review:

1. Zoning Permit applications; Certificate of Occupancy applications;
2. Variance applications;
3. Notices of Appeal to the Board of Zoning Appeals;
4. Landscape bonds; and
5. All other applications, certifications or materials required by this Zoning Ordinance to be submitted to the Zoning Administrator.

B. **Zoning Permits.** To issue zoning permits upon demonstration by the applicant that a proposed use or structure complies with all applicable ordinance requirements, including applicable Town Code requirements.

C. **Sign Permits.** To issue a sign permit for all signs requiring such a permit, as provided in Article 15.

D. **Occupancy Permits.** To authorize the issuance of zoning clearance for Occupancy Permits upon demonstration by the applicant that a proposed use or structure complies with all applicable zoning ordinance and Town Code requirements.

E. **Interpretations.** To issue written interpretations of this Zoning Ordinance upon written request. Such interpretations shall be binding as to the applicant and as to the specific facts presented in the application for interpretation after completion of the thirty (30) day appeal period specified in the Code of Virginia, 1950, as amended. When any applicant requesting a written order, requirement, decision, or determination from the Zoning Administrator that is subject to appeal provisions contained in Sec. 3.14 or Sec. 3.15 is not the owner or agent of the owner of the real property subject to the written order, requirement, decision or determination, written notice shall be given to the owner of real property subject to the request by the party making the request within ten (10) calendar days of the request. Such written notice shall be sent by registered or certified mail to the owner of the subject property at the last known address of the owner as shown on the current real estate tax assessment books or current real estate tax assessment records. Evidence of mailing written notice to the property owner shall be provided to the Zoning Administrator within twelve (12) calendar days of the request.

F. **Uses Not Specifically Listed.** Where a specific proposed use is not listed in the Zoning Ordinance, to issue an interpretation regarding whether the use is a permitted use, special exception use, or prohibited use within various zoning

districts. The Zoning Administrator shall be guided by the criteria set forth in Sec. 9.1.4.

G. **Maintain Zoning Ordinance.** To maintain a true and accurate copy of this Zoning Ordinance, including all amendments and interpretations and shall make the same available for public inspection.

H. **Maintain and Interpret the Official Zoning Map.** To interpret the Official Zoning Map as it relates to specific properties within the town. The Zoning Administrator shall also maintain the Official Zoning Map by indicating all rezonings and indicating proffered conditions associated with any such rezoning by an appropriate symbol, and shall make the same available for public inspection.

I. **Maintain Records.** To maintain permanent and current records required by this Zoning Ordinance, including but not limited to zoning permits and all official actions on administrative appeals, variances, special exceptions, conditionally permitted uses, ordinance amendments, rezonings, proffer amendments and other related land records. A separate index of proffered conditions shall also be maintained in accordance with Section 15.2-2300 of the Code of Virginia, 1950, as amended.

J. **Conduct Inspections.** To conduct appropriate and lawful inspections of properties, including buildings, structures, landscaping and uses of land to determine compliance with this Zoning Ordinance. When a violation is identified the Zoning Administrator shall notify in writing the person or persons responsible specifying the nature of the violation and ordering appropriate corrective action.

K. **Annual Report.** To prepare and submit an annual report to the Town Council regarding the administration of this Zoning Ordinance, setting forth such statistical data and information as may be of interest and value in advancing and furthering the purpose of this Zoning Ordinance.

L. **Enforce Zoning Ordinance.** To enforce the provisions of this Zoning Ordinance, the decisions of the Board of Zoning Appeals, and proffers and conditions approved by the Town Council.

M. **Other Duties.** To perform such other duties and responsibilities as authorized by the Town Manager and Director of Planning and Zoning in order to fulfill the purpose and intent of this Zoning Ordinance.

2.5.2 Response Time

The Zoning Administrator shall respond within ninety (90) days to all requests for decisions or determinations on matters within the scope of the Zoning Administrator's authority, unless the applicant or person making the request agrees to an extension of time.

Sec. 2.6 Land Development Official

2.6.1 Appointment

The Land Development Official shall be appointed by the Town Manager of the Town of Leesburg and shall be the Director of Planning and Zoning, the Director of Plan Review or other designee as designated by the Town Manager in the particular case.

2.6.2 Powers and Duties

The Land Development Official shall have the following powers and duties:

- **Transmit Applications.** To transmit all land development applications to the appropriate reviewing body and determine compliance with these ordinance requirements.
- **Waivers and Modifications.** To waive or modify various provisions of this Zoning Ordinance, as expressly specified in this Zoning Ordinance.
- **Other Duties.** To carry out other duties and responsibilities as authorized by the Town Manager to fulfill the purpose and intent of this Zoning Ordinance.

Article 3 | Review and Approval Procedures

Contents of Article

Sec. 3.1 General 3-4
3.1.1 Form of Application 3-4
3.1.2 Application Filing Fees 3-5
3.1.3 Application Completeness, Accuracy, and Substantial Amendment 3-5
3.1.4 Burden of Proof or Persuasion 3-6
3.1.5 Pre-Application Conference 3-6
3.1.6 Official Review 3-6
3.1.7 Reserved 3-6
3.1.8 Summary of Procedures 3-6
3.1.9 Public Hearing Notices 3-7
3.1.10 Inactive Applications 3-12
Sec. 3.2 Zoning Ordinance Text Amendments 3-13
3.2.1 Initiation of Text Amendments 3-13
3.2.2 Public Hearing Notice 3-13
3.2.3 Planning Commission Review and Recommendation 3-13
3.2.4 Town Council Review and Decision 3-13
3.2.5 Approval Criteria 3-13
Sec. 3.3 Zoning Map Amendments (Rezonings) 3-14
3.3.1 Purpose 3-14
3.3.2 Planned Developments 3-14
3.3.3 Initiation of Application 3-14
3.3.4 Pre-application Conference 3-15
3.3.5 Application Filing 3-15
3.3.6 Submittal Requirements 3-15
3.3.7 Request for Waivers/Modifications of Submittal Requirements 3-19
3.3.8 Consistency with Town Plan 3-19
3.3.9 Public Hearing Notice 3-19
3.3.10 Planning Commission Review and Recommendation 3-19
3.3.11 Request for Time Extension – Planning Commission 3-19
3.3.12 Town Council Review and Decision 3-19
3.3.13 Request for Time extension – Council 3-20
3.3.14 Withdrawal of Applications 3-20
3.3.15 Approval Criteria 3-20
3.3.16 Proffers 3-20
3.3.17 Successive Applications 3-21
3.3.18 Appeals 3-21
3.3.19 Amendment to Official Zoning Map 3-21
3.3.20 Minor Modifications 3-21
Sec. 3.4 Special Exceptions 3-22
3.4.1 Purpose and Intent 3-22
3.4.2 Initiation of Application 3-22
3.4.3 Pre-application Conference 3-22
3.4.4 Application Filing 3-22
3.4.5 Concurrent Review 3-23
3.4.6 Submittal Requirements 3-23
3.4.7 Waivers/Modifications of Submittal Requirements 3-25
3.4.8 Public Hearing Notice 3-26
3.4.9 Planning Commission Review and Recommendation 3-26
3.4.10 Town Council Review and Decision 3-26

3.4.11 Withdrawal of Applications 3-26
3.4.12 Approval Criteria 3-26
3.4.13 Compliance with Use Standards 3-26
3.4.14 Conditions and Safeguards 3-27
3.4.15 Amendments to Approved Special Exceptions 3-27
3.4.16 Termination of Use 3-28
3.4.17 Revocation 3-28
3.4.18 Successive Applications 3-28
3.4.19 Appeals 3-28
Sec. 3.5 Temporary Use Permits 3-29
3.5.1 Filing of Application 3-29
3.5.2 Agency Notification 3-29
3.5.3 Issuance or Denial of Permit 3-29
3.5.4 Termination 3-29
3.5.5 Renewals, Extensions 3-29
3.5.6 Revocation of Permit 3-29
3.5.7 Appeal 3-29
Sec. 3.6 Demolition Permits 3-30
3.6.1 Applicability 3-30
3.6.2 Exemptions 3-30
3.6.3 Application Submittal 3-30
3.6.4 Display of Permit 3-30
3.6.5 Lapse of Permit 3-30
Sec. 3.7 Zoning Permits 3-30
3.7.1 When Permits Required 3-30
3.7.2 Zoning Permit Fees 3-31
3.7.3 Application Submittal 3-31
3.7.4 Approved Plans 3-31
3.7.5 Site Plans 3-31
3.7.6 Standards for Issuance 3-31
3.7.7 Display of Permit 3-31
3.7.8 Review Time 3-31
3.7.9 Lapse of Permit 3-31
Sec. 3.8 Wall Check Plat 3-32
3.8.1 Wall Check Plat Required 3-32
Sec. 3.9 Application for Occupancy Permit 3-32
3.9.1 Certificates Required 3-32
3.9.2 Submittal Requirements 3-32
Sec. 3.10 Certificate of Appropriateness (H-1 Overlay: Old and Historic District) 3-33
3.10.1 Applicability 3-33
3.10.2 Required Contents of Applications 3-34
3.10.3 Application Filing Deadline and Fee 3-35
3.10.4 Public Hearing Notice 3-35
3.10.5 Review of Plans in a Timely Manner 3-35
3.10.6 Board Action on Applications; Review and Approval Criteria 3-35
3.10.7 Board Authority to Seek Outside Advice 3-35
3.10.8 Form of Decision 3-36
3.10.9 Explanation of Disapproval 3-36
3.10.10 Zoning Permits; Accurate Drawings of Approved Plans Required 3-36
3.10.11 Conformance with Permit Required 3-36
3.10.12 Lapse of Approval 3-36
3.10.13 Change of Plans after Issuance of Permit 3-36
3.10.14 Appeals 3-36

Sec. 3.11 Architectural Control Certificates of Appropriateness (H-2 Corridor Overlay District) 3-38
3.11.1 Applicability ... 3-38
3.11.2 Exemptions ... 3-38
3.11.3 Demolition Permit Review and Approval Criteria ... 3-38
3.11.4 Definitions ... 3-38
3.11.5 Required Contents of Applications ... 3-38
3.11.6 Form of Application ... 3-39
3.11.7 Public Hearing Notice ... 3-39
3.11.8 Review of Plans in a Timely Manner ... 3-39
3.11.9 Board Actions on Applications ... 3-39
3.11.10 Forms of Decision ... 3-39
3.11.11 Explanation of Disapproval ... 3-40
3.11.12 Accurate Drawings of Approved Plans Required ... 3-40
3.11.13 Conformance with Certificate Required ... 3-40
3.11.14 Administrative Approval of Certificates ... 3-40
3.11.15 Appeals ... 3-40
3.11.16 Lapse of Approval ... 3-41
Sec. 3.12 Commission Permits (Public Project Review) ... 3-42
3.12.1 Applicability ... 3-42
3.12.2 Exemptions ... 3-42
3.12.3 Initiation of Application ... 3-42
3.12.4 Application Filing ... 3-42
3.12.5 Submittal Requirements ... 3-42
3.12.6 Public Hearing Notice ... 3-44
3.12.7 Planning Commission Review and Recommendation ... 3-44
3.12.8 Town Council ... 3-44
3.12.9 Approval Criteria ... 3-44
3.12.10 Appeals ... 3-44
Sec. 3.13 Variances ... 3-44
3.13.1 Jurisdiction and Authority ... 3-44
3.13.2 Authorized Variances ... 3-44
3.13.3 Unauthorized Variance ... 3-45
3.13.4 Initiation of Application ... 3-45
3.13.5 Application Filing ... 3-45
3.13.6 Submittal Requirements ... 3-45
3.13.7 Public Hearing Notice ... 3-46
3.13.8 Board of Zoning Appeals Review and Decision ... 3-46
3.13.9 Approval Criteria ... 3-46
3.13.10 Applicant's Burden of Persuasion ... 3-46
3.13.11 No Use Variances ... 3-47
3.13.12 Conditions and Safeguards ... 3-47
3.13.13 Withdrawal of Application ... 3-47
3.13.14 Re-Application ... 3-47
3.13.15 Appeals ... 3-47
Sec. 3.14 Appeals of Administrative Decisions ... 3-47
3.14.1 Authority ... 3-47
3.14.2 Right to Appeal ... 3-47
3.14.3 Application Filing ... 3-48
3.14.4 Effect of Filing ... 3-48
3.14.5 Record of Administrative Decision ... 3-48
3.14.6 Public Hearing Notice ... 3-48
3.14.7 Board of Zoning Appeals Review and Decision ... 3-48

3.14.8 Approval Criteria; Findings of Fact 3-48
3.14.9 Appeals 3-49
3.14.10 Withdrawal of Application 3-49
Sec. 3.15 Appeals of Proffer Interpretations 3-49
3.15.1 Authority 3-49
3.15.2 Right to Appeal 3-49
3.15.3 Application Filing 3-49
3.15.4 Record of Administrative Decision 3-49
3.15.5 Public Hearing Notice 3-49
3.15.6 Town Council Review and Decision 3-50
3.15.7 Approval Criteria; Findings of Fact 3-50
3.15.8 Appeals 3-50
Sec. 3.16 Town Plan Amendments 3-50
3.16.1 Purpose 3-50
3.16.2 Initiation of Application 3-50
3.16.3 Pre-Application Conference 3-50
3.16.4 Application Filing 3-50
3.16.5 Submittal Requirements 3-51
3.16.6 Request for Waiver/Modifications of Submittal Requirements 3-52
3.16.7 Public Hearing Notice 3-53
3.16.8 Planning Commission Review and Recommendation 3-53
3.16.9 Town Council Review and Decision 3-53
3.16.10 Request for Time Extension – Council 3-53
3.16.11 Withdrawal of Applications 3-53
3.16.12 Approval Criteria 3-53
3.16.13 Successive Applications 3-53
Sec. 3.17 Affordable Dwelling Unit Development 3-54
3.17.1 Purpose 3-54
3.17.2 Applicability 3-54
3.17.3 Affordable Dwelling Unit Density Adjustments 3-56
3.17.4 Designation of Affordable Units on Plats 3-57
3.17.5 Timing of Construction/Availability of Affordable Units 3-57
3.17.6 Administration and Regulation 3-58
3.17.7 Modifications 3-58
3.17.8 Compliance with State/Federal/Local Laws 3-59
3.17.9 Violations and Penalties 3-59
3.17.10 Enforcement and Court Appeals 3-60
Sec. 3.18 Interim Waivers 3-61
Sec. 3.19 Written Zoning Interpretations 3-62
3.19.1 Written Interpretations. 3-62
3.19.2 Zoning Administrator's Response. 3-62
3.19.3 Appeals and Changes, Modifications or Reversals of Written Interpretations.. 3-62

Sec. 3.1 General

3.1.1 Form of Application

Applications required under this article must be submitted in a form and in such numbers as specified below. Application forms and checklists of required submittal information are available from the official responsible for accepting the application.

3.1.2 Application Filing Fees

A. Fee Required. Applications must be accompanied by the fee that has been established by the Town Council.

B. Fee Exemptions. Fees are not required with applications initiated by the Town Council, Planning Commission, Board of Zoning Appeals, County of Loudoun, Loudoun County Public Schools or fire and rescue companies. Application filing fees shall be required of any other public or private applicant**.**

C. No Refunds. Unless otherwise expressly stated in this article, application fees are nonrefundable.

3.1.3 Application Completeness, Accuracy, and Substantial Amendment

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

1. it is submitted in the required number and form;

2. it includes all mandatory information;

3. it is accompanied by the applicable fee;

4. all information material to the application is accurate. This provision does not preclude the identification and correction of inaccurate or misleading information submitted by the applicant after an application is accepted; and

5. Proof of Payment of all Taxes and Other Charges: Prior to submission of an application by the owner of the subject property, the owner's agent, or any entity in which the owner holds an ownership interest greater than 50 percent, for a Zoning Map Amendment, Zoning Concept Plan or Proffer Amendment, Special Exception, Variance, Site Plan, B.A.R. Permit, Zoning Permit, or prior to the issuance of final approval, applicant shall provide satisfactory evidence from the Director of Finance that any delinquent real estate taxes, nuisance charges, stormwater management utility fees due and any other charges that constitute a lien on the subject property, that are owed to the Town which have been properly assessed against the property have been paid. (Per Sec. 15.2-2286.B. of the Code of Virginia, 1950, as amended.)

B. Acceptance for Processing. Determination of application completeness shall be made within ten (10) business days of application filing except in the case of Variances and Appeals of Administrative Decisions, which shall be governed by the provisions of Sec. 3.13.5C and 3.14.3D If an application is determined to be incomplete, the Land Development Official shall provide written notice to the applicant along with an explanation of the application's deficiencies. No further processing of the application shall occur until the deficiencies are corrected. The deficiencies must be addressed by the applicant in writing within thirty (30) days of the date of the deficiency notice provided by the Land Development Official. If all of the deficiencies are not addressed, the application shall be considered withdrawn. In the event an application is deemed withdrawn under this provision, the applicant shall be entitled to a refund of 90 percent of the application filing fee.

C. Substantial changes after acceptance. During the review of an application, the proposed use, density/intensity or layout is substantially changed such that 1) there is an increase of 5% or more of the total number of residential units

proposed; or 2) there is an increase of 5% or more of total floor area for non-residential uses proposed; or 3) there is a re-arrangement/re-location of specified land uses, structures or land bays within the rezoning area; or 4) there are additional modification requests included after acceptance. When an application is resubmitted for continued review, the Land Development Official shall survey the application within ten (10) business days of receipt and render a finding as to whether the submitted information is deemed a substantial change to the application. If the Land Development Official finds the application has been substantially changed:

1. The Land Development Official shall provide a written determination of their finding.
2. Regardless of the number of prior reviews, the application shall revert to a first submission review, and the applicant shall request an extension of the application review period prescribed in this Section and such notice shall specify the required extension. The number of submissions shall remain unchanged and the application shall be subject to applicable review fees.
3. Upon receipt of the Land Development Official's written finding, the applicant will then have ten (10) business days to provide the Land Development Official with a written request to withdraw the additional information. If the applicant chooses to withdraw the information, then the application will proceed based on its original timeline.

3.1.4 Burden of Proof or Persuasion

In all cases, the applicant shall have the burden of establishing that an application complies with applicable approval criteria.

3.1.5 Pre-Application Conference

A pre-application conference is required in the case of Zoning Map Amendments (including Proffer Amendments and Concept Plan Amendments), Special Exception Applications and Town Plan Amendments. In all other cases, applicants are encouraged to schedule and attend a pre-application conference with the appropriate planning department staff prior to submitting an application for review under this article. The purpose of a pre-application conference is to inform the applicant of review procedures, submittal requirements, development standards, and other pertinent matters before the applicant finalizes the development proposal. Staff opinions presented during a pre-application conference are informational only and do not represent a commitment on behalf of the town regarding the acceptability of the development proposal.

3.1.6 Official Review

In conducting required reviews, the Land Development Official or the Zoning Administrator, as the case may be, shall be authorized to distribute the application and other submittals to other departments and agencies for the purpose of soliciting comments and ensuring that the proposal complies with all applicable standards and requirements.

3.1.7 Reserved

3.1.8 Summary of Procedures

The following table provides a summary of the procedures in this article. In the event of conflict between this summary table and the detailed procedures in this article, the detailed procedures shall govern.

Procedure	Section No.	Review and Decision-Making Authority					Notices (Written, Placard, Newspaper)
		Staff	PC	BZA	BAR	Council	
Zoning Ord. Text Amendments	3.2	R	<R>	—	—	<DM>	N
Zoning Map Amendments	3.3	R	<R>	—	—	<DM>	W, P, N
Special Exceptions	3.4	R	<R>	—	—	<DM>	W, P, N
Demolition Permits (BAR)	3.6	R			<DM>	<A>	W,P
Temporary Use Permits	3.5	DM	—	<A>	—	—	—
Zoning Permits	3.7	DM	—	<A>	—	—	—
Wall Check Plats	3.8	DM	—	<A>	—	—	—
Occupancy Permits	3.9	DM	—	<A>	—	—	—
Certificate of Appropriateness	3.10	R	—	—	<DM>	A	W, P
Architect. Control Cert. of Approval	3.11	R	—	—	<DM>	A	W, P
Commission Permits (Public Projects)	3.12	R	<DM>	—	—	<A>	W,P,N
Variances	3.13	R	—	<DM>	—	—	W, P, N
Administrative Decisions	3.14	DM	—	<A>	—	—	W, P, N*
Proffer Appeals	3.15	DM	—	—	—	<A>	N

PC = Plan. Comm.; BZA = Bd. of Zoning Appeals; BAR = Bd. of Architectural Review; Council = Town Council
R = Review Body (Responsible for Review and Recommendation)
DM = Decision-Making Body (Responsible for Final Decision to Approve or Deny)
A = Authority to hear and decide appeals of Decision-Making Body's action
<> = Public Hearing Required
*W,P,N notice only on appeal to BZA

3.1.9 Public Hearing Notices

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

A. Written Notice.

1. Landowner Initiated Cases**.** In any case involving a zoning map amendment, special exception or variance which is initiated at the request of a landowner, such landowner shall be designated by the Planning Commission, Town Council or Board of Zoning Appeals as the appropriate and responsible party for sending any written notice required by this section and Section 15.2-2204 of the Code of Virginia, 1950, as amended.

2. Cases Involving 25 or Fewer Tax Map Parcels**.** For a zoning map amendment, special exception or variance that involves 25 or fewer tax map parcels, the Planning Commission, Town Council, Board of Zoning Appeals, or designee as appropriate shall provide written notice of the public hearing to:

a. Owners, etc. The owner or owners, their agent or the occupant, of each parcel involved and to the owner or owners, their agent or the occupant, of all abutting property and property immediately across the street or road from the property affected, including those properties which lie in other localities of the Commonwealth.

b. **Planned Development District:** In addition, if any portion of the affected property is within a planned development district then written notice of a public hearing shall be provided to any incorporated property owners associations within the planned development district that have members owning property located within 2,000 feet of the affected property.

c. **Public Land:** In addition, when a proposed amendment to the zoning ordinance involves a tract of land not less than 500 acres owned by the Commonwealth or by the federal government, and when the proposed change affects only a portion of the larger tract, notice need be given only to the owners of those properties that are adjacent to the affected area of the larger tract.

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

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

3. Cases Involving More Than 25 Tax Map Parcels**.** For a zoning map amendment, special exception or variance application that involves more than 25 tax map parcels, the Planning Commission, Town Council, Board of Zoning Appeals, or designee as appropriate shall provide written notice of the public hearing to:

a. **Owners, etc.** The owner, owners, or their agent of each parcel involved and to the owner or owners, or their agent of all abutting property and property immediately across the street or road from the property affected, including those properties which lie in other localities of the Commonwealth.

b. **Planned Development District:** In addition, if any portion of property that is the subject of a proffered zoning map amendment and/or is within a planned development district then written notice of a public hearing shall be provided to any landowner subject to such existing proffered conditions in accordance with § 15.2-2302 of the Code of Virginia, 1950, as amended.

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

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

4. Zoning Ordinance changes that decrease density. For a Zoning Ordinance text change that decreases the allowed dwelling unit density of any parcel of land, the Planning Commission or its representative shall provide written notice of the public hearing to:

a. **Owners, etc.** The owner, owners or their agent of each parcel involved and to the owner or owners, or their agent of all abutting property and property immediately across the street or road from the property affected, including those properties which lie in other localities of the Commonwealth. However, written notice of such changes to zoning ordinance text regulations shall not have to be mailed to the owner, owners or their agents of lots shown on a subdivision plat approved and

recorded pursuant to the Subdivision and Land Development Regulations where such lots are less than 11,500 square feet.

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

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

5. Notice to Adjoining Localities**.** When a comprehensive plan amendment, zoning map amendment, or special exception application involves any parcel of land located within one-half mile of a boundary of an adjoining locality of the Commonwealth, written notice of the application shall be given by the local commission, or its representative, at least ten (10) calendar days before the hearing to the chief administrative officer, or his designee, of such adjoining locality.

6. Contents of Written Notice**.** All required written notice shall contain:

a. The time, date and place of hearing;

b. A brief description of the matter being heard;

c. Identification of the land that is the subject of the application (including the tax map number of the property and complete street address of the property, if any); and

d. The assigned case file number.

7. Notice by Town**.** Notwithstanding any other provisions of this section, whenever the notices required under this section are sent on behalf of an agency, department or division of the Town, such notice shall be sent by the Zoning Administrator and may be sent by first class mail; however, the Zoning Administrator shall make affidavit that such mailings have been made and file such affidavit with the papers in the case.

8. Certification**.** At least five (5) calendar days prior to the hearing, an affidavit, prepared by the person or persons, or their representative providing notice, shall be filed with the Director of Planning and Zoning certifying that written notices have been sent and such affidavit shall include a list of names of those to whom notice was sent. A copy of such affidavit shall be presented at the beginning of the public hearing on the application.

9. Failure to Receive Notice**.** Failure to receive any notice of a hearing required by this section, in and of itself, shall not invalidate any action taken at or subsequent to the hearing.

10. Condominium Ownership**.** In the case of a condominium, written notice may be sent to the unit owners' association instead of to each individual unit owner.

11. Notice to County. For a comprehensive plan amendment, a zoning map amendment, or special exception application involving any parcel of land located within one-half mile of a boundary of an adjoining locality in the Commonwealth, then written notice shall also be given by the Zoning Administrator to the chief administrative officer or his designee, of such adjoining locality. Such notice must be mailed at least ten (10) days prior to the hearing.

12. Notice to Airport Owner. For a comprehensive plan amendment, a zoning map amendment, or special exception application involving any parcel of land located within 3,000 feet of a boundary of a licensed public-use airport,

then written notice shall also be given at least thirty (30) days before the public hearing to the owner of the public-use airport, and the notice shall advise of the opportunity to submit comments or recommendations.

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

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

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

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

2. Contents of Placards**.** Placards shall contain:

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

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

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

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

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

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

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

d. In the case of a zoning map amendment, including an amendment to an approved concept plan, or a modification of ordinance regulations, the general usage and density range of the proposed zoning amendment, and the general usage and density range, if any, set forth in the Town Comprehensive Plan shall be included within the notice; and

e. The assigned case file number.

f. References to the place or places in the Town where copies of the proposed plans, ordinances or amendments may be examined.

3. Time of Newspaper Notice**.** The notice shall appear at least once a week for two (2) successive weeks with not less than six (6) days elapsing between the first and second publication. The second advertisement shall be published no more than twenty-one (21) calendar days and no fewer than five (5) calendar days prior to the public hearing.

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

1. Appeals to Town Council**.** Public hearings on appeals to the Town Council require that the Town provide newspaper notice of the hearing.

2. Appeals to Board of Zoning Appeals**.** Public hearings on appeals to the Board of Zoning Appeals require that the Town provide newspaper notice of the hearing.

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

F. Additional Notice Required.

1. Deferral**.** If an item is not heard at the time for which it was noticed and the public hearing is not opened, but is deferred at that time to another date, all notice required by this section shall be given for the deferred public hearing.

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

WRITTEN NOTICE REQUIREMENTS

Circumstance	Section	Written	Recipient	When/Mailing Type
Rezoning, S.E. or variance involving less than 25 parcels	3.1.9.A.2.a	Yes	See Sec. 3.1.9.2.a-d	10 days prior to hearing by registered or certified mail
Rezoning, S.E. or variance involving more than 25 parcels	3.1.9.A.3	Yes	See Sec. 3.1.9.2.a-b	10 days prior to hearing by registered or certified mail

Zoning Ordinance text change that decreases density	3.1.9.A.4	Yes	3.1.9.A.4.a	10 days prior to hearing by 1st class mail
Town Plan amendment, Rezoning or S.E. within ½ mile of adjoining locality	3.1.9.A.5	Yes	Chief admin. officer, or his designee, of such adjoining locality	10 days prior to hearing
Town Plan amendment, Rezoning or S.E. within 3,000 feet of public airport	3.1.9.A.12	Yes	Owner of airport	30 days prior to hearing
Town Plan amendment designates or alters routes of electric transmission lines of 150 kilovolts or more	3.1.9.A.13	Yes	Each electric utility with a certified service territory that includes any part of the designated routes	10 days prior to hearing
B.A.R. meeting	3.1.9.A.14	Yes	Adjacent property owners	10 days prior to hearing by 1st class mail

3.1.10 Inactive Applications

Any Zoning Map Amendment application or Special Exception application officially accepted as complete by the town for processing that later has processing suspended by request of the applicant or by lack of activity by the applicant for a period of six (6) months or more shall be deemed inactive. The period of inactivity shall be measured from the time staff issued comments or correspondence that required revisions to the application or some affirmative act in response by the applicant but no subsequent revisions or demonstrable progress toward approval of the application has been made.

A. Once an application is deemed inactive it may be reactivated by the applicant at any time in the following six (6) months. If an applicant wishes to reactivate an application during this subsequent six (6) month period, the applicant must notify the town in writing of their intent to proceed with the application, grant the town an appropriate extension of time and pay a reactivation fee as established by the Town Council. Any application that is not re-activated prior to the end of the allowed one (1) year period of inactivity shall lapse and be of no further effect and no further processing of the application shall occur. The application is considered withdrawn and a new application must be submitted with the appropriate fee. For example, if a rezoning application has been accepted and staff issued comments on July 1, 2003 but no response has been received from the applicant by January 1, 2004, the application is deemed inactive. If applicant makes no attempt to reactivate the application by June 30, 2004, the application is considered withdrawn.

B. Once an application is reactivated, the inactivity period rules still apply, so that a reactivated application can subsequently be deemed inactive again if suspended by request of the applicant or by lack of activity by the applicant for a period of six (6) months. Thereafter the process described above is repeated and the application will either be reactivated again or deemed withdrawn.

Sec. 3.2 Zoning Ordinance Text Amendments

Whenever the public necessity, convenience, general welfare, or good zoning practice requires, the Town Council may amend, supplement, change or repeal the regulations in the Zoning Ordinance in conformity with the provisions of Article 7, Chapter 22, Title 15.2 of the Code of Virginia, 1950, as amended and as set forth in this section.

3.2.1 Initiation of Text Amendments

Where the public necessity, convenience, general welfare and good zoning practice require it, amendments to the text of this Zoning Ordinance may be initiated by (1) Town Council through the adoption of a resolution of intention to consider amending the Zoning Ordinance or by (2) motion of the Planning Commission. Amendments may also be initiated by (3) a landowner who may file a petition asking the Town Council to consider a resolution of intent to amend the ordinance text. The Town Council shall either adopt such resolution, initiating the text amendment requested, or shall deny the petition.

3.2.2 Public Hearing Notice

The Planning Commission and Town Council shall hold public hearings on proposed Zoning Ordinance Text Amendments. Each public hearing requires notice as set out in Section 15.2-2204 of the Code of Virginia, 1950, as amended, and as set forth in 3.1.9.

3.2.3 Planning Commission Review and Recommendation

The Zoning Administrator shall set a time and a place for a public hearing by the Planning Commission on a proposed Zoning Ordinance Text Amendment. Following the public hearing, the Planning Commission shall forward the proposed amendment to the Town Council, together with its recommendation and a statement setting forth its reasons for such recommendation. The Planning Commission shall make its recommendation within 100 days after the first meeting of the Commission after the proposed amendment has been referred to it unless the Town Council specifies a shorter time period, or unless the proposed amendment has been withdrawn by the applicant prior to the expiration of the time period.

3.2.4 Town Council Review and Decision

Once the Planning Commission has forwarded a recommendation to the Town Council, the Zoning Administrator shall set a time and a place for a public hearing by the Town Council. The Town Council shall act upon a text amendment within twelve (12) months of the acceptance of the application unless the applicant requests or consents to action beyond that period or unless the proposed amendment has been withdrawn.

3.2.5 Approval Criteria

In acting on proposed text amendments, the Planning Commission and Town Council shall consider whether the proposal is consistent with the *Town Plan* and the stated purposes of this Zoning Ordinance (See Sec. 1.5).

Sec. 3.3 Zoning Map Amendments (Rezonings)

3.3.1 Purpose

Whenever the public necessity, convenience, general welfare, or good zoning practice requires, the Town Council may amend, supplement, change or repeal the regulations in the Zoning Ordinance, or the zoning boundaries or classification of property on the Zoning Map, in conformity with the provisions of Article 7, Chapter 22, Title 15.2 of the Code of Virginia, 1950, as amended and as set forth in this section.

3.3.2 Planned Developments

Planned Development Districts shall be established in accordance with the Zoning Map Amendment procedures of this section, as supplemented by the standards and procedures of Sec. 8.2.

3.3.3 Initiation of Application

Where the public necessity, convenience, general welfare and good zoning practice require it, amendments to the zoning boundaries or classification of property shown on the Zoning Map may be initiated (1) by resolution of the governing body or (2) by motion of the local planning commission. Amendments may also be initiated by (3) by petition of the owner, contract purchaser with the owner's written consent, or the owner's agent therefore, of the property which is the subject of the proposed zoning map amendment.

A. Subject to any applicable public notice or hearing requirement of subsection B but notwithstanding any other provision of law, any landowner subject to conditions proffered pursuant to § 15.2-2297, 15.2-2298, 15.2-2303, or 15.2-2303.1 of the Code of Virginia, 1950, as amended, may apply to the Town Council for amendments to or variations of such proffered conditions provided only that written notice of such application be provided in the manner prescribed by Sec. 3.1.9 Public Hearing Notices to any landowner subject to such existing proffered conditions. Further, the approval of such an amendment or variation by the Town Council shall not in itself cause the use of any other property to be determined a nonconforming use.

B. There shall be no such amendment or variation of any conditions proffered pursuant to § 15.2-2297, 15.2-2298, 15.2-2303, or 15.2-2303.1 of the Code of Virginia, 1950, as amended, until after a public hearing before the Town Council advertised pursuant to the provisions of Sec. 3.1.9 Public Hearing Notices. However, where an amendment to such proffered conditions is requested pursuant to subsection A, and where such amendment does not affect conditions of use or density, the Town Council may waive the requirement for a public hearing (i) under this section and (ii) under any other statute, ordinance, or proffer requiring a public hearing prior to amendment of such proffered conditions.

C. Once amended pursuant to this section, the proffered conditions shall continue to be an amendment to the Zoning Ordinance and may be enforced by the Zoning Administrator pursuant to the applicable provisions of this chapter.

D. Notwithstanding any other provision of law, no claim of any right derived from any condition proffered pursuant to § 15.2-2297, 15.2-2298, 15.2-2303, or 15.2-2303.1 of the Code of Virginia, 1950, as amended, shall impair the right of any landowner subject to such a proffered condition to secure amendments to or variations of such proffered conditions.

3.3.4 Pre-application Conference

Prior to filing an application, the applicant shall meet with representatives from the Department of Planning and Zoning to discuss the requirements and the nature of the proposal. For purposes of this conference, the applicant may provide a sketch plan of the proposed use drawn to scale, showing the general layout of the development and the relationship to the surrounding area. This sketch plan shall be submitted at least two weeks before the date of the pre-application conference. The results of the pre-application meeting shall be documented and distributed to the applicant and participating staff.

3.3.5 Application Filing

A. Rezoning applications shall be filed with the Department of Planning and Zoning. The required application form must be completed and signed by the applicant and owner(s) of the property.

B. Upon receipt of an application, the Land Development Official shall acknowledge acceptance or rejection of the application in writing within ten (10) business days from the date of submittal.

C. Upon acceptance of a completed application, the application shall be forwarded to all appropriate reviewing agencies for comment. Once the Department of Planning and Zoning has received all comments, the comments shall be forwarded to the applicant for resolution.

3.3.6 Submittal Requirements

All rezoning applications shall be accompanied by the following items. All rezoning applications in a Planned Development District shall submit the additional information required under Section 8.2 Procedures:

A. Application. An application, on a form provided by the town, completed and signed by the applicant and owner(s) of the property. The applicant shall keep this information current at all times during the processing of the application.

B. Fee. Associated fee, payable to the Town of Leesburg.

C. Disclosure Statement. A disclosure statement of the real parties in interest, on a form provided by the town, signed by the applicant and notarized, in accordance with Section 15.2-2289 of Code of Virginia, 1950, as amended. The applicant shall keep this information current at all times during the processing of the application.

D. Existing Conditions Plan.

1. Boundary outline of the subject property;
2. Existing planimetric information on the subject property;
3. Names and route numbers of all boundary roads or streets, and the width of existing rights-of-way;
4. Existing topography with 5’ contours;
5. Existing utility easements;

6. Structures within 200 feet of proposed structure or use;
7. Existing landscaping and treed areas; and
8. Scale, north arrow and date.

E. **Concept Plan.** Twenty (20) copies, or other number as determined by the Land Development Official, of a concept plan, drawn to a scale of 1 inch = 100 feet, or a scale agreed to by the Town, illustrating the following features:

1. Insert vicinity map;
2. Total area of property in square feet and acres;
3. Tax map parcel or pin number of the subject property;
4. Conceptual grading with 5' contours and directional arrows depicting overland drainage;
5. Scale, north arrow and date;
6. Adjacent owner names, zoning and use;
7. Vehicular and pedestrian points of access to the property;
8. Existing and proposed utility easements;
9. Conceptual sewer and water connections to each proposed structure;
10. Existing and proposed structures;
11. Required yards and height and proposed setbacks and building heights, both in tabular form and graphically shown on the Concept Plan;
12. Environmental and historic features, including but not limited to sites or structures listed on the National Register of Historic Places or the Virginia Landmarks Register, or in the *Town Plan* Historic Resources element;
13. Structures within 200 feet of proposed structure or use;
14. Existing and proposed landscaping, screening and buffering;
15. Tree save areas, which may include individual trees and groupings;
16. Additional information as may be required by the Land Development Official to provide a comprehensible application given the rezoning proposal. Any additional information that may be required will be discussed as part of the pre-application meeting;
17. Building Elevations for all new construction or major alterations to existing structures;
18. All submittal documents (e.g., Statement of Justification, proffers, etc.) shall be submitted in a word format (.DOC);
19. All plans shall be submitted in a digital format (.PDF and .DXF);
20. Where a proposed structure lies within 50' of the boundary of the property, cross-sections extending 50 feet from within the subject property and extending 50 feet into the adjoining property shall be provided;
21. Where a street is proposed, a typical section shall be provided. The typical section should include the location and dimensions of: curb and gutter, on-street parking (if provided), travel lanes, landscaping areas, and sidewalk. The section should extend from building face to building face or 20' beyond the paving section; and

22. A lighting plan shall be provided to depict the general location of lighting fixtures and their general lighting distribution pattern.

F. Statement of Justification. Twenty (20) copies, or other number as determined by the Land Development Official, of a written statement of justification describing:

1. The nature of the request and uses proposed;

2. Traffic Impact Summary that shall include the following: (1) a Trip Generation Table that lists the proposed land uses and the daily and peak hour trip generation as shown in the current edition of the Institute of Traffic Engineers Trip Generation Manual; (2) A Statement whether traffic impact does or does not require mitigation and a description of any proposed mitigation as concluded by the Traffic Impact Analysis; and (3) a description of any proposed public road improvements

3. Impacts on adjacent uses and measures proposed to mitigate such impacts;

4. Area calculations for each use;

5. Dwelling unit count and mix or proposed building Floor Area Ratio (F.A.R.);

6. Relationship of the proposal to the Town Plan;

7. Justifications for each of the required approval criteria; and

8. Any proposed variations or modifications of submittal requirements.

G. Traffic Impact Analysis. Traffic impacts, including the maximum expected trip generation and the distribution of such trips by mode and the time of day based on current Institute of Transportation Engineers (ITE) Manual, internal road network, and connection into the existing transportation network. A traffic study, as described in Article 7 of the Design and Construction Standards Manual, will be required for all applications where the proposed land use:

1. Is adjacent to a road that currently carries or is proposed to carry more than 500 vehicle trips per day (VPD); or

2. Contains a road proposed to carry more than 500 vehicle trips per day (VPD); or

3. Is adjacent to a road that currently or is proposed to carry 100 or more peak hour vehicle trips per day; or

4. If the traffic study for the proposed activity is more than one (1) year old.

5. Waiver Provision. This requirement may be waived at the discretion of the Land Development Official at the applicant's written request filed with the initial application. Any such waiver shall be based upon a finding that such analysis is unnecessary due to the existence of previous studies and analyses which adequately cover the extent of the proposed development and its traffic impact, or if applicant supplies adequate proof that the proposed use does not increase the number of employees or customers using the site, or if otherwise justified by the applicant. The Land Development Official shall set forth in writing the reasons for the determination.

H. Rezoning Plat. A rezoning plat, signed and sealed by a certified land surveyor, completed not longer than six (6) months in advance of the date of the application, that contains the following information:

1. Boundaries of the entire property, with bearings and distances of the perimeter property lines and of each existing and proposed zoning district.
2. Total area of the property and of each existing and proposed zoning district presented in square feet and acres.
3. Scale and north arrow, with north, to the extent feasible, oriented to the top of the plat.
4. Location of all existing buildings and structures.
5. Names and route numbers of all boundary roads or streets, and the width of existing rights-of-way

I. Proffers. If the applicant desires to proffer reasonable conditions along with the rezoning application, either a set of signed proffers or a draft set of proffers shall accompany the application.

J. Fiscal Impact Analysis. A fiscal impact analysis that demonstrates the long-term fiscal benefits and costs to the Town of the proposal.

K. Conceptual Grading Plan. A Conceptual grading plan is required for all rezoning applications. This plan shall be based upon field shot topography, aerial topography, or Loudoun County GIS topography and shall at a minimum include the following information:

1. Adequate existing and proposed contours and spot shots to confirm that adequate drainage and stormwater management can be provided for the site.
2. The location of potential SWM/BMP facilities including sufficient preliminary SWM/BMP computations to ensure that the site layout will not have to be significantly altered to provide these facilities at time of the construction drawings.
3. A clear depiction of the location of any potential areas of existing or proposed steep slopes (greater than 3:1) including locations and heights of any required retaining walls as well as any conceptual stabilization measures, proposed ground covers, etc.

L. Reduced Plat. An 8.5” × 11” reduction of the concept plan.

M. Archeological/Historic Information. Applicant shall provide the following information with the initial submission to determine if there are historic and/or archeological resources of local, state or national significance that are worthy of protection on the proposed site.

1. Structures, any portion of which was constructed prior to 1940, located on any portion of land designated to be rezoned, require an Intensive Level architectural survey conducted in accordance with State Historic Preservation Office (SHPO) survey standards by an individual or firm that meets the professional qualification standards set forth in 36 CFR 61, Appendix A to evaluate the structure and the site for its local, state, or national significance as an individual resource or as a district using:
   a. The National Register Criteria for Evaluation listed in 36 CFR 60.4; and
   b. The Criteria for Designation listed under Section 7.5.10.B.1 of the Zoning Ordinance.

2. A Phase I archeological survey shall be conducted in accordance with SHPO standards by an individual or firm that meets the professional qualification standards set forth in 36 CFR 61, Appendix A.
3. A letter from the State Historic Preservation Office concurring with the evaluation listed in “b” above.

3.3.7 Request for Waivers/Modifications of Submittal Requirements

Any submittal requirements that accompany the application (with the exception of the associated fee) may be waived by the Land Development Official. The applicant must clearly indicate by section and paragraph in the application and in a letter attached to the application, which waiver or modification is requested and provide a justification for each modification/waiver requested. To grant a waiver or modification the Land Development Official must determine that a requirement is not necessary for the full and adequate consideration of the application. The Land Development Official shall set forth in writing the reasons for such determination.

3.3.8 Consistency with Town Plan

All rezoning applications shall be reviewed for consistency with the *Town Plan*. Inconsistency with the *Town Plan* may be one reason for denial of an application.

3.3.9 Public Hearing Notice

The Planning Commission and Town Council shall each hold a public hearing on proposed Zoning Map Amendments. Each public hearing requires notice as set out in Section 15.2-2204 of the Code of Virginia, 1950, as amended, and as set forth in 3.1.9.

3.3.10 Planning Commission Review and Recommendation

Upon acceptance of a completed application, the Zoning Administrator shall set a time and a place for a public hearing by the Planning Commission. Following the public hearing, the Planning Commission shall forward the proposed amendment to the Town Council, together with a statement setting forth its reasons for such recommendation. If the Planning Commission has not forwarded a recommendation to the Town Council within one hundred (100) days of the date of the first scheduled Planning Commission meeting on the application, such inaction by the Planning Commission shall be deemed a recommendation of approval, unless the applicant has withdrawn the application or a time extension has been approved by the Planning Commission.

3.3.11 Request for Time Extension – Planning Commission

A written request to extend the 100-day time limit for Planning Commission review and recommendation may be made by the applicant at any time. The written request shall include a schedule for future submission of required information. The Planning Commission shall base its decision to grant an extension on an analysis of the progress being made on the application and the appropriateness of the schedule for future submissions that shall be provided by the applicant in conjunction with the request for a time extension. If a time extension is granted by the Planning Commission, the time period extension will commence on the expiration date of any previous time period extension or original 100-day time period.

3.3.12 Town Council Review and Decision

Once the Planning Commission has forwarded a recommendation to the Town Council, the Zoning Administrator shall set a time and a place for a public hearing by the Town Council on said amendment.

3.3.13 Request for Time extension – Council

A written request to extend the twelve-month time limit for Council review and recommendation may be made by the applicant at any time. The written request shall include a schedule for future submission of required information. The Council shall base its decision to grant an extension on an analysis of the progress being made on the application and the appropriateness of the schedule for future submissions that shall be provided by the applicant in conjunction with the request for a time extension. If a time extension is granted by the Council, the time period extension will commence on the expiration date of any previous time period extension or original date of application acceptance.

3.3.14 Withdrawal of Applications

Any application filed with the Town of Leesburg may be withdrawn upon written request by the applicant at any time. However, if the request for withdrawal is made after publication of the notice of hearing, such withdrawal shall be only with the consent of either the Planning Commission or the Town Council, whichever body has advertised the hearing. No new application concerning any or all of the same property shall be filed within twelve (12) months of the consent to withdrawal action unless the consent of action specifies that the time limitation shall not apply and permits the application to be withdrawn “without prejudice.”

3.3.15 Approval Criteria

The Planning Commission and Town Council shall use the following criteria, in addition to other reasonable considerations, in making their decision regarding approval or disapproval of a rezoning application:

A. Consistency with the *Town Plan,* including but not limited to the Land Use Compatibility policies*;*

B. Consistency with any binding agreements with Loudoun County, as amended, or any regional planning issues, as applicable;

C. Mitigation of traffic impacts, including adequate accommodation of anticipated motor vehicle traffic volumes and emergency vehicle access;

D. Compatibility with surrounding neighborhood and uses; and

E. Provision of adequate public facilities.

3.3.16 Proffers

As part of an application for a rezoning, a property owner may voluntarily proffer in writing the provision of reasonable conditions to apply in addition to the requirements provided for in the applicable regulations. If an applicant desires to proffer reasonable conditions, such proffered conditions may include written statements, site plans, profiles, elevations, and/or other demonstrative materials and shall be subject to the following procedures and regulations:

A. The applicant shall submit signed proffers in writing to the Land Development Official not less than twenty-one (21) calendar days prior to Planning Commission public hearing.

B. Any proffered conditions shall be signed by all persons having an ownership interest in the property and shall be notarized. Proffered conditions shall contain a statement that the owners voluntarily enter into the conditions contained therein.

C. Any proffered conditions shall run with the land and be under the control of the record owner.

D. Upon approval of a rezoning with proffers, any site plan, subdivision plat, or other application for development thereafter submitted shall be in conformance with all proffered conditions. No plan or plat shall be approved without said conformance.

E. For purposes of this section, conformance shall be determined by the Zoning Administrator and shall mean that conformance which leaves a reasonable margin for adjustment due to final design and engineering data but conforms with the general nature of the development, the specific uses, and the general layout depicted by the plans, profiles, elevations and other demonstrative materials proffered by the applicant.

F. Once signed proffered conditions are submitted and the public hearing before the Town Council has begun, no substantial modification to any proffered condition shall be made unless, by majority vote, the Town Council authorizes such modification.

3.3.17 Successive Applications

Upon denial by the Town Council of any rezoning application, no new application concerning any or all of the same property shall be filed within twelve (12) months of the date of denial unless the Council action specifies that this time limitation shall not apply.

3.3.18 Appeals

An action contesting a decision of the Town Council, adopting or failing to adopt a proposed Zoning Map Amendment, shall be filed within thirty (30) days of the decision with the circuit court having jurisdiction of the land affected by the decision.

3.3.19 Amendment to Official Zoning Map

No changes or amendments to the Official Zoning Map shall be adopted, except in compliance and conformity with all procedures and requirements of this Zoning Ordinance. If, in accordance with procedures of this Zoning Ordinance, changes are made in district boundaries or other such information portrayed on the Official Zoning Map, such changes shall be made by the Zoning Administrator within thirty (30) days after adoption of the amendment. It shall be unlawful for any person to make any unauthorized change in the Official Zoning Map.

3.3.20 Minor Modifications

A Minor Modification to the approved rezoning concept plan or proffers may be approved at the sole discretion of the Land Development Official where it is determined that the following criteria are met:

A. Changes are limited to minor layout, design or dimensional modifications in response to issues of topography, drainage, underground utilities, structural safety, vehicular circulation or requirements of government agencies;

B. There are no negative impacts to the surrounding properties;

C. Modifications shall not include the addition of any structure or addition to any structure in excess of five percent (5%) or 2,500 square feet, whichever is less;

D. No new conditions, proffers or amendments are necessary;

E. There are no code enforcement complaints or actions pending on the site;

F. Proposed changes do not increase intensity of use. Examples include, but are not limited to, increased seats, employees, visitors, customers, vehicle trips or hours of operation;

G. Modifications may be requested for:

1. A setback to accommodate healthy existing trees and/or their root zones;

2. Setbacks to accommodate an error in siting;

3. Change to the location of design of buffers, landscape areas or trees provided there is no reduction in plant materials or area;

4. Change or reduction in vehicle loading areas;

5. Reduction in number of parking spaces by an amount not to exceed 10 percent of the spaces required per Section 11.3 (Parking Standards Table).

Sec. 3.4 Special Exceptions

3.4.1 Purpose and Intent

The 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. This Zoning Ordinance designates such uses "special exception uses." When considering such uses, the Town Council shall have the authority to impose conditions that are designed to remove or mitigate potentially adverse impacts upon the community or other properties in the vicinity of the proposed use. Special exception uses shall only be allowed if reviewed and approved in accordance with the procedures of this section.

3.4.2 Initiation of Application

An application for a special exception may be filed with the Department of Planning and Zoning by a property owner, board or bureau of any government or their agent, or other parties provided by law.

3.4.3 Pre-application Conference

Prior to filing an application for special exception, the applicant shall meet with representatives from the Department of Planning and Zoning to discuss the requirements of this section and the nature of the special exception use proposed. For purposes of this conference, the applicant shall provide a sketch plan of the proposed use drawn to scale, showing the general layout of the special exception and the relationship to the surrounding area. This sketch plan shall be submitted at least two weeks before the date of the pre-application conference. The results of the pre-application meeting shall be documented and distributed to the applicant and participating staff

3.4.4 Application Filing

A. Special Exception applications shall be filed with the Department of Planning and Zoning. The required application form must be completed and signed by the applicant and owner(s) of the property.

B. Upon receipt of an application, the Land Development Official shall acknowledge acceptance or rejection of the application within ten (10) business days from the date of submittal

C. Upon acceptance of a completed application, the application shall be forwarded to all appropriate reviewing agencies for comment. Once the Department of Planning and Zoning has received all comments, the comments shall be forwarded to the applicant for resolution.

3.4.5 Concurrent Review

If the property subject to the special exception application is also under consideration for rezoning, the special exception application may be reviewed concurrently with the rezoning application. The Zoning Administrator shall have the authority to determine if the special exception application(s) shall be permitted to track with the rezoning based upon the level of detail supplied by the applicant (i.e., sufficient detail to satisfy the requirements of Sec. 3.4.6). A separate application form and applicable fee must be submitted for each review process. A concurrent review of the special exception application and the rezoning application shall automatically waive the specific time limitations otherwise applicable to special exception matters, but will not waive any of the time limitations applicable to rezonings as set out in Section 3.3.

3.4.6 Submittal Requirements

A special exception application shall be accompanied by the following items:

A. Application. An application on a form provided by the town, completed and signed by the applicant and owner(s) of the property. The applicant shall keep this information current at all times during processing of the application.

B. Fee. Associated fee, payable to the Town of Leesburg.

C. Statement of Compliance. Written statement with supporting evidence regarding compliance with the Approval Criteria of Sec. 3.4.12 and applicable use standards of Sec. 9.3 if applicable. This statement may be combined with the statement required in Sec. 3.4.6F.

D. Disclosure Statement. A disclosure statement of the real parties in interest on a form provided by the town, signed by the applicant and notarized, in accordance with Section 15.2-2289 of the Code of Virginia, 1950, as amended. The applicant shall keep this information current at all times during processing of the application.

E. Special Exception Plat. Twenty (20) copies, or other number as determined by the Land Development Official, of a concept plan, drawn to a scale of 1 inch = 100 feet, or a scale agreed to by the town, containing the following information:

1. Boundaries of the entire property;
2. Total area of the property in square feet and acres;
3. Location of all existing and proposed structures, including but not limited to lighting, signs and buildings;
4. Location and distance of all off-site structures within fifty (50) feet of the property, (Including but not limited to lighting, signs and buildings;

5. Required yards and height and proposed setbacks and building heights, both in tabular form and graphically shown on the plat, and the distances of all existing and proposed structures to the lot lines;

6. Public right(s) of way, indicating names, route numbers, and width;

7. Proposed means of ingress and egress to the property from a public street for vehicular and pedestrian traffic;

8. Parking spaces, existing and/or proposed, indicating minimum distance from the nearest property line(s);

9. Where applicable, seating capacity; usable outdoor recreation area, emergency access, fencing, limits of clearing, landscaping and screening, outside lighting, loudspeakers and required and/or proposed improvements to public right(s) of way; and

10. Existing zoning designation and use of subject and adjacent properties.

11. Building Elevations for all new construction or major alterations to existing structures;

12. All submittal documents (e.g., Statement of Justification) shall be submitted in a word format (.DOC);

13. All plans shall be submitted in a digital format (.PDF and .DXF);

14. Existing topography with 5 feet contours;

15. Existing and proposed landscaping, screening and buffering;

16. Scale, north arrow and date;

17. Tax map parcel or pin number of the subject property;

18. Conceptual grading with 5 feet contours and directional arrows depicting overland drainage;

19. Adjacent owner names;

20. Existing and proposed utility easements;

21. Environmental and historic features, including but not limited to sites or structures listed on the National Register of Historic Places or the Virginia Landmarks Register, or in the *Town Plan* Historic Resources element;

22. Tree save areas, which may include individual trees and groupings;

23. Additional information as may be required by the Land Development Official to provide a comprehensible application given the special exception proposal. Any additional information that may be required will be discussed as part of the pre-application meeting;

24. Where a proposed structure lies within 50 feet of the boundary of the property, cross-sections extending 50 feet from within the subject property and extending 50 feet into the adjoining property shall be provided;

25. Where a street is proposed, a typical section shall be provided. The typical section should include the location and dimensions of: curb and gutter, on-street parking (if provided), travel lanes, landscaping areas, and sidewalk. The section should extend from building face to building face or 20 feet beyond the paving section; and

26. A lighting plan shall be provided to depict the general location of lighting fixtures and their general lighting distribution pattern.

F. Written statement describing the proposed use and providing the following information:

1. Type of operation;

2. Hours of operation;

3. Traffic Impact Summary that shall include the following: (1) a Trip Generation Table that lists the proposed land uses and the daily and peak hour trip generation as shown in the current edition of the Institute of Traffic Engineers Trip Generation Manual; (2) A Statement whether traffic impact does or does not require mitigation and a description of any proposed mitigation as concluded by the Traffic Impact Analysis; and (3) a description of any proposed public road improvements.

4. Impacts on adjacent uses and measures proposed to mitigate such impacts.

G. Traffic Impact Analysis. Traffic impacts, including the maximum expected trip generation and the distribution of such trips by mode and the time of day based on current Institute of Transportation Engineers (ITE) Manual, internal road network, and connection into the existing transportation network. A traffic study, as described in Article 7 of the Design and Construction Standards Manual, will be required for all applications where the proposed land use:

a. is adjacent to a road that currently carries or is proposed to carry more than 500 vehicle trips per day (VPD); or

b. contains a road proposed to carry more than 500 vehicle trips per day (VPD); or

c. is adjacent to a road that currently or is proposed to carry 100 or more peak hour vehicle trips per day; or

d. if the traffic study for the proposed activity is more than one (1) year old.

e. Waiver Provision. This requirement may be waived at the discretion of the Land Development Official at the applicant's written request filed with the initial application. Any such waiver shall be based upon a finding that such analysis is unnecessary due to the existence of previous studies and analyses which adequately cover the extent of the proposed development and its traffic impact, or if applicant supplies adequate proof that the proposed use does not increase the number of employees or customers using the site, or if otherwise justified by the applicant. The Land Development Official shall set forth in writing the reasons for the determination.

3.4.7 Waivers/Modifications of Submittal Requirements

Any submittal requirements that accompany the application, with the exception of the applicable fee, may be waived by the Land Development Official. The applicant must clearly indicate by section and paragraph in the application or in a letter attached to the application, which waiver or modification is requested and provide a justification for each modification/waiver requested. To grant a waiver or modification the Land Development Official must determine that a requirement is not necessary for the full and adequate consideration of the application. The Land Development Official shall set forth in writing the reasons for such determination.

3.4.8 Public Hearing Notice

The Planning Commission and Town Council shall each hold a public hearing on proposed Special Exception applications. Each public hearing requires notice as set out in Section 15.2-2204 of the Code of Virginia, 1950, as amended, and as set forth in Sec. 3.1.9.

3.4.9 Planning Commission Review and Recommendation

Upon acceptance of a completed application, the Zoning Administrator shall set a time and a place for a public hearing by the Planning Commission. Following the public hearing, the Planning Commission shall forward the proposed special exception to the Town Council, together with its recommendation and a statement setting forth its reasons for such recommendation. The Planning Commission shall forward its recommendation within a reasonable time unless the Town Council sets a specific time period or unless the application has been withdrawn by the applicant.

3.4.10 Town Council Review and Decision

Once the Planning Commission has forwarded a recommendation to the Town Council, the Zoning Administrator shall set a time and place for a public hearing by the Town Council. The Town Council shall take action to approve, approve with conditions or deny the application within a reasonable time of the public hearing.

3.4.11 Withdrawal of Applications

Any application filed with the Town may be withdrawn upon written request by the applicant at any time. However, if the request for withdrawal is made after publication of the notice of hearing, such withdrawal shall be only with the consent of either the Planning Commission or the Town Council, whichever body has advertised the hearing. No new application concerning any or all of the same property shall be filed within twelve (12) months of the consent to withdrawal action unless the consent of action specifies that the time limitation shall not apply and permits the application to be withdrawn “without prejudice.” In the event an application is withdrawn, all action on the application will cease and the file will be closed out.

3.4.12 Approval Criteria

The Planning Commission and Town Council shall use the following criteria, in addition to other reasonable considerations, in making their decision regarding approval or disapproval of a special exception application:

A. The proposed use will not adversely affect the use of neighboring properties.

B. The use shall comply with applicable zoning district regulations and applicable provisions of the adopted Town Plan, including but not limited to the Plan’s Land Use Compatibility policies.

C. The location, size and height of buildings structures, walls and fences, and the nature and extent of screening, buffering and landscaping shall be such that the use will not hinder or discourage the appropriate development and use of adjacent or nearby land and/or buildings.

D. The proposed use will be such that pedestrian and vehicular traffic generated will not be hazardous or conflict with the existing and anticipated traffic in the neighborhood and on the streets serving the site.

3.4.13 Compliance with Use Standards

As part of its special exception approval action, the Town Council shall have the authority to waive or modify applicable use standards for particular uses set forth in Sec. 9.3 when

determined necessary to accommodate reasonable use of the subject property. The Town Council shall have no authority to waive or disregard any of the Approval Criteria of Sec. 3.4.12.

3.4.14 Conditions and Safeguards

The Town Council may impose such additional conditions and safeguards as deemed necessary for the protection of the general welfare and individual property rights, and to ensure compliance with the intent and objectives of this Zoning Ordinance. Additional conditions may include, but need not be limited to, the following:

A. Hours of operation;

B. Landscaping, screening, buffer-yard and other site-related development standards;

C. Access to the subject property;

D. Lighting of the site, to include intensity and shielding, so as not to adversely affect adjacent or nearby property owners;

E. Noise limitations as necessary to protect nearby property owners;

F. Location, size and height of buildings;

G. Location and height of walls and fences;

H. Timing or phasing of development;

I. Control of smoke, dust and odors; and

J. Bonds and other performance guarantees, as required to ensure standards are met and plans are met and plans are implemented.

3.4.15 Amendments to Approved Special Exceptions

An amendment is a request for any enlargement, expansion or increase in intensity, or relocation of any previously approved and currently valid special exception use or condition thereof.

A. The application and review process for an amendment of a special exception shall be the same as specified for the approval of the original exception unless the request complies with the criteria in Subsection b. below.

B. A Minor Modification may be approved at the sole discretion of the Land Development Official where it is determined that the following criteria are met:

1. Changes are limited to minor layout, design or dimensional modifications in response to issues of topography, drainage, underground utilities, structural safety, vehicular circulation or requirements of government agencies;

2. There are no negative impacts to the surrounding properties;

3. Modifications shall not include the addition of any structure or addition to any structure in excess of five percent (5%) or 2,500 square feet, whichever is less;

4. No new conditions, proffers or amendments are necessary;

5. There are no code enforcement complaints or actions pending on the site;

6. Proposed changes do not increase intensity of use. Examples include, but are not limited to, increased seats, employees, visitors, customers, vehicle trips or hours of operation;
7. Modifications may be requested for:
   a. A setback to accommodate healthy existing trees and/or their root zones;
   b. Setbacks to accommodate an error in siting;
   c. Change to the location of design of buffers, landscape areas or trees provided there is no reduction in plant materials or area;
   d. Change or reduction in vehicle loading areas;
   e. Reduction in number of parking spaces by an amount not to exceed ten percent (10%) of the spaces required per Section 11.3 (Parking Standards Table).

3.4.16 Termination of Use

A special exception use shall be deemed terminated upon the occurrence of any of the following conditions:

A. **Lapse of Approval.** Special exception approval shall lapse and be of no further effect two years after the date of the approval by the Town Council unless a site plan has been officially accepted for review. Notwithstanding the foregoing, special exception approval shall lapse and be of no further effect three years after the date of the approval by the Town Council unless a zoning permit or occupancy permit has been issued for the use.

B. **Abandonment or Cessation.** If a Special Exception use is discontinued, vacant or inactive for any reason for a continuous period of two (2) years or more, the Special Exception approval shall lapse and be of no further effect and the use shall be re-established only if a new Special Exception approval is obtained.

3.4.17 Revocation

A special exception approval may be revoked by the Town Council, upon non-compliance and/or violation of any condition attached to the special exception, after notice and a public hearing pursuant to Section 15.2-2309 of the Code of Virginia, 1950, as amended and as set forth in Sec. 3.1.9.

3.4.18 Successive Applications

No application for a special exception use, which has been denied wholly or in part by the Town Council, shall be resubmitted until the expiration of one (1) year or more from the date of such denial, except on grounds of newly discovered evidence or proof of changed conditions found to be sufficient by Town Council to justify consideration by the Town Council.

3.4.19 Appeals

An action contesting a decision of the Town Council granting or failing to grant a special exception shall be filed within thirty days of the decision with the circuit court having jurisdiction of the land affected by the decision.

Sec. 3.5 Temporary Use Permits

3.5.1 Filing of Application

Any person desiring to establish a temporary use shall submit an application for a temporary use permit to the Zoning Administrator on an application provided by the town at least ten (10) business days prior to the date the permit is to take effect. The Zoning Administrator may approve a shorter time period for filing if good cause is shown. The applicant must submit proof of ownership of the property or present evidence to show approval of the property owner for the use requested.

3.5.2 Agency Notification

The Zoning Administrator shall notify the police department, fire department, public works department, engineering department, and any other affected agency, of the nature of the proposed activity.

3.5.3 Issuance or Denial of Permit

If the Zoning Administrator finds that the application complies with the standards set forth in this article and other applicable provisions of law, the Zoning Administrator shall issue a temporary use permit, setting forth the duration of the permit and such conditions as will protect the health, safety, and welfare of the public and nearby property owners. Otherwise, the Zoning Administrator shall deny the application. The Zoning Administrator may require a $500.00 cash bond to ensure removal of all structures, trash, debris and signs associated with a temporary use.

3.5.4 Termination

At the end of the time period for which the temporary use was permitted, including any renewal or extension periods, the use shall be discontinued, and all temporary structures and signs shall be removed within five (5) business days. Failure to comply with this requirement shall be a violation of this Zoning Ordinance and may result in forfeiture of the posted bond.

3.5.5 Renewals, Extensions

Requests for the renewal or extension of a temporary use permit shall be made to the Zoning Administrator. The procedure for the renewal of a temporary use permit shall be the same as specified in this article for the approval of the original temporary use permit.

3.5.6 Revocation of Permit

The Zoning Administrator may revoke a temporary use permit at any time upon the failure of the owner or operator of the use covered by the permit to observe all requirements of the permit, this article, and other relevant provisions of law, including failure to obtain appropriate business licenses. Notice of such revocation shall be given in writing by the Zoning Administrator to the owner or operator of the use, by hand-delivery or certified mail, setting forth the reasons for the revocation, the date and time upon which the revocation is effective, and the appeals procedure. This provision shall not preclude the use of any other remedy prescribed by law with respect to violations of the provisions of this Zoning Ordinance.

3.5.7 Appeal

Any person aggrieved by an action of the Zoning Administrator in granting, denying or revoking a temporary use permit may appeal the decision to the Board of Zoning Appeals in accordance with the procedures of Sec. 3.14. In the case of an appeal from the revocation of a temporary use permit, the aggrieved party may request a meeting with the Zoning Administrator. Within two (2) business days of the meeting, the Zoning

Administrator shall inform the aggrieved person, in writing, of the decision to affirm, modify, or rescind revocation of the permit.

Sec. 3.6 Demolition Permits

3.6.1 Applicability

Unless otherwise expressly exempted, a person shall not demolish or begin demolition of a structure or part of a structure without obtaining a demolition permit from the Zoning Administrator.

3.6.2 Exemptions

A demolition permit is not required for any of the following activities unless the property is located in the H-1 Overlay District (see Sec. 3.10.6):

A. Demolition of a fence or swimming pool;

B. Demolition work performed is in conjunction with remodeling, alteration, or repair of a structure for which a zoning permit is obtained; or

C. Demolition of a structure with a total gross floor area of less than 150 square feet.

3.6.3 Application Submittal

Every application for a demolition permit shall be submitted to the Zoning Administrator and be accompanied by plans in duplicate, drawn to scale in black line or blueprint, showing actual shape and dimensions of the lot upon which the demolition is to take place; the exact location, size, elevation and height of any building or structure to be moved or demolished; the existing and intended use of each building or structure or part thereof; the number of families or housekeeping units the building is designed to accommodate; and, such other information required by the Zoning Administrator with regard to the lot and neighboring lots as may be necessary for the enforcement of this Zoning Ordinance.

3.6.4 Display of Permit

Upon receipt, a demolition permit shall be posted in a prominent place on the premises during the period of demolition or moving. Before a demolition permit is issued the plans and intended use shall indicate conformity in all respects to the provisions of this Zoning Ordinance.

3.6.5 Lapse of Permit

Every demolition permit shall expire and become void unless the activity authorized therein commences within one year of the date of issue.

Sec. 3.7 Zoning Permits

3.7.1 When Permits Required

No wall, building, structure, or part thereof, shall be built, constructed, reconstructed, moved, altered or added to; no excavation or filling operation shall commence; no activity which requires a Loudoun County building permit shall commence; no activity which requires a Loudoun County permit shall commence; and no change in use or nonresidential tenancy shall be permitted until an application is submitted and a zoning permit is issued by the Zoning Administrator, in accordance with the provisions of this Zoning Ordinance. Change in nonresidential tenancy shall not be construed to mean a

change of business name or a change in the ownership/operator of a legally permitted business.

3.7.2 Zoning Permit Fees

Fees established by the Town Council shall be paid at the time of application and are non-refundable. Any proffered contributions due upon issuance of a particular zoning permit shall be paid at the time of issuance along with any public facilities fees required under the Leesburg Town Code.

3.7.3 Application Submittal

Every application for a zoning permit shall be accompanied by plans in duplicate, drawn to scale in black line or blueprint, showing actual shape and dimensions of the lot to be built upon or to be changed in its use, in whole or in part; the exact location, size, elevation and height of any building or structure to be erected or altered; the existing and intended use of each building or structure or part thereof; the number of families or housekeeping units the building is designed to accommodate and, when no buildings are involved, the location of the present use and proposed use to be made of the lot. It shall be the responsibility of the applicant to provide any additional information necessary for the Zoning Administrator to determine the proposed use, building, structure or alteration complies with all provisions of this Zoning Ordinance.

3.7.4 Approved Plans

One copy of the plans shall be returned to the owner when they have been approved by the Zoning Administrator, together with the approved or disapproved zoning permit. All dimensions shown on these plans relating to the location and size of the lot to be built upon shall be based on actual survey. The lot and location of the building thereon shall be staked out on the ground before construction is started.

3.7.5 Site Plans

Where a site plan has been submitted to and approved by the Leesburg Planning Commission in accordance with the provisions of Chapter 13, Article IV, of the Leesburg Town Code, one copy of the approved site plan may be substituted for the plans required above. The site plan case number must be indicated on the permit along with a copy of the plan approval letter issued by the staff project planner.

3.7.6 Standards for Issuance

No zoning permit shall be issued where the structure to be constructed or the use contemplated would be in violation of the provisions of this Zoning Ordinance or any other applicable Town law, ordinance or regulation. In addition, no permit shall be issued if the proposed use violates the terms of approval of a rezoning, special exception, subdivision, proffer, variance or other approval. The issuance of such zoning permit shall not, however, afford protection to any owner who is found to be violating this or any other applicable law, ordinance or regulation.

3.7.7 Display of Permit

Upon receipt, a zoning permit shall be posted in a prominent place on the premises during the period of construction, reconstruction, enlargement or moving.

3.7.8 Review Time

Zoning permits shall be issued or denied within ten (10) business days of application.

3.7.9 Lapse of Permit

A zoning permit shall expire and become void if the authorized work is not commenced within one (1) year of the date of issuance. The Zoning Administrator may, upon good

cause shown, extend a permit with or without charge for an additional period not exceeding one (1) year.

Sec. 3.8 Wall Check Plat

3.8.1 Wall Check Plat Required

The erection of a building shall not proceed beyond the corners of a concrete slab or the placement of the corners of the foundation, whichever is applicable in establishing the exact location of all corners of the building, until such location as indicated by a certified land surveyors plat (known as a “wall check”) has been submitted to and approved by the Zoning Administrator.

Sec. 3.9 Application for Occupancy Permit

3.9.1 Certificates Required

Upon satisfactory completion of all work for which a Loudoun County Building Permit has been issued, including installation of all applicable improvements as required under the Leesburg Zoning Ordinance and Subdivision and Land Development Regulations, the applicant shall request zoning approval for an Occupancy Permit on such certificate as supplied by the County of Loudoun.

A. In order to better guarantee the success of planted materials required to be installed as part of a site plan, between the months of December – February and June – August, unless conditions allow as determined by the Zoning Administrator, only landscape bonds calculated using the Town of Leesburg Landscape Bond Schedule will be accepted for Zoning approval on Occupancy Permit certificates supplied by Loudoun County.

3.9.2 Submittal Requirements

The applicant shall submit to the Zoning Administrator one (1) copy of an as-built house/building location plan, prepared by a certified surveyor or registered engineer, and such plan shall indicate the following information:

A. The dimensions of the lot or parcel, the boundary lines thereof, and the area of land contained therein.

B. The location or, dimensions (including height) of any building structure or addition.

C. The perpendicular distance from all property lines to the nearest point of each building, structure or addition, shown to the nearest foot.

D. The existing and intended use of each building or structure or part thereof, including the number of dwelling units within a dwelling.

E. The location and configuration of any off-street parking space(s), the number of spaces provided, and information as to the surfacing of such areas.

F. The existence of any area designated as 100-year floodplain.

G. The signature and certification number, if applicable, of the person preparing the plat.

H.

Sec. 3.10 Certificate of Appropriateness (H-1 Overlay: Old and Historic District)

3.10.1 Applicability

A Certificate of Appropriateness shall be required prior to the alteration of any building or structure (defined for the purposes of this section as anything man-made, including, but not limited to outbuildings, fences, walls, lamp posts, light fixtures, signs, signposts, driveways, walkways and paving) located in the H-1 Overlay District and specifically including any of the following activities:

A. Site Improvements. Including but not limited to removal, enlargement, or reconstruction of: driveways, walkways, and other paving; lampposts and landscape lighting; fences and walls; gazebos and pergolas. Not to include plant materials or installation of movable, non-permanent play equipment.

B. Exterior Modification of Existing Buildings and Structures. Including, but not limited to: the removal, replacement, or addition of windows, doors, and chimneys; the alteration of porches and decks; the alteration or addition of commercial storefronts on existing buildings and changes to exterior paint and color. Exterior paint and color shall not include painted murals as reviewed by the Leesburg Commission on Public Art under the Public Art policy in accordance with the Leesburg Public Art Guidelines. Not to include routine maintenance as defined in Sec. 7.5.9.A Routine Maintenance Exclusion.

C. Additions to Existing Buildings and Structures. Including, but not limited to: the construction of new porches and decks; the expansion of the square footage so that it increases the height or the footprint of the existing structure. The following structure is exempt from review by the Board of Architectural Review or the need for a Certificate of Appropriateness when not visible from the street as determined by the Zoning Administrator: An at grade platform deck not exceeding twelve (12) inches in height, no less than two (2) feet from the side and rear property lines, not exceeding two hundred (200) square feet in area, without footers for support but supported by the ground only and located in the rear yard only.

D. New Construction.

E. Demolition and Relocation of Existing Buildings and Structures, in whole or in part.

F. Signs, in accordance with Section 15.14.

3.10.2 Required Contents of Applications

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

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

B. Sign Permits. When making application for a Certificate of Appropriateness, applicants must submit the following information:

1. A scale drawing of the proposed sign;
2. Proposed materials for the sign and its support and the lighting method to be used;
3. The proposed sign message;
4. The style and size of lettering; and
5. A sketch or photograph showing the proposed location of the sign on the building or site.

C. Waiver of Certain Requirements. Upon written request from the applicant, the Preservation Planner may tentatively waive any of the above requirements deemed not to be necessary for review of the application. These waivers may be over-ruled by the Board of Architectural Review, if additional information is determined to be required at the Board of Architectural Review's meeting to consider the application. The Preservation Planner is the staff liaison to the Board of Architectural review and is responsible for the processing and review of applications within the Town's historic districts.

3.10.3 Application Filing Deadline and Fee

Applications for Certificate of Appropriateness must be made on forms provided by the Zoning Administrator and must be accompanied by a filing fee in accordance with the latest Schedule of Fees adopted by the Town Council. Complete applications must be submitted at least seventeen (17) days before the scheduled monthly meeting at which the applicant is requesting consideration.

3.10.4 Public Hearing Notice

Written and Placard notice of public hearings before the Board of Architectural Review shall be provided in accordance with the requirements of Sec. 3.1.9A and Sec. 3.1.9B. Newspaper notice is not required.

3.10.5 Review of Plans in a Timely Manner

The Board of Architectural Review shall vote and announce its decision on any matter properly before it at the conclusion of the public meeting on the matter. The Board of Architectural Review shall render a final decision upon any matter properly before it within seventy-five (75) days or less after the first public hearing on the matter. Any application not acted upon within this 75-day period shall be deemed approved unless the parties mutually agree to extend the action time beyond this 75-day period to a date certain.

3.10.6 Board Action on Applications; Review and Approval Criteria

In response to applications for Certificates of Appropriateness, the Board of Architectural Review shall be authorized to approve the application, deny the application or approve the application in modified form. See Sec. 7.5.6 for the Preservation Planner's administrative review authority.

A. The design guidelines upon which approval or denial is to be based are the Old and Historic Design Guidelines, adopted by the Town Council January 27, 2009 and as amended from time to time, and which include the Secretary of the Interior's Standards for Rehabilitation as referenced as Appendix A. These guidelines will be used to evaluate all projects in accordance with Section 3.10.1 Applicability. Except that approval or denial of sign applications in the Old and Historic District are to be based on the Old and Historic District Sign Guidelines dated January 4, 2006 and as amended from time to time.

3.10.7 Board Authority to Seek Outside Advice

The Board of Architectural Review may seek technical advice from outside its members on any application. If the Board of Architectural Review seeks outside advice, the Board of Architectural Review shall provide a copy of the consultant's report to the applicant and shall render a decision on the application within seventy five (75) days from the date of the first public hearing.

3.10.8 Form of Decision

All decisions of the Board of Architectural Review granting or refusing a Certificate of Appropriateness shall be in writing, a copy of which shall be sent to the applicant and a copy filed with the town office.

3.10.9 Explanation of Disapproval

In the case of denial of a Certificate of Appropriateness, the Board of Architectural Review shall state the reasons for such denial in writing and transmit the written statement to the applicant. In the statement, the Board of Architectural Review may make suggestions that would help the applicant in the resubmission of an application.

3.10.10 Zoning Permits; Accurate Drawings of Approved Plans Required

Before issuing zoning permits for any work that has been approved by the Board of Architectural Review, the Zoning Administrator shall require applicants to submit plans that accurately reflect any changes or conditions imposed by the Board of Architectural Review in its approval of projects.

3.10.11 Conformance with Permit Required

All work performed pursuant to issuance of a Certificate of Appropriateness shall conform to the approved plans and specifications and to any modifications required by the permit. In the event work is performed not in conformance with the permit, the Zoning Administrator shall notify the responsible person or firm in writing of the violation and shall take the necessary legal steps to ensure that the work is performed in conformance with the permit.

3.10.12 Lapse of Approval

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

A. Construction is commenced within twenty-four (24) months from the date the COA was issued.

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

3.10.13 Change of Plans after Issuance of Permit

Any change in the work plan subsequent to the issuance of a Certificate of Appropriateness shall require submittal of a new application and issuance of a new permit except that modifications to approved projects may be administratively approved by the Preservation Planner in accordance with Section 7.5.6.D of the Zoning Ordinance.

3.10.14 Appeals

A. Reconsideration by the Board of Architectural Review. The Board of Architectural Review shall not reconsider any application that has been denied except in cases where an applicant submits an application that has been amended to substantially address the Board of Architectural Review's reasons for denial of the original application.

B. Appeals to Town Council. Appeals to the Town Council from any final decision of the Board of Architectural Review may be made by any resident, property or

business owner, or applicant by filing a petition with the Clerk of Council, setting forth the basis of the appeal, within thirty (30) days after the final decision of the Board of Architectural Review is rendered. Upon receipt of the appeal, the Clerk of the Council shall promptly schedule a public hearing as soon as reasonably practicable and comply with all applicable notice requirements. The Board of Architectural Review shall file certified or sworn copies of the record of its action, which includes the minutes and documents it considered when rendering its decision and the Clerk shall forthwith transmit to the Town Council all the papers constituting the record upon which the action was taken. If the applicant wishes the Town Council to consider the transcript of the hearing as part of the record, the applicant shall pay all costs of the transcription of the hearing. Pursuant to Code of Virginia Sec. 15.2-2306, the filing of the petition shall stay the decision of the Board of Architectural Review pending the outcome of the appeal to the Town Council, except that the filing of such petition shall not stay the decision of the Board of Architectural Review if such decision denies the right to raze, demolish or move any structure or building subject to the provisions of this section. In any appeal, the Town Council shall review the Board of Architectural Review record, consider the written appeal and the criteria set forth in the Old and Historic District Guidelines and to that end shall have all the powers of the Board of Architectural Review. The Town Council may reverse or affirm, wholly or partly, or may modify, any order, requirement, decision or determination appealed from and make such order, requirement, decision or determination as ought to be made. The Council review shall be limited to the issues raised on appeal. The failure of the Town Council to affirm, modify, or reverse the decision of the Board of Architectural Review within 75 days from the date of the petition is filed shall be deemed to constitute an affirmation of the Board of Architectural Review's decision, unless all parties to the appeal agree in writing to extend such time period.

*Appeals of BAR's decisions are heard by the Town Council. Appeals must be filed within 30 days.

C. Appeals to the Circuit Court of Loudoun County. Appeals to the Circuit Court of Loudoun County from any decision of the Town Council may be made by any person by filing a petition at law, setting forth the alleged illegality of the action of the Town Council within thirty (30) days from the final decision rendered by the Town Council. The filing of the said petition shall stay the decision of the Town Council pending the outcome of the appeal to the Court, except that the filing of such petition shall not stay the decision of the Town Council if such decision denies the right to raze or demolish a historic landmark, building or structure. The court may reverse or modify the decision of the Town Council in whole or in part, if it finds upon review that the decision of the Town Council is contrary to law or that its decision is arbitrary and constitutes an abuse of discretion or it may affirm the decision of the Town Council.

Sec. 3.11 Architectural Control Certificates of Appropriateness (H-2 Corridor Overlay District)

3.11.1 Applicability

Unless otherwise expressly exempted, no structure, building, or sign located on land shall be erected, reconstructed, altered or restored on property subject to the H-2 Overlay District standards of Sec. 7.6 until the plans for such shall have been approved by the Board of Architectural Review in accordance with the Architectural Control Certificate of Appropriateness procedures of Sec. 3.11.

3.11.2 Exemptions

The provisions of this section shall not apply to any of the following:

A. Regular maintenance of structures, buildings, or signs (as opposed to the reconstruction, alteration or restoration).

B. Single-family detached dwellings;

C. Attached dwellings (including townhouses and duplexes); and

D. Construction within approved Planned Development Districts.

3.11.3 Demolition Permit Review and Approval Criteria

A. In reviewing demolition applications, the Board of Architectural Review shall consider the following:

1. The designation of the particular structure as historic or non-historic in the Certified Local Government Grant Building Surveys;

2. The criteria listed in the H-2 Design Guidelines; and

3. The ability of the owner to put the subject property to reasonable beneficial use.

3.11.4 Definitions

For the purposes of this section, changing the exterior color and/or materials of a structure, building or sign shall be deemed an alteration and not regular maintenance. For the purposes of this section a structure shall also include, but not be limited to outbuildings, fences, walls, lamp posts and light fixtures.

3.11.5 Required Contents of Applications

A. General. Except as hereinafter provided, when filing an application for a Certificate of Appropriateness, applicants must submit information for consideration by the Board of Architectural Review, including ten (10) copies of the following:

1. All architectural elevations drawn to scale;

2. Site plans;

3. Complete exterior materials samples;

4. Photographs or drawings relating the proposed project to the surrounding streetscape;

5. Proposed colors;

6. Lighting;

7. Landscaping, as required by Article 12; and
8. Proposed signage, as required by Article 15.

B. **Sign Permits.** When filing application for a Certificate of Appropriateness for signs, applicants must submit the following information:
   1. A scale drawing of the proposed sign;
   2. Proposed materials for the sign, including supports, and the lighting method to be used;
   3. The style and size of the lettering; and
   4. A sketch or photograph showing the proposed location of the sign on the building or site.

C. **Waivers of Certain Requirements**. Upon written request from the applicant, the Preservation Planner may waive any of the above requirements deemed not to be necessary for review of the application. However, these waivers may be over-ruled by the Board of Architectural Review if additional information is determined to be required at the Board of Architectural Review's meeting to consider the application.

3.11.6 Form of Application

Applications for Certificates of Appropriateness must be made on forms provided by the Department of Planning and Zoning. Complete applications must be submitted at least seventeen (17) days before the next regularly scheduled meeting of the Board of Architectural Review. The Land Development Official or Board of Architectural Review may require a revised application with a new application date when alterations or modifications are made to the accepted application.

3.11.7 Public Hearing Notice

Written and Placard notice of public hearings before the Board of Architectural Review shall be provided in accordance with the requirements of Sec. 3.1.9A and Sec. 3.1.9B. Newspaper notice is not required.

3.11.8 Review of Plans in a Timely Manner

The Board of Architectural Review shall vote and announce its decision on any matter properly before it at-the conclusion of the public meeting on the matter. The Board of Architectural Review shall render a final decision upon any matter properly before it within seventy-five (75) days or less after the first public hearing on the matter. Any application not acted upon within this 75 day period shall be deemed approved unless the parties mutually agree to extend the action time beyond this 75 day period to a certain date certain.

3.11.9 Board Actions on Applications

In response to applications for Certificates of Appropriateness, the Board of Architectural Review shall be authorized to approve the application, deny the application, or approve the application in modified form.

3.11.10 Forms of Decision

All decisions of the Board of Architectural Review granting or denying a Certificate of Appropriateness shall be in writing, a copy of which shall be sent to the applicant and a copy filed with the town office.

3.11.11 Explanation of Disapproval

In the case of denial of a Certificate of Appropriateness request, the Board of Architectural Review shall state the reasons for such denial in writing and transmit the written statement to the applicant. In the statement, the Board of Architectural Review may make suggestions that would assist the applicant in the resubmitting of an application.

3.11.12 Accurate Drawings of Approved Plans Required

Before issuing permits for any work which has been approved by the Board of Architectural Review, the Land Development Official shall require applicants to submit plans that accurately reflect any changes or conditions imposed by the Board of Architectural Review in its approval of projects.

3.11.13 Conformance with Certificate Required

All work performed pursuant to issuance of a Certificate of Appropriateness shall conform to the approved plans and specifications and to any modifications required by the Certificate. In the event work is performed not in conformance with the Certificate, the Zoning Administrator shall notify the responsible person or firm in writing of the violations and shall take the necessary legal steps to ensure that the work is performed in conformance with the Certificate.

3.11.14 Administrative Approval of Certificates

A. **Change of Plans after Issuance of Certificate.** Any change in the approved plans subsequent to the issuance of a Certificate of Appropriateness shall be submitted to the Preservation Planner prior to construction of the modified feature. The Preservation Planner may administratively approve the following modifications: (a) change in the color of brick selected for a project; (b) change in the profile of door and window moldings; (c) change in the type of siding used in a small area which does not exceed ten percent (10%) of the total area of a building; and (d) change in the style of a door or window. A report of administrative approvals shall be made to the Board of Architectural Review at its next meeting.

B. **Signs.** The Preservation Planner shall have the authority to administratively review and approve requests for Certificates of Appropriateness for all signs in the H-2 Corridor Overlay District if the Preservation Planner determines that the requested sign(s) meet the standards set forth in Article 15 of the Zoning Ordinance, the H-2 Corridor Overlay District Design Guidelines and the H-2 Corridor Sign Guidelines.

3.11.15 Appeals

A. **Appeals to the Board of Architectural Review.** The Board of Architectural Review shall not hear the subject matter of any application which has been denied except in cases where an applicant submits an application so amended that it substantially addresses the Board of Architectural Review's reasons for denial of the original application.

B. **Appeals to the Town Council.** Appeals to the Town Council from any final decision of the Board of Architectural Review may be made by any resident, property or business owner, or applicant by filing a petition with the Clerk of Council, setting forth the basis of the appeal, within thirty (30) days after the final decision of the Board of Architectural Review is rendered. Upon receipt of the appeal, the Clerk of the Council shall promptly schedule a public hearing as soon as reasonably practicable and comply with all applicable notice

requirements. The Board of Architectural Review shall file certified or sworn copies of the record of its action, which includes the minutes and documents it considered when rendering its decision and the Clerk shall forthwith transmit to the Town Council all the papers constituting the record upon which the action was taken. If the applicant wishes the Town Council to consider the transcript of the hearing as part of the record, the applicant shall pay all costs of the transcription of the hearing. Pursuant to Code of Virginia Sec. 15.2-2306, the filing of the petition shall stay the decision of the Board of Architectural Review pending the outcome of the appeal to the Town Council, except that the filing of such petition shall not stay the decision of the Board of Architectural Review if such decision denies the right to raze, demolish or move any structure or building subject to the provisions of this section. In any appeal, the Town Council shall review the Board of Architectural Review record, consider the written appeal and the criteria set forth in the H-2 Corridor Design Guidelines and to that end shall have all the powers of the Board of Architectural Review. The Town Council may reverse, or affirm, wholly or partly, or may modify, any order, requirement, decision or determination appealed from and make such order, requirement, decision or determination as ought to be made. The Council review shall be limited to the issues raised on appeal. The failure of the Town Council to affirm, modify, or reverse the decision of the Board of Architectural Review within 75 days from the date of the petition is filed shall be deemed to constitute an affirmation of the Board of Architectural Review's decision, unless all parties to the appeal agree in writing to extend such time period.

C. Appeals to the Circuit Court of Loudoun County. Appeals to the Circuit Court of Loudoun County from any decision of the Town Council may be made by any person by filing a petition at law, setting forth the alleged illegality of the action of the Town Council within thirty (30) days from the final decision rendered by the Town Council. The filing of the said petition shall stay the decision of the Town Council pending the outcome of the appeal to the Court, except that the filing of such petition shall not permit any construction activity which was the subject of the application on appeal to the Town Council. The Court may reverse or modify the decision of the Town Council in whole or in part, if it finds upon review that the decision of the Town Council is contrary to law or that its decision is arbitrary and constitutes an abuse of discretion or it may affirm the decision of the Town Council.

3.11.16 Lapse of Approval

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

A. Construction has commenced within twenty-four (24) months from the date the COA was issued; or

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

Sec. 3.12 Commission Permits (Public Project Review)

3.12.1 Applicability

Unless otherwise expressly exempted in accordance with Sec. 3.12.2, no street or connection to an existing street; park; public area; public building; public structure, public utility facility or public service corporation shall be constructed, established or authorized until the general location or approximate location, character and extent of such project has been approved by the Planning Commission as being substantially in accord with the adopted Comprehensive Plan.

3.12.2 Exemptions

A. The procedures of this section shall not apply to railroad facilities whether public or privately owned.

B. The procedures of this section shall not apply to paving, repair, reconstruction, improvement, drainage or similar work, provided such work does not involve a change in the location of extent of a public street or public area. Widening, narrowing, extension, enlargement, vacation or change of use of streets or public areas shall not be exempt from the procedures of this section.

C. The procedures of this section shall not apply to normal service extensions of public utilities or public service corporations, provided such work does not involve a change in the location of extent of a public street or public area.

D. The procedures of this section shall not apply to public areas, facilities or uses that are deemed by the Land Development Official to be a feature already shown on the adopted Town Plan.

E. Public areas, facilities or uses that are identified within, but are not the entire subject of, an application for subdivision plat approval or site plan approval, may be deemed to be a feature shown on the Town Plan if the Town has defined standards governing the construction or establishment of such area, facility or use or the Town Council has approved it through the acceptance of a proffer in accordance with applicable procedures of this Zoning Ordinance.

3.12.3 Initiation of Application

An application for a Commission Permit shall be filed with the Land Development Official.

3.12.4 Application Filing

Required application forms, completed and signed by the applicant and property owner, shall accompany each application.

A. Upon receipt of an application, the Land Development Official shall acknowledge acceptance or rejection of the application in writing within ten (10) business days from the date of submittal.

B. Upon acceptance of a completed application, the application shall be forwarded to all appropriate reviewing agencies for comment. Once the Land Development Official has received all comments, the comments shall be forwarded to the applicant for consideration and resolution.

3.12.5 Submittal Requirements

A commission permit application shall be accompanied by the following items:

A. Application. An application on a form provided by the town, completed and signed by the applicant and owner(s) of the property. The applicant shall keep this information current at all times during process sing of the application.

B. Plat. Twenty (20) copies, or other number as determined by the Land Development Official, of a concept plan, drawn to a minimum scale of 1 inch = 100 feet containing the following information:

1. Boundaries of the entire property;

2. Total area of the property in square feet and acres;

3. Location of all existing and proposed structures (including but not limited to lighting, signs and buildings);

4. Location and distance of all off-site structures within fifty (50) feet of the property (including but not limited to lighting, signs and buildings;

5. All required minimum yards and the distances of all existing and proposed structures to the lot lines;

6. Public right(s)-of-way, indicating names, route numbers, and width;

7. Proposed means of ingress and egress to the property from a public street;

8. Where applicable, parking spaces, emergency access, fencing, limits of clearing, landscaping and screening, outside lighting, loudspeakers and required and/or proposed improvements to public right(s)-of-way;

9. Existing zoning designation and use of subject and adjacent properties;

10. Site location map;

11. All submittal documents shall be submitted in a format to be specified by the Town; and

12. All plans shall be submitted in a digital format specified by the Town.

C. Written statement. A written narrative describing the proposed use and providing the following information:

1. Type of operation;

2. Hours of operation; and

3. Impacts on adjacent uses and measures proposed to mitigate such impacts.

D. Waivers/Modifications of Submittal Requirements. Any submittal requirements that accompany the application may be waived by the Land Development Official at the applicant's written request filed with the initial application. The applicant must clearly indicate by section and paragraph in the application or in a letter attached to the application, which waiver or modification is requested and provide a justification for each modification/waiver requested. To grant a waiver or modification the Land Development Official must determine that a requirement is not necessary for the full and adequate consideration of the application. The Land Development Official shall set forth in writing the reasons for such determination. When the Commission Permit is required in addition to a special exception, the Commission Permit submission requirements shall be combined with the submission requirements found in Section 3.4.6. and the application shall be reviewed concurrently.

3.12.6 Public Hearing Notice
The Planning Commission shall hold a public hearing on proposed Commission Permits. The public hearing requires notice as set out in Sec. 3.1.9.

3.12.7 Planning Commission Review and Recommendation
Upon receipt of a completed application, the Land Development Official shall set a time and a place for a public hearing by the Planning Commission. Following the close of the public hearing, and within sixty (60) days of acceptance of a complete application, the Planning Commission shall forward its finding to the Town Council, indicating their (Planning Commission) approval or disapproval of the proposed project, along with written reasons for its decision. Failure of the Planning Commission to take action within the required 60-day period shall be deemed approval of the project, unless the Town Council grants an extension of the time-frame.

3.12.8 Town Council
The Town Council shall be authorized to overrule the decision of the Planning Commission by a majority vote of its entire membership. Such action may be in response to the filing of an appeal in accordance with Sec. 3.12.10 or through the independent action of the Town Council. In acting to consider an appeal or overrule the Planning Commission's decision, the Town Council shall consider the proposed application as a new matter (de novo) and shall have 60 days from the date of the filing of the appeal to render a decision.

3.12.9 Approval Criteria
In acting on Commission Permits, the Planning Commission and Town Council, upon appeal or action to overrule, shall consider whether the proposed project is in substantial compliance with the adopted Town Plan.

3.12.10 Appeals
Applicants or other persons aggrieved by the Planning Commission's decision may appeal the decision to the Town Council by filing a notice of appeal with the Zoning Administrator. Such appeals must be filed within ten (10) days of the date of the Planning Commission's action on the Commission Permit.

Sec. 3.13 Variances

3.13.1 Jurisdiction and Authority
The Board of Zoning Appeals shall exercise the jurisdiction and authority to grant a variance from the literal terms of this Zoning Ordinance in accordance with the procedures, standards and limitations contained in this section.

3.13.2 Authorized Variances
Variances (as defined in Section 15.2-2201 of the Code of Virginia, 1950, as amended) from the regulations and restrictions contained in this Zoning Ordinance, may be granted only for the following:

A. A variance from the provisions regulating the size or area of a lot; or

B. A variance from the provisions regulating the size, area, bulk, setback, open space, yards, or location of a building or structure.

3.13.3 Unauthorized Variance

The Board of Zoning Appeals shall not be empowered to grant a variance from any of the provisions of this Zoning Ordinance relating to the use or density of land, buildings or structures, including Floor Area Ratios, nor shall the Board of Zoning Appeals grant a variance for any use or activity within any floodplain area if any increase in the hundred (100) year flood elevations would result.

3.13.4 Initiation of Application

An application for a Variance shall be filed with the Zoning Administrator and Board of Zoning Appeals by a property owner, any person having a possessory interest in property with consent of the owner, governmental officer, department, board, bureau, or other party provided by law.

3.13.5 Application Filing

A. Applications for Variances shall be filed with the Zoning Administrator.

B. Required application forms, completed and signed by the applicant and property owner, shall accompany each application.

C. Upon receipt of an application, the Zoning Administrator shall acknowledge acceptance or rejection of the application within five (5) business days from the date of submission. Upon acceptance, the Zoning Administrator shall transmit a copy of the completed application to the Chairman of the Board of Zoning Appeals.

3.13.6 Submittal Requirements

All applications for variances shall be accompanied by the following items:

A. **An application** on a form provided by the town, completed and signed by the applicant and property owner;

B. **Associated fee**, payable to the Town of Leesburg.

C. **Written statement** with supporting evidence regarding compliance with the variance approval criteria of this section, including:

1. The particular provision of the Zoning Ordinance which prevents the proposed construction on, or use of the property;

2. The existing zoning of the property, including any previously approved conditions, proffers, or modifications;

3. The special circumstances, conditions or characteristics of the land, building or structure that prevent the use of the land in compliance with the terms of this Zoning Ordinance;

4. The particular hardship that would result if the specified provisions of the Zoning Ordinance were to be applied to the subject property;

5. The extent to which it would be necessary to vary the provisions of this Zoning Ordinance in order to permit the proposed construction on, or use of, the property;

6. An explanation of how the requested variance conforms to the Approval Criteria of Sec. 3.13.9; and

7. A disclosure statement of the real parties in interest on a form provided by the town, signed by the applicant and notarized, in accordance with Section 15.2-2289 of the Code of Virginia, 1950, as amended.

3.13.7 Public Hearing Notice

The Board of Zoning Appeals shall hold a public hearing on a proposed variance, within ninety (90) days of the date of acceptance of a complete application. The public hearing requires notice as set out in Section 15.2-2204 of the Code of Virginia, 1950, as amended and as set forth in Sec. 3.1.9.

3.13.8 Board of Zoning Appeals Review and Decision

The Board of Zoning Appeals shall take action to approve, approve with conditions or deny the variance within thirty (30) days of the close of its required public hearing. Any person may appear at the hearing in person or by an attorney at law.

3.13.9 Approval Criteria

No variance shall be approved by the Board of Zoning Appeals unless the Board of Zoning Appeals finds that all of the following statements are true with respect to the subject property:

A. That strict application of the regulations of this Zoning Ordinance would produce undue hardship.

B. That such hardship is not shared generally by other properties in the same zoning district and in the same vicinity.

C. That the authorization of such variance will not be of substantial detriment to adjacent properties and that the character of the district will not be changed by the granting of the variance.

D. Such variance is not contrary to the public interest or to the stated purpose of this Zoning Ordinance.

E. Such variance would result in substantial justice being done.

F. The property was acquired in good faith.

G. The condition or situation of the property which gives rise to the need for such variance is not of so general or recurring a nature as to make reasonably practical the formulation of a general regulation to be adopted as an amendment to this Zoning Ordinance.

H. Sufficient evidence exists to support all of the required findings of this section.

3.13.10 Applicant's Burden of Persuasion

The burden of showing that a variance should be granted to alleviate undue hardship shall be on the applicant. In making such a showing, the applicant shall be required to demonstrate that one or more of the following conditions exist:

A. That strict application of the ordinance would effectively prohibit or unreasonably restrict reasonable use of the property by reason of any one of the following:

1. Exceptional narrowness, shallowness, size or shape of a specific piece of property at the time of enactment of this Zoning Ordinance;

2. Exceptional topographic conditions or other extraordinary and exceptional situation or condition of such property;

3. The condition, situation, or development of property immediately adjacent to the subject property; or

B. That the granting of a variance will alleviate a clearly demonstrable hardship approaching confiscation, as distinguished from a special privilege or convenience sought by the applicant.

3.13.11 No Use Variances

The Board of Zoning Appeals shall have no authority to grant "use variances" or to otherwise approve the location of land uses in zoning districts in which such uses are not allowed under this Zoning Ordinance.

3.13.12 Conditions and Safeguards

In granting variances, the Board of Zoning Appeals may impose such additional conditions and safeguards upon the character, location and other features of the proposed structure or use as the Board of Zoning Appeals deems necessary for the protection of the general welfare and individual property rights, and to ensure compliance with the intent and objectives of this Zoning Ordinance. Such conditions may include a financial guarantee or bond requirement to ensure compliance with all imposed conditions.

3.13.13 Withdrawal of Application

A variance may be withdrawn by the applicant at any time prior to the deadline for cancellation of the newspaper advertisement for the public hearing on the application. After that deadline, an application may be withdrawn only with the permission of the Zoning Administrator.

3.13.14 Re-Application

If a variance is denied by the Board of Zoning Appeals on its merits, no application requesting the same relief with respect to all or part of the same property shall be considered by the Board of Zoning Appeals within twelve (12) months after the date of such denial.

3.13.15 Appeals

Any person aggrieved by the approval or denial of a variance by the Board of Zoning Appeals may appeal said decision to the Circuit Court within thirty (30) days from the date of the Board's decision.

*Appeals of BZA's decisions are heard by the Circuit Court. Appeals must be filed within 30 days.

Sec. 3.14 Appeals of Administrative Decisions

3.14.1 Authority

The Board of Zoning Appeals shall be authorized to hear and decide appeals where it is alleged there is an error in any decision of the Zoning Administrator or any order, requirement, decision or determination made by an administrative official in the administration or enforcement of this Zoning Ordinance. In this capacity, the Board of Zoning Appeals exercises appellate jurisdiction as a quasi-judicial body; its responsibility is to determine the intent of this Zoning Ordinance when applied to a particular fact situation.

3.14.2 Right to Appeal

Appeals of Administrative Decisions may be filed by any person aggrieved by a decision of the Zoning Administrator, an administrative official or by any officer, board, bureau or other party provided by law.

3.14.3 Application Filing

A. Appeal applications shall be filed with the Zoning Administrator.

B. Required application forms, completed and signed by the applicant and property owner, shall accompany each application.

C. Appeals shall be filed within 30 days of the date of the decision being appealed if the decision was in writing and contained a statement that the recipient has a right to appeal the decision to the Board of Zoning Appeals per Sec. 15.2-2311 of the Code of Virginia, 1950, as amended.

D. Upon receipt of an application, the Zoning Administrator shall accept or reject the application within five (5) business days of the date of submission. Upon acceptance, the Zoning Administrator shall transmit a copy of the completed application to the Chairman of the Board of Zoning Appeals.

3.14.4 Effect of Filing

The filing of a complete application for appeal stays all proceedings in furtherance of the action appealed, except as provided in Section 15.2-2311 of the Code of Virginia, 1950, as amended. If the Zoning Administrator or other official whose decision is being appealed certifies to the Board of Zoning Appeals, after the appeal is filed, that, because of facts stated in the certification, a stay would cause immediate peril to life or property, proceedings shall not be stayed other than by a restraining order which may be granted by the Board of Zoning Appeals, or by a court of record for good cause shown.

3.14.5 Record of Administrative Decision

The official whose decision is being appealed shall transmit to the Board of Zoning Appeals all papers constituting the record upon which the action appealed is taken.

3.14.6 Public Hearing Notice

The Board of Zoning Appeals shall hold a public hearing within ninety (90) days of the date of acceptance of the completed application. Notice of the public hearing shall be provided as required by Section 15.2-2204 of the Code of Virginia, 1950, as amended, and as set forth in Sec. 3.1.9. Any person may appear at the hearing in person or by an attorney at law.

3.14.7 Board of Zoning Appeals Review and Decision

A. The Board of Zoning Appeals shall render a decision on the appeal within thirty (30) days of the conclusion of the public hearing.

B. In exercising the appeal power, the Board of Zoning Appeals shall have all the powers of the official from whom the appeal is taken, and the Board of Zoning Appeals may reverse or affirm wholly or partly or may modify the decision being appealed.

C. If the Board of Zoning Appeals determines that it is necessary to obtain additional evidence in order to resolve the matter, it shall remand the appeal to the official from whom the appeal is taken, with directions to obtain such evidence and to reconsider the decision in light of such evidence.

3.14.8 Approval Criteria; Findings of Fact

An appeal shall be sustained only if the Board of Zoning Appeals finds that the administrative official erred. The decision of the Board of Zoning Appeal shall be accompanied by specific, written findings of fact and conclusions of law clearly stating the reason for the decision. The Board of Zoning Appeals shall file with the Zoning

Administrator its findings of fact and conclusions of law with respect to the appeal. The Zoning Administrator shall serve a copy of the decision on the appellant and upon each other person who was a party of record at the hearing.

3.14.9 Appeals

Any person aggrieved by a decision of the Board of Zoning Appeals may appeal said decision to the Circuit Court within thirty (30) days from the date of the Board's decision

3.14.10 Withdrawal of Application

An appeal may be withdrawn by the appellant at any time prior to the deadline for cancellation of the newspaper advertisement for the required public hearing on the application. After this deadline, an appeal may be withdrawn only with the permission of the Board of Zoning Appeals.

Sec. 3.15 Appeals of Proffer Interpretations

3.15.1 Authority

In accordance with Section 15.2-2301 of the Code of Virginia, 1950, as amended, the Town Council shall be authorized to hear and decide appeals where it is alleged there is an error in any decision of the Zoning Administrator or any order, requirement, decision or determination made by an administrative official in the administration or enforcement of approved proffers associated with a zoning map amendment. In this capacity, the Town Council exercises appellate jurisdiction as a quasi-judicial body; its responsibility is to determine the intent of the proffered condition(s) when applied to a particular situation.

3.15.2 Right to Appeal

Appeals of administrative decisions pertaining to proffered conditions may be filed by any zoning applicant or any other person who is aggrieved by a decision of the Zoning Administrator made pursuant to the provisions of Section 15.2-2299 of the Code of Virginia, 1950, as amended.

3.15.3 Application Filing

A. Appeal applications shall be filed with the Clerk of Council and the Zoning Administrator.

B. The required application form must be completed and signed by the applicant and property owner.

C. Appeals shall be filed within thirty (30) days from the date of the decision for which review is sought and shall specify the grounds upon which the petitioner is aggrieved.

D. Upon receipt of an application, the Clerk of Council shall accept or reject the application within five (5) business days of the date of submission. Upon acceptance, the Clerk of Council shall transmit a copy of the completed application to the Town Council.

3.15.4 Record of Administrative Decision

The zoning administrator shall transmit to the Town Council all papers constituting the record upon which the action appealed is taken.

3.15.5 Public Hearing Notice

The Town Council shall hold a public hearing within thirty (30) days of the date of acceptance of the completed application. Notice of the public hearing shall be provided as

required by Section 15.2-2204 of the Code of Virginia, 1950, as amended, and as set forth in Sec. 3.1.9. Any person may appear at the hearing in person or by an attorney at law.

3.15.6 Town Council Review and Decision

A. The Town Council shall render a decision on the appeal within thirty (30) days of the conclusion of the public hearing.

B. The Town Council may reverse or affirm wholly or in part or may modify the decision being appealed.

3.15.7 Approval Criteria; Findings of Fact

An appeal shall be sustained only if the Town Council finds that the Zoning Administrator erred. The decision of the Town Council shall be accompanied by specific, written findings of fact and conclusions clearly stating the reason for the decision. The Town Council shall file with the Zoning Administrator its findings with respect to the appeal. The Zoning Administrator shall serve a copy of the decision on the appellant and upon each other person who was a party of record at the hearing.

3.15.8 Appeals

Any person aggrieved by a decision of the Town Council may appeal said decision to the Circuit Court within thirty (30) days from the date of the Council's decision.

Sec. 3.16 Town Plan Amendments

3.16.1 Purpose

Whenever the public necessity, convenience, general welfare, or good planning practice requires, the Town Council may amend, supplement, or change the comprehensive plan of the Town (Town Plan), in conformity with the provisions as set forth in this section.

3.16.2 Initiation of Application

Where the public necessity, convenience, general welfare and good planning practice require it, amendments to the Town Plan may be initiated (1) by resolution of the governing body or (2) by petition of the owner, contract purchaser with the owner's written consent, or the owner's agent, of the property which is the subject of the Town Plan amendment. The application must contain the consent of those with a legal ownership interest in the property under consideration.

3.16.3 Pre-Application Conference

Prior to filing an application, the applicant may meet with representatives from the Department of Planning and Zoning to discuss the requirements and the nature of the proposal. For purposes of this conference, the applicant may provide a sketch plan of the proposed use drawn to scale, showing the general layout of the development and the relationship to the surrounding area.

3.16.4 Application Filing

A. Town Plan amendment applications shall be filed with the Department of Planning and Zoning. The required application form must be completed and signed by the applicant and owner(s) of the property.

B. Upon receipt of an application, the Land Development Official shall acknowledge acceptance or rejection of the application in writing within ten (10) business days from the date of submittal.

C. Upon acceptance of a completed application, the application shall be forwarded to all appropriate reviewing agencies for comment.

3.16.5 Submittal Requirements

All Town Plan amendment applications shall be accompanied by the following items:

A. Application. An application, on a form provided by the town, completed and signed by the applicant and owner(s) of the property. The applicant shall keep this information current at all times during the processing of the application.

B. Fee. Associated fee, payable to the Town of Leesburg.

C. Disclosure Statement. A disclosure statement of the real parties in interest, on a form provided by the town, signed by the applicant and notarized. The applicant shall keep this information current at all times during the processing of the application.

D. Statement of Justification. Thirty (30) paper copies, or other number as determined by the Land Development Official, as well as one digital copy in a format specified by the Town, of a written statement of justification describing:

1. The nature of the request and uses proposed;

2. Assessment of the request relative to the following criteria:

a. How the amendment better realizes a Plan goal or objective (e.g., to provide a more compatible land use pattern; better transitions between land uses);
b. How the amendment may rectify conflicting Plan goals or objectives;
c. How the amendment may clarify the intent of a Plan goal or objective;
d. How the amendment may provide more specific Plan guidance;
e. How the amendment might adjust the Plan as a necessary result of a significant change in circumstance unforeseen by the Plan at the time of adoption;
f. How the amendment might adjust the Plan as a necessary result of a significant change in circumstances unforeseen by the Plan at the time of adoption;

3. Description and analysis of how the requested amendment and associated development will comply with elements of the Town Plan, as well as their associated goals and objectives. These include, but may not be limited to, natural resources, parks and recreation, heritage resources, community design, land use, housing, economic development, transportation, and community facilities and services;

4. Fiscal analysis that compares general fund revenues, costs of services and required capital facilities improvements generated by development associated with the requested amendment. The comparison shall also analyze the current Town Plan land designation, allowable development associated with current designations, and Town Plan objectives related to residential and non-residential sources of general fund revenue sources; and

5. Transportation analysis that shows how the amendment will address the objectives of the Town Plan's Transportation element, including mode choice, community integrity (as related to adjacent land uses), coordination of the transportation network and funding and scheduling for implementing improvements.

E. Plat. Thirty paper copies, or other number as determined by the Land Development Official, as well as one digital copy in a format specified by the Town, of a plat, signed and sealed by a certified land surveyor, completed not longer than six (6) months in advance of the date of the application, that contains the following information:

1. Insert vicinity map;
2. Boundaries of the entire property, with bearings and distances of the perimeter property lines and of each existing and proposed zoning district;
3. Total area of property in square feet and acres;
4. Tax map parcel or pin number of the subject property;
5. Topography with 5-foot contours;
6. Scale, north arrow and date;
7. Adjacent owner names, zoning, existing use, and use designated on the Town Plan Land Use Policy Map;
8. Names and route numbers of all boundary roads or streets, and the width of existing rights-of-way;
9. Automobile, bicycle, and pedestrian trail facilities and points of access to the property and adjacent to the property;
10. Public transportation routes and facilities within 200 feet of the site (routes and facilities within a quarter mile of the site may be shown on a larger scale, inset map);
11. Existing utility easements;
12. Proposed sewer and water connections;
13. Existing structures on the site and within 200 feet of the site;
14. Required yards and height and proposed setbacks and height;
15. Environmental features, including but not limited to features addressed in the Town Plan Natural Resources element and Green Infrastructure Policy Map;
16. Historic features, including but not limited to sites or structures listed on the National Register of Historic Places or the Virginia Landmarks Register, or in the Town Plan Historic Resources element; and
17. Additional information as may be deemed appropriate by the Land Development Official to provide a comprehensible application given the proposal.

3.16.6 Request for Waiver/Modifications of Submittal Requirements

The Land Development Official may waive any submittal requirements that accompany the application (with the exception of the associated fee). The applicant must clearly indicate by section and paragraph in the application and in a letter attached to the application, which waiver or modification is requested and provide a justification for each modification/waiver requested. To grant a waiver or modification the Land Development Official must determine that a requirement is not necessary for the full and adequate consideration of the application. The Land Development Official shall set forth in writing the reasons for such determination.

3.16.7 Public Hearing Notice

The Planning Commission and Town Council shall each hold a public hearing on proposed amendment to the Town Plan. Each public hearing requires notice as set out in Article 3. The Planning Commission and the Council may hold a joint public hearing after public notice as set forth in the Code of Virginia.

3.16.8 Planning Commission Review and Recommendation

Upon acceptance of a completed application, the Land Development Officer shall set a time and a place for a public hearing by the Planning Commission. Following the public hearing, the Planning Commission shall forward the proposed amendment to the Town Council, together with a statement setting forth its reasons for such recommendation. If the Council desires an amendment it may direct the local Planning Commission to prepare an amendment and submit it to public hearing within sixty days after formal written request by the Council.

3.16.9 Town Council Review and Decision

Once the Planning Commission has forwarded a recommendation to the Town Council, the Land Development Officer shall set a time and a place for a public hearing by the Town Council on said amendment. In acting on any amendments to the Town Plan, the Town Council shall act within ninety days of the local planning commission's recommending resolution.

3.16.10 Request for Time Extension – Council

A written request to extend the ninety-day time limit for Town Council review and decision may be made by the applicant at any time. The written request shall include a schedule for future submission of required information. The Council shall base its decision to grant an extension on an analysis of the progress being made on the application and the appropriateness of the schedule for future submissions that shall be provided by the applicant in conjunction with the request for a time extension. If a time extension is granted by the Council, the time period extension will commence on the expiration date of any previous time period extension or original date of application acceptance.

3.16.11 Withdrawal of Applications

Any application filed with the Town of Leesburg may be withdrawn upon written request by the applicant at any time. However, if the request for withdrawal is made after publication of the notice of hearing, such withdrawal shall be only with the consent of either the Planning Commission or the Town Council, whichever body has advertised the hearing. No new application concerning any or all of the same property shall be filed within twelve months of the consent to withdrawal action unless the consent of action specifies that the time limitation shall not apply and permits the application to be withdrawn “without prejudice.”

3.16.12 Approval Criteria

The Planning Commission and Town Council shall use the criteria and information listed in sections 5.D and 5.E of this ordinance, in addition to other reasonable considerations, in making their decision regarding approval or disapproval of a Town Plan amendment application.

3.16.13 Successive Applications

Upon denial by the Town Council of any application for a Town Plan amendment, a new application that is substantially the same application that was denied shall not be reconsidered within twelve (12) months of the date of denial.

Sec. 3.17 Affordable Dwelling Unit Development

3.17.1 Purpose

The Affordable Dwelling Unit Program is established to assist in the provision of housing to persons of moderate income by (a) promoting the development of a full range of housing choices, and (b) requiring the construction and continued existence of dwelling units which are affordable for purchase by households whose income is greater than thirty percent (30%) and less than seventy percent (70%) and affordable for rental by households whose income is greater than thirty percent (30%) and less than fifty percent (50%) of the median income for the Washington Primary Metropolitan Statistical Area (PMSA).

"Affordable Dwelling Units (ADUs)" shall be defined as those units for which the rental and/or sales price is regulated pursuant to the provisions contained in this Article, as adopted by the Town Council. All affordable dwelling units shall comply with the following provisions and the Residential Zoning District Regulations for the Provision of Affordable Dwelling Units regulations contained in Section 5.10 of this Ordinance, Chapter 1450 of the Loudoun County Codified Ordinance, and any other relevant Town of Leesburg code or ordinance, per the “Town/County Agreement.” The Town/County Agreement shall be defined as the Memorandum of Agreement (MOA) as authorized and approved by the Town Council and the Loudoun County Board of Supervisors.

3.17.2 Applicability

A. The requirements of the Affordable Dwelling Unit Program shall apply to any site, or portion thereof, at one location which is (a) served by public water and sewer, and (b) the subject of an application for rezoning, special exception, site plan or preliminary subdivision plat which yields, as submitted by the applicant, twenty four (24) or more dwelling units at an equivalent density greater than one unit per gross acre.

1. For the purposes of this Ordinance, "site or portion thereof, at one location" shall include all adjacent undeveloped land of the property owner and/or applicant, under common ownership and/or control of the owner and/or applicant, including, but not limited to, land owned and/or controlled by separate partnerships, land trusts, or corporations in which the owner and/or applicant (to include members of the owner's and/or applicant's immediate family) is an owner of one (1) percent or more of the stock, and other such forms of business entities. Adjacent parcels of undeveloped land owned by separate members of the same family shall be exempt from the provisions of this section when such separate ownership has existed for a period of no less than five (5) years.

2. Immediate family members shall include the owner's and/or applicant's spouse, children, parents and siblings.

3. In instances where a lending institution, such as pension fund, bank, savings and loan, insurance company or similar entity has acquired, or acquires, an equity interest solely by virtue of its agreement to provide financing, such equity interest shall not constitute ownership and shall not be considered in making determinations of applicability. However, the acquisition of a fee interest by such lending institution due to foreclosure or project participation shall be considered as ownership in making determinations of applicability.

B. Any request for a rezoning or amendment thereto involving the rezoning of land within any planned development district, or zoning amendment which results in an increase in the total number of residential units shall be subject to this Ordinance. However, application of the provisions of this Article shall be limited to the increase in the total number of residential units, provided that the overall density of the project results in twenty four (24) or more units at a density of greater than one (1) unit per acre.

C. An owner and/or applicant shall not be exempt from the requirements of this Ordinance by submitting phased applications for rezoning, special exception, site plan or preliminary subdivision plat for less than twenty four (24) dwelling units at any one time. An owner and/or applicant may submit an application for rezoning, special exception, or preliminary subdivision plat for less than twenty four (24) units if the applicant agrees, in writing, that the next application or submission for the subject site, or portion thereof, shall meet the requirements of this Ordinance when the total number of dwelling units in the subject development has reached twenty four (24) units or more. This statement shall be included on the approved concept plan, special exception, site plan, or preliminary subdivision plat. Such statement shall be recorded among the Loudoun County land records and shall be indexed in the names of all owners of the site, or portion thereof, as such terms are defined above.

D. The requirements of this Article shall not apply to the following:

1. Special exception, site plan or preliminary subdivision plat applications filed in accordance with an approved rezoning which has proffered the provision of affordable dwelling units or other contributions toward the provision of affordable dwelling units prior to the effective date of this Ordinance.

2. Proffer amendment, concept plan amendment, an amendment to a subdivision plat, modifications to an approved site plan and special exception amendment applications filed after the effective date of this Ordinance which deal exclusively with issues of building relocation, site access, stormwater drainage, or other engineering or public facility issues, or the preservation of historic structures, wetlands, child care facilities, or changes in the size of units, a reduction in the number of units, or which request the addition of a non-residential special exception use.

3. Properties subject to proffers accepted by the Town Council, pursuant to Section 15.2-2303 of the Code of Virginia, prior to April 22, 2008.

4. Any request for a rezoning or concept plan amendment which involves the rezoning of land within a planned development district in order to redistribute existing units to the newly zoned property within the same development, but which does not result in an increase in the total number of residential units.

5. Any request for a rezoning or concept plan amendment which involves the rezoning of land within a non-planned development district in order to redistribute existing units to the newly zoned property within the same development, but which does not result in an increase in the total number of residential units.

E. At the applicant's discretion, the provisions of this Article and individual district regulations for affordable dwelling unit developments may be applied to developments which are exempt from these provisions, as stated in Section 3.17.2.D. In the event that an applicant proposes to provide affordable dwelling units in a development which is otherwise exempt, the Town shall waive any

application fee associated with a rezoning and concept plan amendment proposing to change the rezoning or concept plan only in order to provide affordable dwelling units. Town review of such applications shall not exceed 180 days.

3.17.3 Affordable Dwelling Unit Density Adjustments

A. Single Family Detached and Single Family Attached Units.

1. For active rezoning applications as of April 22, 2008, which requests approval of single family detached dwelling units or single family attached dwelling units, the proposed density may be adjusted upward as prescribed within the Land Use, Land Use Policy Map, Residential section of the Town Plan, unless such figure is modified pursuant to the provisions of Section 3.17.7, or the applicant provides cash in lieu of providing the single family detached units pursuant to Section 3.17.7.A.3.

In the case of preliminary subdivision plat applications which request approval of single family detached dwelling units or single family attached dwelling units, the proposed density may reflect an increase of twenty percent (20%), including the required number of affordable dwelling units, unless such figure is modified pursuant to the provisions of Section 3.17.8 or the applicant provides cash in lieu of providing the single family detached or attached units pursuant to Section 3.17.7.A.3.

2. In the event such increase exceeds the upper density limit set forth in the Comprehensive Plan, then the upper density limit set forth in the Comprehensive Plan applicable to the subject property may be increased up to twenty percent (20%) for the purposes of calculating the potential density which may be approved by the Town.

In the event that a density increase is approved pursuant to Section 3.17.3.A.1 above, not less than twelve and one half percent (12.5%) of the total number of dwelling units approved for the subject development shall be affordable dwelling units, for which the rental and/or sales price will be controlled pursuant to this Section, Loudoun County regulations and the Town/County Agreement.

B. Multi-Family Units

1. For rezoning and special exception applications as of April 22, 2008, that propose multi-family units, the proposed density may be adjusted upward as prescribed within the Land Use, Land Use Policy Map, Residential section of the Town Plan.

In the case of site plan applications as of April 22, 2008 which request approval of multi family dwelling units, the proposed density may reflect an increase of ten percent (10%), including the required number of affordable dwelling units, unless such figure is modified pursuant to the provisions of Section 3.17.7.

2. In the event such increase exceeds the upper density limit set forth in the Comprehensive Plan, then the upper density limit set forth in the Comprehensive Plan applicable to the subject property shall be increased up to ten percent (10%) for the purposes of calculating the potential density which may be approved by the Town Council.

3. In the event that a density increase is approved pursuant to Section 3.17.3.B.1 above, not less than six and one-quarter percent (6.25%) of the

total number of dwelling units approved for the subject development shall be affordable dwelling units, for which the rental and/or sales price will be controlled pursuant to this Section.

4. An applicant may, at his discretion, request approval from the Town Council or its designee, of up to a ten percent (10%) increase in the density on a subject parcel, provided that at least six and one quarter percent (6.25%) of the total number of units approved are affordable dwelling units, for which the rental and/or sales price is controlled pursuant to the provisions of this Section.

C. In the case where affordable dwelling units are provided pursuant to Section 3.17.2.E above, the affordable dwelling unit to bonus density increase ratio required by Sections 3.17.3.A and B does not apply. The density of a development subject to voluntary provision of affordable dwelling units which is otherwise exempt, may be increased as pursuant to Section 3.17.3 In the event that a density increase is approved pursuant this Section, not less than twelve and one half percent (12.5%) of the total density bonus units approved for the subject development shall be affordable dwelling units, for which the rental and/or sales price will be controlled pursuant to this Section.

3.17.4 Designation of Affordable Units on Plats

A. Approved site plans and/or record subdivision plats shall identify the specific number of for-sale units and/or percentage of units for rent which are to be regulated as affordable units pursuant to this Article.

1. All plans or plats for developments containing affordable dwelling for-sale units shall identify specific units which are for sale or the percentage of units for rent under the affordable guidelines in this Section.

2. All site plans for developments containing affordable dwelling rental units shall include information concerning the number of each type of unit, by bedroom count, which shall be maintained as affordable.

B. Specifications regarding dwelling dimensions and the number of bedrooms in all affordable units shall meet the requirements established by the Affordable Dwelling Unit Advisory Board pursuant to Chapter 1450 of the Loudoun County Codified Ordinance, and the Town/County Agreement. In general, dwelling dimensions and the number of bedrooms in an affordable multi-family unit shall be comparable to equivalent market rate units on the subject parcel.

C. Affordable dwelling units shall be of a building type and of an architectural style compatible with residential units permitted within the zoning district in which they are located and interspersed among market rate units in the proposed development.

3.17.5 Timing of Construction/Availability of Affordable Units

In a development which contains single family detached, single family attached, or multi-family lots or units, occupancy permits for no more than fifty percent (50%) of the market rate dwelling units shall be issued prior to the issuance of occupancy permits for fifty percent (50%) of the affordable dwelling units. Occupancy permits for no more than seventy-five percent (75%) of the market rate dwelling units shall be issued until occupancy permits have been issued for one hundred percent (100%) of the affordable dwelling units for the development.

3.17.6 Administration and Regulation

In a development which contains single family detached, single family attached, or multi-family lots or units, occupancy permits for no more than fifty percent (50%) of the market rate dwelling units shall be issued prior to the issuance of occupancy permits.

3.17.7 Modifications

A. Modifications to the requirements of Sections 3.17.3 and 3.17.5 of the Affordable Dwelling Unit Program shall be allowed concurrently with applications for a rezoning, special exception, site plan or preliminary subdivision plat, upon a finding by the Town Council, upon recommendation of the Planning Commission. In the event that a modification to Section 3.17.3 is requested:

1. Regardless of the density increase allowed, the percentage of affordable units any approved shall be no less than 12.5% for single family detached and single family attached developments, and 6.25% for multi-family unit developments; and

2. The total affordable units proposed shall be no less than five percent (5%) of the total number of residential units within the project.

3. Notwithstanding paragraphs 1. and 2. above, any request for rezoning, special exception, or preliminary subdivision plat which contain only single family detached units, a modification may be requested to provide cash in lieu of the units. Such cash must be paid prior to the first zoning permit. In the event that an applicant requests a modification to make such cash payment, the following criteria shall apply:

a. The cash formula of Section 3.17.7.E shall apply.
b. The decision to pay cash in lieu of providing the units has to be made at the time of approval of rezoning, special exception or preliminary subdivision plat.
c. No bonus density is to be granted for a development, when an applicant opts to provide cash in lieu of units.

B. In reviewing a request for modification to Section 3.17.3, consideration shall be given, after providing significant justification, to the following:

1. Existing unique or unusual site constraints including, but not limited to, potential adverse impacts on environmental resources and features on the subject parcel and adjacent parcels, and difficult soil conditions.

2. Unusual costs associated with development of the subject property.

3. Overriding public needs, health issues, public safety issues, or public welfare issues which are better served by not providing the maximum number of affordable units otherwise required.

4. In the case of a request for a concept plan amendment, consideration shall also be given to whether the amendment would result in a reduction in the previously approved rezoning's impact on public facilities and whether the existing proffer commitments for the previously approved rezoning exceed current adopted capital facility guidelines established in the Town Plan.

C. In conjunction with Section 3.17.7.A above requesting such modifications, the Town Council may permit an applicant to request a modification to this ordinance so as to allow them to provide any combination of affordable dwelling units, land or contributions.

D. Requests for modifications to the requirements of the Affordable Dwelling Unit Program, as applied to a given development, shall be submitted in conjunction with the application for rezoning, concept plan amendment, proffer amendment, special exception, site plan, or preliminary subdivision, as applicable. The applicant shall provide a justification for such request. The Affordable Dwelling Unit Advisory Board, per the Town/County Agreement, shall review requests for modifications and make its recommendation to the Town of Leesburg within sixty (60) days of receipt by the ADUAB from the Town, of a completed application.

E. Cash contributions made pursuant to Section 3.17.7.C and 3.17.3.A shall be calculated according to the following formula:

$$\frac{\text{Construction Price of Prototypical ADU} \times .25 \times \text{\# of ADU lots required}}{.75} = \text{cash}$$

F. All cash, or the value of land contributions made pursuant to Sections 3.17.3.A and 3.17.7.C shall be calculated in terms of current dollars, adjusted by the CPI, at the time the actual contribution is officially transferred to the County per the Town/County Agreement, and paid prior to the issuance of the first zoning permit unless another time is approved by the Town Council at the time the modification is approved. Funds collected shall be placed in the Loudoun County Housing Trust.

G. The time limits set forth in Section 15.2-2259 and 15.2-2260 of the Virginia Code shall be suspended during the pendency of an application filed pursuant to Section 3.17.7.

3.17.8 Compliance with State/Federal/Local Laws

A. A development which provides, pursuant to Federal, State or other local programs, the same number or more affordable dwelling units as the number of affordable dwelling units required under Section 3.17.3 above, subject to terms and restrictions equivalent to the requirements of this Section, shall satisfy the requirements of the Affordable Dwelling Unit Program.

B. A development which provides, pursuant to Federal, State, or other local programs, a fewer number of affordable dwelling units than required under Section 3.17.3 above, subject to terms and restrictions equivalent to the requirements of this Section, shall provide the additional number of affordable dwelling units necessary to make up the shortage.

C. The rents and sales prices for affordable dwelling units provided pursuant to Federal, State, or other local programs shall be in accordance with the rules and regulations governing such programs and these units shall be marketed in accordance with such rules and regulations, provided rents and sale prices shall not exceed those set pursuant to this Article.

3.17.9 Violations and Penalties

In addition to the provisions set forth in Article 17 of the Zoning Ordinance, the following shall apply whenever any person, whether owner, lessee, principal, agent, employee or otherwise, violates any provision of this Article, or permits any such violation, or fails to comply with any of the requirements hereof:

A. Owners of affordable dwelling units who shall fail to submit executed affidavits or certifications, as required by this Section, shall be fined fifty (50) dollars per day per unit, up to a maximum of three thousand (3000) dollars per unit, until such affidavit or certificate is filed, but only after written notice and a ten-day compliance period is provided. Fines levied pursuant to this paragraph shall become liens upon the real property and shall accumulate interest at the judgment rate of interest.

B. Tenants of affordable dwelling units who shall fail to submit executed affidavits or certifications, as required by this Section, Chapter 1450 of the Codified Ordinance of Loudoun County and/or the Town/County Agreement shall be subject to lease termination and eviction procedures, as provided in the Codified Ordinance.

C. Owners and tenants of affordable dwelling units who shall falsely swear or who shall execute an affidavit or certification required by this Section knowing the statements contained therein to be false shall be guilty of a Class II misdemeanor and shall be subject to a fine up to one thousand (1000) dollars.

1. Fines levied against owners pursuant to this paragraph shall become liens upon the real property and shall accumulate interest at the judgment rate of interest.

2. Tenants of affordable dwelling units who shall falsely swear or who shall execute an affidavit or certification required by this Section knowing the statements contained therein to be false shall also be subject to lease termination and eviction procedures, as provided in the Codified Ordinance.

3. Owners of individual affordable dwelling units who shall falsely swear that they continue to occupy their respective affordable dwelling unit as their primary domicile shall be subject to injunction or other suit, action or proceeding to require such owner to either sell the unit to someone who meets the eligibility requirements established pursuant to this Article or to occupy such affordable dwelling unit as a domicile.

3.17.10 Enforcement and Court Appeals

A. The Zoning Administrator of the Town of Leesburg shall administer and enforce the provisions of The Town of Leesburg's Affordable Dwelling Unit Program in conjunction with the County staff, other than those enforcement remedies and rights assigned by the Town to the County in paragraph 3.17.9.

B. Notwithstanding the provisions of Section 15.2-2311 of the Virginia Code, any person aggrieved by a decision of the Town of Leesburg's Zoning Administrator, may appeal such decision to the Town of Leesburg's Board of Zoning Appeals by filing a petition of appeal which specifies the grounds upon which aggrieved within thirty (30) days from the date of the decision.

In the case of a decision made by the Affordable Dwelling Unit Advisory Board regarding an appeal of affordable dwelling unit for-sale or rental prices, or by any decision pursuant to 1450.03(a) Loudoun County Codified Ordinances in the administration of the Affordable Dwelling Unit Program, may appeal such decision to the Loudoun County Board of Supervisors by filing a petition of appeal which specifies the grounds upon which aggrieved within thirty (30) days from the date of the decision.

C. Any petition of appeal properly filed pursuant to Paragraph B above shall not constitute a de novo proceeding and shall be considered by the Circuit Court in a manner similar to petitions filed pursuant to Section 15.2-2314 of the Virginia Code.

Sec. 3.18 Interim Waivers

A. The Town Council shall have the authority to waive the requirements of the sections listed below:

Section 6.3.3.D	Minimum yards/setbacks in the B-1 Downtown district
Section 6.4.3.D	Minimum yards/setbacks in the B-2 Commercial district
Section 10.4.5.E	Additional setback requirements from certain streets
Section 11.3	Number of parking spaces required

B. The Town Council shall conduct a duly noticed public hearing pursuant to Section 3.3.9 of the Zoning Ordinance and may waive or modify said sections after finding:

1. That the current regulations inhibit the implementation of the traditional urban form as prescribed in the Town Plan, and

2. Which Town Plan objectives are unable to be implemented, and

3. That the current regulation is in conflict with the Town Plan, and

4. That the waiver does not create incompatibilities or negative impacts upon surrounding properties or uses.

C. In approving a waiver to Section 11.3 (Parking Standards Table), the Town Council shall conduct a duly noticed public hearing pursuant to Section 3.3.9 of the Zoning Ordinance and may either;

1. Utilize the provisions of Section 11.4.2 (Shared Parking/Joint Use), or

2. Require the applicant to provide a parking study prepared by a certified planner or registered professional engineer which justifies a reduced parking requirement and certifies there will be no adverse impacts to the surrounding properties.

D. If the waiver request is related to a Planned Development rezoning application, it may be processed simultaneously pursuant to Section 8.2.2E (Zoning Modification).

Sec. 3.19 Written Zoning Interpretations

3.19.1 Written Interpretations.

In accordance with Sections 15.2-2301 and 15.2-2311 of the Code of Virginia, as amended and Zoning Ordinance Section 2.5.1.E, the Zoning Administrator shall issue written interpretations of this Zoning Ordinance upon written request. Such interpretations shall be binding as to the applicant and to the specific facts presented in the application for interpretation after completion of the legislative thirty (30) day appeal period specified in Section 15.2-2311 Appeals to Board or Section 15.2-2301 Same, petition for review of decision of the Code of Virginia, as amended, as applicable.

1. Written Requests for Interpretation. All written requests for determinations and interpretations that address permissibility of a specific use or density shall include the following information at a minimum:
2. A statement that the letter writer is either the owner of the subject property or is authorized by the landowner to make the request;
3. The date the landowner took title to the property;
4. The address and Loudoun County Property Identification Number (PIN)
5. A statement regarding the specific use or the specific density about which the inquiry is being made;
6. Identification of the project name and/or a description of the project to be undertaken;
7. Certification that the request concerns development of the specific project identified in E above;
8. Identification of any variance, special exception, rezoning or similar legislative act that affects the property; and,
9. Identification of any conditions (e.g. proffers) that affect the specific use or density.

3.19.2 Zoning Administrator's Response.

In accordance with Section 15.2-2286 of the Code of Virginia, as amended, and Zoning Ordinance Section 2.5.2 the Zoning Administrator shall respond to written requests for zoning interpretations within ninety (90) days unless the requester has agreed to a longer period of time.

3.19.3 Appeals and Changes, Modifications or Reversals of Written Interpretations.

1. **Right of Appeal.** In accordance with Section 15.2-2301 or 15.2-2311, as amended, as applicable, any person aggrieved by any written decision or determination of the Zoning Administrator has thirty (30) days to appeal the Zoning Administrator's decision/determination to the Board of Zoning Appeals in the case of a Zoning Ordinance determination in accordance with Zoning Ordinance Section 3.14 Appeals & Administrative Decisions or to the Town Council in the case of proffer interpretations in accordance with Zoning Ordinance Section 3.15 Appeals of Proffer Interpretations.
2. **Zoning Administrator's Right to Modify.** Code of Virginia Section 15.2-2311.C. permits the Zoning Administrator or other administrative officer to change, modify or reverse any decision/determination within sixty (60) days under certain conditions.

Article 4 | Zoning Districts (In General)

Contents of Article

Sec. 4.1 Establishment of Zoning Districts 4-1
4.1.1 Base Zoning Districts 4-1
4.1.2 Overlay and Special Purpose Districts 4-1
4.1.3 Planned Development Districts 4-2
4.1.4 Mixed Use 4-2
Sec. 4.2 Zoning District Hierarchy 4-2
Sec. 4.3 Zoning Upon Annexation 4-2
4.3.1 Zoning Classification 4-2
4.3.2 Procedure 4-2
Sec. 4.4 Zoning Map 4-3
4.4.1 Establishment of Official Zoning Map 4-3
4.4.2 Interpretation of District Boundaries 4-3

Sec. 4.1 Establishment of Zoning Districts

The following zoning districts are hereby established.

4.1.1 Base Zoning Districts	Corresponding Town Plan Land Use Classification
A. Residential Districts	
1. R-E, Single-Family Residential Estate District	Low-Density Residential
2. R-1, Single-Family Residential District	Low-Density Residential
3. R-2, Single-Family Residential District	Low-Density Residential
4. R-4, Single-Family Residential District	Low-Density or Medium-Density Residential
5. R-6, Moderate Density Residential District	Medium-Density Residential
6. R-HD, Historic Residential District	Infill
7. R-8, Medium Density Attached Residential District	Medium-Density or High-Density Residential
8. R-16, Planned Housing Development District	N/A
9. R-22, Multi-Family Residential District	High-Density Residential
B. Nonresidential Districts	
1. O-1, General Office District	Commercial and Employment
2. B-1, Community (Downtown) Business District	Infill
3. B-2, Established Corridor Commercial District	N/A
4. B-3, Community Retail/Commercial District	Community Commercial
5. B-4, Mixed-Use Business District	Business II
6. I-1, Industrial/Research Park District	N/A

4.1.2 Overlay and Special Purpose Districts

A. M-C, Medical-Hospital Center (Special Purpose) District

B. GC, Government Center (Special Purpose) District

C. MA, Municipal Airport (Special Purpose) District

D. H-1Overlay, Old and Historic District

E. H-2, Historic Corridor Architectural Control Overlay District

F. A-1, Airport Overlay District

G. NACO, Noise Abatement Corridor Overlay District

H. Creek Valley Buffer District (adopted 5/13/03)

I. Flood Protection District (adopted 5/13/03)

4.1.3 Planned Development Districts

A. PRN, Planned Residential Neighborhood District

B. PRC, Planned Residential Community District

C. PEC, Planned Employment Center District

4.1.4 Mixed Use

A. Crescent Design District

Commentary
A zoning district hierarchy explains the relative intensity of this ordinance's various zoning districts. Such a hierarchy permits shorthand, narrative references to groups of zoning districts (e.g., "this provision applies in R-16 and less intensive districts" instead of this provision applies in the R-E, R-1, R-2, R-4, R-6, R-HD, R-8 and R-16 districts").

Commentary

Sec. 4.2 Zoning District Hierarchy

Under the hierarchy established by this Zoning Ordinance, the R-E District is the most restrictive base zoning district, and the I-1 District is the least restrictive base zoning district. Planned Development Districts and Overlay and Special Purpose zoning districts are not included in the zoning district hierarchy.

Sec. 4.3 Zoning Upon Annexation

4.3.1 Zoning Classification

Any area that is added to or becomes a part of the Town of Leesburg shall be zoned in one of the following ways:

A. Automatically zoned R-E District without any further action. This zoning designation shall be effective upon the date the boundary adjustment annexation is finally approved by a court of competent jurisdiction; or

B. In the zoning district that most closely reflects the existing use of the property; or

C. In such other zoning district included in this Zoning Ordinance as deemed appropriate by the Town Council, in accordance with the procedures of Sec. 3.3.

4.3.2 Procedure

Processing of annexations and rezonings may take place simultaneously, provided that all of the procedures of Sec. 3.3 are followed.

Sec. 4.4 Zoning Map

4.4.1 Establishment of Official Zoning Map

The boundaries of all zoning districts are hereby fixed and established as shown on the accompanying Official Zoning Map, which is to be considered a part of this Zoning Ordinance as fully as if it were set out herein in detail. The Official Zoning Map shall be maintained in the office of the Zoning Administrator. The Official Zoning Map shall also indicate whether or not there are proffered conditions associated with specific properties because of a rezoning.

4.4.2 Interpretation of District Boundaries

The boundaries of the various districts as shown on the Official Zoning Map shall be determined by the boundaries as shown and outlined thereon, or as may be indicated on a plat accompanying the rezoning. The Zoning Administrator shall interpret such information in order to determine zoning district boundaries. Where uncertainty exists as to the exact location of said boundaries, the following rules shall apply.

A. **Center Line as Boundaries.** Where district boundaries lie on or within streets, highways, road rights-of-way or public water bodies, the district boundaries shall be the center line of the same.

B. **Excluded Areas.** It is the intent of this Zoning Ordinance that the entire incorporated area of the Town of Leesburg, including all land, water areas, and waterways be included in the zoning districts established by this Zoning Ordinance. Any area not shown on the Official Zoning Map as being included in any district shall be deemed to be in the R-E District.

C. **Action in Case of Uncertainty.** In case any further uncertainty exists, the Board of Zoning Appeals shall interpret the intent of the district map as to location of such boundaries.

Article 5 | Residential Zoning Districts

Contents of Article

Sec. 5.1 R-E, Single-Family Residential Estate District 5-2
5.1.1 Description 5-2
5.1.2 Use Regulations 5-2
5.1.3 Density/Intensity and Dimensional Standards 5-3
Sec. 5.2 R-1, Single-Family Residential District 5-3
5.2.1 Description 5-3
5.2.2 Use Regulations 5-3
5.2.3 Density/Intensity and Dimensional Standards 5-4
Sec. 5.3 R-2 Single-Family Residential District 5-5
5.3.1 Description 5-5
5.3.2 Use Regulations 5-5
5.3.3 Density/Intensity and Dimensional Standards 5-6
Sec. 5.4 R-4, Single-Family Residential District 5-6
5.4.1 Description 5-6
5.4.2 Use Regulations 5-7
5.4.3 Density/Intensity and Dimensional Standards 5-7
Sec. 5.5 R-6, Moderate Density Residential District 5-8
5.5.1 Description 5-8
5.5.2 Use Regulations 5-8
5.5.3 Density/Intensity and Dimensional Standards 5-9
Sec. 5.6 R-HD, Historic Residential District 5-10
5.6.1 Description 5-10
5.6.2 Use Regulations 5-10
5.6.3 Density/Intensity and Dimensional Standards 5-10
Sec. 5.7 R-8, Medium-Density Attached Residential District 5-11
5.7.1 Description 5-11
5.7.2 Use Regulations 5-11
5.7.3 Density/Intensity and Dimensional Standards 5-12
5.7.4 Additional Standards 5-13
Sec. 5.8 R-16, Planned Housing Development District 5-13
5.8.1 Description 5-13
5.8.2 Use Regulations 5-13
5.8.3 Density/Intensity and Dimensional Standards 5-14
Sec. 5.9 R-22, Multi-Family Residential District 5-14
5.9.1 Description 5-14
5.9.2 Use Regulations 5-15
5.9.3 Density/Intensity and Dimensional Standards 5-15
Sec. 5.10 Residential Zoning District Regulations for the Provision of ADUs 5-16
5.10.1 Purpose. 5-16
5.10.2 R-1 Single Family Residential District 5-17
5.10.3 R-2 Single-Family Residential District 5-17
5.10.4 R-4 Single-Family Residential District 5-18
5.10.5 R-6 Moderate Density Residential District 5-18
5.10.6 R-8 Medium Density Attached Residential District 5-19
5.10.7 R-16 Planned Housing Development District 5-19
5.10.8 R-22 Multi-Family Residential District 5-20

Sec. 5.1 R-E, Single-Family Residential Estate District

5.1.1 Description

The R-E, Single Family Residential Estate District is primarily intended to accommodate single-family detached dwelling units at a density of no more than one (1) dwelling unit three (3) acres. The low-density, large lot development patterns promoted by the R-E District are intended to help preserve the character of existing estate residential areas and help ensure conservation of environmental features, such as woodlands, stream corridors, steep slopes and ridge lines. The R-E District is also intended to serve as an interim or "holding" zoning designation for newly annexed lands, pending the availability of urban services and/or the completion of town land use and zoning studies leading to other recommended zoning classifications.

5.1.2 Use Regulations

Uses are allowed in the R-E 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.

R-E Uses			
Use		**Use Standards**	**Definition**
Agricultural Uses			
Farming	P		Sec. 18.1.63
Nursery	P		Sec. 18.1.119
Commercial Uses			
Bed and breakfast inn	S		Sec. 18.1.16
Child care center	S		Sec. 18.1.29
Country club	P		Sec. 18.1.40
Emergency care facility	S		Sec. 18.1.58
Golf course	P		Sec. 18.1.72
Golf driving range	S		Sec. 18.1.71
Home occupation	P		Sec. 18.1.80
Kennel	S	Sec. 9.3.12	Sec. 18.1.88
Nursery	S		Sec. 18.1.119
Recreation facility	S	Sec. 9.3.21	Sec. 18.156
Stable	P		Sec. 18.1.176
Temporary Land-Based Telecommunications Testing Facility	P	Sec. 9.3.26.E	
Veterinary hospital	S	Sec. 9.3.30	Sec. 18.1.198
Institutional and Community Service Uses			
Cemetery	S		Sec. 18.1.28
Club	S		Sec. 18.1.30
Fire and/or rescue facility	P		Sec. 18.1.64
Golf Course	P		Sec. 18.1.72
Library	P		Sec. 18.1.89

R-E Uses			
Nursing home	S	Sec. 9.3.17	Sec. 18.1.120
Park, public	P		
Place of worship	S		Sec. 18.1.141
Recreation facility	P	Sec. 9.3.21	Sec. 18.1.156
School, general education	S		Sec. 18.1.162
School, public	P		Sec. 18.1.163
U.S. Postal Service	S		Sec. 18.1.147
Residential Uses			
Accessory dwelling unit	S	Sec. 9.4.1	Sec. 18.1.5
Group home	P		Sec. 18.1.74
Single-family detached dwelling	P		Sec. 18.1.171

5.1.3 Density/Intensity and Dimensional Standards

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

R-E District Standards	
A. Minimum Lot Area (acres)	
All Development	3
B. Minimum Lot Width (feet)	
Interior Lot	200
Corner Lot	225
C. Minimum Yards/Setbacks (feet)	
Front	30
Side	20
Rear	30
D. Maximum Building Height (feet)	
All Development	35[1]

[1] Maximum height for a place of worship may exceed 35 feet when allowed by a special exception approved by the Town Council in accordance with the procedures of Sec. 3.4 Special Exceptions.

Sec. 5.2 R-1, Single-Family Residential District

5.2.1 Description

The R-1, Single-Family Residential District is primarily intended to accommodate single-family detached dwelling units at densities of no more than one (1) dwelling unit per acre. The district is appropriate for application in areas designated in the Town Plan for “Low Density Residential” development. The low-density development patterns promoted by the R-1 District are intended to help ensure conservation of environmental features, such as woodlands, steep slopes and ridge lines.

5.2.2 Use Regulations

Uses are allowed in the R-1 District in accordance with the following table. A “P” in the second column of the table indicates that the use is permitted by-right, subject to compliance with all applicable standards of this Zoning Ordinance. An “S” in the second column of the table indicates that the use may be allowed if reviewed and approved in

accordance with the Special Exception procedures of Sec. 3.4. For a summary of uses permitted in all zoning districts, see the Use Table in Sec. 9.2. Developments that are subject to Section 3.17, Affordable Dwelling Unit (ADU) developments, shall also be subject to the requirements of Section 5.10.

R-1 Uses			
Use		**Use Standards**	**Definition**
Commercial Uses			
Bed and breakfast inn	S		Sec. 18.1.16
Child care center	S		Sec. 18.1.29
Country club	P		Sec. 18.1.40
Golf course	P		Sec. 18.1.72
Home occupation	P		Sec. 18.1.80
Recreation facility	S	Sec. 9.3.21	Sec. 18.1.156
Temporary Land-Based Telecommunications Testing Facility	P	Sec. 9.3.26.E	
Institutional and Community Service Uses			
Cemetery	S		Sec. 18.1.28
Fire and/or rescue facility	P		Sec. 18.1.64
Golf course	P		Sec. 18.1.72
Library	P		Sec. 18.1.89
Nursing home	S	Sec. 9.3.17	Sec. 18.1.120
Park, dog	S	Sec. 9.3.7	Sec. 18.1.44
Park, public	P		
Place of worship	S		Sec. 18.1.141
Recreation facility	P	Sec. 9.3.21	Sec. 18.1.156
School, general education	S		Sec. 18.1.162
School, public	P		Sec. 18.1.163
U.S. Postal Service	S		Sec. 18.1.147
Residential Uses			
Accessory dwelling unit	S	Sec. 9.4.1	Sec. 18.1.5
Group home	P		Sec. 18.1.74
Single-family detached dwelling	P		Sec. 18.1.171
Utility Uses			
Public utility, major	S	Sec. 9.3.31	Sec. 18.1.153
Public utility, minor	P	Sec. 9.3.31	Sec. 18.1.154

5.2.3 Density/Intensity and Dimensional Standards

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

R-1 District Standards	
A. Minimum Lot Area (acres)	
All Development	1(per unit)
B. Minimum Lot Width (feet)	
Interior Lot	100
Corner Lot	125

R-1 District Standards	
C. Minimum Yards/Setbacks (feet)	
Front	30
Side	20
Rear	30
D. Maximum Building Height (feet)	
All Development	35[1]

[1] Maximum height for a place of worship may exceed 35 feet when allowed by a special exception approved bythe Town Council in accordance with the procedures of Sec. 3.4 Special Exceptions.

Sec. 5.3 R-2 Single-Family Residential District

5.3.1 Description

The R-2, Single-Family Residential District is primarily intended to accommodate single-family detached dwelling units at densities of no more than two (2) dwelling units per acre. The district is generally appropriate for application in areas designated in the Town Plan for "Low Density Residential" development.

5.3.2 Use Regulations

Uses are allowed in the R-2 District in accordance with the following table. A "P" in the second column of the table indicates that the use is permitted by-right, subject to compliance with all applicable standards of this Zoning Ordinance. An "S" in the second column of the table indicates that the use may be allowed if reviewed and approved in accordance with the Special Exception procedures of Sec. 3.4. For a summary of uses permitted in all zoning districts, see the Use Table in Sec. 9.2. Developments that are subject to Section 3.17, Affordable Dwelling Unit (ADU) developments, shall also be subject to the requirements of Section 5.10.

R-2 Uses			
Use		**Use Standards**	**Definition**
Commercial Uses			
Bed and breakfast inn	S		Sec. 18.1.16
Child care center	S		Sec. 18.1.29
Home occupation	P		Sec. 18.1.80
Recreation facility	S	Sec. 9.3.21	Sec. 18.1.156
Temporary Mobile Land-Based Telecommunications Testing Facility	P	Sec. 9.3.26.E	
Institutional and Community Service Uses			
Cemetery	S		Sec. 18.1.28
Fire and/or rescue facility	P		Sec. 18.1.64
Library	P		Sec. 18.1.89
Park, public	P		
Place of worship	S		Sec. 18.1.141
Recreation facility	P	Sec. 9.3.21	Sec. 18.1.156
School, general education	S		Sec. 18.1.162
School, public	P		Sec. 18.1.163

R-2 Uses			
U.S. Postal Service	S		Sec. 18.1.147
Residential Uses			
Accessory dwelling unit	S	Sec. 9.4.1	Sec. 18.1.5
Cluster development	P	Sec. 10.3.1	Sec. 18.1.31
Group home	P		Sec. 18.1.74
Single-family detached dwelling	P		Sec. 18.1.171
Utility Uses			
Public utility, major	S	Sec. 9.3.31	Sec. 18.1.153
Public utility, minor	P	Sec. 9.3.31	Sec. 18.1.154

5.3.3 Density/Intensity and Dimensional Standards

All development in the R-2 District shall be subject to the following standards (See also Article 10):

R-2 District Standards	
A. Minimum Lot Area (square feet)	
All Development	20,000 (per unit)
B. Minimum Lot Width (feet)	
Interior Lot	90
Corner Lot	110
C. Minimum Yards/Setbacks (feet)	
Front	25
Side	15
Rear	25
D. Maximum Building Height (feet)	
All Development	35[1]

[1] Maximum height for a place of worship may exceed 35 feet when allowed by a special exception approved by the Town Council in accordance with the procedures of Sec. 3.4 Special Exceptions.

Sec. 5.4 R-4, Single-Family Residential District

5.4.1 Description

The R-4, Single-Family Residential District is primarily intended to accommodate single-family detached dwelling units at densities of no more than four (4) dwelling units per acre. The district is generally appropriate for application in areas designated in the Town Plan for "Low Density Residential" development. The low density development patterns promoted by the R-4 District are intended to promote the efficient use of land by encouraging the provision and conservation of open space through cluster development. Cluster development allows a reduction in lot area, yard (setback) and bulk requirements, provided maximum density allowed by the underlying zoning district is not exceeded. Residential cluster developments must preserve the integrity of their sites by protecting and promoting the preservation of steep slopes, stream valleys, desirable vegetation, and other natural features.

5.4.2 Use Regulations

Uses are allowed in the R-4 District in accordance with the following table. A "P" in the second column of the table indicates that the use is permitted by-right, subject to compliance with all applicable standards of this Zoning Ordinance. An "S" in the second column of the table indicates that the use may be allowed if reviewed and approved in accordance with the Special Exception procedures of Sec. 3.4. For a summary of uses permitted in all zoning districts, see the Use Table in Sec. 9.2. Developments that are subject to Section 3.17, Affordable Dwelling Unit (ADU) developments, shall also be subject to the requirements of Section 5.10.

R-4 Uses			
Use		**Use Standards**	**Definition**
Commercial Uses			
Child care center	S		Sec. 18.1.29
Home occupation	P		Sec. 18.1.80
Temporary Mobile Land-Based Telecommunications Testing Facility	P	Sec. 9.3.26.E	
Institutional and Community Service Uses			
Assisted living residence	S	Sec. 9.3.1	Sec. 18.1.12
Cemetery	S		Sec. 18.1.28
Fire and/or rescue facility	S		Sec. 18.1.64
Library	S		Sec. 18.1.89
Park, public	P		
Place of worship	S		Sec. 18.1.141
Recreation facility	S	Sec. 9.3.21	Sec. 18.1.156
School, general education	S		Sec. 18.1.162
School, public	S		Sec. 18.1.163
Residential Uses			
Cluster development	P	Sec. 10.3.1	Sec. 18.1.31
Extended Family Residence	P/S	Sec. 9.3.11	Sec. 18.1.60
Group home	P		Sec. 18.1.74
Single-family detached dwelling	P		Sec. 18.1.171
Utility Uses			
Public utility, major	S	Sec. 9.3.31	Sec. 18.1.153
Public utility, minor	P	Sec. 9.3.31	Sec. 18.1.154

5.4.3 Density/Intensity and Dimensional Standards

All development in the R-4 District shall be subject to the following standards (See also Article 10):

R-4 District Standards	
A. Minimum Lot Area (square feet)	
All Development	10,000per unit
B. Minimum Lot Width (feet)	
Interior Lot	75
Corner Lot	90
C. Minimum Yards/Setbacks (feet)	

R-4 District Standards	
Front: Principal Building	15
Front: Garage Entrance	20
Side	10
Rear	20
D. Maximum Building Height (feet)	
All Development	35[1]

[1] Maximum height for a place of worship may exceed 35 feet when allowed by a special exception approved by the Town Council in accordance with the procedures of Sec. 3.4 exceptions.

Sec. 5.5 R-6, Moderate Density Residential District

5.5.1 Description

The R-6, Moderate Density Residential District is primarily intended to accommodate single-family and duplex residential development at a density of no more than six (6) single-family detached dwelling units per acre. The district is generally appropriate for application in areas designated in the Town Plan for “Medium Density Residential” development. The moderate density development patterns promoted by the R-6 District are intended to promote efficient use of land by encouraging the provision and conservation of open space through cluster development. Cluster development allows a reduction in lot area, yard (setback) and bulk requirements, provided maximum density allowed by the underlying zoning district is not exceeded. Residential cluster developments must preserve the integrity of their sites by protecting and promoting the preservation of steep slopes, stream valleys, desirable vegetation, and other natural features.

5.5.2 Use Regulations

Uses are allowed in the R-6 District in accordance with the following table. A “P” in the second column of the table indicates that the use is permitted by-right, subject to compliance with all applicable standards of this Zoning Ordinance. An “S” in the second column of the table indicates that the use may be allowed if reviewed and approved in accordance with the Special Exception procedures of Sec. 3.4. For a summary of uses permitted in all zoning districts, see the Use Table in Sec. 9.2. Developments that are subject to Section 3.17, Affordable Dwelling Unit (ADU) developments, shall also be subject to the requirements of Section 5.10.

R-6 Uses			
Use		**Use Standards**	**Definition**
Commercial Uses			
Child care center	S		Sec. 18.1.29
Home occupation	P		Sec. 18.1.80
Temporary Mobile Land-Based Telecommunications Testing Facility	P	Sec. 9.3.26.E	
Institutional and Community Service Uses			
Assisted living residence	S	Sec. 9.3.1	Sec. 18.1.12
Cemetery	S		Sec. 18.1.28
Club	S		Sec. 18.1.30
Fire and/or rescue facility	S		Sec. 18.1.64

R-6 Uses			
Library	S		Sec. 18.1.89
Park, public	P		
Place of worship	S		Sec. 18.1.141
Recreation facility	S	Sec. 9.3.21	Sec. 18.1.156
School, general education	S		Sec. 18.1.162
School, public	S		Sec. 18.1.163
Residential Uses			
Cluster development	P	Sec. 10.3.1	Sec. 18.1.31
Duplex	P		Sec. 18.1.49, Sec. 18.1.50
Extended Family Residence	P/S	Sec. 9.3.11	Sec. 18.1.60
Group home	P		Sec. 18.1.74
Single-family detached dwelling	P		Sec. 18.1.171
Utility Uses			
Public utility, major	S	Sec. 9.3.31	Sec. 18.1.153
Public utility, minor	P	Sec. 9.3.31	Sec. 18.1.154

5.5.3 Density/Intensity and Dimensional Standards

All development in the R-6 District shall be subject to the following standards (See also Article 10):

R-6 District Standards	
A. Minimum Lot Area (square feet)	
Single-Family Detached	6,500
Duplex, Vertical	5,000
Duplex Horizontal	10,000
All Other Development	8,000
B. Minimum Lot Width (feet)	
Interior Lot	75 [2]
Corner Lot	90 [2]
C. Minimum Yards/Setbacks (feet)	
Front: Principal Building	15
Front: Garage Entrance	20
Side	10
Rear	20
D. Maximum Building Height (feet)	
All Development	35[1]

[1] Maximum height for a place of worship may exceed 35 feet when allowed by a special exception approved by the Town Council in accordance with the procedures of Sec. 3.4 Special Exceptions.

[2] Duplex Lot Width (feet):

	Vertical Structure	Horizontal Structure
Interior Lot	37.5	75
Corner Lot	45	90

Sec. 5.6 R-HD, Historic Residential District

5.6.1 Description

The R-HD, Historic Residential District is primarily intended to accommodate residential development that is compatible with and preserves the character of the Old and Historic (H-1 Overlay) District. The district is generally appropriate for application in areas designated as historic residential areas in the "Downtown" land use category in the Town Plan.

5.6.2 Use Regulations

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

R-HD Uses			
Use		**Use Standards**	**Definition**
Commercial Uses			
Bed and breakfast inn	S		Sec. 18.1.16
Child care center	S		Sec. 18.1.29
Home occupation	P		Sec. 18.1.80
Temporary Mobile Land-Based Telecommunications Testing Facility	P	Sec. 9.3.26.E	
Institutional and Community Service Uses			
Assisted living residence	S	Sec. 9.3.1	Sec. 18.1.12
Cemetery	S		Sec. 18.1.28
Fire and/or rescue facility	S		Sec. 18.1.64
Library	S		Sec. 18.1.89
Park, public	P		
Place of worship	S		Sec. 18.1.141
Recreation facility	S	Sec. 9.3.21	Sec. 18.1.156
Residential Uses			
Accessory dwelling unit	S	Sec. 9.4.1	Sec. 18.1.5
Duplex	P		Sec. 18.1.49, Sec. 18.1.50
Group home	P		Sec. 18.1.74
Single-family detached dwelling	P		Sec. 18.1.171
Utility Uses			
Public utility, minor	P	Sec. 9.3.31	Sec. 18.1.154

5.6.3 Density/Intensity and Dimensional Standards

All development in the R-HD District shall be subject to the following standards (See Article 10):

R-HD District Standards	
A. Minimum Lot Area (square feet)	
Single-Family Detached	4,000
Duplex, Vertical	3,000

R-HD District Standards	
Duplex Horizontal	6,000
All Other Development	8,000
B. Minimum Lot Width (feet)	
Single-Family Detached	40
Duplex, Vertical	30
Duplex, Horizontal	60
All Other Development	20
C. Minimum Yards/Setbacks (feet)	
Front	[1]
Side	5
Rear	30
D. Maximum Building Height	
All Development	35

[1] Minimum Front Setback: 1 foot; Maximum front setback: 20 feet. Actual setback determined in accordance with Sec. 10.4.5.D.

Sec. 5.7 R-8, Medium-Density Attached Residential District

5.7.1 Description

The R-8, Medium-Density Attached Residential District is primarily intended to accommodate single-family attached, single-family detached and duplex development. The district is generally appropriate for application in areas designated in the Town Plan for "Medium Density Residential" land use category.

5.7.2 Use Regulations

Uses are allowed in the R-8 District in accordance with the following table. A "P" in the second column of the table indicates that the use is permitted by-right, subject to compliance with all applicable standards of this Zoning Ordinance. An "S" in the second column of the table indicates that the use may be allowed if reviewed and approved in accordance with the Special Exception procedures of Sec. 3.4. For a summary of uses permitted in all zoning districts, see the Use Table in Sec. 9.2. Developments that are subject to Section 3.17, Affordable Dwelling Unit (ADU) developments, shall also be subject to the requirements of Section 5.10.

R-8 Uses			
Use		**Use Standards**	**Definition**
Commercial Uses			
Home occupation	P		Sec. 18.1.80
Recreation facility	S	Sec. 9.3.21	Sec. 18.1.156
Temporary Mobile Land-Based Telecommunications Testing Facility	P	Sec. 9.3.26.E	
Institutional and Community Service Uses			
Assisted living residence	S	Sec. 9.3.1	Sec. 18.1.12
Cemetery	S		Sec. 18.1.28
Fire and/or rescue facility	S		Sec. 18.1.64
Library	S		Sec. 18.1.89

R-8 Uses			
Park, public	P		
Place of worship	S		Sec. 18.1.141
Recreation facility	S	Sec. 9.3.21	Sec. 18.1.156
School, general education	S		Sec. 18.1.162
School, public	S		Sec. 18.1.163
Residential Uses			
Cluster development	P	Sec. 10.3.1	Sec. 18.1.31
Duplex	P		Sec. 18.1.49, Sec. 18.1.50
Extended Family Residence	P/S	Sec. 9.3.11	Sec. 18.1.60
Group home	P		Sec. 18.1.74
Single-family attached (townhouse)	P	Sec. 9.3.25	Sec. 18.1.172
Single-family detached dwelling	P		Sec. 18.1.172
Utility Uses			
Public utility, major	S	Sec. 9.3.31	Sec. 18.1.153
Public utility, minor	P	Sec. 9.3.31	Sec. 18.1.154

5.7.3 Density/Intensity and Dimensional Standards

All development in the R-8 District shall be subject to the following standards (See also Article 10):

R-8 District Standards	
A. Minimum Lot Area (square feet)	
Single-Family Detached	6,500
Single-Family Attached (Interior Lots)	2,000
Single-Family Attached (Corner and End Lots)	3,000
Duplex, Vertical	5,000
Duplex Horizontal	10,000
All Other Development	8,000
B. Minimum Lot Width (feet)	
Single-Family Detached	75
Single-Family Attached (Interior Lots)	20
Single-Family Attached (Corner and End Lots)	30
Duplex, Vertical (Interior Lots)	37.5
Duplex, Vertical (Corner and End Lots)	45
Duplex, Horizontal (Interior Lots)	75
Duplex, Horizontal (Corner and End Lots)	90
All Other Development	20
C. Minimum Yards/Setbacks (feet)	
Front: Principal Building	15
Front: Garage Entrance	20
Side	10[1]
Rear	20
D. Maximum Building Height (feet)	
All Development	35[2]

[1] Side yard setback shall be 0 feet for an interior townhouse lot.
[2] Maximum height for a place of worship may exceed 35 feet when allowed by a special exception approved by the Town Council in accordance with the procedures of Sec. 3.4 Special Exceptions.

5.7.4 Additional Standards

A minimum of twenty-five (25) percent of gross site acreage shall be maintained as open space.

Sec. 5.8 R-16, Planned Housing Development District

5.8.1 Description

The R-16, Planned Housing Development District is intended solely to accommodate development permitted in the Town's previous "PDH-30, Planned Development Housing District" and to allow reasonable development of lands within the R-16 District. It is not intended to be available for future rezonings, nor as a means of expanding the boundaries of existing R-16 Districts.

5.8.2 Use Regulations

Uses are allowed in the R-16 District in accordance with the following table. A "P" in the second column of the table indicates that the use is permitted by-right, subject to compliance with all applicable standards of this Zoning Ordinance. An "S" in the second column of the table indicates that the use may be allowed if reviewed and approved in accordance with the Special Exception procedures of Sec. 3.4. For a summary of uses permitted in all zoning districts, see the Use Table in Sec. 9.2. Developments that are subject to Section 3.17, Affordable Dwelling Unit (ADU) developments, shall also be subject to the requirements of Section 5.10.

R-16 Uses			
Use		**Use Standards**	**Definition**
Commercial Uses			
Child care center	S		Sec. 18.1.29
Home occupation	P		Sec. 18.1.80
Temporary Mobile Land-Based Telecommunications Testing Facility	P	Sec. 9.3.26.E	
Institutional and Community Service Uses			
Assisted living residence	S	Sec. 9.3.1	Sec. 18.1.12
Fire and/or rescue facility	S		Sec. 18.1.64
Library	S		Sec. 18.1.89
Nursing home	S	Sec. 9.3.17	Sec. 18.1.120
Park, public	P		
Place of worship	S		Sec. 18.1.141
Recreation facility	S	Sec. 9.3.21	Sec. 18.1.156
School, general education	S		Sec. 18.1.162
School, public	S		Sec. 18.1.163
Residential Uses			
Group home	P		Sec. 18.1.74
Multiple-family	P	Sec. 9.3.15	Sec. 18.1.110
Single-family attached (townhouse)	P	Sec. 9.3.25	Sec. 18.1.172

R-16 Uses			
Utility Uses			
Public utility, major	S	Sec. 9.3.31	Sec. 18.1.153
Public utility, minor	P	Sec. 9.3.31	Sec. 18.1.154

5.8.3 Density/Intensity and Dimensional Standards

All development in the R-16 District shall be subject to the following standards (See also Article 10):

R-16 District Standards	
A. Minimum Lot Area (square feet)	
Single-Family Attached	1,400
Multi-Family	10,000
All Other Development	8,000
B. Minimum Lot Width (feet)	
Single-Family Attached (Interior Lots)	18
Single-Family Attached (Corner and End Lots)	28
Multi-Family	100
All Other Development	75
C. Maximum Density (units per acre)	
Multi-Family	16
Single-Family Attached	10
Overall [1]	12
D. Minimum Yards/Setbacks (feet)	
Multi-Family	
Front	30
Side	30
Rear	30
Single-Family Attached	
Front	10
Side (end units)	10
Rear	20
E. Maximum Building Height (feet)	
All Development	35[2]
F. Minimum Zoning District Area (acres)	5

[1] Maximum overall density for projects containing a mix of multifamily and townhouse dwelling units.

[2] Maximum height for a place of worship may exceed 35 feet when allowed by a special exception approved by the Town Council in accordance with the procedures of Sec. 3.4 Special Exceptions.

Sec. 5.9 R-22, Multi-Family Residential District

5.9.1 Description

The R-22, Multi-Family Residential District is primarily intended to accommodate multi-family and other forms of residential development.

5.9.2 Use Regulations

Uses are allowed in the R-22 District in accordance with the following table. A "P" in the second column of the table indicates that the use is permitted by-right, subject to compliance with all applicable standards of this Zoning Ordinance. An "S" in the second column of the table indicates that the use may be allowed if reviewed and approved in accordance with the Special Exception procedures of Sec. 3.4. For a summary of uses permitted in all zoning districts, see the Use Table in Sec. 9.2. Developments that are subject to Section 3.17, Affordable Dwelling Unit (ADU) developments, shall also be subject to the requirements of Section 5.10.

R-22 Uses			
Use		**Use Standards**	**Definition**
Commercial Uses			
Child care center	S		Sec. 18.1.29
Home occupation	P		Sec. 18.1.80
Recreation facility	S	Sec. 9.3.21	Sec. 18.1.156
Temporary Mobile Land-Based Telecommunications Testing Facility	P	Sec. 9.3.26.E	
Institutional and Community Service Uses			
Assisted living residence	S	Sec. 9.3.1	Sec. 18.1.12
Fire and/or rescue facility	S		Sec. 18.1.64
Library	S		Sec. 18.1.89
Nursing home	S	Sec. 9.3.17	Sec. 18.1.120
Park, public	P		
Place of worship	S		Sec. 18.141
Recreation facility	S	Sec. 9.3.21	Sec. 18.1.156
School, general education	S		Sec. 18.1.162
School, public	S		Sec. 18.1.163
Residential Uses			
Group home	P		Sec. 18.1.74
Single-Family Attached (townhouse)	P	Sec. 9.3.15	Sec. 18.1.172
Multiple-family	P	Sec. 9.3.15	Sec. 18.1.110
Utility Uses			
Public utility, major	S	Sec. 9.3.31	Sec. 18.1.153
Public utility, minor	P	Sec. 9.3.31	Sec. 18.1.154

5.9.3 Density/Intensity and Dimensional Standards

All development in the R-22 District shall be subject to the following standards (See also Article 10):

R-22 District Standards	
A. Minimum Lot Area (square feet)	
Single-Family Attached	1000
All Development	None
B. Minimum Lot Width (feet)	
Single-Family Attached	14
All Other Development	100

R-22 District Standards	
C. Maximum Density (units per acre)	
Single-Family Attached	15
Multi-Family	22
Overall	18 (2)
D. Minimum Yards/Setbacks (feet)	
Single-Family Attached	
Front	1.5 (18 in.) [3]
Side	3
Rear	18
All Other Development	
Front	30
Side	30
Rear	30
E. Maximum Building Height (feet)	
Single-Family Attached	35
All Development	35/45 [1]

[1] Adjacent to any residential use other than multifamily, the maximum building height shall be 35 feet for principal buildings, except that interior buildings may be 45 feet in height.
[2] Maximum overall density for projects containing a mix of multifamily and townhouse dwelling units.
[3] Parking shall not be permitted in the front yard of any townhouse lot; all townhouse front yards must abut common open space with a minimum of 10 feet common open space located between the front yard and any associated parking spaces. Parking located in front of townhouse rows must be parallel parking spaces.

Sec. 5.10 Residential Zoning District Regulations for the Provision of ADUs

5.10.1 Purpose.

The Affordable Dwelling Unit Program has been established to assist in the provision of housing to persons of moderate income by (a) promoting the development of a full range of housing choices, and (b) requiring the construction and continued existence of dwelling units which are affordable for purchase by households whose income is greater than thirty percent (30%) and less than seventy percent (70%) and affordable for rental by households whose income is greater than thirty percent (30%) and less than fifty percent (50%) of the median income for the Washington Primary Metropolitan Statistical Area (PMSA).

As part of the provision of ADUs, the following regulations apply to existing residential zoning districts when providing the requisite number of affordable units within a proposed development.

Notwithstanding any of the requirements of this Section, all other district regulations apply.

5.10.2 R-1 Single Family Residential District

A. Purpose. These regulations for the R-1 district are established to provide for affordable dwelling unit developments at a density not to exceed one and two-tenths (1.2) dwelling units per acre.

B. Permitted Uses. Affordable dwelling unit developments may consist of single family detached dwelling units.

C. Lot and Building Requirements. Unless otherwise provided for below, the lot, building, setback and access requirements for affordable dwelling unit developments shall be the same as those for other lots within the subject development in the R-1 district.

1. Lot Size: 36,300 square feet.

2. Lot width

a. Single-Family Detached: Eighty (80) feet minimum

b. Single –Family Detached (Corner): One-hundred (100) feet minimum

3. Yards

a. Front: Thirty (30) feet minimum

b. Side: Twenty (20) feet minimum

c. Rear: Thirty (30) feet minimum

5.10.3 R-2 Single-Family Residential District

A. Purpose. These regulations for the R-1 district are established to provide for affordable dwelling unit developments at a density not to exceed one and two-tenths (1.2) dwelling units per acre.

B. Permitted Uses. These regulations for the R-2 district are established to provide for affordable dwelling unit developments at a density not to exceed two and four-tenths (2.4) dwelling units per acre.

C. Lot and Building Requirements. Unless otherwise provided for below, the lot, building, setback and access requirements for affordable dwelling unit developments shall be the same as those for other lots within the subject development, whether traditional design or cluster, in the R-2 district.

1. Lot Size: 18,150 square feet

2. Lot Width:

a. Single-Family Detached: Seventy-two (72) feet minimum

b. Single-Family Detached (Corner): Eighty-eight (88) feet

3. Yards:

a. Front: Twenty-five (25) feet minimum

b. Side: Fifteen (15) feet minimum

c. Rear: Twenty-five (25) feet minimum

5.10.4 R-4 Single-Family Residential District

A. Purpose. These regulations for the R-4 district are established to provide for affordable dwelling unit developments at a density not to exceed four and eight-tenths (4.8) dwelling units per acre.

B. Permitted Uses. Affordable dwelling unit developments may consist of single family detached dwelling units.

C. Lot and Building Requirements. Unless otherwise provided for below, the lot, building, setback and access requirements for affordable dwelling unit developments shall be the same as those for other lots within the subject development in the R-4 district.

1. Lot Size: 9,075 square feet.

2. Lot width

a. Single-Family Detached: Sixty (60) feet minimum

b. Single –Family Detached (Corner): Seventy-two (72) feet minimum

3. Yards

a. Front (Principal Building): Fifteen (15)) feet minimum

b. Front (Garage Entrance): Twenty (20) feet minimum

c. Side: Ten (10) feet minimum

d. Rear: Twenty (20) feet minimum

5.10.5 R-6 Moderate Density Residential District

A. Purpose. These regulations for the R-6 district are established to provide for affordable dwelling unit developments at a density not to exceed seven and two-tenths (7.2) dwelling units per acre.

B. Permitted Uses. Affordable dwelling unit developments may consist of single family detached dwelling units and duplex dwelling units.

C. Lot and Building Requirements. Unless otherwise provided for below, the lot, building, setback and access requirements for affordable dwelling unit developments shall be the same as those for other lots within the subject development, whether traditional design or cluster, in the R-6 district.

1. Lot Size: 9,075 square feet.

2. Lot width

a. Single-Family Detached: Sixty (60) feet minimum

b. Single –Family Detached (Corner): Seventy-two (72) feet minimum

c. Duplex, vertical: Thirty-seven and one-half (37.5) feet minimum

d. Duplex, vertical (Corner): Forty-five (45) feet minimum

e. Duplex, Horizontal: Sixty (60) feet minimum

f. Duplex, Horizontal (Corner): Seventy-two (72) feet minimum

3. Yards

a. Front (Principal Building): Fifteen (15)) feet minimum

b. Front (Garage Entrance): Twenty (20) feet minimum

c. Side: Ten (10) feet minimum

d. Rear: Twenty (20) feet minimum

5.10.6 R-8 Medium Density Attached Residential District

A. Purpose. These regulations for the R-8 district are established to provide for affordable dwelling unit developments at a density not to exceed nine and six-tenths (9.6) dwelling units per acre.

B. Permitted Uses. Affordable dwelling unit developments may consist of single family detached, single-family attached and duplex dwelling units.

C. Lot and Building Requirements. Unless otherwise provided for below, the lot, building, setback and access requirements for affordable dwelling unit developments shall be the same as those for other lots within the subject development, whether traditional design or cluster, in the R-8 district.

1. Lot Size:

a. Single-Family Detached: 5,525 Square feet

b. Single-Family Attached (Corner and end lots): 2,550 square feet

c. Single-Family Attached (Interior lots): 1,700 square feet

2. Lot width

a. Single-Family Detached: Sixty (60) feet minimum

b. Single –Family Detached (Corner): Seventy-two (72) feet minimum

c. Single-Family Attached (Corner and endr lots): Twenty-four (24) feet minimum

d. Single-Family Attached (Interior lots): Sixteen (16) feet minimum

e. Duplex, Vertical: Thirty-seven and one-half (37.5) feet minimum

f. Duplex, Vertical (Corner): Forty-five (45) feet minimum

g. Duplex, Horizontal: Seventy-five (75) feet minimum

h. Duplex, Horizontal (Corner): Ninty (90) feet minimum

3. Yards

a. Front (Principal Building): Fifteen (15)) feet minimum

b. Front (Garage Entrance): Twenty (20) feet minimum

c. Side: Ten (10) feet minimum, Zero (0) feet for interior townhouse unit

d. Rear: Twenty (20) feet minimum

5.10.7 R-16 Planned Housing Development District

A. These regulations for the R-16 district are established to provide for affordable dwelling unit developments at a density not to exceed 17.6 dwelling units per acre for multi family and 11 dwelling units per acre for single-family attached. Overall

density for R-16 projects may not exceed 13.2 dwelling units per acre for projects containing a mix of multi-family and single-family attached dwelling units.

B. Affordable dwelling unit developments may consist of single-family attached and multi-family dwelling units.

C. Unless otherwise provided for below, the lot, building, setback and access requirements for affordable dwelling unit developments shall be the same as those for other lots within the subject development, whether traditional design or cluster, in the R-16 district.

1. Lot Size: No minimum lot size

2. Lot Width:

a. Single Family Attached (corner and end lots): 24 feet minimum

b. Single Family Attached (interior lots): 16 feet minimum.

c. Multi-family: 90 feet minimum.

3. Yards:

a. Multi- Family

i. Front: 30 feet minimum
ii. Side: 30 feet minimum
iii. Rear: 30 feet minimum

b. Single- Family Attached

i. Front: 10 feet minimum
ii. Side (end units): 10 feet minimum
iii. Rear: 20 feet minimum

5.10.8 R-22 Multi-Family Residential District

A. Purpose. These regulations for the R-22 district are established to provide for affordable dwelling unit developments at a density not to exceed 24.2 dwelling units per acre.

B. Permitted Uses. Affordable dwelling unit developments may consist of multi-family dwelling units.

C. Lot and Building Requirements. Unless otherwise provided for below, the lot, building, setback and access requirements for affordable dwelling unit developments shall be the same as those for other lots within the subject development in the R-22 district.

1. Lot Size: No minimum requirement.

2. Lot Width

a. Multi-family: 90 feet minimum.

3. Yards

a. Multi- Family

i. Front: 30 feet minimum
ii. Side: 30 feet minimum
iii. Rear: 30 feet minimum

Article 6 | Nonresidential Districts

Contents of Article

Sec. 6.1 O-1, General Office District 6-1
6.1.1 Description 6-1
6.1.2 Use Regulations 6-1
6.1.3 Density/Intensity and Dimensional Standards 6-2
Sec. 6.2 Reserved 6-3
Sec. 6.3 B-1 Community (Downtown) Business District 6-3
6.3.1 Description 6-3
6.3.2 Use Regulations 6-3
6.3.3 Density/Intensity and Dimensional Standards 6-4
Sec. 6.4 B-2, Established Corridor Commercial District 6-7
6.4.1 Description 6-7
6.4.2 Use Regulations 6-7
6.4.3 Density/Intensity and Dimensional Standards 6-9
Sec. 6.5 B-3, Community Retail/Commercial District 6-10
6.5.1 Description 6-10
6.5.2 Use Regulations 6-10
6.5.3 Density/Intensity and Dimensional Standards 6-12
Sec. 6.6 B-4, Mixed-Use Business District 6-13
6.6.1 Description 6-13
6.6.2 Use Regulations 6-13
6.6.3 Density/Intensity and Dimensional Standards 6-14
6.6.4 Additional Standards 6-15
Sec. 6.7 I-1, Industrial/Research Park District 6-16
6.7.1 Description 6-16
6.7.2 Use Regulations 6-16
6.7.3 Density/Intensity and Dimensional Standards 6-18

Sec. 6.1 O-1, General Office District

6.1.1 Description

The O-1, General Office District is established to provide locations where predominately office uses may be located in a low-intensity manner as a transitional land use between residential and higher intensity uses. The district is generally appropriate for office development including incidental support services and retail uses, provided they are intended solely to serve employees of the permitted uses.

6.1.2 Use Regulations

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

O-1 Uses			
Use		Use Standards	Definition
Commercial Uses			
Child care center	S		Sec. 18.1.29
Conference center	P		Sec. 18.1.37
Emergency care facility	S		Sec. 18.1.58
Office	P		Sec. 18.1.121
Mailing Services	P		Sec. 18.1.102
Parking structure, private	S	Sec. 9.3.18	Sec. 18.1.135
Pharmacy	P		Sec. 18.1.140
Services, personal	P	Sec. 9.3.19	Sec. 18.1.168
Telecommunications Facility: Antenna	P	Sec. 9.3.26.B	Sec. 18.1.7
Temporary Mobile Land-Based Telecommunications Testing Facility	P	Sec. 9.3.26.E	
Veterinary Hospital	P	Sec. 9.3.30	Sec. 18.1.198
Institutional and Community Service Uses			
Club	P		Sec. 18.1.30
College or University	P		Sec. 18.1.33
Fire and/or rescue facility	P		Sec. 18.1.64
Library	P		Sec. 18.1.89
Museum	P		Sec. 18.1.111
Park, public	P		
Place of worship	S		Sec. 18.1.141
Recreation facility	P	Sec. 9.3.21	Sec. 18.1.156
U.S. Postal Service	P		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	Sec. 18.1.154

6.1.3 Density/Intensity and Dimensional Standards

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

O-1 District Standards	
A. Minimum Lot Area (square feet)	
All Development	20,000
B. Minimum Lot Width (feet)	
All Development	100
C. Maximum Floor Area Ratio	None
D. Minimum Yards/Setbacks (feet)	
Front	20
Side	20
Rear	20
E. Maximum Building Height	
Nonresidential	45
F. Minimum Zoning District Area (acres)	None

Sec. 6.2 Reserved

Repealed 10/11/06 per Ordinance 2006-O-35 - deleted O-2 District.

Sec. 6.3 B-1 Community (Downtown) Business District

6.3.1 Description

The B-1, Community (Downtown) Business District is established in recognition of the mixed-use core area as the center of Leesburg's employment, tourism and specialty commercial activity. The small to medium size, pedestrian-oriented retail uses that attract shoppers and tourists from throughout the region are considered primary uses. Residential uses -typically above the ground floor of retail uses- are also considered primary uses within the B-1 District. Some office, financial and personal service uses are allowed as secondary uses in the B-1 District. The district is generally appropriate for application in the core area, designated in the Town Plan for "Downtown" development. It is intended that this area remain a viable mixed-use core and that the goals of the H-1 Overlay District be promoted and enhanced throughout the B-1 District.

6.3.2 Use Regulations

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

B-1 Uses			
Use		Use Standards	Definition
Commercial Uses			
Bank with drive-in facility	S		Sec. 18.1.14
Bank without drive-in facility	P		Sec. 18.1.14
Bed and breakfast inn	P		Sec. 18.1.16
Brewpub	P	Sec. 9.3.2.1	Sec. 18.1.20.1
Brewpub with Silo	S	Sec. 9.3.2.1	Sec. 18.1.20.1
Microbrewery	P	Sec. 9.3.13.1	Sec. 18.1.104.1
Child care center	S		Sec. 18.1.29
Commercial Inn	P		Sec. 18.1.86
Conference center	S		Sec. 18.1.37
Convenience food store	S	Sec. 9.3.8	Sec. 18.1.39
Dance Studio	P		Sec 18.1.40.1
Eating establishment without drive-in facility	P	Sec. 9.3.9	Sec. 18.1.55
Emergency care facility	S		Sec. 18.1.58
Exercise Studio	P		Sec. 18.1.59.1
Funeral home	S		Sec. 18.1.69
Crematorium (Accessory to a Funeral Home)	S	Sec. 9.3.6.1	Sec. 18.1.69
Home occupation	P		Sec. 18.1.80
Hotel/motel	S		Sec. 18.1.83
Mailing Services	P		Sec. 18.1.102
Office	P		Sec. 18.1.121

B-1 Uses			
Use		Use Standards	Definition
Parking lot	P		Sec. 18.1.132
Parking structure, private	S	Sec. 9.3.18	Sec. 18.1.135
Pharmacy	P		Sec. 18.1.140
Printing and/or publication	P		Sec. 18.1.148
Recreation facility	P	Sec. 9.3.21	Sec. 18.1.156
Retail centers under 100,000square feet and/or retail uses	P		Sec. 18.1.158, Sec. 18.1.159
School, special instruction	P	Sec. 9.3.23	Sec. 18.1.164
Service station	S	Sec. 9.3.24	Sec. 18.1.169
Services, personal	P	Sec. 9.3.19	Sec. 18.1.168
Telecommunications Facility: Antenna	P	Sec. 9.3.26.A	Sec. 18.1.7
Temporary Mobile Land-Based Telecommunications Testing Facility	P	Sec. 9.3.26.E	
Theater, indoor	P		Sec. 18.1.189
Veterinary Hospital	S	Sec. 9.3.30	Sec. 18.1.198
Institutional and Community Service Uses			
Cemetery	P		Sec. 18.1.28
Club	P		Sec. 18.1.30
Fire and/or rescue facility	P		Sec. 18.1.64
Library	P		Sec. 18.1.89
Museum	P		Sec. 18.1.111
Park, public	P		
Parking structure, public	P	Sec. 9.3.18	Sec. 18.1.134
Place of worship	P		Sec. 18.1.141
Recreation facility	P	Sec. 9.3.21	Sec. 18.1.156
School, general education	S		Sec. 18.1.162
U.S. Postal Service	P		Sec. 18.1.146
Residential Uses			
Accessory dwelling unit	S	Sec. 9.4.1	Sec. 18.1.5
Duplex	P		Sec. 18.1.49, Sec. 18.1.50
Group home	P		Sec. 18.1.74
Multiple-family (6 or more dwelling units)	S	Sec. 9.3.15	Sec. 18.1.110
Multiple-family (up to 5 dwelling units)	P	Sec. 9.3.15	Sec. 18.1.110
Single-family attached (townhouse)	P	Sec. 9.3.15	Sec. 18.1.172
Single-family detached dwelling	P		Sec. 18.1.171
Utility Uses			
Public utility, minor	P	Se. 9.3.31	Sec. 18.1.154

6.3.3 Density/Intensity and Dimensional Standards

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

B-1 District Standards	
A. Minimum Lot Area (square feet)	
Single-Family Detached	4,000
Single-Family Attached (Interior Lots)	2,000
Single-Family Attached (Corner and End Lots)	3,000
Duplex, Vertical	3,000
Duplex Horizontal	6,000
Multi-Family	10,000 [8]
All Other Development	None
B. Minimum Lot Width (feet)	
Single-Family Detached	40
Single-Family Attached (Interior Lots)	20
Single-Family Attached (Corner and End Lots)	30
Duplex, Vertical	30
Duplex, Horizontal	60
Multi-Family	100
All Other Development	20
C. Maximum Floor Area Ratio	None
D. Minimum Yards/Setbacks (feet)	
Front	[1]
Side	5[2][3]
Rear	20[4][5]
E. Maximum Building Height (feet)	
Residential	35[6][7]
Nonresidential	45[6][7]

[1] Minimum Front Setback: One (1) foot; Maximum front setback: twenty (20) feet. Actual setback determined in accordance with Sec. 10.4.5.D.

[2] No side yards/setbacks are required for lots fronting on Market Street, Loudoun Street, King Street, Wirt Street or Liberty Street.

[3] Side yard setback shall be zero (0) feet for an interior townhouse lot.

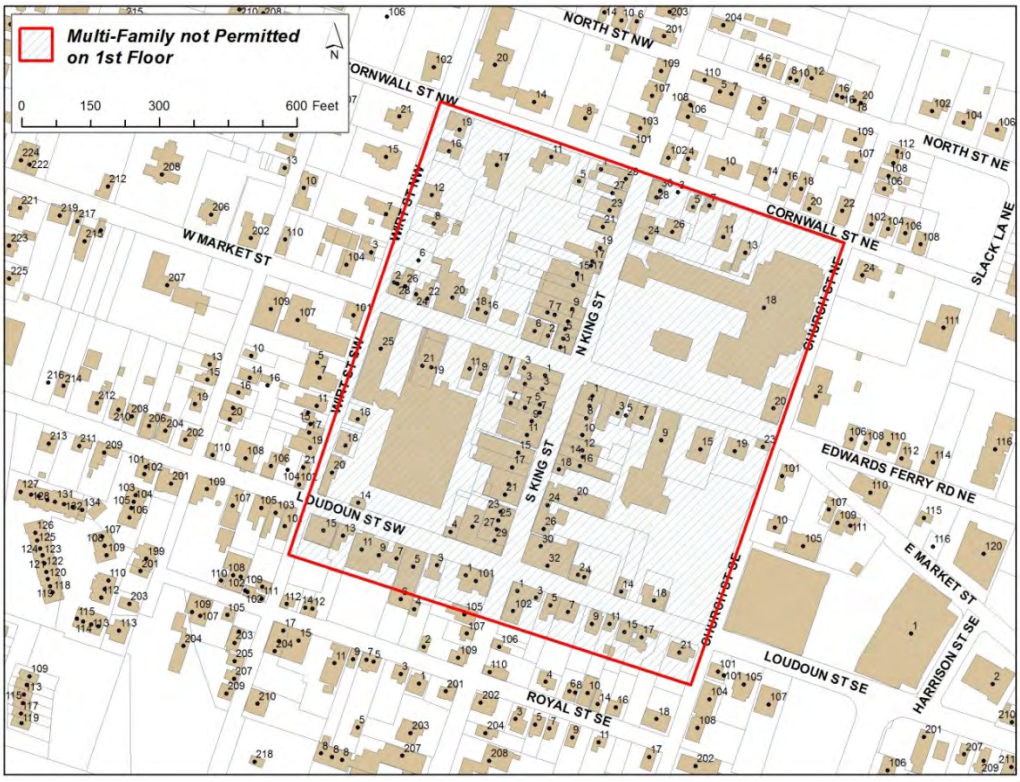
[4] Rear yard setbacks for a commercial use or mixed use may be reduced or be provided as a zero-yard setback if all of the following criteria are met: (a) the property fronts on Market Street or Loudoun Street between Liberty and Church Streets; or on King Street between Cornwall and Loudoun Streets; (b) the property contains four thousand (4,000) square feet or less; (c) the rear yard is adjacent to non-residential uses; and (d) the applicant can demonstrate to the satisfaction of the Board of Architectural Review and Zoning Administrator that the proposed setback will facilitate a structure that is harmonious and compatible with surrounding properties.

[5] Rear yard setbacks for residential uses may be reduced to fifteen feet (15') if all of the following criteria are met: (a) the property fronts on Market Street, Loudoun Street or Royal Street between Liberty and Church Streets; or on King Street, Wirt Street or Liberty Street between Market Street and Royal Street; and (b) the applicant can demonstrate to the satisfaction of the Board of Architectural Review and Zoning Administrator that the proposed setback will facilitate a structure that is harmonious and compatible with surrounding properties.

[6] Maximum height may be increased up to sixty-five (65) feet in the following specified area due to its low mean elevation above sea level and low topographical relationship to the rest of the H-1 District if an applicant can demonstrate that all of the following criteria have been met: (a) the property lies within 250 feet of the centerline of Town Branch between Wirt Street and Harrison Street; (b) where a property fronts on Wirt, South, King or Harrison Streets, the elevations adjacent to the street shall not exceed forty-five (45) feet. for a depth of at least forty feet back from the property line subject to the Board of Architectural Review in accordance with the H-1 Old and Historic District Design Guidelines

[7] Maximum height may be increased up to 65 feet in the following specified areas (Map Graphic), due to its low mean elevation above sea level and low topographical relationship to the rest of the B-1 District if an applicant can demonstrate that all of the following criteria have been met: (a) the property must front on the designated areas of Market, Loudoun, Harrison, South or Church Streets not otherwise covered by [6] above; (b) height elevations adjacent to the street shall not exceed forty-five (45) feet for a depth of at least forty-five (45) feet back from the right-of-way line, except on Church Street between Market and Loudoun Streets; (c) beyond forty-five (45) feet a one-to-one height to setback ratio may be permitted up to sixty-five (65) feet in maximum subject to BAR approval in accordance with the Old & Historic District Design Guidelines; (d) height shall be measured based upon the average mean elevation above sea level prior to site disturbance and/or issuance of a grading permit; and (e) all other applicable B-1 setbacks shall be met.

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



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

Sec. 6.4 B-2, Established Corridor Commercial District

6.4.1 Description

The B-2, Established Corridor Commercial District is established solely to accommodate previously approved corridor commercial development and to permit reasonable development of lands within existing B-2 zoning Districts. The district is not intended to be available for future rezonings, nor as a means of expanding the boundaries of existing B-2 Districts.

6.4.2 Use Regulations

Uses are allowed in the B-2 District in accordance with the following table. A “P” in the second column of the table indicates that the use is permitted by-right, subject to compliance with all applicable standards of this Zoning Ordinance. An “S” in the second column of the table indicates that the use may be allowed if reviewed and approved in accordance with the Special Exception procedures of Sec. 3.4. For a summary of uses permitted in all zoning districts, see the Use Table in Sec. 9.2.

B-2 Uses			
Use		Use Standards	Definition
Commercial Uses			
Bank with drive-in facility	S		Sec. 18.1.14
Bank without drive-in facility	P		Sec. 18.1.14
Bowling alley	P		Sec. 18.20

B-2 Uses			
Use		Use Standards	Definition
Brewpub	P	Sec.9.3.2.1	Sec. 18.1.20.1
Brewpub with Silo	S	Sec. 9.3.2.1	Sec. 18.1.20.1
Microbrewery	S/P	Sec. 9.3.13.1	Sec. 18.1.104.1
Car wash	S	Sec. 9.3.3	Sec. 18.1.27
Cattery	P	Sec. 9.3.12.1	Sec. 18.1.27.1
Child care center	S		Sec. 18.1.29
Commercial Inn	P		Sec. 18.1.86
Conference center	S		Sec. 18.1.37
Convenience food store	S	Sec. 9.3.8	Sec. 18.1.39
Dance Studio	P		Sec. 18.1.40.1
Eating establishment with drive-in facility	S		Sec. 18.1.55
Eating establishment without drive-in facility	P	Sec. 9.3.9	Sec. 18.1.55
Electric and/or plumbing supply	S	Sec. 9.3.10	
Emergency care facility	S		Sec. 18.1.58
Exercise Studio	P		Sec. 18.1.59.1
Funeral Home	P		Sec. 18.1.69
Crematorium (Accessory to a Funeral Home)	S	Sec. 9.3.6.1	Sec. 18.1.69
Home occupation	P		Sec. 18.1.80
Hotel/motel	P		Sec. 18.1.83
Kennel	S	Sec. 9.3.12	Sec. 18.1.88
Lumber and/or building material sales without outdoor storage/display	P	Sec. 9.3.13	Sec. 18.1.101
Lumber and/or building material sales with outdoor storage/display	S	Sec. 9.3.13	Sec. 18.1.101
Mailing Services	P		Sec. 18.1.102
Nursery	S		Sec. 18.1.119
Office	P		Sec. 18.1.121
Outdoor storage	S		Sec. 18.1.127
Outdoor storage, Vehicles	S		
Parking structure, private	S	Sec. 9.3.18	Sec. 18.1.135
Pharmacy	P		Sec. 18.1.140
Printing and/or publication	P		Sec. 18.1.148
Recreation facility	P	Sec. 9.3.21	Sec. 18.1.156
Retail centers under 100,000 square feet and/or retail uses	P		Sec. 18.1.158, Sec. 18.1.159
Retail centers over 100,000 square feet	S	Sec. 9.3.17.1	Sec. 18.1.158
School, special instruction	P	Sec. 9.3.23	Sec. 18.1.164
Service station	S	Sec. 9.3.24	Sec. 18.1.169
Services, personal	P	Sec. 9.3.19	Sec. 18.1.168
Telecommunications Facility: Antenna	P	Sec. 9.3.26	Sec. 18.1.7
Telecommunications Facility: Monopole	S	Sec. 9.3.26	Sec. 18.1.108
Telecommunications Facility:	S	Sec. 9.3.26	Sec. 18.1.192

B-2 Uses			
Use		Use Standards	Definition
Transmission Tower			
Temporary Mobile Land-Based Telecommunications Testing Facility	P	Sec. 9.3.26 D	
Theater, indoor	P		Sec. 18.1.189
Vehicle and/or equipment service facility	S	Sec. 9.3.29	Sec. 18.1.197
Vehicle sales and/or rental facility	S	Sec. 9.3.28	Sec. 18.1.196
Veterinary hospital	S	Sec. 9.3.30	Sec. 18.1.198
Video rental store with drive-in facility	S		
Industrial, Manufacturing and Warehousing Uses			
Mini-warehouse facility	S	Sec. 9.3.14	Sec. 18.1.105
Research and development	S	Sec. 9.3.22	Sec. 18.1.157
Institutional and Community Service Uses			
Club	P		Sec. 18.1.30
College or University	P		Sec. 18.1.33
Fire and/or rescue facility	P		Sec. 18.1.64
Hospital	S		Sec. 18.1.82
Library	P		Sec. 18.1.89
Museum	P		Sec. 18.1.111
Park, public	P		
Parking structure, public	P	Sec. 9.3.18	Sec. 18.1.134
Place of worship	P		Sec. 18.1.141
Recreation facility	P	Sec. 9.3.21	Sec. 18.1.156
School, general education	S		Sec. 18.1.162
School, public	P		Sec. 18.1.163
School, technical	S		Sec. 18.1.165
Temporary commuter parking lot	S	Sec. 9.3.27	Sec. 18.1.185
U.S. Postal Service	P		Sec. 18.1.146
Residential Uses			
Multiple-family (6 or more dwelling units)	S	Sec. 9.3.15	Sec. 18.1.110
Multiple-family (up to 5 dwelling units)	S	Sec. 9.3.15	Sec. 18.1.110
Utility Uses			
Public utility, major	S	Sec. 9.3.31	Sec. 18.1.153
Public utility, minor	P	Sec. 9.3.31	Sec. 18.1.154

6.4.3 Density/Intensity and Dimensional Standards

All development in the B-2 District shall be subject to the following standards (See also Article 10):

B-2 District Standards	
A. Minimum Lot Area (square feet)	
All Development	20,000
B. Minimum Lot Width (feet)	
All Development	100
C. Maximum Floor Area Ratio	None
D. Minimum Yards/Setbacks (feet)	

B-2 District Standards	
Front	20[1][3]
Side	10[3]
Rear	20[3]
E. Maximum Building Height (feet)	
Residential	35
Nonresidential	45[2]
F. Minimum Zoning District Area (acres)	5

[1] New or expanded developments within the B-2 District may have up to a minimum front yard setback of 5 feet if the development of the lot or a development of a combination of abutting lots has at least 400 feet of front yard road frontage. The 5-foot setback is also subject to the following provisions:

a. Parking or loading areas for motor vehicles or storage of materials or equipment shall not be located within the reduced front yard setback.
b. The total square footage of all structures shall not exceed the maximum allowable square footage permissible within the required setbacks.
c. The Director of Plan Review shall determine that such development will not interfere with necessary public improvements or required landscaping.
d. The front facade of a building shall have as its primary orientation the adjacent roadway from which the front yard setback reduction is requested.
e. Fencing or wall located within the front yard setback shall not exceed 42 inches above grade.

[2] See Sec. 10.4.5.F.

[3] Pursuant to the process outlined in Section 3.18, the setbacks may be waived or modified by the Town Council.

Sec. 6.5 B-3, Community Retail/Commercial District

6.5.1 Description

The B-3, Community Retail/Commercial District is intended primarily to accommodate moderate-size, retail and service-oriented land uses that serve Leesburg area residents. Uses within the B-3 District typically draw from a trade area of 3 to 5 miles. The district is generally appropriate for application in areas designated in the Town Plan for “Community Commercial” development.

6.5.2 Use Regulations

Uses are allowed in the B-3 District in accordance with the following table. A “P” in the second column of the table indicates that the use is permitted by-right, subject to compliance with all applicable standards of this Zoning Ordinance. An “S” in the second column of the table indicates that the use may be allowed if reviewed and approved in accordance with the Special Exception procedures of Sec. 3.4. For a summary of uses permitted in all zoning districts, see the Use Table in Sec. 9.2.

B-3 Uses			
Use		Use Standards	Definition
Commercial Uses			
Bank with drive-in facility	S		Sec. 18.1.14
Bank without drive-in facility	P		Sec. 18.1.14

B-3 Uses			
Use		Use Standards	Definition
Bowling alley	S		Sec. 18.1.20
Brewpub	P	Sec.9.3.2.1	Sec. 18.1.20.1
Brewpub with Silo	S	Sec. 9.3.2.1	Sec. 18.1.20.1
Microbrewery	S/P	Sec. 9.3.13.1	Sec. 18.1.104.1
Car wash	S	Sec. 9.3.3	Sec. 18.1.27
Cattery	P	Sec. 9.3.12.1	Sec. 18.1.27.1
Child care center	P	Sec. 9.3.4	Sec. 18.1.29
Commercial Inn	P		Sec. 18.1.86
Conference center	S		Sec. 18.1.37
Convenience food store	S	Sec. 9.3.8	Sec. 18.1.39
Dance Studio	P		Sec. 18.1.40.1
Eating establishment with drive-in facility	S		Sec. 18.1.55
Eating establishment without drive-in facility	P	Sec. 9.3.9	Sec. 18.1.55
Electric and/or plumbing supply	S	Sec. 9.3.10	
Emergency care facility	P		Sec. 18.1.58
Exercise Studio	P		Sec. 18.1.59.1
Funeral home	S		Sec. 18.1.69
Hotel/motel	P		Sec. 18.1.83
Lumber and/or building material sales without outdoor storage	P	Sec. 9.3.13	Sec. 18.1.101
Lumber and/or building material sales with outdoor storage	S	Sec. 9.3.13	Sec. 18.1.101
Mailing Services	P		Sec. 18.1.102
Office	P		Sec. 18.1.121
Outdoor storage	S		Sec. 18.1.127
Outdoor storage, Vehicles	S		
Parking structure, private	S		Sec. 18.1.135
Pharmacy	P		Sec. 18.1.140
Recreation facility	P	Sec. 9.3.21	Sec. 18.1.156
Retail centers under 100,000 square feet and/or retail uses	P		Sec. 18.1.158, 18.1.159
Retail centers over 100,000 square feet	S		Sec. 18.1.158
School, special instruction	P	Sec. 9.3.23	Sec. 18.1.164
Service station	S	Sec. 9.3.24	Sec. 18.1.169
Services, personal	P	Sec. 9.3.19	Sec. 18.1.168
Telecommunications Facility: Antenna	P	Sec. 9.3.26	Sec. 18.1.7
Telecommunications Facility: Monopole	S	Sec. 9.3.26	Sec. 18.1.101
Temporary Mobile Land-Based Telecommunications Testing Facility	P	Sec. 9.3.26	
Theater, indoor	P		Sec. 18.1.189
Vehicle and/or equipment service facility	S	Sec. 9.3.29	Sec. 18.1.197
Vehicle sales and/or rental facility	S	Sec. 9.3.28	Sec. 18.1.196
Veterinary Hospital	S	Sec. 9.3.30	Sec. 18.1.198
Video rental store with drive-in facility	S		

B-3 Uses			
Use		Use Standards	Definition
Industrial, Manufacturing and Warehousing Uses			
Mini-warehouse facility	S	Sec. 9.3.14	Sec. 18.1.105
Research and development	S	Sec. 9.3.22	Sec. 18.1.157
Institutional and Community Service Uses			
Club	S		Sec. 18.1.30
College of University	P		Sec. 18.1.33
Commuter Parking Lot	P		Sec. 18.1.32
Fire and/or rescue facility	P		Sec. 18.1.64
Hospital	P		Sec. 18.1.82
Library	P		Sec. 18.1.89
Museum	P		Sec. 18.1.111
Park, public	P		
Park, dog	S	Sec. 9.3.7	Sec. 18.1.44
Place of worship	P		Sec. 18.1.141
Recreation facility	P	Sec. 9.3.21	Sec. 18.1.156
School, general education	S		Sec. 18.1.162
School, technical	S		Sec. 18.1.165
U.S. Postal Service	P		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	Sec. 18.1.154

6.5.3 Density/Intensity and Dimensional Standards

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

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

[1] Where a lot is proposed to be rezoned to the B-3 District consistent with the Town Plan and the lot (a) does not contain 5 acres in area, and (b) is not contiguous to an established B-3 District, the minimum district size will not apply and minimum lot width shall be 100 feet.

[2] See Sec. 10.4.5.F

Sec. 6.6 B-4, Mixed-Use Business District

6.6.1 Description

The B-4, Mixed-Use Business District is primarily intended to accommodate a range of uses, including office and residential uses and retail sales uses that serve a regional trade area. Secondary uses intended to serve employees and occupants of permitted office and employment uses (e.g., conference facilities, hotels and ancillary retail uses) may also be allowed. The district is generally appropriate for the optional use for Regional Office as designated in the Town Plan.

6.6.2 Use Regulations

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

B-4 Uses			
Use		Use Standards	Definition
Commercial Uses			
Bank with drive-in facility	S		Sec. 18.1.14
Bank without drive-in facility	P		Sec. 18.1.14
Brewpub	P	Sec.9.3.2.1	Sec. 18.1.20.1
Brewpub with Silo	S	Sec. 9.3.2.1	Sec. 18.1.20.1
Microbrewery	S/P	Sec. 9.3.13.1	Sec. 18.1.104.1
Car wash	S	Sec. 9.3.3	Sec. 18.1.27
Child care center	P	Sec. 9.3.4	Sec. 18.1.29
Commercial Inn	P		Sec. 18.1.86
Conference center	S		Sec. 18.1.37
Convenience food store	S	Sec. 9.3.8	Sec. 18.1.39
Eating establishment with drive-in facility	S		Sec. 18.1.55
Eating establishment without drive-in facility	P	Sec. 9.3.9	Sec. 18.1.55
Electric and/or plumbing supply	S	Sec. 9.3.10	
Emergency care facility	P		Sec. 181.58
Heliport	S		Sec. 18.1.77
Home occupation	P		Sec. 18.1.80
Hotel/motel	S		Sec. 18.1.83
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
Mailing Services	P		Sec. 18.1.102
Office	P		Sec. 18.1.121
Parking structure, private	S	Sec. 9.3.18	Sec. 18.1.135
Pharmacy	P		Sec. 18.1.140
Printing and/or publication	P		Sec. 18.1.148
Recreation facility	P	Sec. 9.3.21	Sec. 18.1.156
Retail centers under 100,000 square feet and/or retail uses	P		Sec. 18.1.158, Sec. 1.159

B-4 Uses			
Use		Use Standards	Definition
School, special instruction	P	Sec. 9.3.23	Sec. 18.1.164
Service station	S	Sec. 9.3.24	Sec. 18.1.169
Services, personal	P	Sec. 9.3.19	Sec. 18.1.168
Telecommunications Facility: Antenna	P	Sec. 9.3.26.A	Sec. 18.1.7
Temporary Mobile Land-Based Telecommunications Testing Facility	P	Sec. 9.3.26.D	
Theater, indoor	S		Sec. 18.1.189
Vehicle and/or equipment service facility	S	Sec. 9.3.29	Sec. 18.1.197
Vehicle sales and/or rental facility	S	Sec. 9.3.28	Sec. 18.1.196
Veterinary hospital	S	Sec. 9.3.30	Sec. 18.1.198
Industrial, Manufacturing and Warehousing Uses			
Manufacturing and assembly	P		Sec. 18.1.104
Mini-warehouse facility	S	Sec. 9.3.14	Sec. 18.1.105
Research and development	P	Sec. 9.3.22	Sec. 18.1.157
Warehouse	S		Sec. 18.1.199
Institutional and Community Service Uses			
College or University	P		Sec. 18.1.33
Fire and/or rescue facility	P		Sec. 18.1.64
Library	P		Sec. 18.1.89
Park, public	P		
Place of worship	S		Sec. 18.1.141
Recreation facility	P	Sec. 9.3.21	Sec. 18.1.156
School, general education	S		Sec. 18.1.62
School, public	S		Sec. 18.1.63
School, technical	S		Sec. 18.1.65
U.S. Postal Service	P		Sec. 18.1.146
Residential Uses			
Duplex	S		Sec. 18.1.49, Sec. 18.1.50
Multiple-family	S	Sec. 9.3.15	Sec. 18.1.110
Single-family attached (townhouse)	S	Sec. 9.3.25	Sec. 18.1.172
Single-family detached dwelling	S		Sec. 18.1.171
Utility Uses			
Public utility, minor	P	Sec. 9.3.31	Sec. 18.1.154

6.6.3 Density/Intensity and Dimensional Standards

All development in the B-4 District shall be subject to the following standards (See also Article 10):

B-4 District Standards	
A. Minimum Lot Area (square feet)	
Single-Family Detached	6,000
Single-Family Attached (Interior Lots)	2,400
Single-Family Attached (Corner and End Lots)	3,000

B-4 District Standards	
Duplex, Vertical	3,000
Duplex Horizontal	6,000
Multi-Family	10,000
All Other Development	80,000
B. Minimum Lot Width (feet)	
Single-Family Detached	50
Single-Family Attached (Interior Lots)	24
Single-Family Attached (Corner and End Lots)	30
Duplex, Vertical	30
Duplex, Horizontal	60
Multi-Family	100
All Other Development	200
C. Maximum Floor Area Ratio	None
D. Minimum Yards/Setbacks (feet)	
Front	20
Side (end units)	10
Rear	20
E. Minimum Common Open Space (% of site area)	20
F. Maximum Building Height	
Residential	45
Nonresidential [1]	70
G. Minimum Zoning District Area (acres)	None

[1] Mixed-Use buildings (residential above non-residential) shall be permitted 70 feet maximum building height

6.6.4 Additional Standards

A. Mix of Uses. The following use mix standards are established in order to promote the intended mixed-use character of the B-4 District.

Use Type	Min. Gross Floor Area (pct of development)	Max. Gross Floor Area (pct of development)
Office	50	70
Industrial, Manufacturing, Warehouse		
Commercial[1]	0	15 or 15 acres whichever is less
Residential	0	1 dwelling unit per 5,000 square feet of nonresidential (gross) floor area
Institutional, Community Service and Utilities	0	0

Note: The Town Council shall be authorized to waive the use mix requirements of this subsection and approve single use development in the B-4 District. In order to waive the requirements, the Town Council must determine that: (1) the subject parcel has an area of 50 acres or less and (2) the proposed development will contribute to the intended mixed-use character of the area within 1,500 feet of the subject site (considering existing and approved development in the area).

[1] Commercial uses must support or supplement existing or concurrently developing employment or residential uses within 1,500 feet of the development site. Such uses may include, but are not necessarily limited to, lodging, conference facilities and retail/retail service uses that serve employees of and visitors to the primary employment uses of the site.

B. Development Phasing. Requests for B-4 zoning or site plan approval for development in the B-4 District shall be accompanied by a phasing plan that identifies the stages of development build-out. The phasing plan shall identify the sequence of development for all proposed land uses and include information regarding the phasing of internal and external traffic circulation systems, amenities, and utility improvements that will be constructed to support the proposed development. The applicant shall provide assurances that all the use categories will be constructed and that the project will, in fact, result in the type of multi-use development proposed. The Town Council may require performance guarantees or such other measures, as it deems reasonable and necessary to assure the proper phasing of development and to assure the provision of public amenities and public facilities upon completion of each phase or upon full development. At no time shall the number of residential uses exceed the maximum ratio established in Sec. [1]-A.

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

I-1 Uses			
Use		Use Standards	Definition
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
Outdoor storage	S		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
Industrial, Manufacturing and Warehousing Uses			
Distribution Facility	S		Sec. 18.1.43
Manufacturing and assembly	P		Sec. 18.1.104
Research and development	P	Sec. 9.3.22	Sec. 18.1.157
Warehouse	S		Sec. 18.1.199
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

I-1 Uses			
Use		Use Standards	Definition
Public utility, minor	P	Sec. 9.3.31	Se. 18.1.154

6.7.3 Density/Intensity and Dimensional Standards

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

I-1 District Standards	
A. Minimum Lot Area (square feet)	
All Development	40,000
B. Minimum Lot Width (feet)	
All Development	200
C. Maximum Floor Area Ratio	None
D. Minimum Yards/Setbacks (feet)	
Front	50
Side	20
Rear	20
E. Maximum Building Height (feet)	
All Development	50 not to exceed 4 stories
F. Minimum Zoning District Area (acres)	5

Article 7 | Overlay and Special Purpose Districts

Contents of Article

Sec. 7.1 General 7-2
7.1.1 Overlay Zoning Districts 7-2
7.1.2 Special Purpose Districts 7-2
Sec. 7.2 MC Medical-Hospital Center (Special Purpose) District 7-3
7.2.1 Description 7-3
7.2.2 Use Regulations 7-3
7.2.3 Density/Intensity and Dimensional Standards 7-3
Sec. 7.3 GC Government Center (Special Purpose) District 7-4
7.3.1 Description 7-4
7.3.2 Use Regulations 7-4
7.3.3 Density/Intensity and Dimensional Standards 7-5
Sec. 7.4 MA, Municipal Airport (Special Purpose) District 7-5
7.4.1 Description 7-5
7.4.2 Use Regulations 7-5
7.4.3 Density/Intensity and Dimensional Standards 7-6
Sec. 7.5 H-1, Overlay, Old and Historic District 7-7
7.5.1 Description 7-7
7.5.2 Applicability 7-7
7.5.3 Historic District Created, Established 7-7
7.5.4 Public Meetings Required 7-8
7.5.5 Certificate of Appropriateness 7-8
7.5.6 Administrative Approval of Certificate of Appropriateness 7-9
7.5.7 Brick Sidewalk Requirement 7-9
7.5.8 Demolition Applications 7-9
7.5.9 Maintenance of Historic Properties 7-11
7.5.10 Designation of Historic Districts and Landmarks 7-12
7.5.11 Violations 7-13
Sec. 7.6 H-2, Historic Corridor Architectural Control Overlay District 7-13
7.6.1 Description 7-13
7.6.2 District Created 7-13
7.6.3 Applicability 7-13
7.6.4 Certificates of Approval 7-14
7.6.5 Demolition Applications 7-14
7.6.6 Public Meetings Required 7-14
7.6.7 Design Criteria 7-14
7.6.8 No Architectural Style to be Required 7-15
Sec. 7.7 A-1, Airport Overlay District 7-15
7.7.1 Description 7-15
7.7.2 Applicability 7-16
7.7.3 Definitions 7-16
7.7.4 Airport Safety Zones 7-18
7.7.5 Airport Safety Zone Height Limitations 7-18
7.7.6 Use Regulations 7-18
7.7.7 Nonconforming Uses 7-19
7.7.8 Zoning Permits 7-19
7.7.9 Airport Noise Overlay District Boundaries 7-20
7.7.10 Disclosure Statements 7-20

7.7.11 Airport Noise Overlay Use Limitations 7-20
Sec. 7.8 NAC, Noise Abatement Corridor Overlay District 7-21
7.8.1 Description 7-21
7.8.2 Applicability 7-21
7.8.3 Standards 7-22
Sec. 7.9 Noise Limitations and Enforcement 7-22
7.9.1 Standards 7-22
7.9.2 Methods of Measurement 7-22
7.9.3 Maximum Sound Levels (dBA) 7-22
7.9.4 Exemptions 7-22
Sec. 7.10 Crescent Design (CD) District 7-23
7.10.1 Description 7-23
7.10.2 Applicability 7-23
7.10.3 Overview of Crescent Design District Regulations 7-25
7.10.4 Siting Specifications 7-27
7.10.5 Site Requirements 7-32
7.10.6 Building Type Specifications 7-36
7.10.7 Building Materials and Other Requirements 7-44
7.10.8 Height Zones 7-46
7.10.9 Use Regulations and Density/Intensity and Dimensional Standards 7-48
7.10.9.A CD-RM, Crescent Design – Residential Medium Density 7-48
7.10.9.B CD-RH, Crescent Design – Residential High Density 7-50
7.10.9.C CD-MUR, Crescent Design – Mixed Use Residential 7-51
7.10.9.D CD-C, Crescent Design – Commercial 7-52
7.10.9.E CD-MUO, Crescent Design Mixed Use Optional 7-54
7.10.9.F CD-I, Crescent Design – Institutional 7-56
7.10.9.G CD-OS, Crescent Design – Open Space 7-57
7.10.9.H CD-CC, Crescent Design – Commercial Corridor 7-58
7.10.10 Rezoning Approval Criteria 7-61
7.10.11 Streetscape Requirements 7-63
7.10.12 Modifications 7-71
7.10.13 Definitions 7-73
7.10.14 Appendix – Crescent Design (CD) District Maps 7-75

Sec. 7.1 General

7.1.1 Overlay Zoning Districts

As the name implies, overlay districts work in combination with underlying base district zoning regulations (R, O, B, I or M Districts) to impose additional requirements and standards on specific property. These additional standards only apply within the limits of the overlay district. Overlay zoning districts are established in accordance with the rezoning procedures applicable to any other zoning district (See Sec. 3.2).

7.1.2 Special Purpose Districts

Special purpose zoning districts are established to accommodate highly-specialized or unique uses and development types. Special purpose zoning districts are not overlay districts; they are base zoning districts. Such districts are established in accordance with the rezoning procedures applicable to any other zoning district (See Sec. 3.2).

Sec. 7.2 MC Medical-Hospital Center (Special Purpose) District

7.2.1 Description

The MC, Medical-Hospital Center District is established to provide areas for specific medical land uses and related facilities and institutions of higher learning. District development should be planned, constructed and managed on an integrated and coordinated basis.

7.2.2 Use Regulations

Uses are allowed in the MC 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.

MC Uses			
Use		**Use Standards**	**Definition**
Commercial Uses			
Diagnostic Laboratories	P		Sec. 18.1.42
Offices	P		Sec. 18.1.121
Pharmacy	P		Sec. 18.1.139
Child care center	S		Sec. 18.1.29
Parking structure, private	S	Sec. 9.3.15	Sec. 18.1.135
Emergency care facility	P		Sec. 18.1.58
Institutional and Community Service Uses			
College or University	P		Sec. 18.1.33
Hospital	P		Sec. 18.1.82
Nursing School	P		
Dormitory	S		Sec. 18.1.45
College or University	P	Up to 12,000 square feet gross floor area	Sec. 18.1.33
Residential Uses			
Elderly housing	S	Maximum density not to exceed 16 dwelling units per acre	Sec. 18.1.56
Nursing home	P		Sec. 18.1.120
Utility Uses			
Public utility, major	S		Sec. 18.1.153
Public utility, minor	P		Sec. 18.1.154

7.2.3 Density/Intensity and Dimensional Standards

All development in the MC District shall be subject to the following Density/Intensity and Dimensional standards:

MC District Standards	
A. Minimum Lot Area (square feet)	
All	40,000
B. Minimum Lot Width (feet)	

Interior Lot	100
Corner Lot	100
C. Minimum Yards/Setbacks (feet)	
Front	40
Side	15 [1]
Rear	25 [1]
D. Maximum Building Height (feet)	
Residential	45
Nonresidential	45
E. Min. Zoning District Area (acres)	
	2
F. Max. Zoning District Area (sq ft)	
	None

[1] Side and rear yard setbacks that are not adjacent to other zoning districts may be reduced if it can be demonstrated to the satisfaction of the Town Council upon recommendation from the Planning Commission that the proposed setback will facilitate a structure that is harmonious and compatible with the surrounding uses within the M-C District.

Sec. 7.3 GC Government Center (Special Purpose) District

7.3.1 Description

The GC District provides the opportunity for county and local governmental entities to locate throughout the corporate limits and establish specific site design criteria through the rezoning process which may include the architectural design, parking requirements, landscaping and buffering standards to minimize any potential intrusion on adjoining properties.

7.3.2 Use Regulations

Uses are allowed in the GC 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. For a summary of uses permitted in all zoning districts, see the Use Table in Sec. 9.2.

GC Uses			
Use		**Use Standards**	**Definition**
Commercial Uses			
Various Uses	P	[1]	
Institutional and Community Service Uses			
Government office	P		
Library	P		Sec. 18.1.89
Museum	P		Sec. 18.1.111
Park, public	P		
School, public	P		Sec. 18.1.163
Fire and/or rescue facility	P		Sec. 18.1.64
Parking structure	P	Sec. 9.3.18	Sec. 18.1.134, Sec. 18.1.135

[1] Commercial uses such as private office, retail establishments and eating establishments without drive-in facilities are permitted on the first floor of any building as specified in the ordinance creating the particular GC district.

7.3.3 Density/Intensity and Dimensional Standards

All development in the GC District shall be subject to the following Density/Intensity and Dimensional standards:

GC District Standards	
A. Minimum Lot Area (square feet)	
All Development	40,000
B. Minimum Lot Width (feet)	
Interior Lot	100
Corner Lot	100
C. Minimum Yards/Setbacks (feet)	
Front	40 [1]
Side	15 [1]
Rear	25 [1]
D. Maximum Building Height (feet)	
Residential	NA
Nonresidential	45[2]
E. Min. Zoning District Area (acres)	
	2
F. Max. Zoning District Area (sq ft)	
	None

[1] Front, side and rear yard setbacks may be reduced or be provided as a zero-yard setback if demonstrated to the satisfaction of the Town Council upon recommendation from the Planning Commission that the proposed setback will facilitate a structure that is harmonious and compatible with the surrounding uses.

[2] Unless modified during the rezoning as the minimum height necessary to facilitate the proposed building.

Sec. 7.4 MA, Municipal Airport (Special Purpose) District

7.4.1 Description

The MA District provides the opportunity for the Leesburg Executive Airport to develop in conformance with the established Airport Master Plan (AMP) and Airport Layout Plan (ALP). The AMP and ALP control the physical development of the airport facilities and related parking needs of the facility, and are subject to Town Council approval and endorsement by the Virginia Department of Aviation and the Federal Aviation Administration (FAA). Accordingly, the MA District acknowledges the physical constraints of the existing airport location and the necessity of providing adequate support facilities.

7.4.2 Use Regulations

Uses are allowed in the MA District in accordance with the following table. A “P” in the second column of the table indicates that the use is permitted by-right, subject to compliance with all applicable standards of this Zoning Ordinance. An “S” in the second

column of the table indicates that the use may be allowed if reviewed and approved in accordance with the Special Exception procedures of Sec. 3.4. For a summary of uses permitted in all zoning districts, see the Use Table in Sec. 9.2.

MA Uses			
Use		**Use Standards**	**Definition**
Commercial Uses			
Accessory uses (to offices)	P	Not to exceed 25 percent of the gross floor area of the building	Sec. 18.1.4
Fixed Base Operators and related aircraft basing facilities	P		
Fuel Storage and Dispensing Facilities	P		
Flight Instruction	P		
Aircraft Maintenance Services	P		
Aircraft Storage	P		
Eating Establishment (w/o Drive-In)	P	Sec.9.3.9	Sec.18.1.54
Institutional and Community Service Uses			
Office	P		Sec. 18.1.121
Automated Flight Service Station	P		
Fire and/or rescue facility	P		Sec. 18.1.64
Parking structure	P	Sec. 9.3.185	Sec. 18.1.134, Sec. 18.1.135

7.4.3 Density/Intensity and Dimensional Standards

All development in the MA District shall be subject to the following Density/Intensity and Dimensional standards:

MA District Standards	
A. Minimum Lot Area (square feet)	
All Development	40,000
B. Minimum Lot Width (feet)	
Interior Lot	100
Corner Lot	100
C. Minimum Yards/Setbacks (feet)	
Front	40 [1]
Side	15 [1]
Rear	25 [1]
D. Maximum Building Height (feet)	
All Development	None[2]
E. Min. Zoning District Area (acres)	
	2
F. Max. Zoning District Area (sq ft)	
	None

[1] Front, side and rear yard setbacks may be reduced as necessary to facilitate compliance with the adopted Airport Layout Plan contained within the Airport Master Plan.

[2] Height must comply with applicable FAA requirements.

Sec. 7.5 H-1, Overlay, Old and Historic District

7.5.1 Description

The purpose of these H-1 Overlay District regulations is to carry out the *Town Plan* goal of protecting the Old and Historic District and individual historic landmarks, not only for their own value as community resources, but also because of their contribution to the town's unique character; to encourage the protective maintenance of historic structures; to protect, enhance and perpetuate such buildings, structures, and landscape features which represent elements of the town's cultural, social, economic, political and architectural history; to stabilize and improve property values; to foster civic pride in the town's past; to protect and enhance the town's attractions to tourists and visitors and the support and stimulus to business and industry thereby provided; to strengthen the economy of the town; and to promote the use of historic districts and historic resources for the education, pleasure and welfare of the people of the town.

7.5.2 Applicability

These regulations shall apply to the H-1 Overlay District as defined in Sec. 7.5.3 and to all areas or places heretofore designated by the Town Council as historic districts or landmarks. The restrictions and requirements of this section shall be in addition to other restrictions and requirements provided in this Zoning Ordinance. The regulations of this section apply to all property, including any improvements and modifications to such property, located within the boundaries of the H-1 Overlay District.

7.5.3 Historic District Created, Established

A historic conservation district is hereby created within the town as an overlay on the Official Zoning Map under authority of Section 15.2-2306 of the Code of Virginia, 1950 as amended, to be known as the H-1 Overlay, Old and Historic District which includes the original boundaries shown on a map designated “Gray's New Map of Leesburg” drawn from the special surveys in the year 1878 as hereby amended and described as follows:

> Beginning on the east at the intersection of Loudoun and Market Streets and running northeast parallel to Church Street to the intersection of a line in projection of North Street; thence northwest in a straight line to and along North Street to the intersection of Church Street; thence northeast in a straight line parallel to King Street to the intersection of a line in projection of Union Street; thence in a straight line northwest to and along Union Street to the intersection of a line in extension of Liberty Street; thence southwest in a straight line to the intersection of Liberty and North Streets; thence northwest in a straight line in extension of North Street until intersecting a line in projection of Ayr Street; thence southwest to and along Ayr Street to a point on the east right-of-way of Dry Mill Road; thence right along the curb of said right-of-way having a radius of 225.43 feet to the center of the Town Branch; thence along the Town Branch S 41o 10' 41” E to the projection of Ayr Street, thence southwest along the projection of Ayr Street 100 feet; thence in a straight line in extension of South Street southeast to Town Branch; thence S 36o 10' 42” E along Town Branch to the Washington and Old Dominion Trail; thence paralleling the trail and Town Branch 594.12 feet along a curve to the right having a radius of 3646.36 feet to the extension of the western right-of-way of Liberty Street; thence N 22o 45' 00” E to the intersection of a projection of South Street; thence in a straight line in extension of South Street southeast to a point 200 feet west of King Street, still on an extension of South Street; thence in a straight line southwest parallel to King Street to a point 500 feet south of the railroad; thence east across King Street in a straight line parallel to South Street for 1700 feet; thence northeast in a straight line

parallel to King Street to the intersection of Loudoun and Market Streets, to also include properties at 406 through 418 South King Street and 420, 422, 423, 424 and 426 through 432 South King Street; 216 and 226 Edwards Ferry Road ; 305 through 430 West Market Street; 6 Wilson Avenue, N.W., 10, 14, 18 and 102 Morven Park Road, N.W. and 9 and 21 Ayr Street, N.W. and 302-334 Loudoun Street, S.W. (inclusive of even numbered addresses only), 106 Morven Park Road, N.W., 380 Rock Spring Drive, S.W., 329 Loudoun Street, S.W., the 8.05-acre Allman tract on South King Street, Dodona Manor at 217 Edwards Ferry Road, N.E., and the 16.24-acre Paxton Property (Carlheim) at 420 Wildman Street, N.E.

7.5.4 Public Meetings Required

The Board of Architectural Review shall meet at least once monthly to consider applications for Certificate of Appropriateness. The meeting of the Board of Architectural Review shall be open to the public and a full and impartial hearing shall be granted to the applicant and to any other interested parties.

7.5.5 Certificate of Appropriateness

Within the H-1 Overlay District, no building or structure (defined for the purposes of this section as anything man-made, including but not limited to outbuildings, fences, walls, lamp posts, light fixtures, signs, signposts, driveways, walkways and paving) shall be altered in any of the following ways unless a Certificate of Appropriateness has been issued by the Board of Architectural Review in accordance with the procedures of Sec. 3.10), or by the Preservation Planner in accordance with Sec. 7.5.6. The regulations below apply to both public and private structures and facilities.

A. Site Improvements. Including but not limited to removal, enlargement, or reconstruction of: driveways, walkways, and other paving; lampposts and landscape lighting; fences and walls; gazebos and pergolas. Not to include plant materials or installation of movable, non-permanent play equipment.

B. Exterior Modification of Existing Buildings and Structures. Including, but not limited to: the removal, replacement, or addition of windows, doors, and chimneys; the alteration of porches and decks; the alteration or addition of commercial storefronts on existing buildings and changes to exterior paint and color. Exterior paint and color shall not include painted murals as reviewed by the Leesburg Commission on Public Art under the Public Art Policy in accordance with the Leesburg Public Art Guidelines. Not to include routine maintenance as defined in Sec. 7.5.9.A Routine Maintenance Exclusion.

C. Additions to Existing Buildings and Structures. Including, but not limited to: the construction of new porches and decks; the expansion of the square footage so that it increases the height or the footprint of the existing structure. The following structure is exempt from review by the Board of Architectural Review or the need for a Certificate of Appropriateness when not visible from the street as determined by the Zoning Administrator: An at grade platform deck not exceeding twelve (12) inches in height, no less than two (2) feet from the side and rear property lines, not exceeding two hundred (200) square feet in area, without footers for support but supported by the ground only and located in the rear yard only.

D. New Construction.

E. Demolition and Relocation of Existing Buildings and Structures, in whole or in part.

F. Signs. In accordance with Section 15.14

7.5.6 Administrative Approval of Certificate of Appropriateness

A. Lighting, Fences, Paving and Color. The Preservation Planner shall have the authority to issue a Certificate of Appropriateness for alterations to existing or installation of new lampposts, light fixtures, fences, driveways, residential walkways or changes in existing exterior color schemes. If the Preservation Planner determines the application may not be in conformance with the Old and Historic District Design Guidelines, the application shall be forwarded to the Board for consideration at the applicant's request.

B. Signs. The Preservation Planner shall have authority to issue a Certificate of Appropriateness for applications that request approval for signs that conform to the criteria as established in the in the Old and Historic District Sign Guidelines in the section titled "Administrative Approval Criteria for Signs in the Old and Historic District". In the event the Preservation Planner determines that the sign does not conform to said guidelines the application shall be forwarded to the Board for consideration at the applicant's request.

C. Modifications to Existing Structures. The Preservation Planner shall have the authority to issue a Certificate of Appropriateness for the following modifications to existing structures: like-kind replacement of roof materials, the installation of storm windows and doors and the replacement or installation of new shutters.

D. Change of Plans after Issuance of Permit. Any change in the approved plans subsequent to the issuance of a Certificate of Appropriateness shall be promptly submitted to the Preservation Planner prior to construction of the modified feature. The Preservation Planner may administratively approve the following modifications: (a) change in the color of brick selected for a project; (b) change in the profile of door and window moldings; (c) change in the type of siding used in a small area, which does not exceed ten percent (10%) of the total area of a building; and (d) change in the style of a door or window. A report of administrative approvals shall be made to the Board of Architectural Review at its next meeting.

7.5.7 Brick Sidewalk Requirement

For all construction requiring the installation or replacement of public sidewalks, the surface material of the sidewalk must be made of medium to dark red machine-molded (no wire-cut) brick.

7.5.8 Demolition Applications

A. Board's Authority to Review Certificate of Appropriateness for Demolition. No historic landmark, building or structure subject to the provisions of this section shall be demolished until its owner has applied for and received a Historic District Demolition Permit from the Board of Architectural Review pursuant to the procedures of Sec. 3.10, except as otherwise expressly provided in Sec. 7.5.8D.

B. Demolition Defined. Any removal of forty percent (40%) or more of the total exterior wall or roof surface of any building shall require a Certificate of Appropriateness approved in accordance with the requirements of this section. Any removal of less than forty percent (40%) of the exterior wall or roof surface of a building shall be considered an alteration and requires a Certificate of Appropriateness in accordance with the provisions of Sec. 7.5.5

C. Consideration of Post-Demolition Plans. The Board of Architectural Review shall consider, and applicants shall be required to provide, for all principal structures to be demolished, post-demolition plans for any site governed by this article and the appropriateness of such plans to the architectural character of the district.

D. Demolition Delay Period. The owner of a building or structure, the demolition of which is subject to the provisions of this section, shall, as a matter of right, be entitled to demolish such building or structure provided that:

1. The owner has applied to the Board of Architectural Review for such a right.

2. The owner has for a period of time set forth in the time schedule set forth in Sec. 7.5.8D.3, and at a price reasonably related to its fair market value, made a bona fide offer to sell such building or structure, and the land pertaining thereto, to any person, firm, corporation, government or agency thereof, or political subdivision or agency thereof, which gives reasonable assurance that it will preserve and restore the building or structure and the land pertaining thereto.

3. No bona fide contract, binding upon all parties thereto, shall have been executed for the sale of any such building or structure, and the land pertaining thereto, prior to the expiration of the applicable time period as set forth in the time schedule below. Any appeal which may be taken to the court from the decision of the Town Council shall not affect the right of the owner to make a bona fide offer to sell. Offers to sell as provided in subsection 7.5.8D.2 shall be made within one (1) year of the date of a final decision by the Town Council. The time schedule for offers to sell shall be as follows:

Property Valued At	Minimum Offer To Sell Period
Less than $25,000	3 months
$25,000 but less than $40,000	4 months
$40,000- but less than $55,000	5 months
$55,000- but less than $75,000	6 months
$75,000- but less than $90,000	7 months
$90,000 or more	12 months

E. Board of Architectural Review Activities While Action on Demolition Permit Suspended. During the demolition delay period set forth above in Sec. 7.5.8D., the Board of Architectural Review may take such steps as it deems necessary to preserve the buildings or structures concerned, in accordance with the purposes of these regulations. Such steps may include, but are not limited to, consultation with civic groups, public agencies and interested citizens, recommendations for

acquisition of property by public or private bodies or agencies, and exploration of the possibility of moving one or more structures or other features.

F. Owner Required to Make Bona Fide Offer to Sell During Delay Period. Before making a bona fide offer to sell the owner shall first file a statement with the Town Council. That statement shall identify the property, state the offering price, the date the offer of sale is to begin and name and addresses of listing real estate agents, if any. The statement shall provide assurances that the building or structure shall be preserved and/or restored, as appropriate. No time period set forth in the time schedule contained in Sec. 7.5.8 shall begin to run until the statement has been filed.

7.5.9 Maintenance of Historic Properties

A. Routine Maintenance Exclusion. Nothing in this article shall be construed to prevent the routine maintenance or repair of any exterior elements of any building or structure so long as there is no change in design or materials.

B. Protective Maintenance Requirement.

1. Purpose. Pursuant to Section 15.2-2306 of the Code of Virginia, 1950, as amended, the purpose of this section is to prevent the demolition by neglect of any building or structure by permitting permanent damage by weather or vandalism.

2. Intent. The intent of this section is to ensure that the owner of any building or structure subject to the provisions of this section shall keep such building or structure properly maintained and repaired in accordance with this section, the provisions of the state building code and housing code and the provisions of Article I Section 11-38 of the Town Code.

3. Degree of Maintenance Required. The degree of maintenance and repair hereby required is that degree sufficient to prevent damage to the structural components and/or the exterior that would cause the collapse of the structure or that would cause the building to become so deteriorated as to prevent its repair and preservation. Acts which the owner may be required to perform pursuant to this paragraph shall include the following: securing the building or structure by boarding up doors and windows; stabilizing walls, roofs and other parts of the building or structure; providing positive drainage from the structure; and termite treatment.

4. Enforcement. The Board of Architectural Review shall request a meeting with an owner when a property is in a seriously deteriorated condition and the Board of Architectural Review shall discuss with the owner ways to improve the condition of the building or structure. After this step the Board of Architectural Review may request the Zoning Administrator to investigate further the condition of such building or structure and to make a determination within fourteen (14) days of violations of this Zoning Ordinance. Upon finding that a building is in a seriously deteriorated condition which threatens its preservation, the Zoning Administrator shall notify the owner in writing and shall identify specific repairs and work necessary to comply with the provisions of this section. The owner shall have ninety (90) days from written notification to complete necessary repairs and work identified by the Zoning

Administrator. Failure to complete the necessary repairs and work within ninety (90) days shall constitute a violation of this Zoning Ordinance.

7.5.10 Designation of Historic Districts and Landmarks

The H-1 Overlay District may be enlarged and new historic districts and individual landmarks may be established upon recommendation of the Board of Architectural Review and adoption by the Town Council.

A. Preliminary Research. The Board of Architectural Review shall undertake to establish and maintain a list of structures, sites and areas having historical, architectural or aesthetic interest or value**.**

B. Recommendation of Historic Districts and Landmarks. The Board of Architectural Review may recommend to the Town Council the initiation of a Zoning Ordinance amendment to designate landmarks and historic districts from the list established under Sec. 7.5.10.A for preservation and protection.

1. Criteria for Selection. When applying for nomination as a Local Historic District or Local Historic Landmark, the applicant shall supply documents or other evidence showing that the property(s) or structure(s) under consideration meets one or more of the following criteria defining Local Historic Districts or Local Historic Landmarks:

a. Its character, interest or value as part of the historic development, heritage, or cultural characteristics of the community, county, state or country; or

b. Its location as a site of a historically significant local, county, state or national event; or

c. Its identification with a person or persons or entities who significantly contributed to the historic development of the community, county, state or country; or

d. Its embodiment of distinguishing characteristics of a historic architectural style valuable for the study of a period, type, method of construction, or use of materials; or

e. Its identification as the work of a master builder, designer, architect or landscape architect whose individual work has influenced the historic development of the community, county, state or country; or

f. Its embodiment of elements of design, detailing, materials or craftsmanship that render it significant to the architectural heritage of the community; or

g. Its character as a particularly fine or unique example of an historic utilitarian structure, including, but not limited to, farmhouses, gas stations or other commercial structures, with a high level of integrity or architectural significance; or

h. It is listed in the National Register of Historic Places and/or the Virginia Landmarks Program.

2. Application for Designation. Designations may be initiated by resolution of the Town Council upon recommendation of the Board of Architectural Review or on the application of the owner(s) of the property to be designated or their authorized agents, or on the application of any historic, civic or professional society or organization with a recognized interest in historic preservation.

When the application has not been made by the owner, the owner shall be given written notice of the designation under consideration.

3. Moratorium on Alteration or Demolition While Designation Pending. No applications for a zoning permit to construct, alter or demolish any structure or other feature on a landmark site or in a historic district, filed subsequent to the day that an application has been filed or a resolution adopted to initiate designation of the said landmark site or historic district, shall be approved by the Zoning Administrator while proceedings are pending on such designation; provided, however, that after ninety (90) days have elapsed from the date of initiation of said designation, if final action on such designation has not been completed, the permit application may be approved.

7.5.11 Violations

The enforcement of the provisions of this section shall be the responsibility of the Zoning Administrator or the Zoning Administrator's designee. The Zoning Administrator shall take the necessary legal steps to stop work that is being performed without a Certificate of Appropriateness. Any violation of these regulations is a civil violation as provided in Sec. 17.2.2.

Sec. 7.6 H-2, Historic Corridor Architectural Control Overlay District

7.6.1 Description

The purpose of these historic corridor regulations is to implement the *Town Plan* goal of ensuring quality urban design compatible with Leesburg's historic, architectural and tourist resources through architectural control along the town's arterial routes to the H-1 Overlay District. The protection of these vital corridors which form the traditional gateways to Leesburg's historic district will stabilize and improve property values; protect and enhance the town's attraction to tourists and visitors; and will support and stimulate complimentary development appropriate to the prominence afforded properties contiguous to Leesburg's major arterial routes. Benefits attributable to the promotion of superior design and appearance of structures constructed and altered along the town's arterial highways will ultimately promote the public health, safety and general welfare of the citizens of the town.

7.6.2 District Created

The H-2, Historic Corridor Architectural Control District is hereby established as an overlay on the Official Zoning Map under authority of Section 15.2-2306 of the Code of Virginia, 1950, as amended, to be known as the H-2 Overlay District with boundaries to include all or parts of parcels, exclusive of the H-1 Overlay District, within 1,000 linear feet of the right-of-way centerline along Route 7 from the east corporate limit to the Route 7/15 by-pass; 300 linear feet from the right-of-way center line along Route 7, west from the western boundary of the H-1 Overlay District to the west corporate limits, and 500 linear feet of the right-of-way centerline of Route 15 from the north corporate limits to the southern corporate limits excluding parcels 231-17-2346; 231-17-0408; 231-17-6450; 231-17-9342; and all properties within 500 feet of the center line along the east side of S. King Street from Fairfax Street, SE to the Route 7/15 by-pass

7.6.3 Applicability

Unless otherwise expressly exempted, the regulations of this section shall apply to all lots and parcels and to all structures upon such lots or parcels within the boundaries of the H-2

Overlay District as defined in Sec. 7.6.2. If any part of a structure to be erected, altered or restored is located on a lot or parcel that is within these boundaries the entire structure shall be governed by this section, unless (1) the entire structure itself is located outside the H-2 Overlay District boundaries and (2) the structure will not be visible from any public right-of-way. Applicants may also proffer compliance with the H-2 Overlay District standards. The regulations of this section apply to all property, including any improvements and modifications to such property, within the boundaries of the H-2 Overlay District.

7.6.4 Certificates of Approval

A. **Applicability.** Unless otherwise expressly exempted, no structure, building, or sign located on land shall be erected, reconstructed, altered or restored on property subject to the H-2 Overlay District standards of this section until the plans for such shall have been approved by the Board of Architectural Review in accordance with the Architectural Control Certificate of Approval procedures of Sec. 3.11.

B. **Exemptions.** The provisions of this section shall not apply to any of the following:

1. the regular maintenance of structures, buildings, or signs (as opposed to the reconstruction, alteration or restoration).

2. single-family detached dwellings;

3. attached dwellings (including townhouses and duplexes); or

4. construction within approved Planned Development Districts.

C. **Definitions.** For the purposes of this section, changing the exterior color and/or materials of a structure, building or sign shall be deemed an alteration and not regular maintenance. For the purposes of this section a structure shall also include, but not be limited to outbuildings, fences, walls, lamp posts and light fixtures.

7.6.5 Demolition Applications

No historic landmark, building or structure subject to the provisions of this section shall be demolished until its owner has applied for and received an Architectural Control Certificate of Demolition from the Board of Architectural Review pursuant to the procedures of Section 3.11.3, except as otherwise expressly provided in Sec. 7.5.8D.F.

7.6.6 Public Meetings Required

The Board of Architectural Review shall meet at least once monthly to consider applications for Certificates of Appropriateness. The meetings of the Board of Architectural Review shall be open to the public and a full and impartial hearing shall be granted to the applicant.

7.6.7 Design Criteria

The Board of Architectural Review shall find that the application meets all of the following standards and criteria stated below in approving applications filed under this section. These standards and criteria are further defined in the H-2 Corridor Design Guidelines, dated January 23, 1990, which are hereby adopted and shall be used by the Board of Architectural Review in evaluating Certificates of Appropriateness.

A. Whether or not the proposed external architectural features, represented by the general design and arrangement, texture, color, line, mass, dimension, material and lighting reflect desirable design for the Town of Leesburg.

B. Whether or not the proposed structure, building or improvement is compatible with well designed structures, acceptable to the Board of Architectural Review in the vicinity of the proposed structure.

C. Whether or not proposed freestanding buildings use the same or architecturally harmonious materials, color, texture and treatment for all exterior walls; and in the case of partially freestanding buildings, whether or not the same or architecturally harmonious materials, color, texture and treatment are used on all portions of all exterior walls.

D. Whether or not the combination of architectural elements proposed for a structure, building or improvement, in terms of design, line, mass, dimension, color, material, texture, lighting, landscaping, roof line and height conform to accepted architectural principles for permanent buildings reflecting the character of Leesburg, as contrasted with engineering standards designed to satisfy safety requirements only.

E. Whether or not the proposed structure, building or improvement, in terms of design, material, texture, color, lighting, landscaping, dimension, line, mass roof line and height, is designed to serve primarily as an advertisement or commercial display, exhibits exterior characteristics likely to deteriorate rapidly, would be of temporary or short-term architectural or aesthetic acceptability, or would otherwise constitute a reasonable foreseeable detriment to the attractiveness and stability of the town's historic arterial corridors.

7.6.8 No Architectural Style to be Required

The Board of Architectural Review (and on appeal, Town Council) shall not adopt or impose any specific architectural style in the administration of this section.

Sec. 7.7 A-1, Airport Overlay District

7.7.1 Description

The purpose of the Airport Overlay District is to regulate and restrict the height of structures, objects or natural growth, regulate the locations of noise sensitive uses, and otherwise regulate the use of property in the vicinity of the Leesburg Executive Airport by creating the appropriate zones and establishing the boundaries thereof; providing for changes in the restrictions and boundaries of such zones; defining certain terms used herein; providing for enforcement; and imposing penalties. Accordingly, it is declared:

A. That it is necessary in the interest of the public health, safety, and general welfare, to prevent obstructions that are hazards to air navigation;

B. That it is necessary in the interest of the public health, safety, and general welfare, to avoid noise-related problems associated with aircraft using the Leesburg Executive Airport;

C. That the creation or establishment of an obstruction has the potential for being a public nuisance and may injure the area served by the airport; and

D. That the Town of Leesburg derives economic development and enhanced interstate commerce from the Leesburg Executive Airport which are held strictly to the highest possible safety standards.

7.7.2 Applicability

The regulations of this section (Sec. 7.7) shall apply to all areas designated on the Airport Safety District Map and the Airport Noise Overlay Map within the corporate limits of the Town of Leesburg.

7.7.3 Definitions

The definitions of this section shall be used solely for the purpose of interpreting and administering the A-1 District regulations of this section. If the definitions of this section conflict with other definitions of this Zoning Ordinance, the definitions of this section shall control.

A. **"Administrator"** The Town of Leesburg's Zoning Administrator.

B. **"Airport"** Leesburg Executive Airport.

C. "**Airport Elevation**" The highest point on any usable landing surface expressed in feet above mean sea level.

D. **"Approach Surface"** A surface longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface, and at the same slope as the approach zone height limitation slope set forth in Sec. 7.7.5. In the Airport Safety Zone Map, the perimeter of the approach surface coincides with the perimeter of the approach zone.

E. **"Approach, Transitional, Horizontal, and Conical Zones"** The airspace zones as set forth in Sec. 7.7.4.

F. **"Board of Zoning Appeals"** Refers to the Board of Zoning Appeals of the Town of Leesburg.

G. **"Conical Surface"** A surface extending horizontally twenty feet for every foot vertically from the periphery of the horizontal surface.

H. **"Hazard to Air Navigation"** An obstruction determined by the Virginia Department of Aviation or the Federal Aviation Administration to have substantial adverse effect on the safe and efficient utilization of navigable airspace in the Commonwealth.

I. **"Height"** For the purpose of determining the height limits in all zones set forth in this Zoning Ordinance and shown on the Airport Safety District Map, the datum shall be mean sea level (M.S.L.) elevation unless otherwise specified.

J. **"Horizontal Surface"** A horizontal plane 150 feet above the established airport elevation, the perimeter of which in plan coincides with the perimeter of the horizontal zone.

K. **"Ldn"** The symbol for "yearly day-night average sound level", which means the average daily sound level (based on a 365-day average), in decibels, for the period from midnight to midnight, obtained after the addition of ten decibels to sound levels for the periods between 10 p.m. and 7 a.m., local time.

L. **"45 db(A) Ldn"** The symbol for the required level of noise attenuation in residential structures constructed within the area between airport noise contour 60 and airport noise contour 65, meaning a required yearly interior day-night average sound level of 45 decibels or less.

M. **"Leesburg Airport Commission"** An advisory commission appointed by the Leesburg Town Council whose responsibilities include, but are not limited to land acquisition, construction, improvement, maintenance and operation of the Leesburg Executive Airport.

N. **"Nonconforming Use"** Any existing or new structure or object of natural growth which is inconsistent with the provisions of this Zoning Ordinance or any amendment to this Zoning Ordinance.

O. **"Obstruction"** Any structure, growth, or other object, including a mobile object, which exceeds a limiting height, or penetrates any surface or zone floor, set forth in Sec. 7.7.5.

P. **"Person"** Any individual, firm, partnership, corporation, company, association, joint stock association, or governmental entity. The term includes a trustee, a receiver, an assignee, or a similar representative of any of them.

Q. **"Primary Surface"** A surface, with a specified width as provided in Sec. 7.7.4, longitudinally centered on a runway. When the runway has a specifically prepared hard surface, the primary surface extends 200 feet beyond each end of that runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.

R. **"Runway"** A specified area on an airport prepared for landing and takeoff of aircraft.

S. **"Structure"** Any object, including a mobile object, constructed or installed by any person, including but not limited to buildings, towers, cranes, smokestacks, earth formations, towers, poles and electric lines of overhead transmission routes, flag poles, and ship masts.

T. **"Transitional Surfaces"** Surfaces which extend outward perpendicular to the runway centerline extended at a slope of seven feet horizontally for each foot vertically from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces.

U. **"Vegetation"** Any object of natural and/or planted growth.

V. **"Zone"** All areas provided for in Sec. 7.7.4, generally described in three dimensions by reference to ground elevation, vertical distances from the ground elevation, horizontal distances from the runway centerline and the primary and horizontal surfaces, with the zone floor set at specific vertical limits by the surfaces found in Sec. 7.7.5.

W. **"Zoning Permit"** A document issued by Town of Leesburg allowing an activity that may result in structures or vegetation which exceed the height limitations provided for in this Zoning Ordinance.

7.7.4 Airport Safety Zones

In order to implement the provisions of this Zoning Ordinance, four zones are established which include the area and airspace of the Town of Leesburg lying equal to and above the approach surfaces, transitional surfaces, horizontal surfaces, and conical surfaces as they apply to Leesburg Executive Airport. These zones are established as overlay zones, superimposed over the existing zoning districts, being more specifically zones of airspace that do not affect the uses and activities of the zoning district except as provided for in Sec. 7.7.6. An area located in more than one of the following zones is considered to be only in the zone with the most restrictive height limitation. These zones are as follows:

A. **"Airport Zone"** A zone that is centered about the runway and primary surface, with the floor set by the horizontal surface.

B. **"Approach Zone"** A zone that extends away from the runway ends along the extended runway centerline, with the floor set by the approach surfaces.

C. **"Transitional Zone"** A zone that fans away perpendicular to the runway centerline and approach surfaces, with the floor set by the transitional surfaces.

D. **"Conical Zone"** A zone that circles around the periphery of and outward from the horizontal surface, with the floor set by the conical surface.

7.7.5 Airport Safety Zone Height Limitations

A. Except as otherwise provided in this Zoning Ordinance, in any zone created by this Zoning Ordinance no structure shall be erected, altered, or maintained, and no vegetation shall be allowed to grow to a height so as to penetrate any referenced surface, known as the floor, of any zone provided for in Sec. 7.7.4 at any point.

B. The specific geometric standards, height restrictions, or floors, for the individual zones shall be those planes delineated as surfaces in Part 77.25, Subchapter E (Airspace), of Title 14 of the Code of Federal Regulations, or in successor federal regulations. The official map which depicts the Airport Safety Zones height restrictions shall be maintained by the Zoning Administrator.

7.7.6 Use Regulations

Notwithstanding any other provisions of this Zoning Ordinance, and within the area below the horizontal limits of any zone established by this Zoning Ordinance, no use may be made of land or water in such a manner as to:

A. Create electrical interference with navigational signals or radio communication between the airport and airborne aircraft;

B. Diminish the ability of pilots to distinguish between airport lights and other lights;

C. Result in glare in the eyes of pilots using the airport;

D. Impair visibility in the vicinity of the airport;

E. Create the potential for bird strike hazards; or

F. Otherwise in any way endanger or interfere with the landing, takeoff, or maneuvering of aircraft intending to use the airport.

7.7.7 Nonconforming Uses

A. Except as expressly provided in this section, the regulations prescribed by this Zoning Ordinance shall not require the removal, lowering, or other change or alteration of any structure or vegetation not conforming to the regulations as of [Insert Effective Date], or otherwise interfere with the continuance of a nonconforming use. Nothing contained in this Zoning Ordinance shall require the removal, lowering, or other change or alteration of any structure which construction was begun prior to [Insert Effective Date], and is in the process of being diligently pursued toward completion.

B. Notwithstanding the provisions of the preceding paragraph "A," the owner of any existing nonconforming structure or vegetation is hereby required to permit the installation, operation, and maintenance thereon of whatever markers and lights deemed necessary by the Federal Aviation Administration, the Virginia Department of Aviation, the Leesburg Airport Commission, or the Zoning Administrator to indicate to operators of aircraft the presence of that airport obstruction. These markers and lights shall be installed, operated, and maintained at the expense of the airport owners, and not the owner of the nonconforming structure in question.

7.7.8 Zoning Permits

A. Except as expressly provided in this section, no structure shall be erected or otherwise established in any zone created by this Zoning Ordinance unless a zoning permit issued by the Zoning Administrator shall have been applied for and granted. Each application for a zoning permit shall indicate the purpose for which desired, and provide sufficient geometric specificity to determine if the structure will conform to the regulations prescribed in this Zoning Ordinance. No zoning permit for a structure inconsistent with this Zoning Ordinance shall be granted unless a variance has been approved in accordance with all applicable regulations.

B. No zoning permit shall be granted that would allow the establishment or creation of an obstruction or permit a nonconforming use or structure to become a greater hazard to air navigation than it was on [Insert Effective Date] or any amendments thereto other than with a variance as provided for in Sec. 7.7.8D.

C. Whenever the Zoning Administrator determines that a nonconforming structure has been abandoned or more than fifty percent (50%) destroyed, physically deteriorated, or decayed, no zoning permit shall be granted that would enable such structure to be rebuilt, reconstructed, or otherwise refurbished so as to exceed the applicable height limit or otherwise deviate from the regulations contained in this Zoning Ordinance, except with the relief as provided for in Sec. 7.7.8D.

D. Any person desiring to erect or increase the height or size of any structure not in conformance with the regulations of this Zoning Ordinance may apply for a variance from the Board of Zoning Appeals, in accordance with the procedures set out in Sec. 3.13, if accompanied with a recommendation from the Leesburg Airport Commission. The Airport Commission shall consider the effect of the proposal on the operation of air navigation facilities, and determine whether the

safe and efficient use of navigable airspace is impeded. The issuance of zoning permits by the Zoning Administrator may be subject to a final determination from the Virginia Department of Aviation that the safety of the airport is not impaired.

E. Any zoning permit or variance granted may, if such action is deemed advisable to effectuate the purpose of this Zoning Ordinance and be reasonable in the circumstances, be so conditioned as to require the owner of the structure in question to install, operate, and maintain, at the owner's expense, such markings and lights as may be deemed necessary by the Federal Aviation Administration, the Virginia Department of Aviation, Leesburg Airport Commission, or the Zoning Administrator. If deemed proper with reasonable cause by the Board of Zoning Appeals, this condition may be modified to require the owner of the structure in question to permit the airport owner, at the owner's own expense to install, operate, and maintain the necessary markings and lights.

7.7.9 Airport Noise Overlay District Boundaries

The Airport Noise Overlay District boundaries shall be based on the Ldn 60 and 65 noise contours and an area that extends one (1) mile beyond the Ldn 60 contours. The Town shall use as a basis for delineating the Ldn noise contours the Leesburg Municipal Airport Environmental Assessment Report dated October, 1985. For the purpose of administering these regulations the Airport Noise Overlay District shall have the following three (3) components:

A. Ldn 65 or higher aircraft noise contour;

B. Ldn 60 to 65 aircraft noise contours; and

C. One-mile buffer area, measured from outside the Ldn 60 aircraft noise contour.

7.7.10 Disclosure Statements

A disclosure statement shall be placed on all subdivision plats, site plans and deeds required for subdivision or site plan approval for any parcel or development within the Airport Noise Overlay District, identifying any lot which is located within the Airport Noise Overlay District. The statement must also identify the component of the District in which the lot is located.

7.7.11 Airport Noise Overlay Use Limitations

In addition to the regulations for the zoning district over which an Airport Noise Overlay District is located, and in addition to the restrictions of the Airport Safety Zones set out in Sec. 7.7.4, the following use limitations shall apply within the Airport Noise Overlay District:

A. **Ldn 65+.** In aircraft noise contours Ldn 65 or higher, residential dwellings shall not be permitted. However, new dwelling units and additions to existing dwellings may be permitted provided that:

1. The lot was recorded or had record plat approval prior to the adoption of this Ordinance; and

2. The new dwelling unit or addition complies with the acoustical treatment requirements for residential districts set forth in the Virginia Uniform Statewide Building Code.

B. **Ldn 60 to 65 Contours.**

1. Disclosure Statement. A disclosure statement shall be required for all residential dwelling units to be constructed between the Ldn 60 to 65 aircraft noise contours. The subdivider or developer shall disclose in writing to all prospective purchasers that they are located within an area that will be affected by aircraft over-flights and aircraft noise. Such notification will be accomplished by inclusion of this information in all Homeowner Association Documents, and by inclusion on all subdivision plats and site plans, and within all deeds required for subdivision or site plan approval.
2. Acoustical Treatment. For all residential units located between the Ldn 60 to 65 aircraft noise contours, a subdivider or developer shall incorporate acoustical treatment into all dwelling units to insure that interior noise levels within living spaces (not including garages, sunrooms or porches) do not exceed an average noise level of 45 db(A) Ldn. Compliance with this standard shall be based upon a certification from an acoustical engineer licensed in the Commonwealth of Virginia, submitted at the time of zoning permit issuance, that the design and construction methods and materials to be used in the dwelling are such that the foregoing standard will be met, assuming exterior noise levels between Ldn 60 to 65.

C. One Mile Buffer Area. A disclosure statement shall be required for all residential dwelling units to be constructed outside of, but within one (1) mile of the Ldn 60 aircraft noise contour. The subdivider or developer shall disclose in writing to all prospective purchasers that they are located within an area that will be affected by aircraft over-flights and aircraft noise. Such notification will be accomplished by inclusion of this information in all Homeowner Association Documents, and by inclusion on all subdivision plats and site plans, and within all deeds required for subdivision or site plan approval.

Sec. 7.8 NAC, Noise Abatement Corridor Overlay District

7.8.1 Description

The NAC, Noise Abatement Corridor Overlay District regulations of this section are intended to mitigate the potential adverse effects of roadway noise on residential properties adjacent to major roadways.

7.8.2 Applicability

The NAC District regulations of this section shall apply to all land within 300 feet of the centerline of the following roadways:

A. Dulles Greenway;

B. Route 7/15 Bypass;

C. East Market Street from the Route 7/15 Bypass east to the Town of Leesburg Corporate limits;

D. Battlefield Parkway (planned 6-lane portions only);

E. Route 15 south of the Route 7/15 Bypass.

7.8.3 Standards

Development within the NAC District shall be subject to the Noise Abatement standards of Sec. 7-380 of the Town's Design and Construction Standards Manual.

Sec. 7.9 Noise Limitations and Enforcement

7.9.1 Standards

It shall be unlawful for any person to operate or permit to be operated any stationary noise source in such a manner as to create a sound level which exceeds the limits set for in the following tables.

7.9.2 Methods of Measurement

A. Noise levels shall be measured with a sound meter that shall meet or exceed performance standards for a "Type Two" meter, as specified by the American National Standards Institute.

B. Noise levels shall be recorded as A-weighted sound pressure level. The level so read, shall be post scripted dBA.

7.9.3 Maximum Sound Levels (dBA)

Measurements of noise levels shall be taken at the property boundary of the noise source. Where differing zoning districts abut, the more restrictive limit shall apply.

A. Maximum dBA, Continuous Noise.

Residential 55	(R-E, R-1, R-2, R-4, R-6, R-HD, R-8, R-16, R-22, PRN and PRC)
Commercial 65	(O-1, O-2, B-1, B-2, B-3, B-4, PEC, MC and GC)
Industrial 70	(I-1, I-2 and M-1)

B. Maximum dBA, Impact Noise.

Residential 60	(R-E, R-1, R-2, R-4, R-6, R-HD, R-8, R-16, R-22, PRN and PRC)
Commercial 70	(O-1, O-2, B-1, B-2, B-3, B-4, PEC, MC and GC)
Industrial 80	(I-1, I-2 and M-1)

Impact noise shall be measured using the fast meter response of the sound level meter. Impact noises are intermittent sounds of a single pressure peak or a single burst (multiple pressure peaks) for duration usually less than one second. Examples of impact noise sources are a punch press, drop forge hammer or explosive blasting.

7.9.4 Exemptions

A. The limitations stated above shall not apply within the Municipal Airport (MA) Zoning District or any area subject to the Noise Contours associated with the Leesburg Executive Airport.

B. Sound created by the operation of power equipment, such as power lawn mowers, chain saws, weed-trimmer and similar equipment, between the hours of 7:00 a.m. and 9:00 p.m. shall not be regulated by these noise standards.

C. Air conditioning units on residential lots with less than a ten-foot (10') side yard shall be measured at the front or rear property line.

Sec. 7.10 Crescent Design (CD) District

7.10.1 Description

A. Purpose. The purpose of the Crescent Design District is to implement the Town Plan and the Crescent District Master Plan by doing the following:

1. Set the stage for the long-term redevelopment of the District in an urban pattern and form.
2. Provide community stakeholders a reasonable expectation of how the District will look and function in the future.
3. Create a District that respects the character of Leesburg's historic downtown while providing a transition to more automobile-oriented parts of the community.
4. Develop a setting for a true mixture of uses that recognizes Leesburg's role as a center of retail, office, and residential uses for Loudoun County.

B. Goals. The Crescent Design District provides specific standards to achieve the following:

1. Develop a fully integrated, mixed-use, pedestrian-oriented environment with buildings that contain commercial, residential and office uses.
2. Create a synergy of uses within the Crescent Design District to support economic development and redevelopment in accordance with the recommendations of the Town Plan and the Crescent District Master Plan.
3. Minimize traffic congestion, inefficient surface parking lots, infrastructure costs and environmental impacts by promoting a compact, mixed-use, pedestrian-friendly district.
4. Regulate building height and placement to achieve appropriate scale along streetscapes and ensure proper transition to nearby residential neighborhoods.
5. Establish clear controls on building form and placement to frame a well-defined public realm comprised of human-scale streets, neighborhoods and public spaces, all of which contribute to creating a safe, comfortable and livable environment.

7.10.2 Applicability

A. District Established. The form-based Crescent Design District is hereby established on the Official Zoning Map under authority of Section 15.2-2306 of the Code of Virginia, 1950, as amended, to be known as the Crescent Design (CD) District. The CD District is hereby designated as an architectural control district, as authorized in the Town Charter amendment dated January 29, 2007.

B. Provisions not addressed. All provisions of the Zoning Ordinance not specifically addressed by the provisions of the CD District shall be applicable.

C. **Conflict with Zoning Ordinance Regulations.** The provisions of the CD District, when in conflict with other articles of the Zoning Ordinance, shall take precedence.

D. **Architectural Overlay District Applicability**

1. **H-1 District Applicability.** The H-1, Overlay, Old and Historic District regulations, guidelines and approval requirements shall apply in the CD District to those properties designated H-1.

2. **H-2 District Applicability.** The H-2, Historic Corridor Architectural Control Overlay District regulations, guidelines and approval requirements shall not apply in the CD District except as described in Sec. 7.10.2.I below.

E. **Floodplain and Creek Valley Buffer.** All provisions of Article 13 Flood Protection and all provisions of Article 14 Creek Valley Buffer relating to Tuscarora Creek shall apply to property within the CD District.

F. **Proffered Rezonings.** Properties subject to proffered rezonings approved prior to March 1, 2013, the effective date of this section shall comply with the approved rezoning. However, the property owner may apply for a new rezoning consistent with the CD District regulations.

G. **Applicability.** Except for existing proffered rezonings as noted above, new uses, structures, and lots and streets that are created after the effective date of this section shall be subject to the requirements of the CD District.

H. **Development Application Standards.** Development applications within the CD District shall follow:

1. **By-Right Applications.**

a. **Requirements.** For subdivision and site plan applications, the approval process requirements and the required contents of Divisions 2 and 3 of the Subdivision and Land Development Regulations. In addition, the required contents of site plans shall include information necessary for the Zoning Administrator to ensure compliance with Secs. 7.10.5 Site Requirements; 7.10.6 Building Type Specifications; 7.10.7 Building Material and Other Requirements; 7.10.11 Streetscape Requirements; and 7.10.12 Modifications.

b. **Pre-Application Conference.** Prior to filing an application, the applicant shall meet with representatives from the Department of Plan Review and the Department of Planning and Zoning to discuss the requirements and nature of the proposal. For this conference, the applicant must provide a sketch plan of the proposed use drawn to scale, showing the general layout of the development and the relationship of the surrounding area. This sketch plan shall be submitted at least a week before the date of the pre-application conference. The results of the meeting shall be documented and distributed to the applicant and participating staff.

2. **Legislative Applications.** For special exception or rezoning applications, the applicable requirements of Article 3 Review and Approval Procedures shall be followed.

I. Nonconformities. Existing uses, structures (other than signs, walls and fences) and lots that do not conform to the requirements of the CD District shall be subject to the regulations of Article 16 Nonconformities, except that the following provisions shall apply instead of Sec. 16.3 Nonconforming Structures:

1. **Expansion.** Any expansion of a nonconforming structure greater than ten percent (10%) of the gross area of the existing building shall require the entire structure to meet the requirements of the CD District. For the purposes of this section:

   a. Only one expansion of each nonconforming structure up to ten percent (10%) of the gross area of the existing building shall be permitted. Any subsequent expansion shall require compliance with the CD District regulations.

   b. Any expansion up to the ten percent (10%) threshold may follow the zoning regulations in effect on March 1, 2013, the time the CD District was adopted, including use regulations.

   c. Façade alterations or expansions to existing buildings that were within the boundaries of the H-2, Historic Corridor Architectural Control Overlay District at the time of adoption of the CD District shall comply with building elements specifications of Sec. 7.10.6 Building Type Specifications and Sec. 7.10.7 Building Material and Other Requirements.

   d. Repair and maintenance work shall be exempt without regard to Sec. 7.10.I.I, above; such exempt activities include roof replacement, window replacement and maintenance, mechanical and electrical upgrades, interior fit out (tenant improvement work), parking resurfacing and other site work, such as stormwater improvements, landscaping, and site amenities.

2. **Destruction.** A structure destroyed by any means other than accidental fire or act of God shall be replaced only by a structure that conforms to the requirements of the CD District. A structure damaged by accidental fire or act of God to an extent less than fifty percent (50%) may be rebuilt to its original nonconforming condition, provided such condition conforms to the requirements of Article13 Flood Protection and is rebuilt within two years of the date of the accidental fire or act of God. However, if the nonconforming building is in an area under a federal disaster declaration and the building has been damaged or destroyed as a direct result of conditions that gave rise to the declaration, then the zoning ordinance shall provide for an additional two years for the structure to be rebuilt.

7.10.3 Overview of Crescent Design District Regulations

A. Crescent Design District Map. The CD District Map (see Sec. 7.10 Appendix A) and related regulations of this section shall control land development within the CD District.

1. **Use Areas.** The CD District Map divides the District into the following nine (9) sub-districts zoned for specific uses. Each of these sub-districts is detailed in Sec. 7.10.9 Use Area Regulations.

a. **Residential Medium Density (CD-RM):** Intended for residential only and designated as medium residential density by right.

b. **Residential High Density (CD-RH):** Intended for residential only and designated as high residential density by right.

c. **Mixed Use Residential (CD-MUR):** Primarily residential with a minimum of fifty percent (50%) of gross ground floor area devoted to commercial uses.

d. **Commercial (CD-C):** Primarily commercial (office and retail) with the possibility for residential uses on the second (2nd) floor and above.

e. **Mixed Use Optional (CD-MUO):** Primarily commercial but free-standing high density residential buildings permitted as an option in rezoning. That is, residential uses do not have to be vertically integrated with nonresidential uses in buildings when approved by Council as part of a rezoning request.

f. **Institutional (CD-I):** Recognizes existing public institutional uses.

g. **Open Space/CD-C Option (CD-OSO):** Intended for park or open space based on existing uses and environmental features including extensive floodplain. However, is treated as Commercial (CD-C) category for by-right zoning and rezoning purposes.

h. **Open Space (CD-OS)**: Recognizes existing open space areas (W&OD Trail and Town parks) and future open space areas that due to floodplain or current use should not be developed. This designation on the CD District Map does not preclude other land from being used as open space, whether public or private, in all other areas of the CD District, subject to applicable design, frontage and use requirements.

i. **Commercial Corridor (CD-CC):** Intended to allow nonresidential buildings of up to five (5) stories by-right with the proviso that *only nonresidential uses* shall be permitted in the Corridor by-right. Mixed use buildings and residential uses are achievable inside the Corridor only through a rezoning approved by Town Council.

2. **Lots.** In the CD District the development of existing and new lots shall comply with Sec. 7.10.4 Dimensional Standards and Sec. 7.10.5 Site Design Requirements.

3. **Buildings.** Buildings in the CD District shall comply with Sec. 7.10.6 Building Type Specifications and Sec. 7.10.7 Building Material and Other Requirements.

4. **Signs.** In the CD District signs shall comply with Article 15 Sign Regulations.

5. **Uses.** In the CD District uses shall comply with Sec. 7.10.9 Use Area Regulations.

B. Building Height Map. The CD District Building Height Map (see Sec. 7.10 Appendix B) and related regulations of this section shall control the heights of buildings within the CD District.

1. **Height Zones.** The Building Height Map divides the CD District into the seven (7) height zones listed below:

   a. **Corridor 5/5-0/5:** Nonresidential - Five Stories allowed By-Right and Five Stories maximum; Mixed Use or Residential – 0 Stories allowed By-Right and up to Five Stories per Rezoning.

   b. **2/5:** Two Stories By-Right and up to Five Stories per Rezoning.

   c. **3/3:** Three Stories By-Right and Three Stories maximum.

   d. **3/4:** Three Stories By-Right and up to Four Stories per Rezoning.

   e. **3/5:** Three Stories By-Right and up to Five Stories per Rezoning.

   f. **4/4:** Four Stories By-Right and Four Stories Maximum

   g. **Intersection Building Nodes** where a minimum of Three Stories are required.

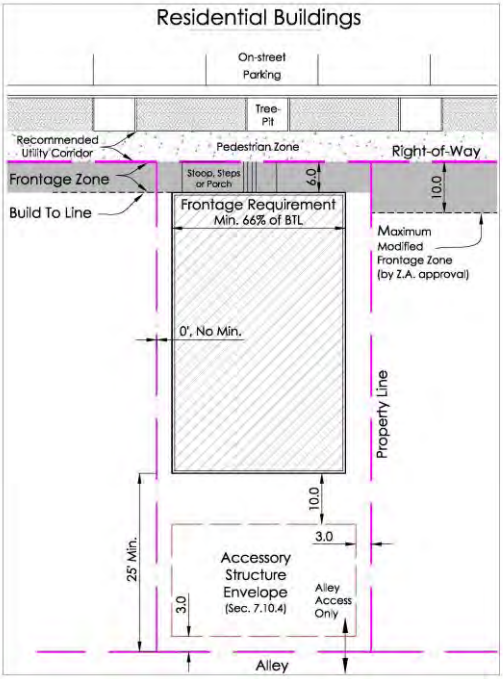
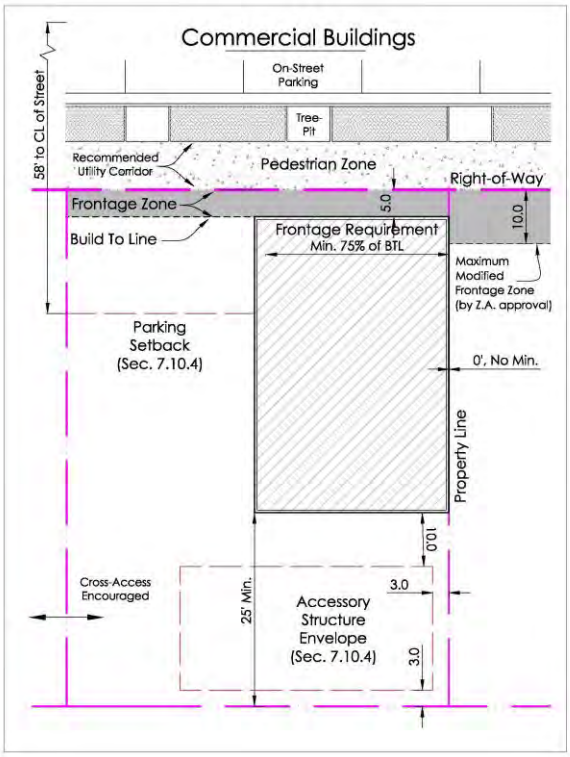
2. **Buildings.** For the building height zones designated on the Building Height Map, buildings shall comply with Sec. 7.10.8 Height Zones.

C. Streetscape. Sec. 7.10.11 Streetscape Requirements shall control improvements to streets and alleys within the CD District.

7.10.4 Siting Specifications

A. The following table outlines the siting specifications for areas delineated on the CD District Map.

THIS SECTION WAS INTENTIONALLY LEFT BLANK

	Residential Frontage	Commercial or Mixed Use Frontage
		
Required Build-to Line	A minimum of sixty-six percent (66%) of the frontage length shall be occupied by principal building facades along the Required Build-to Line, as listed in Sec. 7.10.4.C.	A minimum of sixty-six percent 66% of the frontage length shall be occupied by principal building facades along the Required Build-to Line, as listed in Sec. 7.10.4.C.
Side Yard	See applicable Density/Intensity and Dimensional Standards of Sec. 7.10.9.	See applicable Density/Intensity and Dimensional Standards of Sec. 7.10.9.
Rear Yard	• See applicable Density/Intensity and Dimensional Standards of Sec. 7.10.9. • There shall be no rear yard setback requirement from parking structures.	• See applicable Density/Intensity and Dimensional Standards of Sec. 7.10.9. • There shall be no rear yard setback requirement from parking structures.
Parking and Loading Areas	• Parking shall be permitted in the rear yard and the side yard behind the Parking Setback Line, as listed in Sec. 7.10.4.C. • Off-street parking shall not be permitted in the front yard.	• Parking shall be permitted in the rear yard and the side yard behind the Parking Setback Line, as listed in Sec. 7.10.4.C. • Off-street parking shall not be permitted in the front yard. • Loading shall be permitted only in the rear yard or internal loading bays not visible from the street.

	Residential Frontage	Commercial or Mixed Use Frontage
Garages and Accessory Buildings	• Attached garages shall have doors for automobiles that do not face the street. • Attached garages shall meet the dimensional requirements of the principal building. • Accessory buildings, including detached garages, shall be located only in the rear yard. • Accessory buildings shall be setback a minimum of 3 feet from the rear and side lot lines. • Garages and parking structures with vehicular access onto alleys shall be set back from the alley easement by at least 3 feet. • Accessory buildings shall be separated a minimum of 10 feet from the principal building, unless otherwise permitted by the building code. • Accessory buildings shall meet the requirements of Sec. 7.10.6.L Accessory Buildings. • Parking structures shall comply with the requirements of Sec. 7.10.6.K Parking Structures. • Accessory structures, where applicable, shall comply with the requirements of Secs. 7.10.4.G Buildings on Lots Abutting Residences and H. Structures on Lots Abutting the Public Open Space.	• Attached garages shall have doors for automobiles that do not face the street. • Attached garages and parking structures shall meet the dimensional requirements of the principal building. • Accessory buildings, including detached garages, shall be located only in the rear yard. • Accessory buildings shall be setback a minimum of 3 feet from the rear and side lot lines. • Garages and parking structures with vehicular access onto alleys shall be set back from the alley easement by at least 3 feet. • Accessory buildings shall be separated a minimum of 10 feet from the principal building unless otherwise permitted by the building code. • Accessory buildings shall meet the requirements of Sec. 7.10.6.L Accessory Buildings. • Parking structures shall comply with the requirements of Sec. 7.10.6.K Parking Structures. • Accessory structures, where applicable, shall comply with the requirements of Secs. 7.10.4.G Buildings on Lots Abutting Residences and H Structures on Lots Abutting the Public Open Space.

B. Open Space. There shall be no lot size or setback requirements for lots designated Open Space on the CD District Map. The siting of improvements on a lot designated Open Space shall be appropriate for the natural features of the site and existing and planned uses in the vicinity of the Open Space lot.

C. Required Build-to Line and Parking Setback.

1. **Location.** The Required Build-to Line and the Parking Setback Line shall be interpreted to be parallel to the street at a specified distance measured from the centerline of the street, as follows:

Street Type	Building Types Required Build-to Line		Parking Setback Minimum
	Minimum	Maximum*	
Urban Boulevard	48 ft.	58 ft.	68ft
General Urban**	35 ft.	45 ft.	55 ft.
Residential/ Optional	30 ft.	40 ft.	50 ft.

*When modified by the Zoning Administrator in accordance with Sec. 7.10.12.A.1.

**Includes all existing streets except Market and Catoctin.

2. **Projections.** Porches, stoops, steps, accessible ramps and other projections as established in Sec. 7.10.7.C may project forward of the Required Build-to Line within the frontage zone shown on the street cross sections contained in Sec. 7.10.11.A Streetscape Requirements.

3. **Parking.** Parking may be located forward of the rear yard for all Residential, Commercial or Mixed Use buildings, in the following instances:

   a. **Surface Parking** may be located in a side yard to the rear of the Parking Setback specified in Sec. 7.10.4.C.1, provided it is located behind a minimum 5-foot tall brick or stone wall that is constructed along the Required Build-to Line. The street wall may be interrupted for vehicle or pedestrian accessways.

   b. **Parking Structures** that comply with Sec. 7.10.6.I Parking Structures.

4. **Parking Setbacks** for lots immediately abutting public or private open space shall comply with the following:

   a. **Front Lines Abut.** For lots with front lines immediately abutting public or private open space, parking lots shall be set back behind the front façade of the principle building a distance equal to at least half the depth of the building. The buffer and screening required by Sec. 7.10.5.D.1 Parking Lot Landscaping may be located within that setback.

   b. **Side/Rear Lines Abut.** For lots with side or rear lines immediately abutting a public or private open space, or public open space or institutions outside of the CD District, parking lots shall be set back at least 20 feet. The buffer and screening required by Sec. 7.10.5.D.1 Parking Lot Landscaping may be located within that setback.

D. **Exemptions from the Building Frontage Requirement.** The Required Build-to Line specified in this section does not apply to the following situations:

1. **Buildings to the Rear.** Buildings that are located on the rear portion of a site behind other buildings complying with the Required Build to Line of Sec. 7.10.4.C Required Build-to Line and Parking Setback.

2. **Civic/institutional** buildings complying with Sec. 7.10.6.H. Civic and Institutional Buildings.

3. **Front Line abuts Open Space.** Lots with front lot lines immediately abutting open space that are deemed acceptable for this exemption by the Zoning Administrator, based upon:

   a. The appropriateness of the design of the open space for the vicinity;

   b. The total square footage of the open space;

   c. Hardscaping, landscaping and other amenities; and

d. The finding that the open space does not subvert the intent of the Required Build-to Line.

4. **Open Space/Phased.** Portions of lots that are not proposed to be developed and will remain as open space or reserved for future development in accordance with Sec. 7.10.4.E. Phased Development.

E. **Modification of the Building Frontage Requirement.** The Building Frontage Requirement may be reduced through a modification approved by the Zoning Administrator to no less than fifty percent (50%) when:

1. **Building as Screen.** The proposed building has an "L" shape with the set back portion of the building used to provide open space.

2. **Open Space Provided.** The area of the Building Frontage Requirement that would have been occupied by the building itself shall be provided as public or private open space to a depth of at least 10 feet from the Required Build-to Line.

F. **Phased Development.** Certain requirements may be postponed to a later phase in a phased development, as stipulated by the Town Council in the case of a rezoning, or by the Zoning Administrator in the case of a Site Plan or Preliminary Subdivision Plat.

1. **Phasing Plan.** At the time of application, the property owner shall submit a Concept Plan, Site Plan or Preliminary Subdivision Plat that demonstrates how development shall meet requirements for required build-to lines, street walls, frontage improvements and parking. The Concept Plan, Site Plan or Subdivision Plat shall indicate locations for all proposed and future buildings, parking, circulation, landscaping, and other features fully complying with CD District regulations.

2. **Principal Street.** The initial building of a phased development plan shall address the Required Build-to Line of the principal abutting street.

3. **Streetwall.** Based on the location of off-street parking, the Phased Development Plan, and existing development on adjacent properties, the requirement for a streetwall in the side yard may also be phased.

G. **Buildings on Lots Abutting Residences.** Where a lot is located on the perimeter of the CD District immediately abutting a residential zoning district or is located anywhere in the CD District and immediately abuts a lot containing a single-family detached residential building, the principal building and parking structure on such lot shall be set back from the property line by a distance at least equal to the height of the building or structure. The buffers and screening required by Sec. 7.10.5.D.2 Buffers and Screening may be located within that setback.

H. **Structures on Lots Abutting the Public Open Space.** Principal and accessory buildings and parking structures constructed on lots that share a side or rear lot line with Public Open Space shall be set back from the property line a distance at

least equal to the height of the building or structure. However, for principal buildings and parking structures proposed at the Required Build-to Line of Catoctin Circle, Harrison Street or the urban boulevard, the setback from the Public Open Space shall be at least 20 feet.

7.10.5 Site Requirements

A. Parking. Each use shall be required to provide off-street parking in accordance with the requirements of Article 11, except as follows:

1. **Maximum Number of Spaces.** The parking requirements of Sec. 11.3 Number of Parking Spaces Required shall not be exceeded except when parking spaces are located in a parking structure. A modification of this regulation may be granted by the Zoning Administrator where it can be demonstrated that the provision of additional parking spaces benefits other properties and the intent of the CD District is not compromised.
2. **On-Street Spaces Credit.** On-street parking spaces located along the frontage of a lot on its side of the street shall be credited towards meeting the parking requirements for the uses on that lot. Such spaces shall not be reserved for the exclusive use of patrons or occupants of the lot but shall be available to the public.
3. **Shared Parking for Nonresidential Uses.** See Sec. 11.4.2 Shared Parking (Joint Use). A walkway(s) is required from the shared parking area to the sidewalk(s) along abutting street(s) that front the principal buildings served by the parking area.
4. **Shared Parking for Mixed Uses.** See Sec. 11.4.5 Shared Parking (Mixed Use).

B. Bicycle Facilities. All parking structures and parking lots shall provide sufficient bike parking based on a minimum of one (1) bike space for every 10 automobiles up to a maximum of 10 bike spaces. Wherever possible, such bicycle parking shall be located with visibility by on-site security personnel, building occupants or the general public; with convenient pedestrian access to the sidewalk; and with shelter from inclement weather.

C. Loading. Off-street loading spaces shall be provided meeting all requirements of Sec. 11.9. Number of Off-Street Loading Spaces Required except that no more than one (1) loading space shall be required for each use and multiple uses may share a loading space as provided for in Sec. 11.10.1 Shared Loading Spaces. Waivers of loading space requirements may also be granted in accordance with Sec. 11.10.2 Waiver/Modification of Loading Space Requirements.

1. **Off street loading** shall not be visible from the street. Loading areas not within loading bays shall be screened from any adjacent use by a six-foot (6') tall brick wall.
2. **On-street loading spaces** located along the block frontage within 300 feet of the use may be credited towards meeting the loading requirements for that use. Such spaces shall not be reserved for the exclusive use of the lot but

shall be available to all other uses on the block frontage. Right-of-way permits shall be obtained from the Town for all on-street loading spaces.

D. Landscaping and Screening. Landscaping and screening shall be provided for in accordance with Article 12 Tree Preservation, Landscaping, Screening, Open Space and Outdoor Lighting, as follows:

1. **Parking Lot Landscaping.** Parking lots in the CD District are exempt from the requirements for perimeter and interior parking lot landscaping of Sections 12.5 and 12.6, except as noted in the following paragraphs.

   a. **Parking Buffer.** Along a lot with a side or rear lot line, a planting buffer a minimum of five feet (5') in width excluding vehicle overhang at least one medium canopy or understory tree for every thirty-five feet (35') of shared lot line and at least one shrub, having a minimum height of 18 inches, for every four feet (4') of shared lot line shall be provided on the perimeter of the parking lot. Alternatively, a 5-foot (5') tall brick screening wall with a 5-foot (5') wide landscape buffer yard and shrubs planted as stated above along the outside of the wall may be substituted for the landscaped setback.

2. **Buffers and Screening.** Sec. 12.8 Buffers and Screening requirements shall apply to the CD District, as follows:

   a. **Where Required.** A site located inside the perimeter of the CD District which immediately abuts a residential zoning district outside of the CD District shall be required to meet the requirements of Sec. 12.8 Buffers and Screening or provide a twenty-foot (20') buffer, whichever is less. A modification of this regulation may be granted by the Zoning Administrator when it can be adequately demonstrated that sufficient screening to meet the intent of Sec. 12.8 has been provided through architectural and site design techniques.

   b. **Waste/Recycling Receptacles.** Waste/recycling receptacles shall not be visible from the street and shall be located in the rear yard or internal to the building. Outside waste/recycling receptacles shall be enclosed by a six-foot (6') tall wall constructed of brick or other masonry material matching the primary building material that meets the requirements of Sec. 12.8.8 Dumpster Screening.

   c. **Ground-mounted Mechanical Equipment.** Ground-mounted and mechanical equipment shall be located in the side or rear yard. Screening shall be required for any ground-mounted mechanical equipment in the form of a brick or other masonry wall or shrub plantings that obscure visibility of the equipment from any street, plaza, green or park. The use of roof-mounted mechanical equipment is the preferred alternative screened in accordance with Sec. 7.10.6.M Mechanical Equipment.

3. **Twenty-year Tree Canopy.** The tree canopy requirements of Sec. 12.3 Twenty Year Tree Canopy Requirements shall apply to the CD District; a minimum ten percent (10%) tree canopy shall be required in the CD District. Street trees and trees in bump outs in parking lanes along a property's frontage qualify toward the tree planting credit of Sec. 12.3.2 Calculations and Exceptions.

E. Outdoor Lighting. The requirements of Sec. 12.11 Outdoor Lighting shall apply, except that light poles shall be no higher than fifteen feet (15') anywhere within the CD District.

F. Modifications. An applicant may seek modifications to the design requirements of this section in accordance with Sec. 7.10.12.B Modifications Requiring Planning Commission or Town Council Approval.

G. Useable Open Space/Amenity Area. This section is intended to provide appropriate open space and amenity areas for each development within the CD District. The requirements of this section permit flexibility in order to provide uniquely designed spaces that enhance the character of the district and provide meaningful, useable open areas within the CD District.

1. **Useable Open Space Defined.** For the purpose of the CD District, useable open space shall be considered as any natural or landscaped area consisting of at least 300 square feet which is integrated within the design of the development.

2. **Amenity Area defined.** For the purpose of the CD District, amenity areas shall be considered as landscaped or hardscaped areas which are integrated within the design of the development.

3. **Applicability.**

   a. Residential Development: For developments that include 25 or more dwelling units, useable open space and or outdoor amenity areas are required. However, all residential development is encouraged to provide useable open space.

   b. Commercial Development: All commercial development shall include useable open space and outdoor amenity areas.

4. **Area Requirements.**

Table 7.10.5.G Open Space/Amenity Area Requirements	
Residential Only (SFA, 2-Over-2 and MF Units)	
Open Space	10% Site Area
Amenity Area	5% Site Area
Mixed Use Development	
Open Space	5% Site Area [1]
Amenity Area	5% Site Area
Nonresidential Only	
Open Space	2.5% Site Area [2]
Amenity Area	2.5% Site Area

[1] Open space may be reduced up to 50%; however, the reduced area must be provided as amenity area.
[2] Open space may be reduced by 100%; however, the reduced area must be provided as amenity area.

5. **Examples.** Permitted open space and amenity features include but are not limited to:

a. **Greens or squares.** An informal area used to provide gathering areas, usually with a vegetative surface and an emphasis on natural design.

b. **Plazas.** A more formal area used for passive purposes adjacent or between building entrances.

c. **Pocket Parks.** Small informal areas used to provide passive open space with an emphasis on pedestrian connectivity.

d. **Playgrounds.** Large active recreation areas containing multiple activities and a play structure(s).

e. **Linear Park.** A narrow pedestrian corridor with an emphasis on aesthetically pleasing landscaping, providing pedestrian linkages.

f. **Green Roofs.** A naturalized area located on flat roof tops.

g. **Developers Option.** Other forms of open space or amenity areas which demonstrate to the satisfaction of the Zoning Administrator that the intent of the section has been satisfied.

6. **Design Requirements.**

a. **Open space and Amenity Areas** shall be a minimum of 300 square feet in size to be credited toward the overall required amount.

b. **Squares and Plazas** should have nearly identical side dimensions, resulting in a “square” shape.

c. **Squares and Plazas** shall provide benches or seating walls.

d. **Greens** should be sized so that the width is no less than have the length.

e. **Open Space** areas shall provide a minimum of fifty percent (50%) canopy coverage. Canopy coverage shall be calculated using the tree-spread found in Tables 12.9.6.C, 12.9.6.D, and 12.9.6.F. The landscaping plan shall demonstrate compliance with this requirement.

f. **Amenity Areas** shall be designed to provide at least fifty percent (50%) of the area in a “shaded” condition. This can be accomplished with landscaping or structures such as a pergola.

g. **Play Structures** shall be located no closer than twenty-five feet (25’) to a residential unit and shall be shaded from afternoon sun by medium canopy trees.

7. **Exclusions.** The following elements are excluded as useable open space or amenity areas:

a. **Buffer yards less than ten feet (10’) in width.**

b. **Stairs or ramps providing access to buildings on or off-site.**

c. **Area of steep slopes or slopes greater than 4:1.**

d. **Structural stormwater management devices.**

7.10.6 Building Type Specifications

This section outlines the building design requirements for the Crescent Design (CD) District. Building design in the CD District is intended to reflect and incorporate traditional architectural design elements found in Leesburg's Downtown. The intent is not to require a specific style, but to ensure compatibility in architectural character as development transitions away from the H-1, Overlay, Old and Historic District. Generally, buildings closer to the Old and Historic District should reflect the historic architectural character of the Old and Historic District, with more flexibility in architectural character and design allowed farther away. Flexibility within this described range shall be considered for features such as roof pitch, ratio of windows to walls, massing, scale, building materials, color and proportions, alignment and rhythm of façade elements. The number of these features which may be adjusted on any one building shall also be considered when determining acceptable flexibility.

A. Building Typology. Buildings are organized into the following general categories: residential (R), commercial (C), mixed use (MU) and government (G).

B. Building Orientation. Buildings shall relate to the street or open space to which they abut. Entrances shall be provided to ensure convenient access to public roads, sidewalks, and adjacent parking and buildings.

C. Building Mass. Buildings shall be designed to minimize the impact of their overall mass and to provide a human scale. Unless specifically modified by this article, all building types shall exhibit the following mass refining characteristics:

D. Existing Patterns. Building massing shall respect traditional patterns.

1. **Volume.** Building massing shall be arranged to reduce perceived massiveness.
2. **Vertical Articulation.** The perceived height of a wall plane or building mass shall be reduced by providing vertical articulation.
3. **Break Up Walls.** Divide large wall planes into smaller components by changing the arrangement of windows and other façade articulation features.
4. **Additional Techniques.** Additional techniques that may be used to achieve a human scale include:
   - **a.** Define a rhythm and pattern for windows, columns, and other architectural features.
   - **b.** Use similar interior and exterior floor to ceiling heights.
   - **c.** Examples of techniques that are use to achieve a human scale include, but are not limited to, building upper-story step-back, varied wall surfaces and varied heights at regular widths.

E. Building Elements. Unless specifically modified by this article, all building types shall exhibit the following building elements:

1. **Roof Form.** Buildings shall provide one or more of the following roof types:
   - **a. Gabled** roof, which may include reverse gables, window dormers, and variety in pitch.

b. **Hipped** roof.

c. **Mansard** roof, which may include window dormers.

d. **Pitched** roof, which may include wall dormers, window dormers, and variety in pitch.

e. **Shed or Flat** roofs, which shall include decorative features such as a parapet (cornice, entablature, and coping). At a minimum, flat-roofed buildings shall have a decorative cornice and the flat roof shall be enclosed by a parapet.

f. **Vents, Skylights, or Solar Panels** which shall be placed inconspicuously.

2. **Roof Decoration.**

a. **Overhang.**

i. Eaves must overhang a minimum of 18 inches on the primary stricture.

ii. Eaves and rakes on accessory buildings, dormers, and other smaller structures must overhang at least eight inches (8”).

iii. Open eaves and simple traditional soffits and fascia are allowed.

iv. Soffits shall be placed perpendicular to the building wall, not sloping in plane with the roof (except for gable end rakes).

v. Timber eaves and balcony brackets must be a minimum of five and one-half inches (5.5”) in dimension.

b. **Cornices and Other Features.**

i. Buildings without visible roof surfaces and overhanging eaves may satisfy the overhang requirement with a cornice projecting horizontally between six inches (6”) and twelve inches (12”) beyond the building walls.

ii. Overly elaborate designs are discouraged. However, ornamentation which contributes to the character of the building is encouraged (see Sec. 7.10 Appendix C for an illustration).

3. **Walls.**

a. **Primary Front Façade** shall be defined as the primary building façade facing the street or common open space.

b. **Secondary Front Façade** shall be defined as a secondary building façade which faces a street or common open space.

c. **Interior Front Façade** shall be defined as a building façade which faces an interior street or common open space (see Sec. 7.10 Appendix C for an illustration).

d. **Secondary Interior Façade** shall be defined as a building façade which does not face a street or common open space and is located within forty feet (40’) of the Required Build-to Line (see Sec. 7.10 Appendix C for an illustration).

4. **Windows.** The window sash, frame, and architectural details that surround the window are significant character defining features of many buildings.
   a. **Openings.** Openings for windows shall not be flush with the wall.
   b. **In Context.** Window types and glazing patterns should be in context with surrounding buildings.
   c. **Shutters.** Shutters must be sized for the window openings and mounted with appropriate hardware.
5. **Entryways.**
   a. **Building Entrances** not located within a recess or covered porch should be decorated by transom windows or sidelights, pediments, porticos, or similar architectural treatment.
   b. **Forecourts** are permitted where:
      i. The width is greater than ten percent (10%) and less than forty percent (40%) of the width of the overall building, and
      ii. The depth is greater than ten percent (10%) and less than forty percent (40%) of the depth of the overall building.
6. **Design Expression.** Buildings should reflect the historic architectural character of the Old and Historic District. Building elements such as roof pitch, ratio of windows to walls, as well as massing, scale, building materials, color and proportions, alignment and rhythm of façade elements shall be considered to determine compliance with the intent of this section. Unless specifically modified by this article, design expression shall be defined by the following:
   a. **Cohesiveness.** The overall design of a building shall be harmonious as opposed to a random collection of non-integrated architectural elements.
   b. **Traditional Hierarchy.** Buildings shall reflect a traditional hierarchy demonstrated by a discernible base, middle and cap.
   c. **Corporate Architecture.** Trademark buildings – those which have a distinctive exterior appearance readily identified with a franchise or chain business - do not necessarily reflect the historic building character of Leesburg. Such buildings must be modified to include traditional Leesburg design, color and use of materials.
7. **Foundation Walls.** Defined as the portion of the building located between the finished grade and the first floor, if exposed, shall be of a masonry or stone appearance. Smooth surfaced concrete masonry units must be covered by a veneer.

F. **Corner Buildings and Terminating Views.** Buildings situated at a street corner and at the terminating view of a street shall be designed so that the architecture incorporates accents and details that accentuate its prominent location.

1. **Form.** Chamfered or Round building corners are encouraged at street intersections.

2. **Entrances.** A main pedestrian entrance for a corner building shall be either at the corner of the building in a chamfered design or on each building façade within twelve feet (12') of the corner. See also Sec. 7.10.8.D.2 regarding a permissible height increase of five feet (5') for this building type.
3. **Corner Lot.** For a corner lot, the building shall be deemed to have one (1) primary front façade and one (1) secondary front façade (see Sec. 7.10 Appendix C for an illustration).

G. Residential Building Design Specifications

1. **Types.** Residential buildings include single family detached, single family attached and multifamily buildings.
2. **Pedestrian entrances.**
   a. **Primary Entrance.** The primary building entrance must be located along the street or common open space that the building fronts on.
   b. **Accentuation.** Entryways shall be designed to accentuate the primary entrance.
   c. **Not at Grade.** Entrances are not permitted to be at grade, and shall include at least one (1) step.
3. **Massing.** Changes in horizontal or vertical plane, bay windows, balconies, covered or recessed porches or stoops, porticos, or ornamentation to accentuate the horizontal plane shall be used to de-emphasize the massing of a residential building.
4. **Windows.** At least twenty-five percent (25%) of the primary and secondary front façades shall be composed of glass.
5. **Garages.** Garage doors shall not be located on the primary front façade of the building. No single family attached units shall have front-loaded driveways or garages.
6. **Porches.**
   a. **Single Family Detached**. Fifty percent (50%) of the single family detached buildings facing the street or common open space shall include a porch or portico having a minimum area of forty-eight (48) square feet and a minimum depth of six (6) feet. The porch shall project a minimum of two (2) feet beyond the façade.
   b. **Single Family Attached (Townhouse)**. Fifty percent (50%) of the single family attached buildings facing the street or common open space shall include a porch or portico having a minimum area of twenty-four (24) square feet and a minimum depth of four (4) feet. The porch shall project a minimum of two (2) feet beyond the façade.
7. **Roof Form.**
   a. **Single Family Detached** buildings shall have a pitched roof.
   b. **Single Family Attached and Multifamily** buildings may have a pitched, flat or shed roof.

c. **Dormer Windows.** Any grouping of single family attached buildings shall include dormer windows for a minimum of 50 percent (50%) of the buildings in each grouping of buildings.

8. **Materials.** See Section 7.10.7.A Building Materials.

H. **Commercial Building Design Specifications**

1. **Types.** Commercial buildings are either a General Urban (GU) building or Storefront (SF) building. Both building types are defined as a building that contains non-residential/commercial uses.

2. **General Requirements.**

a. **General Urban Buildings.** This building type is intended to resemble traditional office/mixed use buildings in the Old and Historic District. Walls that face a street or public or private open space shall include windows and architectural features customarily found on traditional commercial building fronts, which include but are not limited to, awnings, cornice work, edge detailing or decorative finish materials.

b. **Storefront Buildings.** This building type is intended to resemble traditional retail/mixed use buildings found in the Old and Historic District. Storefront buildings shall be designed to create a distinct and separated ground floor area through the use of accent such as a string course, change in material or textures, or an awning or canopy between the first and second stories. Ground floors shall be designed with storefronts that have windows, doorways and signage, which are integrally designed and painted.

c. **Retail Tenant Size Limitation.** No single retail tenant shall occupy more than 50,000 gross square feet of space in a single building.

3. **Pedestrian Entrance.**

a. **General Urban** buildings are required to provide one (1) pedestrian entrance for every fifty feet (50') of building frontage. Entrances shall have design details that enhance the appearance and prominence of the entrance so that it is easily recognizable from the street or common open space.

b. **Storefront** buildings are required to provide one entrance for every twenty-five feet (25') of building frontage (not all of which must be operable). Entrances shall have design details that enhance the appearance and prominence of the entrance so that it is easily recognizable from the street or common open space.

c. **A Secondary Front Façade** shall include at least one (1) pedestrian entrance.

d. **An Interior Secondary Façade** shorter than sixty feet (60') shall be exempt from providing a pedestrian entrance (see Sec. 7.10 Appendix C for an illustration).

4. **Massing.** Changes in horizontal or vertical plane, bay windows, balconies, covered or recessed porches or stoops, porticos, or ornamentation to

accentuate horizontal plane shall be used to de-emphasize the massing of a commercial building.

5. **Walls.** Interior Front Façades located greater than forty feet (40') from the Required Build-to Line shall not be subject to the architectural design controls of this section.

6. **Windows/Doors.**

   a. **General Urban Building, Ground Floor.** At least fifty percent (50%) of the ground floor primary front façade shall be composed of windows and doors. Windows shall be placed to occupy the space between two (2) feet and 10 feet above the outside grade (see Sec. 7.10 Appendix C for an illustration).

   b. **Storefront Building, Ground Floor:** At least seventy percent (70 %) of the ground floor primary front façade shall be composed of windows and doors. Windows shall be placed to occupy the space between two (2) feet and 10 feet above the outside grade (see Sec. 7.10 Appendix C for an illustration). The bottom of the ground floor window on the primary façade must be no more than two (2) feet above the adjacent exterior grade.

   c. **Secondary Front Façade.** Thirty percent (30%) of the ground level secondary front façade shall be composed of windows.

   d. **Interior Secondary Façade.** Ten percent (10%) of the ground level interior secondary façade shall be composed of windows. This requirement can be met with display windows that do not provide views of the interior of the building.

   e. **Upper Stories.** Upper story windows shall compose at least fifty percent (50%) of the facade and no greater than seventy percent (70%) of that portion of the façade, and shall be vertical in proportion.

   f. **Ground Floor Minimum Height.** The ground floor of all GU and SF buildings shall have a minimum fourteen-foot (14') height, floor to floor.

   g. **Materials.** See Section 7.10.7.A Building Materials.

I. **Mixed Use Commercial Building Design Specifications.** This building type shall be a general urban or storefront building with residential dwelling units in the upper stories above the non-residential/commercial uses on the first or lower floors. Mixed Use Buildings shall meet the following additional requirements:

   1. **Pedestrian Entrances.** Where a common access is not provided to upper stories, a separate entrance on the primary front façade shall be provided which should be decorated by transom windows or sidelights, pediments, porticos, or similar architectural treatment.

   2. **Windows.** Upper story windows shall occupy at least fifty percent (50%) of that portion of the façade, and shall be vertical in proportion.

   3. **Ground Floor Minimum Height.** The ground floor of all mixed use buildings shall have a minimum fourteen-foot (14') height, floor to floor.

4. **Green Roof.** Green roofs are encouraged to meet stormwater quality and quantity management.

5. **Materials.** See Section 7.10.7.A Building Materials.

J. **Drive-through Window Building Design Specifications.** Buildings having this feature shall be required to meet the following specifications:

1. **Building Type.** Buildings having this feature are required to meet the general urban or storefront building specifications.

2. **Windows.** Faux widows are permitted on secondary front facades for a maximum of fifty percent (50%) of the required window requirement for general urban and storefront windows.

3. **Use.** Buildings are limited to one (1) drive-through window.

4. **Location.** The drive-through window shall be located on a secondary façade.

5. **Height.** A single story building, with a minimum building height of twenty-five feet (25'), is permitted so long as the building has a pitched roof.

6. **Number of Lanes.** Buildings containing a drive-through window are limited to no more than two (2) lanes and are required to provide a pass-by lane.

7. **Canopy.** Canopies over the drive-through lanes shall have a pitched roof. The canopy height shall not exceed the height of the building. Support structures shall be constructed of brick or stone.

8. **Materials.** See Section 7.10.7.A Building Materials.

K. **Service Station Building Design Specifications.**

1. **Type.** These buildings are required to meet the storefront building specifications.

2. **Windows.** Faux widows are permitted on secondary front facades for a maximum of fifty percent (50%) of the required window requirement for general urban and storefront windows.

3. **Location.** For a building located on a corner, the secondary front façade shall occupy a minimum of fifty percent (50%) of the Required Build-to Line. An Applicant can request a modification of this requirement from the Land Development Official.

4. **Height.** These buildings are permitted to be a single story building with a minimum height of twenty-five feet (25') except in the Intersection Building Node areas shown on the Building Height Map.

5. **Roof Form.** These buildings are required to have a pitched roof.

6. **Canopy.** The roof of this structure shall have the same roof pitch as the principal building, but not exceeding the height of the principal building. The clear-height of the canopy shall not exceed fourteen feet (14'), measured

from the finished grade to the lowest point of the canopy structure. Support structures shall be constructed of brick or stone.

7. **Screening.** The balance of the Required Build-to Line not used for building or vehicular or pedestrian access shall be occupied by a four-foot (4') tall masonry wall, and is subject to the requirements of Sec. 7.10.6.A.5.

8. **Fueling Pumps.** Fueling pumps shall be located adjacent to a secondary building façade and located no closer than twenty-five feet (25') to the Required Build-to Line.

9. **Materials.** See Section 7.10.7.A Building Materials.

L. **Parking Structures Building Design Specifications.** Where the parking structure is located in the interior of a block it shall be surrounded by buildings having a minimum depth of thirty feet (30'); the specifications in the following section do not apply. Parking structures located in the CD-MUR or CD-MUO Districts or fronting East Market Street, Catoctin Circle or Harrison Street shall be constructed to the Required Build-to Line and meet the following specifications:

1. **Type.** The ground floor façade shall be either general urban or storefront.

2. **Vehicular Access.** Openings for vehicular access shall be designed to provide the minimum access necessary for safe and adequate access.

3. **Upper stories:** Openings on stories above the ground floor shall be required to follow the window proportions in this ordinance.

4. **Materials.** See Section 7.10.7.A Building Materials.

M. **Accessory Building Design Specifications.**

1. **Roof.** The roof shall be designed with a roof pitch equal to or greater than the principal building.

2. **Height.** The height of an accessory building shall not exceed the height of the principal building or twenty-five feet (25'), whichever is less.

3. **Materials.** See Section 7.10.7.A Building Materials.

N. **Mechanical Equipment.** All rooftop HVAC and mechanical equipment shall be screened from view from all abutting streets and public or private open space. This shall be accomplished for pitched roofs by placing the equipment on the back half of the building or concealing the equipment within the roof structure. This shall be accomplished for flat roofs by limiting the area of the penthouse or screened area containing the equipment to no more than fifty percent (50%) of the area of the floor below and by setting the penthouse or screened area from the front and back facades of the building such that the top of the penthouse or screen is below a 45-degree line drawn from the bottom of the parapet. In addition, the penthouse or screen wall shall generally blend with the design of the building. Parapets shall match the primary building material of the facade below and shall blend with the design of the building in terms of color and scale.

O. Modifications. An applicant may seek a certain modifications of this section in accordance with Sec. 7.10.12.B Modifications Requiring Planning Commission or Town Council Approval.

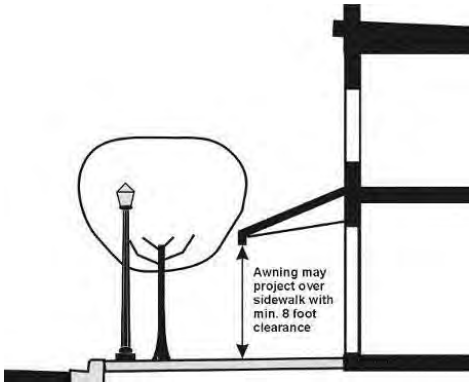
7.10.7 Building Materials and Other Requirements

A. Building Materials. All buildings shall contain quality building materials that are in keeping with the character of traditional buildings in Leesburg. Permitted materials for exterior walls (exclusive of windows and doors) that are directly visible from the street and public or private open space shall be limited to the following:

Building Material	Primary building façade[1]	Secondary building façade	Interior building façade	Trim material
Brick or tile masonry (modular)	Permitted	Permitted	Permitted	Permitted
Native stone (or synthetic equivalent)	Permitted	Permitted	Permitted	Permitted
Wood lap siding	Permitted	Permitted	Permitted	Permitted
Fiber cement siding (such as Hardie-Plank™ or equivalent – no faux wood grain)	Permitted	Permitted	Permitted	Permitted
Stucco (cementitious finish)	Permitted	Permitted	Permitted	Permitted
Pre-cast masonry (for trim and cornice elements only)	- -	Permitted	Permitted	Permitted
Split-faced block (only for piers, foundation walls and chimneys)	- -	Permitted	Permitted	Permitted
Gypsum Reinforced Fiber Concrete (GFRC—for trim elements only)	- -	- -	- -	Permitted
Exterior insulation and finish system (EIFS- for trim elements only)				Permitted
Textured concrete masonry units		Permitted	Permitted	Permitted
Metal (for beams, lintels, trim elements and ornamentation only)	- -	- -		Permitted
Molded polyurethane trim (such as Fypon)	- -	- -		Permitted

1. **Definitions of Primary, Secondary and Trim Materials.**
   a. **Primary building material** shall comprise at least seventy-five percent (75%) of the visible wall materials.
   b. **Secondary and trim material**, including such features as door trim, window trim, columns, cornice, decorative millwork, gable vents, louvers, moldings, pediments and string course, shall comprise no more than twenty-five percent (25%) of the visible wall materials. Wall area calculations are exclusive of windows and doors.
2. **Glass.** Glass areas on front facades shall be clear or lightly tinted. Lightly tinted shall be defined as window tint not containing a metallic material which allows greater than seventy percent (70%) visible light transmission. Mirrored glass is not permitted.

3. **Colors.** Colors should not be chosen so that the building functions as a sign; this includes colors identifiable with a franchise or chain business. However, such colors may be appropriate for accent, awnings and signs.
4. **Green Roofs.** Green roofs are encouraged to meet required best management practices.
5. **Colored Roofing Materials.** Colored roofing materials that have a high reflectance value are encouraged. Roofing materials should complement the building.
6. **Screening Walls.** Walls used for screening, including walls required by Sec. 7.10.4 for parking within side yards, in excess of twenty feet (20') in length shall be articulated, with such features as projections/recessions (such as columns, pilasters, and paneling) and variable colors or details, at least every twenty feet (20'). The wall shall be capped and in a way that complements the design of the wall.



B. **Awnings and Similar Features.** Awnings, canopies and roofed structures over windows or entrances which give shade and shelter or add color and visual interest to the entry or building façade are permitted provided that the following conditions are met:

1. **Projection.** May project over a sidewalk; however, there must be a minimum eight-foot (8') clearance from the sidewalk to the lowest portion of the structure.
2. **Projection Minimum.** Shall project a minimum of twenty-four inches (24") away from the building façade to which they are attached.
3. **Proportional.** When placed above windows, doors or entrances, these features shall be proportional to the window, door or entrance over which they are positioned.
4. **Materials.** Awnings shall be constructed of durable materials such as canvas or like material that will not fade or tear easily. Plasticized, metal, rigid, cubed or curved awnings or mansard style canopies are prohibited.
5. **Illumination.** Awnings shall not be internally illuminated.
6. **Awnings.** Awnings shall not interfere with street trees.

C. **Projections.**

1. **Types.** The following projections into the Required Build-to Line setback are permitted:
   a. **Bay Windows**, when:
      i. Elevated above a finished floor; and
      ii. Where the extension projects no more than four feet (4') from the principal building.
   b. **Extensions** of a finished floor at ground level when:

i. The extension projects no more than four feet (4') from the principal building

ii. The extension does not constitute more than forty percent (40%) of the façade from which it is extended.

c. Cantilever. A cantilevered portion of a building not extending more than two feet (2') from the principal building.

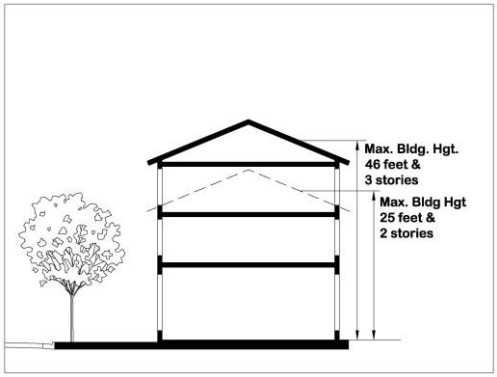
d. Display Windows. Display windows not projecting more than two feet (2') from the principal building.

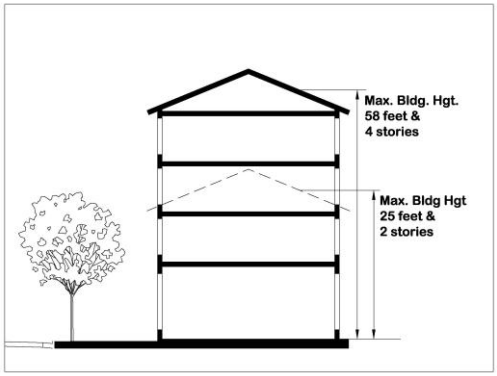
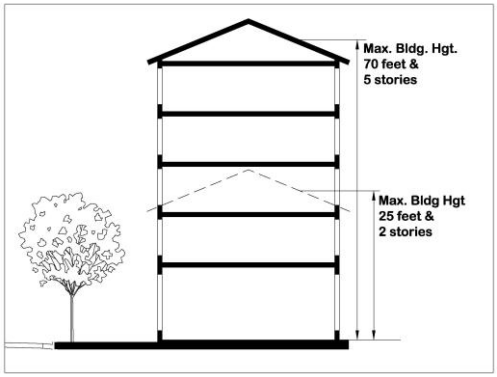
D. Modifications. An applicant may seek from the Planning Commission modifications to the design requirements of this section in accordance with Sec. 7.10.12.B Modifications Requiring Planning Commission or Town Council Approval.

7.10.8 Height Zones

A. Building Height Zone Requirements. The following table details requirements for principal buildings in height zones designated by the Building Height Map.

1. Minimum Height and Stories Required. No portion of any building shall be less than the minimum stories required by the Building Height Map.

3 Story Height Zone		
Maximum Building Height	3 stories and 46-foot maximum building height.	
Minimum Building Height	2 stories and 25-foot minimum building height.	

4 Story Height Zone		
Maximum Building Height	4 stories and 58-foot maximum building height.	
Minimum Building Height	2 stories and 25-foot minimum building height.	
5 Story Height Zone		
Maximum Building Height	5 stories and 70-foot maximum building height.	
Minimum Building Height	2 stories and 25-foot minimum building height.	

B. Measurement of Height. In the CD District, building height shall be measured in accordance with Section 10.4.6.B Measurement of Height.

C. Structures Excluded from Maximum Height Limitations.

1. **General.** Certain structures, such as parapets and rooftop equipment, may exceed the maximum height limits in accordance with Sec. 10.4.6.C Structures Excluded from Maximum Height Limitations. Rooftop equipment on a flat roof building shall be contained within a penthouse or screen wall that shall not exceed twelve feet (12') in height and shall comply with the rooftop design requirements of Sec. 7.10.6 Building Type Specifications.

2. **Corner Buildings and Terminating Views.** The height of a building situated at a street corner within a Building Node as shown on the Building Height Map or at the terminating view of a street may be increased by ten feet (10') above the otherwise applicable height limit. The purpose is to incorporate architectural features such as a peak, tower, or similar details to accentuate these prominent locations.

D. Accessory Buildings. The height of an accessory building shall not exceed twenty-five feet (25') in height.

E. Increased Setback Adjacent to Residential District. In the CD District the front, side and rear yard minimum setback shall be increased to be equal to the height of the building where the proposed building height exceeds the required

minimum yard setback adjacent to residential districts only. See Sec. 10.4.5.F for an illustration.

F. Height Zones. The following chart summarizes the number of stories and the maximum and minimum height allowed in each of the seven Height Zones shown on the Building Height Map.

Designation on Map	No. Stories By-Right	No. Stories Possible per Rezoning	Maximum Building Height	Minimum Stories/Height Required
Corridor	Five (5) for nonresidential only; Zero (0) for mixed use or residential	Five (5) for nonresidential; Five (5) for mixed use or residential	70 feet	Two (2)/25 feet
2/5	Two (2)	Five (5)	70 feet	Two (2)/25 feet
3/3	Three (3)	Three (3)	46 feet	Two (2)/25 feet
3/4	Three (3)	Four (4)	58 feet	Two (2)/25 feet
3/5	Three (3)	Five (5)	70 feet	Two (2)/25 feet
4/4	Four (4)	Four (4)	58 Feet	Two (2)/25 feet
Intersection Building Node	Three (3) story minimum required for building at the corner	Depends on underlying story designation	Depends on underlying story designation	Three (3)/46 feet

7.10.9 Use Regulations and Density/Intensity and Dimensional Standards

Uses are allowed in the CD District in accordance with the following tables.

A. [P] Permitted Uses. A "P" indicates that a use is permitted by right, subject to compliance with all other applicable regulations of this Zoning Ordinance.

B. [S] Special Exception Uses. An "S" indicates that a use is allowed only if reviewed and approved in accordance with the Special Exception procedures of Sec. 3.4.

C. [R] Rezoning Uses. An "**R**" indicates that a use is only allowed in accordance with the Rezoning Procedures of Sec. 3.4.

D. Uses Not Allowed. A blank cell (one that doesn't contain an "S" or "P") indicates that the listed use is not allowed in the areas as depicted on the CD District Map.

E. Compliance. Uses shall comply with the applicable sections referenced under the Use Standards column of the Use Table.

7.10.9.A CD-RM, Crescent Design – Residential Medium Density

7.10.9.A.1 Use Regulations

The following uses are permitted in the CD-RM District as indicated in the table:

Table 7.10.9.A.1 - CD-RM Uses			
Use		**Use Standards**	**Definition**
Commercial Uses			
Home occupation	P		Sec. 18.1.80
Institutional and Community Service Uses			
Assisted living residence	P		Sec. 18.1.12
Nursing home	P	Sec. 9.3.17	Sec. 18.1.120
Park, public	P		
Place of worship	S		Sec. 18.1.141
Residential Uses			
Extended Family Residence	P	Sec. 9.3.11	Sec. 18.1.60
Group home	P		Sec. 18.1.74
Multiple-family	P		Sec. 18.1.110
Single-family attached (2 over 2)	**R**		Sec. 18.1.171.1
Single-family attached (townhouse)	P		Sec. 18.1.172
Duplex	P		Sec. 18.1.49
Single-family detached dwelling	P		Sec. 18.1.171

7.10.9.A.2 Density/Intensity and Dimensional Standards

All development in the CD-RM District shall be subject to the following standards:

Table 7.10.9.A.2 - CD-RM District Standards	
A. Minimum Lot Area (square feet)	
All Development	None
B. Minimum Lot Width (feet)	
Single-Family Detached	40
Single-Family Attached	16
All Other Development	None
C. Maximum Residential Density (units per acre)	
By-Right	8
Rezoning	16[1]
D. Minimum Yards/Setbacks (feet)	
Required Build-to-Line	See Sec. 7.10.4.C.1
Side	10 [2] [3] [5]
Rear	25 [4] [5]
Parking Setback	See Sec. 7.10.4.C.1
E. Maximum Building Height (feet)	
By-Right	3 Stories (46')
Rezoning	NA

[1] Town Council may approve a higher maximum density as part of a rezoning approval.
[2] Side yard setback shall be 0 feet for an interior townhouse lot.
[3] Side yard setback shall be 6 feet for corner or end unit townhouse lots.
[4] Townhouse rear yards shall be a minimum of 20 feet.

[5] See Sec. 7.10.8.F Increased Setback Adjacent to Residential District.

7.10.9.B CD-RH, Crescent Design – Residential High Density

7.10.9.B.1 Use Regulations

The following uses are permitted in the CD-RH District as indicated in the table:

Table 7.10.9.B.1 - CD-RH Uses			
Use		**Use Standards**	**Definition**
Commercial Uses			
Home occupation	P		Sec. 18.1.80
Institutional and Community Service Uses			
Assisted living residence	P		Sec. 18.1.12
Nursing home	P		Sec. 18.1.120
Park, public	P		
Place of worship	S		Sec. 18.1.141
Recreation facility	S	Sec. 9.3.21	Sec. 18.1.156
Residential Uses			
Group home	P		Sec. 18.1.74
Multiple-family	P		Sec. 18.1.110
Single-family attached (2 over 2)	**R**		Sec. 18.1.171.1
Single-family attached (townhouse)	P		Sec. 18.1.172

7.10.9.B.2 Density/Intensity and Dimensional Standards

All development in the CD-RH District shall be subject to the following standards:

Table 7.10.9.B.2 - CD-RH District Standards	
A. Minimum Lot Area (square feet)	
All Development	None
B. Minimum Lot Width (feet)	
Single-Family Attached	16
All Other Development	None
C. Maximum Residential Density (units per acre)	
By-Right	12
Rezoning	24[1]
D. Minimum Yards/Setbacks (feet)	
Required Build-to-Line	See Sec. 7.10.4.C.1
Side:	
Single-Family Attached End Unit	4 [2] [4]
All Other Development	None [4]
Rear	25[3] [4]
Parking Setback	See Sec. 7.10.4.C.1
E. Maximum Building Height (feet)	
By-Right	3 Stories (46')
Rezoning	5 Stories (70')

[1] Town Council may approve a higher maximum density as part of a rezoning approval.
[2] Side yard setback shall be 0 feet for an interior townhouse lot.
[3] Townhouse rear yards shall be a minimum of 20 feet.
[4] See Sec. 7.10.8.F Increased Setback Adjacent to Residential District.

7.10.9.C CD-MUR, Crescent Design – Mixed Use Residential

7.10.9.C.1 Use Regulations

The following uses are permitted in the CD-MUR District as indicated in the table:

Table 7.10.9.C.1 CD-MUR Uses			
Use		**Use Standards**	**Definition**
Commercial Uses			
Bank with drive-in facility [1]	S		Sec. 18.1.14
Bank without drive-in facility	P		Sec. 18.1.14
Child care center [1]	P		Sec. 18.1.29
Convenience food store [1]	P		Sec. 18.1.39
Dance studio	P		Sec 18.1.40.1
Eating establishment without drive-in facility	P		Sec. 18.1.55
Exercise studio	P		Sec. 18.1.59.1
Home occupation	P		Sec. 18.1.80
Office	P		Sec. 18.1.121
Mailing services	P		Sec. 18.1.102
Parking structure	P		Sec. 18.1.135
Pharmacy	P		Sec. 18.1.140
Printing and/or publication (less than 5,000 sf)	P		Sec. 18.1.148
Retail	P		Sec. 18.1.159
Services, personal	P	Sec. 9.3.19	Sec. 18.1.168
Telecommunications facility: Antenna	P	Sec. 9.3.26.B	Sec. 18.1.7 [1]
Institutional and Community Service Uses			
Library	P		Sec. 18.1.89
Museum	P		Sec. 18.1.111
Park, public	P		
Place of worship	S		Sec. 18.1.141
Recreation facility	P	Sec. 9.3.21	Sec. 18.1.156
U.S. Postal Service (limited to retail only)	P		Sec. 18.1.146
Utility Uses			
Public utility, minor	S	Sec. 9.3.31	Sec. 18.1.154
Residential Uses			
Assisted living residence	P		Sec. 18.1.12
Multiple-family	P	Sec. 9.3.15	Sec. 18.1.110
Single-family attached (2 over 2)	**R**		Sec. 18.1.171.1
Single-family attached (townhouse)	**R**		Sec. 18.1.172
Nursing home	P		Sec. 18.1.120

7.10.9.C.2 Density/Intensity and Dimensional Standards

The following uses are permitted in the CD-MUR District as indicated in the table:

Table 7.10.9.C.2 - CD-MUR District Standards	
A. Minimum Lot Area (square feet)	
All Development	None
B. Minimum Lot Width (feet)	
All Development	None
C. Maximum Density	
Residential (units per acre)	
By-Right	12
Rezoning	24[1]
Nonresidential	
Minimum 50% of the ground floor GFA on street frontage shall be nonresidential uses	
D. Minimum Yards/Setbacks (feet)	
Required Build-to-Line	See Sec. 7.10.4.C.1
Side:	
Single-Family Attached End Unit	4 [2] [3]
All Other Development	None
Rear	None except 25' if adjacent to a residential district [2]
Parking Setback	See Sec. 7.10.4.C.1[2]
E. Maximum Building Height (feet)	
By-Right	3 Stories (46')
Rezoning	5 Stories (70') where available – see Height Map

[1] Town Council may approve a higher maximum density as part of a rezoning approval.
[2] See Sec. 7.10.8.F Increased Setback Adjacent to Residential District.
[3] Side yard setback shall be 0 feet for an interior townhouse lot.

7.10.9.D CD-C, Crescent Design – Commercial

7.10.9.D.1 Use Regulations

The following uses are permitted in the CD-C District as indicated in the table:

Table 7.10.9.D.1 CD-C Uses			
Use		**Use Standards**	**Definition**
Commercial Uses			
Bank with drive-in facility	S		Sec. 18.1.14
Bank without drive-in facility	P		Sec. 18.1.14
Brewpub	P	Sec.9.3.2.1	Sec. 18.1.20.1
Brewpub with Silo	S	Sec. 9.3.2.1	Sec. 18.1.20.1

Table 7.10.9.D.1 CD-C Uses			
Use		**Use Standards**	**Definition**
Car wash	S	Sec. 9.3.3	Sec. 18.1.27
Child care center [2]	P	Sec. 9.3.4	Sec. 18.1.29
Commercial Inn	P		Sec. 18.1.86
Conference center	S		Sec. 18.1.37
Convenience food store [1]	P	Sec. 9.3.8	Sec. 18.1.39
Eating establishment with drive-in facility	S		Sec. 18.1.55
Eating establishment without drive-in facility	P		Sec. 18.1.55
Electric and/or plumbing supply	S	Sec. 9.3.10	
Emergency care facility	P		Sec. 181.58
Hotel/motel	S		Sec. 18.1.83
Lumber and/or building material sales without outdoor storage	P		Sec. 18.1.101
Mailing Services	P		Sec. 18.1.102
Office	P		Sec. 18.1.121
Outdoor storage area	S		Sec. 18.1.127
Parking structure	P		Sec. 18.1.135
Pharmacy	P		Sec. 18.1.140
Printing and/or publication	P		Sec. 18.1.148
Recreation facility	P	Sec. 9.3.21	Sec. 18.1.156
Retail	P		Sec. 18.1.159
School, special instruction	P	Sec. 9.3.23	Sec. 18.1.164
Service station	S	Sec. 9.3.24	Sec. 18.1.169
Services, personal	P	Sec. 9.3.19	Sec. 18.1.168
Telecommunications Facility: Antenna	P	Sec. 9.3.26.A	Sec. 18.1.7
Theater, indoor	P		Sec. 18.1.189
Vehicle and/or equipment service facility [3]	S	Sec. 9.3.29	Sec. 18.1.197
Vehicle sales and/or rental facility [3]	S	Sec. 9.3.28	Sec. 18.1.196
Veterinary hospital	S	Sec. 9.3.30	Sec. 18.1.198
Industrial/Manufacturing			
Research and development	S	Sec. 9.3.22	Sec. 18.1.156
Institutional and Community Service Uses			
College or University	P		Sec. 18.1.33
Fire and/or rescue facility	P		Sec. 18.1.64
Library	P		Sec. 18.1.89
Park, public	P		
Place of worship	S		Sec. 18.1.141
Recreation facility	P	Sec. 9.3.21	Sec. 18.1.156
School, technical	P	Sec. 9.3.23.1	Sec. 18.1.65
U.S. Postal Service, limited to retail uses only	P		Sec. 18.1.146
Residential Uses			
Multiple-family	P	Sec. 9.3.15	Sec. 18.1.110
Utility Uses			

Table 7.10.9.D.1 CD-C Uses			
Use		**Use Standards**	**Definition**
Public utility, minor	S	Sec. 9.3.31	Sec. 18.1.154

[1] Not permitted as a free-standing building.
[2] A stand-alone building requires approval by special exception.

7.10.9.D.2 Density/Intensity and Dimensional Standards

All development in the CD-C District shall be subject to the following standards:

Table 7.10.9.D.2 - CD-C District Standards	
A. Minimum Lot Area (square feet)	
All Development	None
B. Minimum Lot Width (feet)	
All Development	None
C. Maximum Density	
Residential (units per acre)	
By-Right	12 limited to 2nd floor and above
Rezoning	24 limited to 2nd, 3rd, 4th & 5th floors [1] [2]
Nonresidential (FAR)	
None but ground floor limited to nonresidential use	
D. Minimum Yards/Setbacks (feet)	
Required Build-to-Line	See Sec. 7.10.4.C.1
Side	None [2]
Rear	None except 25' if adjacent to a residential district [2]
Parking Setback	See Secs. 7.10.4.C.1 & 7.10.5.2
E. Maximum Building Height (feet)	
By-Right	3 Stories (46')
Rezoning	5 Stories (70')

[1] Town Council may approve a higher maximum density as part of a rezoning approval.
[2] See Sec. 7.10.8.F Increased Setback Adjacent to Residential District

7.10.9.E CD-MUO, Crescent Design Mixed Use Optional

7.10.9.E.1 Use Regulations

The following uses are permitted in the CD-MUO District as indicated in the table:

Table 7.10.9.E.1 CD-MUO Uses			
Use		**Use Standards**	**Definition**
Commercial Uses			
Bank without drive-in facility	P		Sec. 18.1.14

Table 7.10.9.E.1 CD-MUO Uses			
Use		**Use Standards**	**Definition**
Child care center [2]	P	Sec. 9.3.4	Sec. 18.1.29
Commercial Inn	P		Sec. 18.1.86
Convenience food store [1]	P		Sec. 18.1.39
Eating establishment without drive-in facility	P		Sec. 18.1.55
Emergency care facility	P		Sec. 181.58
Hotel/motel	S		Sec. 18.1.83
Mailing Services	P		Sec. 18.1.102
Office	P		Sec. 18.1.121
Parking structure	P		Sec. 18.1.135
Pharmacy	P		Sec. 18.1.140
Printing and/or publication	P		Sec. 18.1.148
Recreation facility	P	Sec. 9.3.21	Sec. 18.1.156
Retail	P	Sec. 9.3.17.1	Sec. 1.159
School, special instruction	P	Sec. 9.3.23	Sec. 18.1.164
School, technical	P	Sec. 9.3.23.1	Sec. 18.1.65
Service station	S	Sec. 9.3.24	Sec. 18.1.169
Services, personal	P	Sec. 9.3.19	Sec. 18.1.168
Telecommunications Facility: Antenna	P	Sec. 9.3.26.A	Sec. 18.1.7
Theater, indoor	P		Sec. 18.1.189
Industrial/Manufacturing			
Manufacturing and assembly	S		Sec. 18.1.104
Research and development	P	Sec. 9.3.22	Sec. 18.1.157
Warehouse, accessory	P		Sec. 18.1.199
Institutional and Community Service Uses			
Fire and/or rescue facility	P		Sec. 18.1.64
College or University	P		Sec. 18.1.64
Library	P		Sec. 18.1.89
Park, public	P		
Place of worship	S		Sec. 18.1.141
Recreation facility	P	Sec. 9.3.21	Sec. 18.1.156
U.S. Postal Service, limited to retail uses only	P		Sec. 18.1.146
Residential Uses (only permitted by rezoning)			
Assisted Living Residence	**R**		Sec. 18.1.12
Multiple-family	**R**		Sec. 18.1.110
Single-family attached (townhouse)	**R**		Sec. 18.1.172
Single-family attached (2 over 2)	**R**		Sec. 18.1.172.1
Utility Uses			
Public utility, minor	S	Sec. 9.3.31	Sec. 18.1.154

[1] Not permitted as a free-standing building.
[2] A Stand-alone building requires approval by special exception.

7.10.9.E.2 Density/Intensity and Dimensional Standards

All development in the CD-MUO District shall be subject to the following standards:

Table 7.10.9.E.2 - CD-MUO District Standards	
A. Minimum Lot Area (square feet)	
All Development	None
B. Minimum Lot Width (feet)	
All Development	None
C. Maximum Density	
Residential (units per acre)	
Rezoning	24 [1]
Nonresidential (FAR)	
None	
D. Minimum Yards/Setbacks (feet)	
Required Build-to-Line	See Sec. 7.10.4.C.1
Side	None [2]
Rear	25' [2]
Parking Setback	See Sec. 7.10.4.C.1
E. Maximum Building Height (feet)	
By-Right	3 Stories (46') or 4 Stories (58') – see Building Height Map
Rezoning	4 Stories (58')

[1] Town Council may approve a higher maximum density as part of a rezoning approval.
[2] See Sec. 7.10.8.F Increased Setback Adjacent to Residential District.

7.10.9.F CD-I, Crescent Design – Institutional

7.10.9.F.1 Use Regulations

The following uses are permitted in the CD-I District as indicated in the table:

Table 7.10.9.F.1 CD-I Institutional			
Use		**Use Standards**	**Definition**
Commercial Uses			
Arts center	P		Sec. 18.1.11
Institutional and Community Service Uses			
Fire and/or rescue facility	P		Sec. 18.1.64
Government Buildings	P		
Museum	P		Sec. 18.1.111
Park, public	P		
Parking structure, public	P		Sec. 18.1.135
Place of worship	S		Sec. 18.1.141
School, public	p		Sec. 18.1.163
School, technical	S	Sec. 9.3.23.1	Sec. 18.1.165
U.S. Postal Service	S		Sec. 18.1.146

7.10.9.F.2 Density/Intensity and Dimensional Standards

All development in the CD-I District shall be subject to the following standards:

Table 7.10.9.F.2 - CD-I District Standards	
A. Minimum Lot Area (square feet)	
All Development	None
B. Minimum Lot Width (feet)	
All Development	None
C. Maximum Density	
Residential (units per acre)	
Residential use not permitted	
Nonresidential (FAR)	
None	
D. Minimum Yards/Setbacks (feet)	
Required Build-to-Line	See Sec. 7.10.4.C.1
Side	None [1]
Rear	25' [1]
Parking Setback	See Sec. 7.10.4.C.1
E. Maximum Building Height (feet)	
By-Right	3 Stories (46')
Rezoning	5 Stories (70')

[1] See Sec. 7.10.8.F Increased Setback Adjacent to Residential District.

7.10.9.G CD-OS, Crescent Design – Open Space

7.10.9.G.1 Use Regulations

The following uses are permitted in the CD-OS District as indicated in the table:

Table 7.10.9.G.1 CD-OS Open Space			
Use		**Use Standards**	**Definition**
Commercial Uses			
Telecommunications Facility: Monopole	S	Sec. 9.3.26.B	Sec. 18.1.108
Telecommunications Facility: Transmission Tower	S	Sec. 9.3.26.C	Sec. 18.1.192
Institutional and Community Service Uses			
Government buildings	P		
Museum	P		Sec. 18.1.111
Park, public	P		
Parking structure	P		Sec. 18.1.135
Recreation facility	P	Sec. 9.3.21	Sec. 18.1.156

7.10.9.G.2 Density/Intensity and Dimensional Standards

All development in the CD-OS District shall be subject to the following standards:

Table 7.10.9.G.2 - CD-OS District Standards	
A. Minimum Lot Area (square feet)	
All Development	None
B. Minimum Lot Width (feet)	
All Development	None
C. Maximum Density	
Residential (units per acre)	
Residential use not permitted	
Nonresidential (FAR)	
None	
D. Minimum Yards/Setbacks (feet)	
Required Build-to-Line	None (See Sec. 7.10.4.B)
Side	None [1]
Rear	None [1]
Parking Setback	See Sec. 7.10.4.C.1
E. Maximum Building Height (feet)	
By-Right	3 Stories (46')
Rezoning	3 Stories (46')

[1] See Sec. 7.10.8.F Increased Setback Adjacent to Residential District.

7.10.9.H CD-CC, Crescent Design – Commercial Corridor

7.10.9.H.1 Use Regulations

The following uses are permitted in the CD-CC District as indicated in the table:

Table 7.10.9.H.1 CD-CC Uses			
Use		**Use Standards**	**Definition**
Commercial Uses			
Bank with drive-in facility	S		Sec. 18.1.14
Bank without drive-in facility	P		Sec. 18.1.14
Brewpub	P	Sec.9.3.2.1	Sec. 18.1.20.1
Brewpub with Silo	S	Sec. 9.3.2.1	Sec. 18.1.20.1
Car wash	S	Sec. 9.3.3	Sec. 18.1.27
Child care center [2]	P	Sec. 9.3.4	Sec. 18.1.29
Commercial Inn	P		Sec. 18.1.86
Conference center	S		Sec. 18.1.37
Convenience food store [1]	P	Sec. 9.3.8	Sec. 18.1.39
Eating establishment with drive-in facility	S		Sec. 18.1.55
Eating establishment without drive-in facility	P		Sec. 18.1.55
Home occupation	P[4]		Sec. 18.1.80
Hotel/motel	S		Sec. 18.1.83

Table 7.10.9.H.1 CD-CC Uses			
Use		**Use Standards**	**Definition**
Mailing Services	P		Sec. 18.1.102
Office	P		Sec. 18.1.121
Outdoor storage area	S		Sec. 18.1.127
Parking structure	P		Sec. 18.1.135
Pharmacy	P		Sec. 18.1.140
Printing and/or publication	P		Sec. 18.1.148
Recreation facility	P	Sec. 9.3.21	Sec. 18.1.156
Retail	P		Sec. 18.1.159
School, special instruction	P	Sec. 9.3.23	Sec. 18.1.164
Service station	S	Sec. 9.3.24	Sec. 18.1.169
Services, personal	P	Sec. 9.3.19	Sec. 18.1.168
Telecommunications Facility: Antenna	P	Sec. 9.3.26.A	Sec. 18.1.7
Theater, indoor	P		Sec. 18.1.189
Vehicle and/or equipment service facility [3]	S	Sec. 9.3.29	Sec. 18.1.197
Vehicle sales and/or rental facility [3]	S	Sec. 9.3.28	Sec. 18.1.196
Veterinary hospital	S	Sec. 9.3.30	Sec. 18.1.198
Industrial/Manufacturing			
Research and development	S	Sec. 9.3.22	Sec. 18.1.156
Institutional and Community Service Uses			
College or University	P		Sec. 18.1.33
Fire and/or rescue facility[3]	P		Sec. 18.1.64
Library	P		Sec. 18.1.89
Park, public	P		
Place of worship	S		Sec. 18.1.141
Recreation facility	P	Sec. 9.3.21	Sec. 18.1.156
School, technical	P	Sec. 9.3.23.1	Sec. 18.1.65
U.S. Postal Service, limited to retail uses only	P		Sec. 18.1.146
Residential Uses(only permitted through rezoning)			
Multiple-family	**R**		Sec. 18.1.110
Utility Uses			
Public utility, minor	S	Sec. 9.3.31	Sec. 18.1.154

[1] Not permitted as a free-standing building.
[2] A stand-alone building requires approval by special exception.
[3] For existing uses only. New land area may not be developed for this use.
[4] Permitted after rezoning for residential use.

7.10.9.H.2 Density/Intensity and Dimensional Standards

All development in the CD-CC District shall be subject to the following standards:

Table 7.10.9.H.2 – CD-CC District Standards	
A. Minimum Lot Area (square feet)	
All Development	None
B. Minimum Lot Width (feet)	
All Development	None
C. Maximum Density	
Residential (units per acre)	
Rezoning	24 [1] [2]
Nonresidential (FAR)	
None	
D. Minimum Yards/Setbacks (feet)	
Required Build-to-Line	See Sec. 7.10.4.C.1
Side	None [3]
Rear	None except 25' if adjacent to a residential district [3]
Parking Setback	See Secs. 7.10.4.C.1 & 7.10.5.2
E. Maximum Building Height (feet)	
By-Right [4]	5 Stories (70')
Rezoning	5 Stories (70')

[1] Town Council shall set density as part of a rezoning approval.
[2] Dwelling units shall average a minimum of 800 square feet.
[3] See Sec. 7.10.8.5 Increased Setback Adjacent to Residential District
[4] Nonresidential uses only; residential uses not permitted by-right.

7.10.9.H.3 CD-CC Boundary

A. Boundary Determined. The boundary of the CD-CC shall be determined as described below.

1. **Catoctin Circle.** The boundary of the CD-CC along Catoctin Circle shall be defined by offsetting from the surveyed centerline of the street 300 feet from the intersection of Catoctin Circle and South King Street extending north and east to the intersection of Catoctin Circle and East Market Street, and as conceptually depicted on the Official Zoning Map. The boundary edges at the intersecting streets shall form intersecting corners.

2. **East Market Street.** The boundary of the CD-CC along East Market Street shall be defined by offsetting from the surveyed centerline of the street 300 feet from the intersection of East Market Street and Catoctin Circle extending east to the boundary of the Crescent Design District, and as conceptually depicted on the Official Zoning Map. The boundary edges at the intersecting streets shall form intersecting corners.

B. Information on Rezoning Plat. Per Sec. 3.3.6 Submittal Requirements, the Rezoning Plat submitted as part of a rezoning request shall depict the surveyed centerline of the street and dimension the 300 feet setback to establish the boundary of the CD-CC District.

7.10.9.H.4 Performance Standards. The following additional standards shall apply in the CD-CC District.

A. Building Height. For buildings that cross the CD-CC District boundaries, only that area of the building lying within the CD-CC District boundary shall be permitted the maximum permitted building height.

B. Residential Parking. At least fifty percent (50%) of the required parking for residential units shall be hidden from plain sight; i.e. covered by a cantilevered portion of the building or located within a structured parking facility.

7.10.10 Rezoning Approval Criteria

A. Approval Criteria for Increased Density and/or Height. When considering a rezoning request to increase the number of stories or the residential density of a proposed project the Planning Commission and the Town Council shall use the following criteria, in addition to the criteria set forth in Section 3.3.15 Approval Criteria and other reasonable considerations, in making their decision regarding approval or disapproval of a rezoning application.

1. **General Criteria: Additional Development (Public) Benefits.** Residential density and height shall not exceed the base density and stories allowed unless the Town Council finds that the proposed development offers "additional development benefits". If the Town Council finds that additional development (public) benefits will be provided, additional density and stories may be approved by the Town Council. In order to approve the additional density or height, the Town Council, in its sole discretion, must find that the proposal offers additional development benefits to the public health, safety and welfare to offset the requested height and density by providing three (3) or more of the following additional development benefits:

   a. Innovative Design. A substantial contribution to the character of the Town. Examples of innovative design include: significant provision of open space and landscaping, superior use of building materials and design, and provision of public art.

   b. Public Facilities. A net positive impact on the availability of public facilities and services to the Town.

   c. Historic Preservation. Appropriate use of a Town Plan designated historic structure or site.

   d. Mixed-Use. The provision of employment opportunities in close proximity to or in the same buildings as residential uses. Also, guarantees that development of nonresidential portions will occur prior to or concurrently with residential portions.

   e. Parking Structure. A multi-level parking structure or underground parking is provided, with parking available to the public.

   f. Environmentally Advanced Design. Leadership in Energy and Environmental Design (LEED) building or neighborhood design, accredited based upon the rating system of the United States Green Building Council, with a silver or higher rating.

g. **Publicly Accessible Open Space.** Buildings are located on a site where more than ten percent (10%) of the site is provided as public open space. The open space shall be improved as a plaza or park with landscaping, pedestrian pathways and other appropriate amenities. The open space may be privately owned as part of a development; provided an association or other mechanism is established for the long term maintenance of the open space. Nothing in this section precludes the creation of open space on any lot throughout the CD District.

h. **Transportation Amenities.** Provision of amenities that facilitate the use of alternative means of transportation, such as bus shelters, or that facilitate the efficient transmission of vehicular traffic.

2. **Specific Criteria: Performance Standards.** The CD District is intended to promote a mixture of commercial and residential uses. In certain sub-districts where only residential uses are allowed, a mixture of unit types and sizes is the goal. Therefore, in addition to the general criteria listed above, rezoning requests shall comply with the following performance standards:

a. **Mix of Uses Required.** Any rezoning plan in the CD-C, CD-MUO and CD-CC sub-districts that contains residential uses shall include a minimum of forty percent (40%) of the proposed building Gross Floor Area (GFA) area of the development to be devoted to nonresidential uses.

b. **Mix of Residential Unit Size.** For any development proposing more than twelve (12) dwelling units per acre in the CD-RM, CD-RH, CD-MUR, CD-C, CD-MUO and CD-CC sub-districts the applicant shall provide a mix of unit sizes. That is, units shall be made of any combination of one, two or three or more bedroom units.

c. **Mix of Residential Unit Type.** For any development comprised of more than five (5) acres in the CD-RM, CD-RH, CD-MUR and CD-MUO sub-districts there shall be a mix of the unit types allowed in the district. That is, where districts allow two or more different types of units, such as multi-family, single-family attached or 2-Over-2 (townhouse) units, the development shall contain a minimum of twenty percent (20%) of at least two (2) unit types. Thus, a development with MF, SFA and 2-Over 2 units could propose 20% 2-Over-2s and 80% townhouses to comply with the standard minimum. A greater percentage mix of units could be considered as a justification for a density bonus.

d. **Ground Floor Use Requirement on Public Streets.** In the CD-MUR, CD-MUO and CD-CC sub-districts where buildings proposed as part of a rezoning request have frontage on existing or planned public streets, at least fifty percent (50%) of the ground floor area of such buildings must be designed for and devoted to nonresidential uses. This percentage may be averaged, so that if two buildings have equal frontage, the ground floor of one building may be 100% devoted to nonresidential uses and the other may be 100% devoted to residential uses.

e. **Increased Useable Open Space.** For any development proposing more than twelve (12) dwelling units per acre in the CD-RM (if no single-family detached units), CD-RH, CD-MUR, CD-C, CD-MUO and CD-CC sub-districts the applicant shall provide at least ten percent (10%) of the site as useable open space as defined in Sec. 7.10.5.G.

f. **Modification by Town Council.** The Town Council shall be authorized to modify any and all of these performance standards if it determines that (1) The proposed development will contribute to the intended mixed use character of the area within 1,000 feet of the subject site considering existing and approved development in the area; and (2) Commitments proffered by the applicant justify a decrease in the percentage of nonresidential uses.

7.10.11 Streetscape Requirements

A. **Streets**. Streets, including associated streetscape improvements, in the CD District shall be provided according to the following requirements.

1. **Street Locations.** Street locations shall be guided by the locations shown on the Crescent District Future Streets Policy Map in the Town Plan.

2. **Street Types.** The street shall be in accordance with the applicable street cross sections shown in the accompanying drawings. Cross sections are typical midblock sections and may vary in width and lane configuration at intersections based upon Town engineering standards. The location of street improvements within the CD District shall be measured from the center line, as specified in Sec. 7.10.4.C.1 Required Build-to Line and Parking Setback. Cross sections are provided for the following streets:

a. **Urban Boulevards.** This designation includes the extension of Davis Avenue, E. Market Street and Catoctin Circle. The cross section for E. Market Street within the CD District extends only from the southern curb line to the outside edge of the sidewalk. The location of the curb line and edge of sidewalk shall be measured from the center line, as specified in Sec. 7.10.4.C.1 Required Build-to Line and Parking Setback. See the illustration below. As an option, the Urban Boulevard may include a median in place of the turn lane subject to special conditions, including sufficient demonstration of adequate ingress and egress and compliance with Town and VDOT traffic engineering standards.

b. **General Streets.** See the illustration below for the typical cross section.

i. The cross section for Harrison Street within the CD District extends only from the eastern curb line to the outside edge of the sidewalk north of the W&OD trail and from the western edge of the right-of-way below the W&OD trail.

c. **Residential Streets/Optional Streets.** This is the cross section for streets providing a Residential Frontage. See the illustration below for the typical cross section. In the alternative, this cross section may be

used for "Optional Streets", which are additional streets proposed within a development that are not shown on the Crescent District Future Streets Policy Map. See Sec. 7.10.11.A.3 below. These streets may be publicly or privately maintained but in either case they must be built to the required standard. There are two options – one for parking on just one side of the street and one for parking on both sides of the street. The option is limited in that the option chosen must be consistent along an entire street.

3. **Streets not Shown on Crescent Design District Future Streets Policy Map.** At the discretion of property owners, additional streets that are not shown on the Town Plan Crescent District Future Streets Policy Map may be provided for additional automobile and pedestrian circulation and developable block frontage. Such streets shall comply with the cross section requirements for Residential Streets at a minimum. They may be either public streets or may be privately maintained.

4. **Adjustments to Street Cross Sections.**

   a. **Transition to Existing Streets outside the CD District.** The Zoning Administrator may modify cross sections when transitions occur at the boundary of the CD District where streets within the CD District serve as extensions of existing streets outside of the District in order to create a safe transition to the existing street's cross section.

   b. **Streets within the CD District.** The Zoning Administrator may modify cross sections of streets within the CD District under the following circumstances:

      i. To facilitate adequate vehicular turning movements.

      ii. To facilitate superior building design.

      iii. To enhance the pedestrian environment.

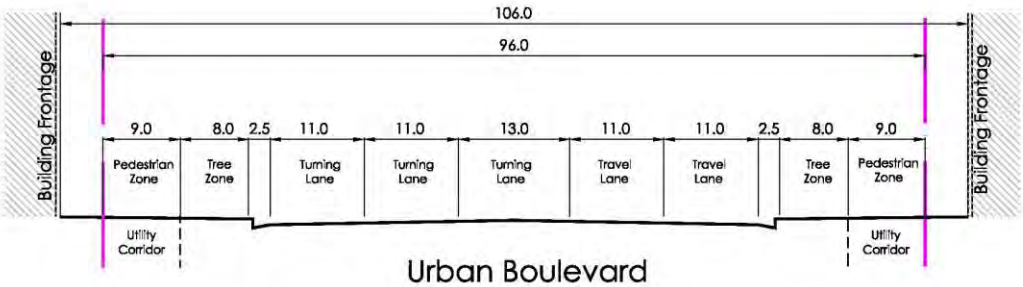
      vi. To alleviate a significant engineering constraint.

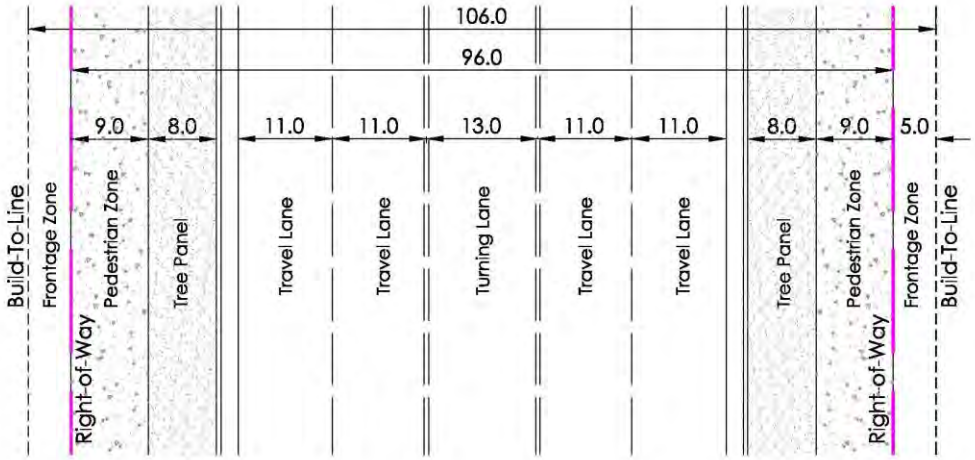
5. **Responsibilities for Street Improvements.**

   a. **On-Site.** For a street whose full width is on the site of any new development or redevelopment meeting the conditions of Sections 7.10.2.G. Applicability and I. Nonconformities, the developer shall construct the street. Construction of the streets may be phased with development of the site, provided that the phases result in functional segments of the streets that are open to traffic as determined by the Town.

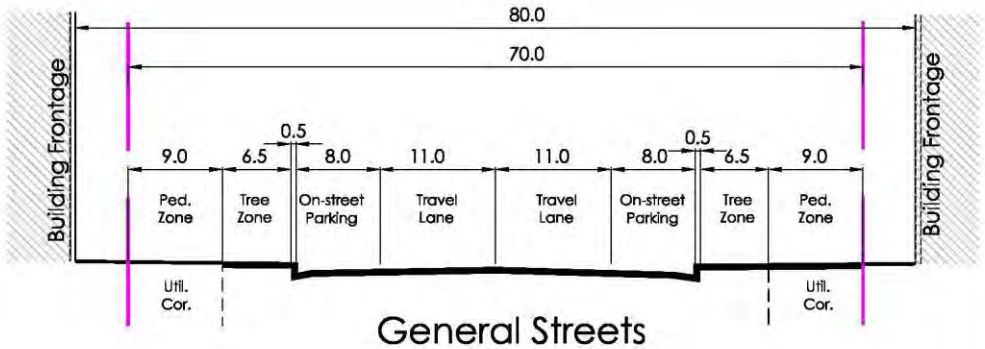
   b. **Other.** For an existing public street fronting any development or redevelopment meeting the conditions of Sections 7.10.2.G. Applicability and I. Nonconformities, the developer shall complete a half-section of the ultimate road configuration with appropriate transitions.

Urban Boulevards

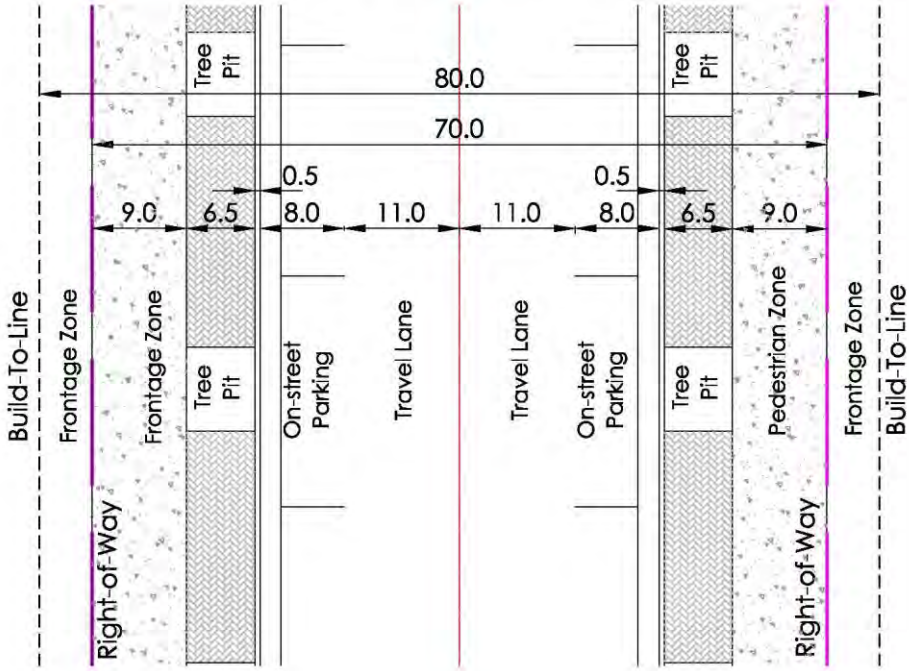




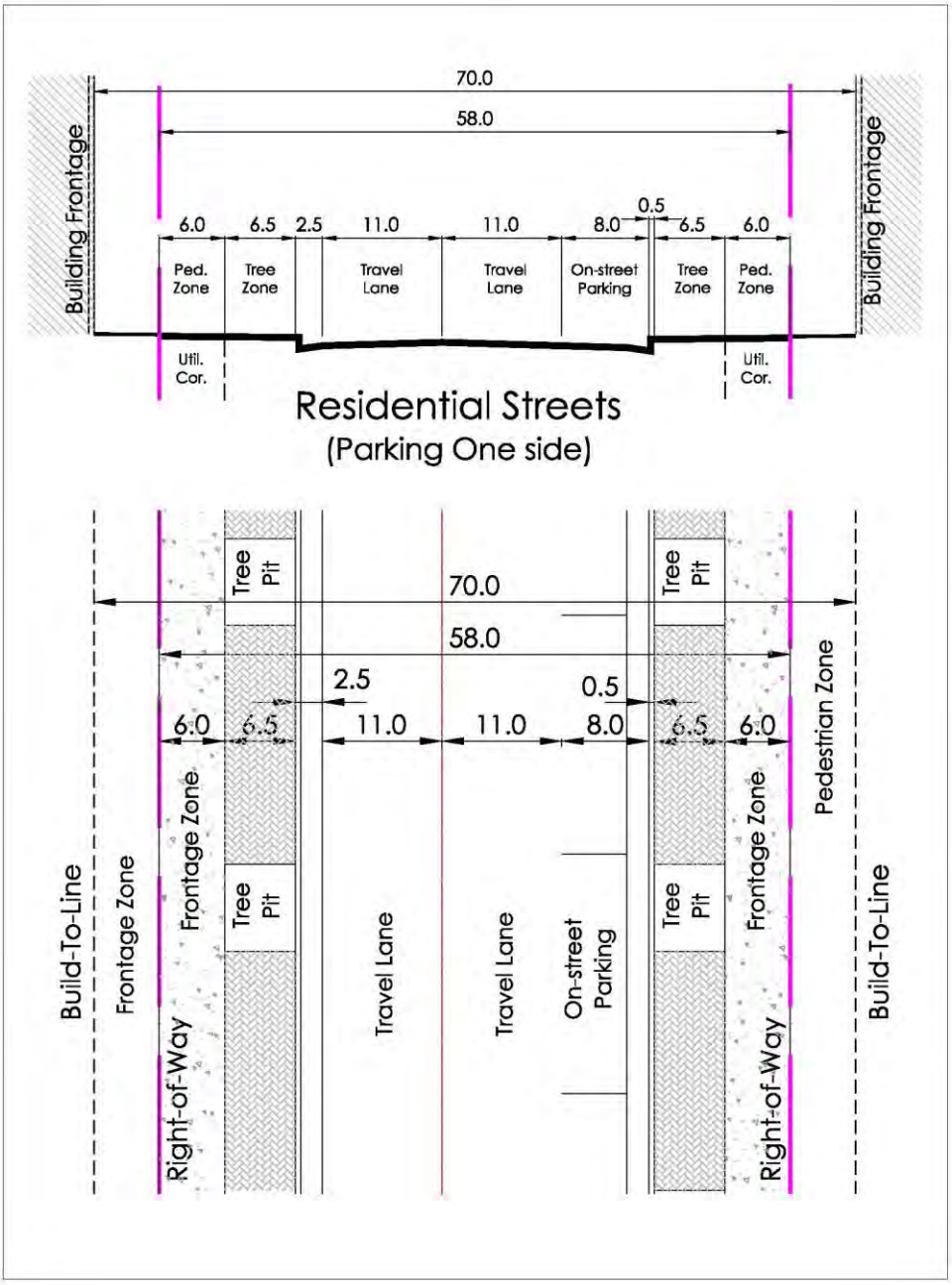
General Streets



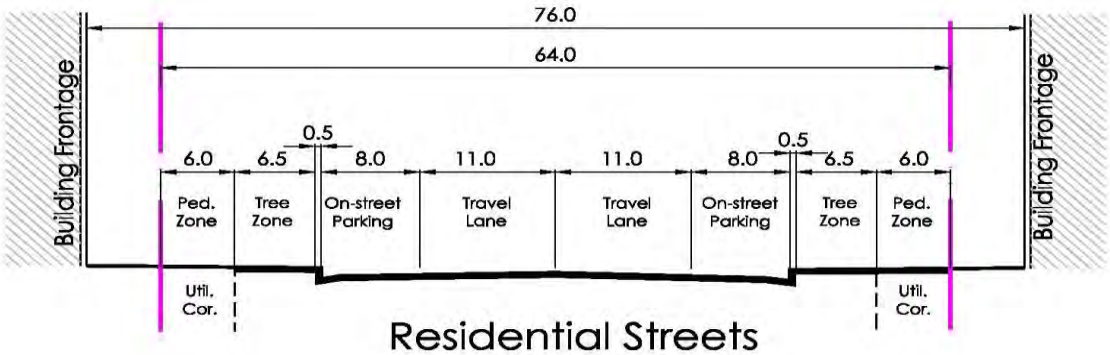
General Streets
(Parking Both sides)



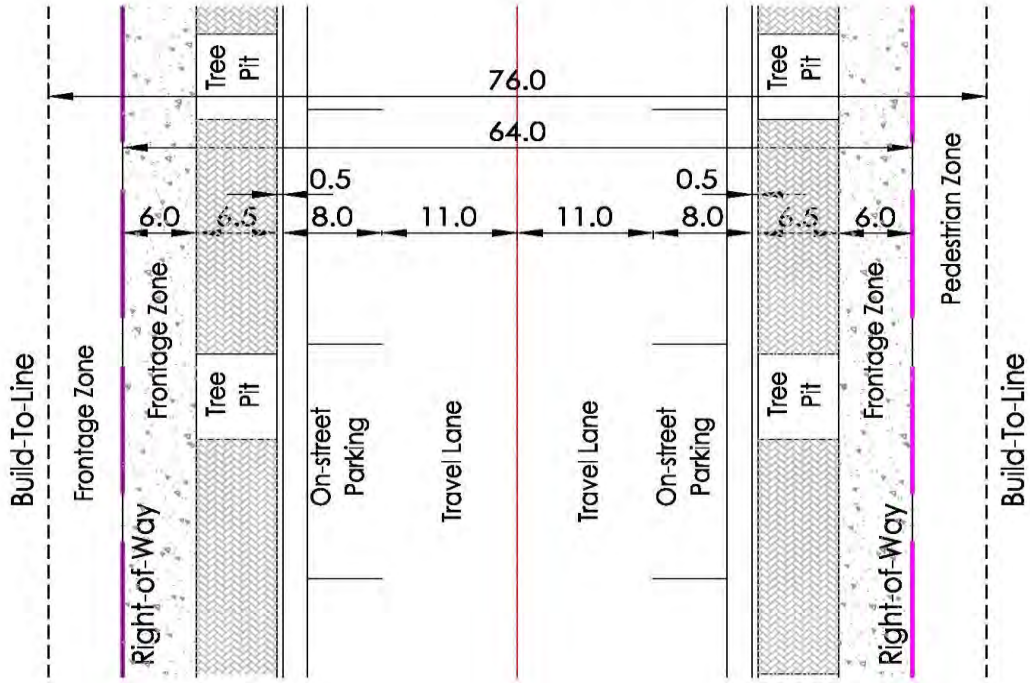
Residential /Optional Streets Parking on One Side



Residential /Optional Streets Parking on Two Sides

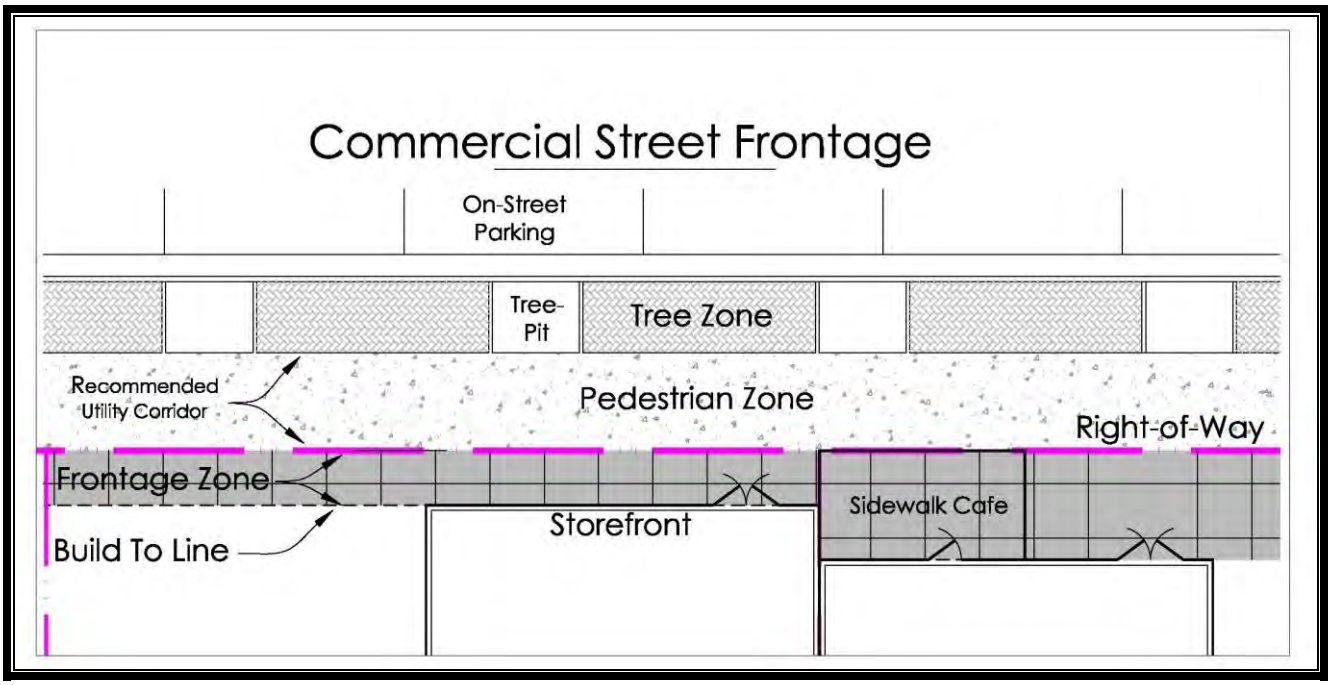


Residential Streets
(Parking Both sides)



B. Traffic Calming. At the discretion of the Land Development Official the parking lanes indicated on the street cross sections may have curb bump-outs at crosswalks and intermediate points along blocks to provide for traffic calming, enhance pedestrian safety and provide additional space for landscaping. Other Virginia Department Of Transportation (VDOT) approved traffic calming features, such as but not limited to speed tables and raised crosswalks may be provided when determined to be acceptable by the Zoning Administrator and so long as they meet VDOT standards.

C. Sidewalks.



Streetscape Layout

1. **Basic Requirements.** Sidewalks shall meet the dimensional requirements indicated for the street cross sections and shall be constructed to meet the Design and Construction Standards Manual and this Zoning Ordinance.
2. **Continuous.** Sidewalks shall be continuous across driveways and alleys.
3. **Uses in Frontage Zone.** Sidewalk cafés and temporary sidewalk sales shall be permitted along E. Market Street, Catoctin Circle, and General Streets, in the frontage zone (the area between the Required Build-to Line and the right-of-way).

D. Street Trees. One medium or large canopy street tree shall be provided for every forty feet (40'), or one understory tree shall be provided for every fifteen feet (15') where conditions do not favor a canopy tree, of lot frontage in the tree zone between the sidewalk and street curb. The tree zone, as shown on the street cross sections (see also the DCSM) may be grass or sidewalks with planting beds or grates over continuous tree-root trenches as determined acceptable by the Zoning Administrator. Street trees shall comply with the

sight distance standards of the Design and Construction Standards Manual except that locations may be modified by the Zoning Administrator due to engineering and sight distance constraints.

E. Street Lights. Except for E. Market Street, Davis Avenue and Catoctin Circle, Pedestrian-scale street lighting meeting the Town of Leesburg specifications shall be installed within the tree zone between the street and sidewalk. Street light poles shall be no taller than fourteen feet (14') including the base.

F. Street Furniture. Benches and trash receptacles when provided shall be located within the tree zone of sidewalks and in park and plaza areas in accordance with Town Code standards.

G. Street Access. Individual driveways, shared driveways, commercial entrances or alleys may provide vehicular access from streets to lots. All new access, reconstruction of existing access or redevelopment of a site shall comply with the following:

1. **Driveways.** Driveways for vehicular access shall be limited as follows.

Street Type	Maximum Permitted Driveway Access
E. Market & Catoctin Circle (western side)	1 vehicular access per block
Catoctin Circle (eastern side)	1 vehicular access per 400 feet of frontage
General Urban	1 vehicular access per 200 feet of frontage
Residential Street/Optional Street	1 vehicular access per single family detached building 2 vehicular accesses per lot containing more than 1 dwelling unit

2. **Spacing.** All driveways shall be adequately spaced from street intersections in accordance with DCSM specifications.

3. **Alignment.** For lots containing buildings other than single-family detached and two-family dwellings, driveways shall either be aligned with driveways on the opposite side of the street or sufficiently offset to avoid conflicting turning movements and shall meet DCSM requirements.

4. **Location.** A driveway may be located within the corridor of a future street that is shown on the Town Plan Crescent District Future Streets Policy Map, provided shared access easements are granted to adjacent properties and the site plan allows the ultimate extension of the future street as shown on the Town Plan Crescent District Future Streets Policy Map.

5. **Temporary Driveway.** Where the above access requirements cannot be met at the time of an individual property's development, a temporary driveway may be installed such that the site is configured to provide for future shared access with one or more adjoining sites. An agreement shall be provided to the Town stating that when the adjacent site(s) is developed, the shared access shall be installed, the temporary driveway shall be removed and the right-of-way restored in accordance with the streetscape

requirements of this section. The property owner shall be responsible for the costs associated with his share of the shared access, removal of the temporary driveway and restoration of the streetscape.

H. Alleys. Alleys and private travelways are permitted in accordance with the design standards of the Design and Construction Standards Manual (DCSM) and Zoning Ordinance Article 11 Parking, Loading and Pedestrian Access.

I. Transportation Impact Analyses. Transportation impact analyses shall be required for development within the CD District as follows:

1. **By-Right Applications (Site Plans and Subdivisions).** A modified traffic impact analysis shall be required in the CD District in accordance with Sec. 7-111 Preparation of Traffic Studies of the Design and Construction Standards Manual (DCSM).
2. **Legislative Applications (Special Exceptions and Rezonings).** A traffic impact analysis shall be required and shall comply with the same standards that apply to rezoning and special exception applications located outside of the CD District.
3. **Preparation/Other Modes of Transit.** Where required by 24VAC30-155, traffic impact analyses shall be prepared in accordance with state regulations and administrative guidelines. Transportation impact studies shall consider other modes such as transit, bicycles and pedestrians.

J. Utilities. Public utilities for stormwater, sanitary sewer and water may be located in the street right-of-way, rear alleys or in easements on the site. Other utilities, such as electricity, natural gas and telecommunication, shall be located in easements between the Required Build-to Line and the street right-of-way, within alleys or in easements along the rear of the lot and shall not interfere with the public street trees. The Town engineer may approve alternative locations for utilities. All new or relocated overhead utility lines shall be installed underground.

7.10.12 Modifications

A. Administrative Modifications. The following modifications to the regulations of this section may be approved by the Zoning Administrator:

1. **RBTL Adjustment.** The Required Build-to Line may be adjusted back by no more than 5 feet from that which is shown on the cross-sections contained in Sec. 7.10.11.A. This adjustment may be allowed to accommodate utility easements, allow for intersection sight distance, break-up large buildings with variable building lines, maintain consistency with adjacent building lines or to provide for patios, stoops, steps and outdoor dining or open space areas additional sidewalk space in front of the building.

B. Modifications Requiring Planning Commission or Town Council Approval. Modifications to the design requirements of Secs. 7.10.5 Site Requirements, 7.10.6 Building Type Specifications, and 7.10.7 Building Materials and Other Requirements, which include landscaping, parking and loading, and architectural standards may be approved by the Planning Commission, or in

the case of a modification requested as part of a special exception or rezoning, by the Town Council, except where such authority is expressly given to the Zoning Administrator or the Land Development Official in those sections.

1. **Submission Requirements.** A modification shall require an application that includes the following information:

   a. **Written Statement.** A written statement that clearly indicates by section and paragraph the modification that is requested and also includes a narrative justification for the modification. An architectural modification request shall include appropriate building elevations.

   b. **Plan/Front Elevation.** A site plan and a front elevation drawing of the proposed building superimposed on a color drawing or photograph of the entire block showing the relationship of the proposed building to other buildings along the block.

   c. **Additional Information.** Additional information as may be required by the Land Development Official to provide a comprehensive application given the nature and extent of the modification requested.

2. **Approval Criteria.** The application shall be reviewed by the Planning Commission or Town Council based upon the following criteria:

   a. **Architectural Character.** The design of the building shall be in keeping with the architectural character of the Old and Historic District and the desired character of the CD District, as articulated in the Town Plan and the Crescent District Master Plan. Buildings closer to the Old and Historic District (that is, between the Old and Historic District and Catoctin Circle) should reflect the historic architectural character of the Old and Historic District (that is, fronting on and outside of Catoctin Circle). More flexibility should be allowed in architectural character and design for buildings farther away from the Old and Historic District. This shall not prevent innovation and creativity in design that is in keeping with the Crescent District Master Plan, as determined by the Planning Commission.

   b. **Orientation.** The building shall be oriented toward the front sidewalk, have a functioning entrance and enhance the continuity of the pedestrian oriented environment. A modification shall not result in increasing the dominance of vehicular parking or garage doors along the front of the building.

   c. **Roof Design.** The design of the roof shall be compatible with character of other buildings along the block and shall meet district height requirements.

   d. **Materials.** The exterior finish materials shall be of equal or better quality, in terms of durability and appearance/texture similar to brick, stone, or wood, as those permitted in the district. The intent is to accommodate new technologies and building material while maintaining the desired character of Leesburg, as defined in paragraph 1, above.

   e. **Windows.** Ground floor windows shall be provided along the front sidewalk to maintain the pedestrian-orientation of the streetscape and

upper story windows and shall not be incompatible with the rhythm and proportions of windows on other buildings along the block.

f. **Not to be Considered.** Economic hardship will not be considered a reason for varying from any standard established in Sec. 7.10 Crescent Design (CD) District.

g. **Purpose.** The modification will not be contrary to the purpose and intent of Sec. 7.10 Crescent Design (CD) District.

h. **Consistency with Town Plans.** The modification is consistent with the Comprehensive Plan and any Town adopted plans.

i. **Compensating Features.** The modification includes compensating design or architectural features that meet the overall objectives of the particular requirement that is being modified.

j. **Conditions.** In approving a modification the Planning Commission or Town Council may impose such conditions regarding location, character and other features as it deems necessary for the protection of the general welfare and to ensure compliance with the intent and objectives of the Crescent Design District.

k. **Use of Adjacent Properties.** The modification will not hinder or discourage the appropriate development and use of adjacent or nearby land or buildings.

3. **Process and Action.**

a. **By-Right.** Once the application has been determined to be complete by the Land Development Official, the application and accompanying maps, plans or other information shall be transmitted to the Planning Commission for consideration and action after the issuance of the first submission comment letter. The Planning Commission shall render a final decision upon any modification properly before it within a reasonable amount of time under the circumstances.

b. **Special Exception or Rezoning.** In the case of a modification requested as part of a special exception or rezoning, the application shall be processed with and shall track simultaneously with the special exception or rezoning request. The Town Council shall render a decision at the time of its action on the underlying rezoning.

4. **Written Determination.** The Planning Commission or Town Council shall set forth in writing the reasons for its determination.

7.10.13 Definitions

The following definitions shall apply to the terms used in the CD District. Definitions contained in Article 18 shall also apply, except as modified herein.

A. **Average Exterior Sidewalk Elevation.** The median elevation of the sidewalk between its lowest point and highest point along that portion of the frontage of the lot where the Required Build-to Line is occupied by a building.

B. **Blank Wall.** A wall that is constructed of solid material without windows or doors.

C. **Building Height Map.** A map that illustrates that maximum allowable height of buildings in terms of feet and stories.

D. **Civic/Institutional Building.** A building type used by a government agency, school, place of worship, recreational use open to the public, including town, state and federal buildings, museums, libraries, elementary, secondary, and high schools, colleges, and universities, places of worship, meeting halls, police and fire stations, post offices, cultural, visual, and performing art centers and transit centers.

E. **Crescent Design District Map.** A map that is the coding key for the various use areas and where they are located in the Crescent Design District.

F. **Expansion of an Existing Building.** Additions to existing buildings where the framework of the existing structure remains.

G. **Frontage Type.** The classification for the building type standards, dimensional requirements and use of a site based upon the street that the lot fronts on.

H. **General Urban Building.** A building type that contains non-residential/commercial uses or a mixed use building with residential uses above the non-residential/commercial uses on the first floor.

I. **Height Areas.** A geographic area wherein buildings are limited to a maximum height, as shown on the Building Height Map.

J. **Leadership in Energy and Environmental Design (LEED).** An accreditation system for buildings and neighborhood design, based upon the rating system of the United States Green Building Council.

K. **Mixed-Use Building.** A building that contains some combination of non-residential and residential uses, such as a building with a non-residential use on the first floor and residential units above the first floor or live-work units. A building that contains a mixture of only non-residential uses shall be considered a “non-residential building.”

L. **Modifications.** A deviation from the regulations of the CD District where the authority is specifically provided to the Zoning Administrator, the Town Council or the Planning Commission. A modification shall not be considered a variance. Any deviations not specifically provided for shall not be allowed, but shall instead require a variance from the Board of Zoning Appeals.

M. **Multiple-Family Building.** Buildings containing 3 or more dwelling units that are accessed from common entrances and hallways where there are dwelling units on the first story. Buildings with all multiple family units located above the first story in mixed-use buildings shall be considered general urban buildings. Buildings with all dwelling units above the first floor and only common lobby/community space on the first floor shall also be considered general urban buildings.

N. **New Development or Redevelopment.** Construction of new principal buildings on a vacant site or a site where existing buildings are to be demolished.

O. Non-Residential Building. A building that does not contain residential dwelling units.

P. Parking Structure. A structure for parking of vehicles with at least one level of parking is above or below the ground level.

Q. Pedestrian Entrance. A door that provides pedestrian access to the public sidewalk. For a business that is open to the public, the door must be a usable entrance during business hours.

R. Primary Façade. The façade of a building located on a corner lot that is facing the more pedestrian-traveled street.

S. Required Build-to Line. A line shown on the Street Cross Sections along a street, a set distance back from the street, along which a certain minimum percentage must be occupied by building.

T. Residential Building. Single-family detached, single-family attached (townhouse), duplex, multiple-family (not in a mixed-use building) and assisted living residence. Residential units in a building with non-residential uses and live work are considered "mixed-use buildings."

U. Secondary Façade. The façade of a building located on a corner lot that is facing the lesser street. The primary façade is the other front façade, which is facing the more traveled street.

V. Story. The space in a building between floor levels, or between a floor and the roof above that could be used by people (for living, work, storage, recreation, etc.).

W. Story Height. The height from the finished floor of the story to the finished floor of the story above.

X. Terminating View. A location at the end of a roadway at a "T" intersection or at a jog or a curve in the road that is visible to a person traveling down the street.

Y. Visible From the Street. Any building wall that faces the street or a building wall that is perpendicular, or at an angle, to the street and can be seen by a pedestrian or motorist traveling along the block frontage. Visible from the street shall also include any accessory structures, parking, loading or storage areas that are not screened from the street by means of a minimum 6-foot tall wall.

7.10.14 Appendix – Crescent Design (CD) District Maps

SEC. 7.10 APPENDIX A
CRESCENT DESIGN DISTRICT MAP

Roads
Future Public Roads per Town Plan
Parcels

Other Zoning Designations
Previously Approved Rezoning PRN

Use Areas

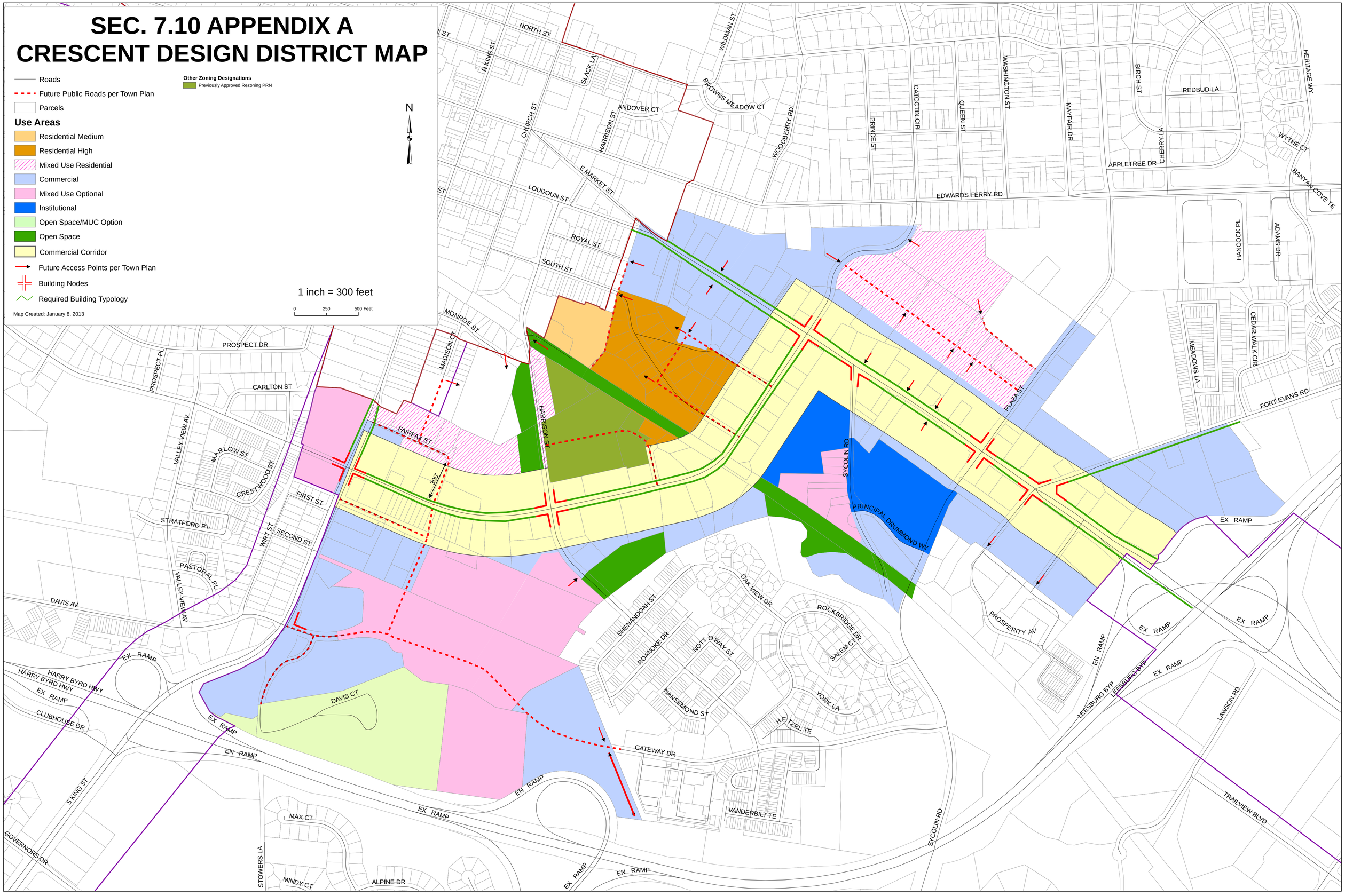
Residential Medium
Residential High
Mixed Use Residential
Commercial
Mixed Use Optional
Institutional
Open Space/MUC Option
Open Space
Commercial Corridor
Future Access Points per Town Plan
Building Nodes
Required Building Typology

Map Created: January 8, 2013

N

1 inch = 300 feet

0 250 500 Feet



SEC. 7.10 APPENDIX B
BUILDING HEIGHT MAP

Roads

Future Public Roads per Town Plan

Parcels

N

Height

- 2/5: Two Stories By Right/Five Stories by Rezoning
- 3/3: Three Stories By Right
- 3/4: Three Stories By Right/Four Stories by Rezoning
- 3/5: Three Stories By Right/Five Stories by Rezoning
- 4/4: Four Stories By Right
- Corridor 5/5 - 0/5 Nonresidential - Five Stories By Right
  Mixed Use or Residential - 0 Stories By Right
  Five Stories By Rezoning
- Building Nodes - Three Story Minimum Required

1 inch = 300 feet

0 75 150 300 Feet

Map Date: January 8, 2013

Article 8 | Planned Development Districts

Contents of Article

Sec. 8.1 General 8-2
8.1.1 Purpose 8-2
8.1.2 Applicability 8-2
Sec. 8.2 Procedures 8-2
8.2.1 Concept Plan 8-2
8.2.2 Planned Development (PD) Rezoning Plans 8-3
8.2.3 Planned Development Zoning Map Amendment 8-7
8.2.4 Minor Modifications 8-9
Sec. 8.3 General Development Standards 8-9
8.3.1 Minimum Area of Planned Development Districts 8-9
8.3.2 Lot Size 8-10
8.3.3 Residential Density and Nonresidential Intensity In General 8-10
8.3.4 Planned Development Residential Density Limits 8-10
8.3.5 Planned Development Nonresidential Intensity Limits 8-12
8.3.6 Management of Common Open Space and Improvements 8-13
8.3.7 Requirements for Landscaping in All Planned Developments 8-14
8.3.8 Improvement of Common and Public Open Space 8-15
Sec. 8.4 PRN, Planned Residential Neighborhood District 8-15
8.4.1 Purpose 8-15
8.4.2 Permitted Uses 8-15
8.4.3 Special Exception Uses 8-16
8.4.4 Residential Density 8-16
8.4.5 Timing of Commercial and Employment Uses 8-16
8.4.6 Density, Intensity and Dimensional Standards 8-16
8.4.7 Open Space 8-17
8.4.8 Open Space Requirement for “Infill” PRN 8-17
Sec. 8.5 PRC, Planned Residential Community District 8-17
8.5.1 Purpose 8-17
8.5.2 Permitted Uses 8-17
8.5.3 Special Exception Uses 8-18
8.5.4 Residential Density 8-19
8.5.5 Density, Intensity and Dimensional Standards 8-19
8.5.6 Open Space 8-19
Sec. 8.6 PEC, Planned Employment Center District 8-19
8.6.1 Purpose 8-19
8.6.2 Permitted Uses 8-19
8.6.3 Support Uses 8-20
8.6.4 Special Exception Uses 8-21
8.6.5 Use Limitations 8-21
8.6.6 Density, Intensity and Dimensional Standards 8-22
8.6.7 Floor Area Ratio 8-22
8.6.8 Open Space 8-22

Sec. 8.1 General

8.1.1 Purpose

These regulations are intended to promote and enhance the public health, safety and welfare by providing comprehensive regulations and requirements for unified planning and development of tracts of land held in common ownership or control. In considering petitions for concept plan approval, the Town Council shall consider the extent to which the concept plan for the planned development fulfills the following objectives:

A. To promote a harmonious mixture of land uses and housing types and housing cost which will allow people to work and shop in the neighborhood in which they live.

B. To encourage creative and innovative design to complement and enhance the town's visual character.

C. To ensure adequate provision and efficient use of open space and recreational facilities.

D. To provide for the enhancement and preservation of property with unique features such as historic significance, sensitive environmental resources and scenic qualities.

E. To promote good transportation design to minimize new traffic generation and separate pedestrian, bicycle, local residential and through motor vehicle traffic.

F. To reduce public utility maintenance costs by encouraging efficient land use patterns.

G. To promote energy-conserving buildings and site designs and land use patterns.

H. To implement relevant provisions of the November 15, 1982 annexation agreement between the town and Loudoun County.

8.1.2 Applicability

The provisions of this article apply to Planned Development Districts approved by the Town Council for planned residential neighborhoods; planned residential communities; and planned employment centers (all called “planned developments” in this article).

Sec. 8.2 Procedures

Planned Development Districts shall be established in accordance with the Zoning Map Amendment procedures of Sec. 3.2 as supplemented by the following standards and procedures:

8.2.1 Concept Plan

A. **Required.** A concept plan of the proposed development shall be submitted for staff review at the time of the required pre-application meeting.

B. **Submittal Requirements.** Twenty (20) copies, or other number as determined by the Land Development Official, of a concept plan, drawn to a scale of 1 inch =

100 feet, or a scale agreed to by the town, including a map of the property and land area within 200 feet showing the following features:

1. the general location and arrangement of proposed uses, including open space and recreational uses;

2. the general alignment of major arterials or primary thoroughfares; minor arterials or major thoroughfares; and through collector roads; general alignment of pedestrian ways;

3. the location of sensitive and critical environmental features as defined in the *Town Plan* (steep slopes and floodplains);

4. the approximate number of dwellings by type and the approximate floor area of nonresidential uses; and

5. such other information as is necessary and appropriate to show compliance with *Town Plan* policies.

C. Staff Review. All Concept Plan applications shall be reviewed for consistency with the *Town Plan*. If an application is determined to be consistent with the *Town Plan*, the application may move forward to the Planning Commission and Town Council for consideration.

8.2.2 Planned Development (PD) Rezoning Plans

A. General. A PD Rezoning Plan is the detailed site plan for the proposed planned development. A PD Rezoning Plan must cover all of the land area to be included in the planned development. PD Rezoning Plans shall be processed concurrently with PD Zoning Map amendments. The PD Zoning Map Amendment shall be approved simultaneously with the PD Rezoning Plan.

B. Application Filing. PD Rezoning Plan applications shall be filed with the Planning and Zoning Department. The required application form must be completed and signed by the applicant and owner(s) of the property. The applicant shall keep this information current at all times during the processing of the application. Upon receipt of an application, the Land Development Official shall acknowledge acceptance or rejection of the application in writing within ten (10) working days from the date of submittal. Upon acceptance of a completed application, the application shall be forwarded to all appropriate reviewing agencies for comment. Once all comments have been received by the Department of Planning and Zoning, comments generated by the reviewing agencies shall be forwarded to the applicant.

C. Developer's Statement. Each PD Rezoning Plan application shall contain a statement by the applicant describing how the proposed development departs from the otherwise applicable (conventional zoning district) standards of this Zoning Ordinance and how the proposed development, on balance, will benefit the town as a whole more than would a development approved under otherwise applicable standards.

D. Submittal Requirements. PD Rezoning Plan applications shall include all of the following information:

1. The proposed zoning classification of the planned development, the existing zoning of the subject property and the existing zoning of property adjacent to the subject property.
2. Proposed maximum numbers and types of dwellings.
3. Proposed non-residential uses by category.
4. Proposed maximum floor area of nonresidential buildings by type of use.
5. Proposed location and types of all uses, including open space.
6. Proposed public facility sites, areas and locations.
7. Proposed plan for landscaping all areas showing lawns, greens, tree cover, landscape screens and buffers, including plans for peripheral areas.
8. Proposed maximum building heights.
9. Proposed minimum lot areas, depth and width.
10. Proposed minimum yard requirements, where applicable.
11. Proposed maximum size, height and number of signs and proposed limitations and requirements on private signs.
12. A 1:2400 (one inch=200 feet) scale planimetric and topographic map of the property and land area within 200 feet thereof accurately drawn on the Loudoun County photogrammetric base maps and showing the boundary line and other features of the planned development, including the location of sensitive and critical environmental features as defined in the *Town Plan* and the location of all types of uses.
13. Proposed thoroughfare plan showing the general location and typical sections, excluding pavement design, of major arterials or primary thoroughfares, minor arterials or major thoroughfares, through collector and local collector roads and the projected ultimate traffic volume and level of service for each.
14. Proposed plan for pedestrian circulation, paths, bikeways and trails.
15. General location of off-street parking and loading facilities and proposed requirements for number, design and maintenance of off-street parking and loading facilities.
16. Proposed limitations and requirements on buildings and land uses including accessory buildings and uses, such as home occupations.
17. Proposed requirements for screening of outdoor nonresidential uses.
18. Deed description and map of survey of the boundary and existing easements made and certified by a state certified land surveyor.
19. Names and mailing addresses of owners of the planned development.
20. Proposed name of the planned development.
21. The names of all abutting subdivisions and the names and mailing addresses of owners of record of abutting property.

22. Location, names and width of existing and proposed streets, parks and other public open spaces within and immediately adjacent to the proposed planned development.

23. All parcels of land and easements (existing or proposed to be dedicated) for public use and the conditions of each dedication.

24. Date, true north point, scale and a key map showing the general location of the proposed planned development.

25. The proposed plan for development phasing indicating the time schedule for submittal of site plans for the planned development.

26. Supporting justification, calculations and documentation to support statements of additional benefit to the public health, safety and welfare that justify additional residential density or floor area ratio of nonresidential buildings under Sec. 8.3.4 and Sec. 8.3.4D.4.

27. Plans, building elevations and architectural details sufficient to show compliance with Sec. 8.2.2F.2.a.

28. **Rezoning Plat**. A rezoning plat, signed and sealed by a certified land surveyor, completed not longer than six (6) months in advance of the date of the application that contains the following information:

a. Boundaries of the entire property, with bearings and distances of the perimeter property lines and of each existing and proposed zoning district.

b. Total area of the property and of each existing and proposed zoning district presented in square feet and acres.

c. Scale and north arrow, with north, to the extent feasible, oriented to the top of the plat.

d. Location of all existing buildings and structures.

e. Names and route numbers of all boundary roads or streets, and the width of existing rights-of-way

29. All submittal documents shall be submitted in a format specified by the Town.

30. All plans shall be submitted in a digital format specified by the Town.

E. **Zoning Modifications.** The PD Rezoning Plan shall include a detailed and complete listing of and justification for all proposed modifications of otherwise applicable Zoning Ordinance requirements. This request for zoning modifications shall be processed concurrently with the PD Rezoning Plan and Planned Development Rezoning. The regulations of the PD district sought shall apply after rezoning is approved unless the Town Council approves a modification to the zoning requirements that would otherwise apply. No modifications shall be permitted which affect uses, density, or floor area ratio of the district. No modification shall be approved unless the Town Council finds that such modification to the regulations will achieve an innovative design, improve upon the existing regulations, or otherwise exceed the public purpose of the existing regulation. No modification will be granted for the primary purpose of achieving the maximum density on a site. A request for modification shall include materials

demonstrating how the modification will be used in the design of the project, including illustrations drawn to scale.

F. PD Rezoning Plan Approval Criteria.

1. No PD Rezoning Plan shall be considered unless the Town Council first approves the concept plan and finds the proposed planned development promotes the public health, safety and welfare. To this end an applicant for approval of a planned development shall show and the Town Council shall find that a proposed planned development:

a. Is in conformity with the *Town Plan*.

b. Achieves the purposes of Sec. 1.5 and Sec. 8.1.1 as well as or better than would development under other zoning district regulations.

c. Could not be accomplished through other methods, such as variances or rezoning to a conventional zoning district.

d. Is compatible with the surrounding neighborhood.

e. Mitigates conflicts of use with adverse impacts on existing and planned development.

f. Provides adequate public facilities and amenities.

g. Adequately accommodates anticipated motor vehicle traffic volumes, including emergency vehicle access.

h. Preserves existing vegetation to the greatest extent possible.

i. Mitigates unfavorable topographic and geological conditions.

j. Includes appropriate noise attenuation measures.

2. Planned Development Districts shall be characterized by superior architectural treatment and site planning as measured by the following criteria:

a. Architectural treatment should avoid massive, monolithic and repetitive building types, facades and setbacks.

b. Landscaping should increase the visual quality of building design, open space, vehicular and pedestrian areas and screen areas of low visual interest (such as storage and delivery areas) from public view.

c. Street and parking systems should contribute to the aesthetic character of the development.

d. Signs should be subject to uniform regulations, be compatible with the design and scale of the development and contribute to the visual character of the development.

e. Neighborhood retail commercial and office uses where provided should blend architecturally with surrounding residential uses or be appropriately separated by distance, screening or topography.

f. Open space, recreation and other public facilities should be integrated with the organizational scheme of the neighborhood and town.

g. Pedestrian and bicycle circulation systems should be included to assure safe and convenient access between properties and within the neighborhood.

h. Nonresidential uses should be located on arterial or collector streets without creating through traffic in residential areas.

i. Site plan should be arranged to maximize the opportunity for privacy and security by residents.

3. Applicant shall provide the following information prior to approval to determine if there are historic and/or archeological resources of local, state or national significance that are worthy of protection on the proposed site:

a. Structures, any portion of which was constructed prior to 1940, located on any portion of land designated within the Planned Development District, require an Intensive Level architectural survey conducted in accordance with State Historic Preservation Office (SHPO) survey standards by an individual or firm that meets the professional qualification standards set forth in 36 CFR 61, Appendix A to evaluate the structure and the site for its local, state, or national significance as an individual resource or as a district using:

i. The National Register Criteria for Evaluation listed in 36 CFR 60.4; and

ii. The Criteria for Designation listed under Section 7.5.10.B.1 of the Zoning Ordinance

b. For Planned Development Districts a Phase I archeological survey shall be conducted in accordance with SHPO standards by an individual or firm that meets the professional qualification standards set forth in 36 CFR 61, Appendix A.

c. A letter from the State Historic Preservation Office concurring with the evaluation listed in “b” above.

G. Effect of PD Rezoning Plan Approval. PD Rezoning Plans shall be processed concurrently with PD Zoning Map amendments. An approved PD Rezoning Plan shall constitute the minimum standards for development within the PD District.

8.2.3 Planned Development Zoning Map Amendment

A. General. Final zoning approval for a Planned Development comes in the form of a Zoning Map Amendment, rezoning the subject property to the applicable Planned Development District. PD Zoning Map Amendment application shall be processed in accordance with the procedures of Sec. 3.3. PD Zoning Map Amendments shall be processed concurrently with PD Rezoning Plans. The PD Zoning Map Amendment shall be approved simultaneously with the PD Rezoning Plan.

B. Approval Requirements. An ordinance approving a Planned Development Zoning Map Amendment shall describe the tract of land within the zone by metes and bounds or survey plat prepared by a certified land surveyor or registered professional engineer and incorporate or include by reference writings, maps or other documents showing the following:

1. Maximum numbers and types of dwellings.
2. Nonresidential uses by category.
3. Maximum floor area of nonresidential space.
4. Locations and general character of all uses.
5. Locations and the character and plan for improvement of public facility sites.
6. Plan for landscaping showing lawns, greens, tree cover, landscape screens and buffers.
7. Maximum building height limitations.
8. Minimum lot area, depth and width requirements.
9. Minimum yard requirements, where applicable.
10. Maximum size, height and numbers of signs and proposed limitations and requirements on private signs.
11. Thoroughfare plan showing the location and typical cross sections, excluding pavement design of major arterials or primary thoroughfares, minor arterials or major thoroughfares, through collector and local collector roads.
12. Plan for pedestrian circulation, paths, bikeways, and trails.
13. Location of off-street parking and loading facilities and proposed limitations and requirements on construction and maintenance of off-street parking and loading facilities.
14. Approved proffers submitted under this Zoning Ordinance.
15. Limitations and requirements on buildings and uses, including accessory buildings and uses, such as home occupations.
16. Name of the planned development.
17. General location and size of parcels of land and easements to be dedicated for public use and the conditions of each dedication.
18. Planned Development District designation for the planned development (PRN, PRC, PEC).
19. A Phasing plan that identifies the stages of development build-out. The phasing plan shall identify the sequence of development for all proposed land uses. It shall include information regarding the timing of required plan submittals and plans for the phasing of internal and external traffic circulation systems, amenities, and utility improvements that will be constructed to support the proposed development. The phasing plan shall also indicate the expected impact of the development on existing or proposed public facilities, including but not limited to, schools, water and sewer systems, transportation facilities and public safety services. The applicant shall provide assurances that all the use categories will be constructed and that the project will, in fact, result in the type of development proposed. The Town Council may require performance guarantees or such other measures, as it deems reasonable and necessary to assure the proper phasing of development and to assure the provision of public amenities and public facilities upon completion of each phase or upon full development.

C. **Owner Acceptance**. No ordinance approving a Planned Development Zoning Map Amendment shall become effective until the owner of the tract of land involved has signified acceptance and agreement to the terms and conditions of the ordinance, including any proffers.

D. **Ordinance Supersedes**. The ordinance approving a Planned Development Zoning Map Amendment shall supersede all provisions of this Zoning Ordinance to the contrary.

E. **Effect**. The provisions of an ordinance approving a Planned Development Zoning Map Amendment or any proffered conditions made a part thereof shall govern those matters covered in Sec. 8.2.3B. Any changes proposed in an approved planned development shall be by amendment of the ordinance in accordance with procedure provided herein for adoption of such an ordinance, unless the request complies with the criteria of Section 8.2.4 Minor Modifications.

8.2.4 Minor Modifications

A Minor Modification may be approved at the sole discretion of the Land Development Official where it is determined that the following criteria are met:

A. Changes are limited to minor layout, design or dimensional modifications in response to issues of topography, drainage, underground utilities, structural safety, vehicular circulation or requirements of government agencies;

B. There are no negative impacts to the surrounding properties;

C. Modifications shall not include the addition of any structure or addition to any structure in excess of five percent (5%) or 2,500 square feet, whichever is less;

D. No new conditions, proffers or amendments are necessary;

E. There are no code enforcement complaints or actions pending on the site;

F. Proposed changes do not increase intensity of use. Examples include, but are not limited to, increased seats, employees, visitors, customers, vehicle trips or hours of operation;

G. Modifications may be requested for:

1. A setback to accommodate healthy existing trees and/or their root zones;

2. Setbacks to accommodate an error in siting;

3. Change to the location of design of buffers, landscape areas or trees provided there is no reduction in plant materials or area;

4. Change or reduction in vehicle loading areas;

5. Reduction in number of parking spaces by an amount not to exceed 10 percent of the spaces required per Section 11.3 (Parking Standards Table).

Sec. 8.3 General Development Standards

8.3.1 Minimum Area of Planned Development Districts

A. Planned residential neighborhood (PRN) Districts shall be at least five acres in area unless the Town Council finds a smaller area suitable for a planned

residential development by virtue of its unique historic or environmental features or its redevelopment and infill development potential.

B. Planned residential community (PRC) Districts shall not be less than 200 acres in area.

C. Planned employment center (PEC) Districts shall be at least five acres in area unless the proposed planned development is a logical extension of an existing commercial or employment area.

8.3.2 Lot Size

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

Dwelling Types	Lot Area	Lot Width
Single-family, detached	6,500 sq. ft. minimum	40 feet minimum;
Single-family, attached (townhouses)	1,600 sq. ft. minimum]	18 feet minimum, interior, 28 feet minimum corner/end lots.
Duplex	8,000 sq. ft.	75 feet
Multi-Family	10,000 square feet	75 feet

8.3.3 Residential Density and Nonresidential Intensity in General

Permitted gross residential density and maximum nonresidential development intensity (FAR) within a planned development shall be determined by applying the respective limits for each to the land area involved on a pro-rata basis. (For example, if on a 100-acre tract, 217,800 square feet of nonresidential floor area is proposed and the floor area is 0.25, 20 acres of the tract are attributable to nonresidential uses and 80 acres could be developed at the applicable residential density limit.)

8.3.4 Planned Development Residential Density Limits

A. **Densities Not to Exceed Town Plan.** Residential density limits shall be as expressed in the *Town Plan*. The lesser of the residential density range numbers established for land use designations in the *Town Plan* represents “base density” allowed within a planned development. The greater of the residential density range numbers established for land use designations in the *Town Plan* represents the “maximum residential density” allowed within a planned development through the provision of additional public benefits. Residential density shall not exceed the base density allowed, unless the Town Council finds that the proposed development offers “additional Development (public) benefits.” No planned development shall be approved which permits a higher density of dwelling units than indicated in the *Town Plan*.

B. **Additional Development (Public) Benefits.** If the Town Council finds that “additional development benefits” will be provided, additional “bonus” density may be approved (above the base density) up to the maximum of the density range allowed by the underlying Town Plan land use designation. In order to approve the additional bonus density, the Town Council, in its sole discretion, must find that the proposed site plan offers additional development benefits to

the public health, safety and welfare by providing one or more of the additional development benefits identified in Sec. 8.3.4C.

C. Criteria for Additional Density. Upon the Town Council's finding of additional development benefit, the permitted number of residential dwellings in a planned development may be increased, as determined by the Town Council, above the base density up to the maximum residential density of the Town Plan. In acting on requests to exceed the base density of the Town Plan, the Town Council shall consider whether the proposed development offers the following public benefits:

1. Public Facilities**.** A net positive impact on the availability of public facilities and services in the town.
2. Open Space**.** An increase in the supply of usable public open space in the town.
3. Traditional Design**.** Design that makes a substantial contribution to the traditional character of the town. Examples include: compact, pedestrian-oriented development patterns; mixed uses; grid street patterns; use of side loading garages; front porches with reduced front building setbacks; and shop-top housing (residential dwelling units above retail and office uses, and traditional architecture and building materials.
4. Affordable Housing**.** Dwelling units meeting Virginia Housing Department Authority eligibility criteria.
5. Elderly Housing**.** Elderly housing units within 1,320 feet of shopping, personal service and other necessary support services.
6. Environmental Protection and Community Appearance**.** Protection of natural resources at a much higher level than otherwise required under existing regulations.
7. Historic Preservation**.** Appropriate use of a Town Plan designated historic structure or site, or any other site deemed worthy of preservation due to its historic value.
8. Mixed-Use**.** Substantial employment opportunities in close proximity to residential areas and guarantee development of nonresidential portions prior to or concurrently with the residential portions.

D. Calculation of Density. The maximum number of dwellings permitted in a planned development shall be calculated by multiplying the applicable Town Plan density limit (expressed in dwellings per acre) by the net acreage of the planned development. The net acreage of a Planned Development shall be calculated by subtracting all of the following from the tract's gross acreage:

1. Acreage devoted to commercial and employment uses.
2. Acreage devoted to public rights-of-way (including interchanges and major and minor arterials, but not including rights-of-way dedicated as part of the subject development).
3. Area classified as steep slopes.
4. Acreage shown as floodplain in the *National Flood Insurance Program Flood Insurance Rate Maps for Loudoun County, Virginia, and Incorporated Areas,* effective date July 5, 2001, based on the *Flood Insurance Study for Loudoun*

County, Virginia and Incorporated Areas, published by the Federal Emergency Management Agency (FEMA), effective date July 5, 2001, or studies prepared by any other party according to town approved procedures.

8.3.5 Planned Development Nonresidential Intensity Limits

A. Intensities Not to Exceed Town Plan. Nonresidential intensity limits (Floor Area Ratios) shall be as expressed in the *Town Plan*. The lesser of the floor area ratio range numbers established for land use designations in the *Town Plan* represents "base nonresidential intensity" allowed within a planned development. The greater of the nonresidential intensity range numbers established for land use designations in the *Town Plan* represents the "maximum nonresidential intensity" allowed within a planned development through the provision of additional benefit. Nonresidential intensity shall not exceed the base intensity allowed, unless the Town Council finds that the proposed development offers "additional development benefits." No planned development shall be approved which permits a higher floor area ratio than indicated in the *Town Plan*.

B. Additional Development (Public) Benefits. If the Town Council finds that "additional development (public) benefits" will be provided, additional "bonus" floor area may be approved (above the base floor area ratio) up to the maximum of the intensity range allowed by the underlying land use designation. In order to approve the additional bonus floor area, the Town Council, in its sole discretion, must find that the proposed site plan offers additional development benefits to the public health, safety and welfare by providing one or more of the additional development benefits identified in Sec. 8.3.4C.

C. Criteria for Additional Floor Area. Upon the Town Council's finding of additional development benefit, the permitted floor area in a planned development may be increased, as determined by the Town Council, above the base floor area up to the maximum floor area allowed for the underlying land use designation by the Town Plan. In acting on requests to exceed the base nonresidential intensity of the Town Plan, the Town Council shall consider whether the proposed project offers the following public benefits:

1. Open Space**.** An increase in the supply of usable public open space in the town.

2. Innovative Design**.** A substantial contribution to the character of the town. Examples of innovative design include: sitting for solar access, development reflecting character of surrounding area, superior provision of open space and landscaping, and superior use of building materials and design

3. Public Facilities**.** A net positive impact on the availability of public facilities and services in the town.

4. Environmental Protection and Community Appearance**.** Protection of natural resources at a much higher level than otherwise required under existing regulations.

5. Historic Preservation**.** Appropriate use of a Town Plan designated historic structure or site, any other site deemed worthy of preservation due to its historic value.

6. Mixed-Use**.** Substantial employment opportunities in close proximity to residential areas and guarantees development of nonresidential portions prior to or concurrently with the residential portions.

D. Calculation of Floor Area Ratio. For the purposes of Floor Area Ratio calculation in a Planned Development District, the lot area devoted to residential uses shall not be included when determining the total lot area.

E. Maximum F.A.R. No new buildings shall be permitted to be erected which, either individually or in combination with other buildings, exceed the applicable maximum floor area ratio (FAR) specified in the Town Plan for the lot for the non-residential use upon which such buildings are to be located.

8.3.6 Management of Common Open Space and Improvements

The regulations below shall apply to all common open space and improvements, including all private accessways, driveways, parking lots, uses, facilities and buildings provided in a planned residential development. All such common lands and improvements shall be established and maintained in accordance with the following requirements:

A. The developer shall organize a property owner association to ensure the maintenance of common open space and improvements.

B. Organizations established for this purpose shall meet the following requirements:

1. Organizations shall be established prior to the sale of any lots.
2. All persons having ownership of property within the development shall have membership rights in those organizations.
3. Organizations shall own and manage all common open space and improvements.
4. All lands and improvements shall be described as to locations, size, use and control in the declaration of covenants, conditions and restrictions. This declaration shall set forth the method of assessment for maintenance of common land and improvements. Covenants, conditions and restrictions shall run with the land and be in full force and effect for at least twenty years and shall be automatically extended for successive ten year periods unless terminated in accordance with this section.
5. Organizations shall not be dissolved nor shall they dispose of any common open space except to an organization established to own and maintain common open space, to the town or to other appropriate governmental agency.

C. No common open space shall be denuded, defaced nor otherwise disturbed without approval of the Town Council.

D. All private accessways created in any planned development shall provide guaranteed vehicular and pedestrian access for abutting lot owners and guaranteed access for public vehicles and public service employees.

E. The declaration shall establish, provide initial funding and provide for adequate reserve funds for the maintenance and care of all lands, streets, facilities and uses under the control of the property owners' organizations.

8.3.7 Requirements for Landscaping in All Planned Developments

The following requirements for landscaping apply in all planned developments:

A. Existing tree cover shall be retained to the greatest extent possible and taken fully into account in the design of all features of planned developments.

B. New landscaping, including structures and plant materials, shall be provided as appropriate:

1. To prevent soil erosion from wind and water.

2. To reduce glare and noise from traffic.

3. To separate and screen incompatible uses.

4. To shade streets, walkways and parking areas.

5. To provide for the natural recharge of groundwater.

C. Applications for PD Rezoning Plan approval shall include a landscape plan drawn to scale of one inch to 100 feet (1:100) for all land to be used for other than single-family detached dwelling lots showing:

1. The proposed extent and location of new plant materials indicated at mature sizes and to include other landscape features.

2. The size of existing plant materials proposed to be used as part of landscaping plan.

3. The proposed treatment of all ground surfaces with paving, turf, gravel or other ground cover.

4. The proposed schedule of plant materials sizes at planting and quantities.

5. The protection of existing trees and preservation of soil aeration, drainage and moisture, and.

6. Slope stability measures for slopes exceeding 3:1 gradient.

D. No site Plan or Record Plat shall be approved until the subdivider or developer has furnished to the town a cash deposit, corporate surety bond (in a form approved by the Town Attorney), or other guarantees satisfactory to the Town Council. The amount must be sufficient to cover the estimated costs, as determined by a landscape architect, of installation and construction of all landscaping shown on the approved plat or site plan. The cash deposit, bond or other guarantee shall be conditional upon and guarantee the installation and construction of all landscaping shown on the plans and shall be released upon installation and construction of landscaping in accordance with the plans. The subdivider or developer shall further guarantee the maintenance and replacement, as necessary, of landscaping for two years after installation and shall furnish a cash deposit, corporate surety bond, or other guarantees satisfactory to the Town Council in an amount equal to ten percent of the costs of installation and construction of landscaping shown on the approved plat or site plan. The cash deposit, bond or other guarantees shall be released upon certification by the Zoning Administrator that the required landscaping has been completed and maintained in accordance with the requirements of the bond.

E. The maintenance and replacement of landscaping shall be the responsibility of lot owners and/or the homeowners association. Plant material shall be tended and maintained in a healthy growing condition, replaced when diseased or dead and kept free of debris. Landscaping structures shall be kept in good repair.

8.3.8 Improvement of Common and Public Open Space

A. **Schedule for Improvements.** Common and public open space shall be improved by construction of facilities described in the PD Rezoning Plan in accordance with the schedule approved as part of the plan at a rate equivalent to or greater than the rate of construction of dwellings. Except as otherwise expressly provided in this section, no zoning permit shall be issued for any dwelling in a planned development in which common and public open space improvements have not been made as required by the approved proffers, plans and/or schedule.

B. **Bonding of Improvements.** In the event the subdivider or developer has furnished to the town a cash deposit, corporate surety bond (in a form approved by Town Attorney), or other guarantees satisfactory to the Town Council in an amount sufficient to cover the estimated costs, as determined by the Town Manager, of all uncompleted improvements required on common and public open space, zoning permits may be issued for dwellings in a planned development in which common and public open space improvements have not been completed as required by the approved plans and schedule. The cash deposit, bond or other guarantee shall be conditional upon and guarantee the installation and construction of all common and public open space improvements shown on the plans within two years of the date of acceptance of the bond or other period as determined by the Town Council. The guarantee shall be released upon certification by the Zoning Administrator that the improvements have been completed in accordance with the approved plans and with the requirements of the guarantee.

Sec. 8.4 PRN, Planned Residential Neighborhood District

8.4.1 Purpose

Planned Residential Neighborhood (PRN) Districts are intended to encourage the development of a mixture of housing types and price ranges and to promote the organization of residential development into efficient neighborhood units with appropriate supportive community facilities and services.

8.4.2 Permitted Uses

The following uses are permitted in a PRN District when listed in the ordinance approving the concept plan and establishing the district.

PRN Uses		
Use	Use Standards	Definition
Commercial Uses		
Government Office		
Neighborhood Retail Convenience Center	Sec. 9.3.16	Sec. 18.1.113
Institutional and Community Service Uses		
Cemetery		Sec. 18.1.28

PRN Uses		
Use	Use Standards	Definition
Fire and/or rescue facility		Sec. 18.1.64
Group homes		Sec. 18.1.74
Park, public		
Place of worship		Sec. 18.1.141
Recreation facility	Sec. 9.3.21	Sec. 18.1.156
School, general education		Sec. 18.1.162
School, public		Sec. 18.1.163
Residential Uses		
All principal and accessory residential uses		
Utility Uses		
Public Utility, minor		Sec. 18.1.153
Public Utility, major		Sec. 18.154

8.4.3 Special Exception Uses

A. The following uses are permitted in a PRN District upon application and approval of a Special Exception by the Town Council pursuant to Section 15.2-2204 of the Code of Virginia, 1950, as amended and Sec. 3.4 of this Ordinance:

1. Similar uses to those included in the ordinance approving the PD Rezoning Plan and establishing the district.

2. Any use in Sec. 8.4.2 not included in the ordinance approving the PD Rezoning Plan and establishing the district.

B. The Town Council may approve a special exception when the proposed use will be compatible with existing and planned development in the surrounding neighborhood. In addition, in granting special exception approval, the Town Council may impose conditions, safeguards and restrictions on the proposed use to assure the use is homogeneous with the neighborhood and to secure compliance with this Zoning Ordinance and the ordinance establishing the district. Where this cannot be accomplished, the Town Council shall deny the application as not being in accordance with the *Town Plan* or as being incompatible with permitted uses in the neighborhood.

8.4.4 Residential Density

The maximum number of dwellings within a planned residential neighborhood shall not exceed the maximum described in the ordinance approving the PD Rezoning Plan or the maximum established by Sec. 8.3.4.

8.4.5 Timing of Commercial and Employment Uses

[Repealed 8/10/04 per Ordinance No. 2004-0-8]

8.4.6 Density, Intensity and Dimensional Standards

Lot area, yard, building height regulations shall be as set out in the ordinance establishing the Planned Development District.

8.4.7 Open Space

At least 25 percent (25%) of the land area of a planned residential neighborhood shall be established for public and common open space useable by as well as accessible and in reasonable proximity to all residents or occupants of the planned development. Open space shall be provided and maintained as required by Sec. 8.3.6. Public recreational sites shall be dedicated at a rate of two (2) acres for each one hundred (100) dwelling units. Recreational areas and facilities such as playgrounds, tennis courts, basketball courts, swimming pools and community buildings shall be provided to meet the anticipated needs of residents and occupants of the planned development. All open space including public recreational facilities, shall be included in the development schedule and be constructed and fully improved by the developer at a rate equivalent or greater than the rate of construction of dwellings. (See Sec. 8.3.8).

8.4.8 Open Space Requirement for "Infill" PRN

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

Sec. 8.5 PRC, Planned Residential Community District

8.5.1 Purpose

Planned Residential Community (PRC) Districts are intended to promote the development of self-sufficient communities which are organized around a mixed-use center of commercial, employment, community facility and high density residential uses. The intent of the PRC District is to encourage efficient land use patterns which conserve energy and natural resources and provide a variety of living and working environments integrated with adequate open space and recreational facilities.

8.5.2 Permitted Uses

The following uses are permitted in a PRC District when permitted in the ordinance approving the PD Rezoning Plan and establishing the district.

PRC Uses		
Use	Use Standards	Definition
Commercial Uses		
Government office		
Neighborhood retail convenience center	Sec. 9.3.16	Sec. 18.1.113
Mixed Use Center		
Institutional and Community Service Uses		
Cemetery		Sec. 18.1.28
Fire and/or rescue facility		Sec. 18.1.64
Group homes		Sec. 18.1.74

PRC Uses		
Use	Use Standards	Definition
Library		Sec. 18.1.89
Museum		
Nursing home	Sec. 9.3.17	Sec. 18.1.120
Park, public		
Place of worship		Sec. 18.1.141
Recreation facility	Sec. 9.3.21	Sec. 18.1.156
School, general education		Sec. 18.1.162
School, public		Sec. 18.1.163
Residential Uses		
All principal and accessory residential uses		
Utility Uses		
Public utility, minor		Sec. 18.1.153
Public utility, major		Sec. 18.1.154

A. Mixed Use Centers

1. Mixed use centers are a cluster of residential, commercial, employment and community facility uses designed to serve as the focus of major residential communities. Uses shall be supportive of and compatible with surrounding residential development. A Mixed Use Center shall contain between 100,000 and 350,000 gross square feet of nonresidential uses. No more than 250,000 square feet of nonresidential uses shall be commercial and the balance shall be office use. In no case shall commercial uses provided exceed office use by a ratio of more than 2.5 to 1. They shall also support the policies and follow the development standards of the plan.

2. Uses shall include neighborhood retail and community retail commercial uses and may also include tourist and specialty retail commercial, office and other appropriate employment uses. The integration of residential uses and community facilities such as community centers, libraries and post offices within mixed use centers is encouraged.

3. Nonresidential uses shall be confined to the first two floors when located in the same building as residential uses. Residential uses shall be provided with separate entrances.

4. The negative effects of employment facilities, such as noise, dust and fumes, shall be completely contained within individual buildings.

5. The transportation system shall not create conflicts between local and regional uses or generate through traffic in residential areas.

8.5.3 Special Exception Uses

The following uses are permitted in a PRC District upon approval of a Special Exception by the Town Council pursuant to Section 15.2-2204 of the Code of Virginia, 1950, as amended and Sec. 3.4 of this Ordinance:

A. Similar uses to those included in the ordinance approving the PD Rezoning Plan and establishing the district.

B. Any use in Sec. 8.5.2 when not included in the ordinance approving the PD Rezoning Plan and establishing the district.

C. The Town Council may approve a special exception when the proposed use will be compatible with existing and planned development in the surrounding neighborhood. In addition, in granting special exception approval, the Town Council may impose conditions, safeguards and restrictions on the proposed use to assure the use being homogeneous with the neighborhood and to secure compliance with this Zoning Ordinance and the ordinance establishing the district. Where this cannot be accomplished, the Town Council shall deny the application as not being in accordance with the *Town Plan* or as being incompatible with permitted uses in the neighborhood.

8.5.4 Residential Density

The maximum number of dwellings within a planned residential neighborhood shall not exceed the maximum described in the ordinance approving the PD Rezoning Plan or the maximum established by Sec. 8.3.4.

8.5.5 Density, Intensity and Dimensional Standards

Lot area, yard, building height regulations shall be as set out in the ordinance establishing the Planned Development District.

8.5.6 Open Space

At least twenty five percent (25%) of the land area of a planned residential community shall be established for public and common open space usable by as well as accessible and in reasonable proximity to all residents or occupants of the planned development. Open space shall be provided and maintained as required by Sec. 8.3.6. Public recreational sites shall be dedicated at a rate of two (2) acres for each one hundred (100) dwelling units. Recreation areas and facilities, such as playgrounds, tennis courts, basketball courts, swimming pools and community buildings shall be provided to meet the anticipated needs of residents of the planned development. All common open space, including public recreational facilities, shall be included in the development schedule and be constructed and fully improved by the developer at a rate equivalent to or greater than the construction of residential units (see Sec. 8.3.8).

Sec. 8.6 PEC, Planned Employment Center District

8.6.1 Purpose

The Planned Employment Center (PEC) District is intended to encourage innovative and creative design of office and industrial development. The PEC District regulations are designed to promote attractive employment areas which complement surrounding land uses through high quality layout, design and construction techniques.

8.6.2 Permitted Uses

The following principal uses are permitted in a PEC District when permitted in the ordinance approving the PD Rezoning Plan and establishing the district.

PEC Permitted Uses		
Use	Use Standards	Definition
Commercial Uses		

PEC Permitted Uses		
Use	Use Standards	Definition
Conference center		Sec. 18.1.37
Hotel		Sec. 18.1.83
Motel		Sec. 18.1.109
Office (business, professional, or government)		Sec. 18.1.121
Recreational facility	Sec. 9.3.21	Sec. 18.1.156
Industrial Uses		
Light intensity industrial so long as use is rendered unobjectionable because noise, heavy truck traffic, odor, fumes and other potential nuisances are effectively mitigated by performance standards set out in the ordinance establishing the use.		
Institutional and Community Service Uses		
Fire and/or rescue facility		Sec. 18.1.64
Group homes		Sec. 18.1.74
Park, public		
Recreation facility	Sec. 9.3.21	Sec. 18.1.156
School, technical		Sec. 18.1.162
School, special instruction		Sec. 18.1.164
Residential Uses		
None		
Utility Uses		
Public utility, minor		Sec. 18.1.153
Public utility, major		Sec. 18.1.154

8.6.3 Support Uses

The following support uses are permitted in a PEC District when permitted in the ordinance approving the PD Rezoning Plan and establishing the district and when subordinate to principal office or industrial uses:

PEC Support Uses		
Use	Use Standards	Definition
Commercial Uses		
Service Station		Sec. 18.1.169
Business service and supply establishments		
Convenience retail food stores		Sec. 18.1.39
Bank, with drive-in facility		Sec. 18.1.14
Health club or spa		
Parking structure, private		Sec. 18.1.135
Service, personal [1]		Sec. 18.1.168
Pharmacies, retail pharmacies		Sec. 18.1.139, Sec. 18.1.40
Repair service establishments		
Eating Establishment; Eating Establishment, fast food		Sec. 18.1.54, Sec. 18.1.55
Residential Uses		

PEC Support Uses		
Use	Use Standards	Definition
All principal and accessory residential uses intended as living quarters for employees or owners of establishments within the district if located and designed in a manner appropriate to the character and function of the district.		

[1] Services, Personal shall be permitted by right in any approved PEC District.

8.6.4 Special Exception Uses

The following uses are permitted in a PEC District upon approval of a Special Exception by the Town Council pursuant to Section 15.2-2204 of the Code of Virginia, 1950, as amended and Sec. 3.4 of this Ordinance:

A. Similar uses to those included in the ordinance approving the PD Rezoning Plan and establishing the district.

B. Any use in Sec. 8.6.2 when not included in the ordinance approving the PD Rezoning Plan and establishing the district.

C. The Town Council may approve a special exception when the proposed use will not be incompatible with existing and planned development in the surrounding area. In addition, in granting special exception approval, the Town Council may impose such conditions, safeguards and restrictions on the proposed use to assure the use is homogeneous with the area and to secure compliance with this Zoning Ordinance and the ordinance establishing the district. Where this cannot be accomplished, the Town Council shall deny the application as not being in accordance with the *Town Plan* or as being incompatible with permitted uses in the area.

8.6.5 Use Limitations

The following limitations apply to uses of land in a planned employment center in addition to any limitations provided in the ordinance establishing the district.

A. **Enclosed Buildings.** All operations shall be conducted within a fully enclosed building unless the Town Council finds that outdoor operations are compatible with the planned employment center.

B. **Support Principal Uses.** Support uses shall be oriented primarily to the employees and clientele of the principal use with which they are associated.

C. **Location and Size.** With the exception of those uses set forth in Sec. 8.6.5F, all support uses shall be located in the same building as the principal uses primarily served and shall occupy in combination not more than twenty percent (20%) of the gross floor area of the building.

D. **Aggregate Area.** The aggregate area of all support uses shall not exceed fifteen percent (15%) of the total permitted gross floor area for the total land area of the district.

E. **Building Location.** No support use shall be located above the second floor of the building in which located, with the exception of the residence of an owner or employee which may be located on any floor, and eating establishments which may be located above the second floor.

F. Free Standing Buildings. Restaurants, drive-through banks, fast-food restaurants, service stations, hotel/convention centers, convenience retail stores, and other similar uses may be located in free-standing buildings; provided, however, that such uses shall be architecturally compatible with the adjacent buildings and shall not have frontage or direct access to a major or minor arterial street as defined in the adopted *Town Plan*. Such uses shall be an integral design element of an employment building complex of not less than 30,000 square feet of gross floor area and shall be allowed only in those locations shown on an approved site plan.

G. Service Stations. Automobile service stations shall not include any accessory uses such as vehicle or tool rental and shall not include the outdoor storage of any inoperable, wrecked or abandoned vehicles on the site for more than 72 hours.

8.6.6 Density, Intensity and Dimensional Standards

Lot area, yard and building height regulations shall be as described in the ordinance establishing the Planned Development District.

8.6.7 Floor Area Ratio

The maximum floor area ratio within a Planned Employment Center shall not exceed the maximum described in the ordinance approving the PD Rezoning Plan. Planned Development intensity shall be limited in accordance with Secs. 8.3.4. Planned Development Residential Density Limits and 8.3.5. Planned Development Nonresidential Density Limits.

8.6.8 Open Space

At least twenty percent (20%) of the gross area of a Planned Employment Center shall be open space. Any common open space provided shall be maintained as required by Sec. 8.3.6. All open space shall be included in the development schedule and be fully improved by the developer at a rate equivalent to or greater than the construction of all structures.

Article 9 | Use Regulations

Contents of Article

Sec. 9.1 General 9-2
9.1.1 Establishment of Use Categories 9-2
9.1.2 Permitted Uses 9-2
9.1.3 Special Exception Uses 9-3
9.1.4 Unlisted Uses 9-3
9.1.5 Prohibited Uses 9-3
Sec. 9.2 Use Table 9-4
9.2.1 [P] Permitted Uses 9-4
9.2.2 [S] Special Exception Uses 9-4
9.2.3 Uses Not Allowed 9-4
Sec. 9.3 Use Standards 9-8
9.3.1 Assisted Living Residences 9-8
9.3.2 Bed and Breakfast Inns 9-9
9.3.2.1 Brewpub 9-9
9.3.3 Car Washes 9-9
9.3.4 Child Care Center 9-9
9.3.5 Places of Worship – Child Care Center 9-10
9.3.6 Condominiums 9-11
9.3.6.1 Crematorium (Accessory to a Funeral Home) 9-11
9.3.7 Dog Park Use Standards 9-12
9.3.8 Convenience Food Stores 9-13
9.3.9 Eating Establishment (without drive-in) 9-13
9.3.10 Electric or Plumbing Supply 9-13
9.3.11 Extended Family Residence 9-13
9.3.11.1 Family Day Homes 9-14
9.3.12 Kennels 9-15
9.3.12.1 Cattery 9-16
9.3.13 Lumber or Building Material Sales Facilities 9-16
9.3.13.1 Microbrewery 9-16
9.3.14 Mini-warehouse Facilities 9-16
9.3.15 Multi-family Development and Attached Single-Family Development 9-17
9.3.16 Neighborhood Retail Convenience Center 9-18
9.3.17 Nursing Homes 9-18
9.3.17.2 Pad Site (Use Standards) 9-19
9.3.18 Parking Structures (Public or Private) 9-19
9.3.19 Personal Service 9-19
9.3.20 Repair Garages 9-19
9.3.21 Recreation Facilities 9-19
9.3.22 Research and Development 9-20
9.3.23 Schools of Special Instruction 9-20
9.3.23.1 School, Technical 9-20
9.3.24 Service Stations 9-21
9.3.25 Single-family Attached (Townhouse) Development 9-21
9.3.26 Telecommunication Facilities 9-21
9.3.27 Temporary Commuter Parking Lot 9-26
9.3.28 Vehicle Sales or Rental Facilities 9-26
9.3.29 Vehicle or Equipment Service Facilities 9-27
9.3.30 Veterinary Hospitals 9-27
9.3.31 Utility Uses 9-27

Sec. 9.4 Accessory Uses 9-27
9.4.1 Accessory Dwelling Units 9-27
9.4.2 Caretaker's Residences 9-28
9.4.3 Home Occupations 9-28
9.4.4 Emergency Shelters 9-32
9.4.5 Electric Vehicle (EV) Charging Station 9-34
9.4.6 Display of Merchandise 9-34
Sec. 9.5 Temporary Uses 9-35
9.5.1 Purpose and Intent 9-35
9.5.2 Permitted Temporary Uses 9-35
9.5.3 General Standards for Permitting Temporary Uses 9-36
9.5.4 Standards for Specific Temporary Uses 9-36
Sec. 9.6 Business Special Events 9-38
9.6.1 Purpose and Intent 9-38
9.6.2 Permitted Business Special Events 9-38
9.6.3 Permit Required 9-39
9.6.4 Duration 9-39
9.6.5 Location 9-39
9.6.6 Off-street Parking and Access 9-39
9.6.7 Hours of Operation 9-39
9.6.8 Illumination 9-39
9.6.9 Signs 9-39
9.6.10 Tents 9-39
Sec. 9.7 Dwelling Unit Occupancy 9-39

Sec. 9.1 General

9.1.1 Establishment of Use Categories

A. Use Categories, Generally. In order to implement the purpose and intent and provisions of this Zoning Ordinance, the following general use categories are hereby established:

1. Agricultural Uses
2. Residential Uses Institutional and Community Service Uses
3. Commercial Uses
4. Industrial, Manufacturing and Warehousing Uses
5. Utility Uses

B. Designation of Specific Uses by Use Category and Sub-Category. The use categories established above may be divided into various use sub-categories and shall comprise the various specific uses as set forth in the zoning districts.

9.1.2 Permitted Uses

A. Permitted Uses, Generally. It is the intent of this Zoning Ordinance to permit any use, not otherwise illegal, to be located in a specified zoning district, either as a permitted use or a special exception use.

B. Permitted Uses, Specifically. No principal use shall be allowed, nor shall any principal structure be erected, constructed, reconstructed or structurally altered

unless the use or structure is listed in the permitted use section of the applicable zoning district, and further that the use fully complies with all of the applicable district regulations, except for nonconformities as provided in this Zoning Ordinance.

9.1.3 Special Exception Uses

A. New Special Exception Uses. No special exception use, as designated within this Zoning Ordinance, shall hereafter be established unless such use has been reviewed and approved in accordance with the procedures of Sec. 3.4.

B. Existing Special Exception Uses. Any use which legally existed prior to February 25, 2003, and which is classified as a special exception use shall hereafter be considered a permitted use, but shall only be altered, replaced or enlarged in compliance with the procedures and criteria for such special exception use.

9.1.4 Unlisted Uses

A. Uses Not Specifically Listed. In the event a particular use is not listed, the Zoning Administrator shall make an interpretation regarding the use and whether it is a permitted use, special exception use, or prohibited use within various zoning districts.

B. Criteria for Reviewing Uses Not Listed. The Zoning Administrator shall consider among other relevant matters, traffic generation, intensity of development and hours of operation of the proposed use in comparison to specifically named uses within the ordinance and any applicable criteria set forth in the *Town Plan*. The Zoning Administrator may, after review of these criteria herein set forth, determine that certain uses are prohibited uses and shall not be allowed in any zoning district. In the event that any use is determined to be a prohibited use, a record of the reasons given for that decision shall be kept on file and shall be used as a guideline for subsequent use determinations.

C. Appeals of Decisions Regarding Unlisted Uses. Decisions of the Zoning Administrator regarding use interpretations may be appealed to the Board of Zoning Appeals in accordance with the procedures of Sec. 3.14.

9.1.5 Prohibited Uses

A. Uses Prohibited in all Districts. The following uses are prohibited in all zoning districts within the Town of Leesburg:

1. Abattoirs and/or rendering plants;

2. Vehicle auctions;

3. Automobile graveyards; and

4. Solid waste landfills.

5. Boarding Houses and Transient Lodging

B. Uses Prohibited in Certain Districts. In addition to those uses which are prohibited in all districts, other uses may be prohibited specifically or by inference in individual zoning districts.

Sec. 9.2 Use Table

The Use Table of this section provides a summary of the uses allowed within base zoning districts. In the event of conflict between this Use Table and the district-by-district listings in Article 5 and Article 6, the standards listed in Article 5 and Article 6 shall control. The symbols used in the Use Table have the following meanings.

9.2.1 [P] Permitted Uses

A “P” indicates that a use is permitted by right in the respective zoning district, subject to compliance with all other applicable regulations of this Zoning Ordinance.

9.2.2 [S] Special Exception Uses

An “S” indicates that a use is allowed only if reviewed and approved in accordance with the Special Exception procedures of Sec. 3.4.

9.2.3 Uses Not Allowed

A blank cell (one that doesn’t contain an “S” or “P”) indicates that the listed use is not allowed in the respective zoning district, unless it is otherwise expressly allowed by other regulations of this Zoning Ordinance.

Use Type	RE	R1	R2	R4	R6	RHD	R8	R16	R22	O1	B1	B2	B3	B4	I1	Use Standard
P = Permitted by Right S = Special Exception Approval Required (Sec. 3.4)																
Agricultural Uses																
Farming	P														P	
Nursery	P														P	
Stable	P														P	
Commercial Uses																
Bank with drive-in facility											S	S	S	S		
Bank without drive-in facility											P	P	P	P		
Bed and breakfast inn	S	S	S			S					P					
Bowling alley												P	S			
Brewpub											P	P	P	P		Sec. 9.3.2.1
Brewpub with Silo											S	S	S	S		Sec. 9.3.2.1
Microbrewery											P	P/S	P/S	P/S	P	Sec.9.3.13.1
Car wash												S	S	S		Sec. 9.3.3
Cattery												P	P		P	Sec. 9.3.12.1
Child care center	S	S	S	S	S	S		S	S	S	S	S	P	P	S/P	Sec. 9.3.4
Commercial Inn											P	P	P	P		
Conference center										P	S	S	S	S	S	
Convenience food store											S	S		S		Sec. 9.3.8
Country club	P	P														
Eating establishment with drive-in facility												S	S	S		
Eating establishment without drive-in facility											P	P	P	P	S	Sec. 9.3.9
Electric and/or plumbing supply												S	S	S	S	Sec. 9.3.10
Electronic Data Storage Center															P	
Emergency care facility	S									S	S	S	P	P		
Funeral home											S	P	S			
Crematorium (Accessory to a Funeral Home)											S	S	S			Sec. 9.3.6.1
Golf course	P	P														
Golf driving range	S															
Heliport														S	S	
Home occupation	P	P	P	P	P	P	P	P	P		P	P		P		
Hotel/motel											S	P	P	S	S	
Indoor vehicle auctions																
Kennel	S											S			S	Sec. 9.3.12

Use Type	RE	R1	R2	R4	R6	RHD	R8	R16	R22	O1	B1	B2	B3	B4	I1	Use Standard
Lumber and/or building material sales w/o outdoor storage												P	P	P		Sec. 9.3.13
Lumber and/or building material sales with outdoor storage												S	S	S	S	Sec. 9.3.13
Mailing Services										P	P	P	P	P		
Nursery	S											S				
Office										P	P	P	P	P	P	
Outdoor Storage, Vehicles												S	S		S	
Outdoor Storage												S	S	S	S	
Park, dog		S														Sec. 9.3.7
Parking lot											P					
Parking structure, private										S	S	S	S	S	S	
Printing and/or publication											P	P		P		
Recreation facility	S	S	S				S		S		P	P	P	P		Sec. 9.3.21
Retail centers under 100,000 square feet and/or retail uses											P	P	P	P		
Retail centers over 100,000 square feet												S	S			
School, special instruction											P	P	P	P		Sec. 9.3.23
Service station											S	S	S	S		Sec. 9.3.24
Services, personal										P	P	P	P	S		Sec. 9.3.19
Theatre, indoor											P	P	P			
Vehicle and/or equipment service facility												S	S	S		Sec. 9.3.29
Vehicle sales and/or rental facility												S	S	S		Sec. 9.3.28
Veterinary hospital	S											S	S	S	S	Sec. 9.3.30
Video rental store with drive-in facility												S	S			
Industrial Manufacturing and Warehousing Uses																
Basic Industry																
Distribution Facility															S	
Extraction of Earth Products																
Manufacturing and assembly														P	P	
Mini-warehouse facility												S	S	S		Sec. 9.3.14
Research and development												S	S	P	P	Sec. 9.3.22
Warehouse														S	S	
Institutional and Community Service Uses																
Assisted living residence				S	S	S	S	S	S							Sec. 9.3.1
Cemetery	S	S	S	S	S	S	S				P					

Use Type	RE	R1	R2	R4	R6	RHD	R8	R16	R22	O1	B1	B2	B3	B4	I1	Use Standard
Club	S				S					P	P	P	S			
Commuter Parking Lot													P			
College or University										P		P	P	P		See MC Dist.
Fire and/or rescue facility	P	P	P	S	S	S	S	S	S	P	P	P	P	P	P	
Golf course	P	P														
Hospital												S	P			
Library	P	P	P	S	S	S	S	S	S	P	P	P	P	P		
Museum										P	P	P	P			
Nursing home	S	S						S	S							Sec. 9.3.17
Park, dog													P			Sec. 9.3.7
Park, public	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Parking structure, public											S	S	S	S	S	Sec. 9.3.18
Place of worship	S	S	S	S	S	S	S	S	S	S	P	P	P	S	S	
Place of worship, in existing building only															P	
Recreation facility	P	P	P	S	S	S	S	S	S	P	P	P	P	P		Sec. 9.3.21
School, general education	S	S	S	S	S		S	S	S		S	S	S	S		
School, public	P	P	P	S	S		S	S	S			P		S		
School, technical												S	S	S	S	
Temporary commuter parking lot												S				Sec. 9.3.27
U.S. Postal Service	S	S	S							P	P	P	P	P	S	
Residential Uses																
Single-family detached dwelling	P	P	P	P	P	P	P				P			S		
Single-family attached (townhouse)							P	P	P		P			S		Sec. 9.3.25
Duplex					P	P	P				P			S		
Extended Family Residence				P/S	P/S		P/S									Sec. 9.3.11
Multiple-family (6 or more dwelling units)								P	P		S	S		S		Sec. 9.3.15
Multiple-family (up to 5 dwelling units)								P	P		P	S		S		Sec. 9.3.15
Residential cluster development			P	P	P		P									Sec. 10.3.1
Accessory dwelling unit	S	S	S			S					S					Sec. 9.4.1
Group home	P	P	P	P	P	P	P	P	P		P					
Utility Uses																
Public utility, major	S	S	S	S	S		S	S	S	S		S	S		S	Sec. 9.3.31
Public utility, minor	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 9.3.31
Telecommunications Facilities																
Antennas										P	P	P	P	P	P	Sec.

Use Type	RE	R1	R2	R4	R6	RHD	R8	R16	R22	O1	B1	B2	B3	B4	I1	Use Standard
																9.3.26.B
Monopoles/Power Mount Facilities												S	S		S	Sec. 9.3.26.C
Transmission Tower (lattice type)												S			S	Sec. 9.3.26.D
Temporary Mobile Land-Based Telecom Testing Facility	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 9.3.26.E

Sec. 9.3 Use Standards

9.3.1 Assisted Living Residences

A. Minimum lot size shall be two acres.

B. Maximum density shall be as follows:

1. In the R-4 District: 12.5 beds per acre, not to exceed 40 beds.

2. In the R-6 District: 15 beds per acre, not to exceed 40 beds.

3. In the R-HD District: 20 beds per acre, not to exceed a total of 40 beds.

4. In the R-8 District: 20 beds per acre, not to exceed 60 beds.

5. In the R-16 District: 20 beds per acre, up to a total of 60 beds.

6. In the R-22 District: 20 beds per acre up to a total of 60 beds.

C. The site and structure(s) shall be designed to be compatible with adjacent residential uses. Architectural treatment shall avoid massive, monolithic and repetitive building types and facades. Building elevations and architectural details sufficient to show compatibility with the residential character of the neighborhood shall be submitted for approval.

D. No habitable structure shall be located closer than forty (40) feet from the property line of an adjacent lot.

E. No parking, driveway or service area shall be located closer than twenty (20) feet to a side or rear property line. Twenty percent (20%) of required parking shall be paved with reinforced grass “paver block” to minimize the visual impact of the parking area and maximize the pervious area.

F. Any service shall be located and designed to minimize its visibility from off-site.

G. Parking located in front of an Assisted Living Residence shall be limited to visitors only. Employee parking shall be located on the side or in the rear of the building.

H. Open Space. In the R-4, R-6 and R-8 Districts, a minimum of forty percent (40%) of the gross acreage of a site developed for an Assisted Living Residence shall be maintained as open space. In the R-22 and R-HD Districts a minimum of thirty percent (30%) of the site shall be maintained as open space.

I. An Assisted Living Residence must have frontage on, and access to, a through collector road or a road with a high Town Plan transportation functional classification.

9.3.2 Bed and Breakfast Inns

A. No alterations to the exterior appearance of the building or any accessory structure or the premises shall be made which changes the residential character of the property.

B. No traffic shall be generated by such bed and breakfast inn in greater volumes than would normally be expected in a residential neighborhood. Any need for parking generated by the bed and breakfast inn shall be met by using off-street parking in a manner which protects the residential character of the area and the visual appearance of the residence.

9.3.2.1 Brewpub

A. By Right. Brewpubs are permitted by right in accordance with the use standards provided below:

1. All brewing ingredients shall be stored indoors.

2. All exhaust from the brewing process shall be collected in a non-venting, stack condenser-type system and not vented directly into the atmosphere.

3. Any spent grains intended for pick-up or delivery for use as feed shall be stored in containers kept indoors prior to pick-up/delivery.

4. Any dumpsters where spent grains or other bi-product of the brewing process are disposed of shall be secured so as to block odors and prevent rodent infiltration.

B. Special Exception. Brewpubs shall require special exception approval in the following cases:

1. The proposed brewpub does not comply with all four of the standards for a by right brewpub set forth in Sec. 9.3.2.1.A.

2. Storage silos may only be permitted by special exception.

9.3.3 Car Washes

A. Car washes shall be located and designed so that vehicular circulation shall not conflict with traffic movements in adjacent streets, service drives, driveways and/or parking areas.

B. Car washes (as an accessory use) shall have no separate and exclusive curb cut access to the abutting roadway.

9.3.4 Child Care Center

A. Licensing & Registration. A Child Care Center shall comply with any and all requirements of the Town and State Codes, including without limitation, obtaining a Zoning Permit, maintenance of a Town Business License, and maintaining a State License in accordance with the State Code, as applicable.

B. Compliance. The Child Care Center shall comply with any and all requirements of the County and State Building Codes.

C. Recreation Area. A minimum of 75 square feet of usable outdoor recreation area shall be provided for each child that may use the space at any one time. Such area shall be delineated on a plat submitted with the special exception application. For the purpose of this section, usable outdoor recreation area shall be limited to:

1. The area not covered by buildings or required on-site parking spaces.
2. The area outside the limits of the required front yard.
3. Only that area which is developable for active outdoor recreation purposes.
4. An area that occupies no more than eighty percent (80%) of the combined total areas of the required side and rear yards, exclusive of any minimum required buffer yards.

D. Fencing. A fence at least four (4) feet in height shall completely enclose the outdoor recreation area so that children are safely contained inside and that all persons entering the recreation area are within direct line of sight from the child care center classroom areas or from inside the building.

E. Play Equipment. No play equipment shall be located within the required yard setbacks. However, the Council may approve an alternate location for smaller child care centers with existing play equipment in residential zoning districts only.

F. Recreation Location. Outdoor recreation areas shall be safely separated from parking, loading and service areas such as dumpster pads.

G. Parking. Parking areas shall be designed to enhance the safety of children as they arrive and depart the center. A designated arrival and departure zone shall be located adjacent to the child care center in such a manner that children do not have to cross vehicle travel aisles to enter or exit the center.

9.3.5 Places of Worship – Child Care Center.

A child care center is permitted as an accessory use for a place of worship if it meets the following conditions:

A. Recreation Area. A minimum of 100 square feet of usable outdoor recreation area shall be provided for each child that may use the space at any one time. For the purpose of this section, usable outdoor recreation area shall be limited to:

1. The area not covered by buildings or required on-site parking spaces.
2. The area outside the limits of the required front yard.
3. Only that area which is developable for active outdoor recreation purposes.
4. An area that occupies no more than eighty percent (80%) of the combined total areas of the required side and rear yards, exclusive of any minimum required buffer yards.

B. Fencing. A fence at least four (4) feet in height shall completely enclose the outdoor recreation area so that children are safely contained inside and that all persons entering the recreation area are within direct line of sight from the child care center classroom areas or from inside the building.

C. Play Equipment. No play equipment shall be located within the required yard setbacks. However, where the child care center is in a residential zoning district, the Zoning Administrator may approve an alternate location if it is a small child

care center, which has a maximum enrollment of twenty (20) children, with existing play equipment.

D. Recreation Location. Outdoor recreation areas shall be separated, by a minimum of fifty (50) feet, from parking, loading and service areas such as dumpster pads.

E. Parking. The number of existing parking spaces on-site must comply with this Zoning Ordinance and be sufficient to handle the use as a child care center. A designated arrival and departure zone shall be located adjacent to the child care center in such a manner that children do not have to cross vehicle travel aisles to enter or exit the center.

F. Hours of Operation. The hours of operation shall be limited to 6:00 a.m. to 7:00 p.m., Monday through Friday.

G. Enrollment. The number of children enrolled shall not exceed forty (40).

9.3.6 Condominiums

A. Applicability. The condominium regulations of this section shall apply only to residential developments. All such condominium developments shall comply with the density limitations and other provisions of the zoning district in which it is located.

B. Condominium Conversion. For the purpose of this section, “elderly” means a person not less than 55 years old in accordance with the Fair Housing Act of 1968, as amended, and the Virginia Fair Housing Law of 1972, as amended. The term “disabled”, refers to a person suffering from a severe, chronic physical or mental impairment which results in substantial functional limitations. Residential condominium conversions shall provide an offer of lease to elderly and disabled tenants as follows:

1. The declarant of a condominium conversion shall file concurrently with the Zoning Administrator, the general notice of conversion required by Subsection 55-79.94(b) of the Code of Virginia, 1950, as amended.

2. The declarant of a condominium conversion shall provide any existing tenants a copy of the general notice of conversion required by Subsection 55-79.94(b) of the Code of Virginia, 1950, as amended. An offer shall be provided to the elderly and disabled tenants' leases or extensions of leases, or the provision of other units of equal size and overall quality shall be afforded.

3. Offers of leases or extensions of leases required by this section shall include no more than twenty percent (20%) of the apartments or units in the proposed condominium conversion, and shall be offered for a term of up to three (3) years from the date the general notice of conversion is served. The terms and conditions thereof shall be as agreed upon by the leaser and the lessee. Such offers of leases or extensions of leases shall not apply to apartments or units which will, in the course of conversion, be substantially altered in the physical layout, restricted exclusively to nonresidential use, or rendered legally uninhabitable because of renovations or rehabilitation which the declarant intends to perform in good faith.

9.3.6.1 Crematorium (Accessory to a Funeral Home)

A. The Virginia Department of Environmental Quality Air Permit Local Governing Body Certification must be completed prior to submission to the Town for sign off.

B. External storage of fuels shall comply with all applicable federal, state and/or county regulations, such as 40 CFR 112 or its state/local equivalent.

C. Minimum setback for outdoor fuel storage containers shall be 50 feet from residential districts; 25 feet from non-residential districts.

D. All outdoor fuel storage containers shall be screened from public view on three sides by a solid wall at least six (6) feet in height and on the fourth side by a solid gate at least five (5) feet in height. The gate and wall shall be maintained in good working order and shall remain closed except when refueling occurs. The wall and gate shall be architecturally compatible with other buildings and structures on site.

E. The facility shall be used solely for the cremation of human corpses and shall not be used for disposition of animal remains or medical waste.

F. Crematorium facilities shall be limited to no more than 25% of the total gross floor area of the funeral home.

9.3.7 Dog Park Use Standards

A. A minimum buffer of 1,000 feet is required from residential uses;

B. The off-leash dog area is for dogs, their handlers and those accompanying them. No other use is allowed;

C. All dogs must be legally licensed and vaccinated, and shall wear a visible dog license;

D. Dogs under four (4) months of age and female dogs in heat are prohibited;

E. Dogs must be on leash when entering and exiting the off-leash dog area;

F. Dogs must be under the control of their handler and in view of their handler at all times;

G. Spiked collars are prohibited;

H. Children 8 years and under are not allowed in the off-leash dog area; all children up to the age of 14 must be accompanied by an adult;

I. Handlers must be 16 years of age or older;

J. Handlers must have possession of the dog lease at all times;

K. Handler is limited to a maximum of two dogs;

L. Handlers must remove any dog waste and fill any holes dug by dogs under their control;

M. Food and drinks in glass containers are prohibited; training treats are allowed;

N. Dogs must be removed from the off-leash dog area at the first sign of aggression;

O. No animals other than dogs shall be permitted in the area;

P. There shall be information posted at the dog park that clearly indicates that handlers are responsible for any injuries caused by the dog(s) under their control;

Q. There shall be information posted at the dog park that clearly indicates users of the facility do so at their own risk and that the Town of Leesburg shall not be liable for any injury or damage caused by any dog in the off-leash area; and

R. The park must be fully enclosed by adequate fencing that dogs cannot dig under or jump over, and gates must be secure.

9.3.8 Convenience Food Stores

A. No convenience food store shall be located on a lot adjacent to residential dwelling units.

B. All business services, storage and display of goods shall be conducted within a completely enclosed building.

9.3.9 Eating Establishment (without drive-in)

In the I-1 District and the Employment sub-district of the Crescent Design District, eating establishments without drive-in facilities shall be located in the same building as the principal uses primarily served and shall occupy not more than twenty-five (25%) percent of the gross floor area of the building.

9.3.10 Electric or Plumbing Supply

No materials may be stored within required setbacks, and all materials stored outside shall be adequately buffered and screened from adjoining properties and public rights-of-way.

9.3.11 Extended Family Residence

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

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

B. Main Residence Occupancy. An extended family residence may only be approved when the main residence is owner occupied.

C. Location. An extended family residence may be designed to be located within the single-family dwelling with a separate entrance or in a conforming accessory structure; however, it may not be located in a nonconforming accessory structure or structure made conforming as a result of a variance. The extended family residence shall not be separately metered for electricity or water. New structures built as an extended family residence shall only be permitted in the rear yard of a single-family detached residence.

D. Yard Requirements. A new structure built as an extended family residence must be separated from the principal residence by a minimum of ten (10) feet, must be located in the rear yard and shall meet the district regulations for side and rear yard setbacks for the district in which the extended family residence is located.

E. Occupancy Limitation. The occupant(s) of an extended family residence will be limited to specific family members related by blood, marriage, adoption or legal guardianship. At no time may the number of occupants of an extended family residence exceed two (2).

F. Acknowledgement of Understanding. The owners of the single-family dwelling must certify his/her understanding that an extended family residence is limited by the conditions presented in the special exception approval letter, including: number of occupants, who the occupant(s) will be, the relation of the occupant(s) to the main resident(s), and the location and size of the extended family residence. This certification shall be attached to the approval letter as an exhibit.

9.3.11.1 Family Day Homes

A. Description. Family Day Homes for 6 to 9 children are permitted by-right and 10-12 by special exception, subject to meeting the performance standards below and Section 3.4.13 as applicable. A home occupation application is required and shall include a Sketch Plan depicting the entire lot to scale, setbacks, pathway to door of facility, drop off and pick-up locations, location of any permanent in-ground play equipment, the size and location of the required outdoor play area and required fence.

B. Required Notice. As required by Virginia State Code section 15.2-2292, upon receipt of an application for a by-right Family Day Home for 6 – 9 children the Zoning Administrator shall send notice by registered or certified letter to the last known address of each adjacent property owner. If the zoning administrator receives no written objection from a person so notified within thirty days of the date of sending the letter and determines that the family day home otherwise complies with the provisions of the ordinance, the zoning administrator shall issue the permit sought.

C. Performance Standards. Any Family Day Home application that does not meet one or more of the performance standards below, or is denied a permit through the administrative process described above, or requests approval for 10 to 12 children may apply for a Special Exception for the Family Day Home use subject to the standards below as modified by Town Council and Town of Leesburg Zoning Ordinance section 3.4.

1. The Family Day Home shall comply with any and all requirements of the Town and State Codes, including without limitation, obtaining a Home Occupation Permit, maintenance of a Town Business License, and obtaining a State Family Day Home License in accordance with the State Code, as applicable.

2. The Family Day Home shall comply with any and all requirements of the County and State Building Codes.

3. If the proposed location of the Family Day Home is subject to a Declaration of Covenants, Conditions, and Restrictions for a Homeowners Association (HOA), then prior to the issuance of the Home Occupation Permit, the Family Day Home provider shall provide the Town with documentation whether or not the use is allowable under applicable HOA Covenants, Conditions, and Restrictions.

4. The Family Day Home lot must be at least 6,000 square feet in size.

5. There shall be no more than two employees for a Family Day Home. The applicant shall demonstrate availability of employee parking onsite or along the street.

6. Child drop off and pick up locations shall be designated to enhance the safety of children as they arrive and depart. A designated arrival and departure zone shall be located adjacent to the Family Day Home center in such a manner that children do not have to cross a street to enter or exit the Home.

7. Family Day Homes shall stagger pick up and drop off times such that there are never more than two vehicles picking up or dropping off at one time.

8. There shall be no change in the outside appearance of the Family Day Home or lot nor other visible evidence of the conduct of a Family Day Home other than what may be required by the State Family Day Home License or provisions elsewhere in this Zoning Ordinance.

9. Seventy-five (75) square feet of outdoor play area must be provided on-site per child except as follows: No outdoor play area shall be required on-site when applicant can demonstrate the Family Day Home is located within 1,000 feet of an existing park or play lot that is at least twice the area otherwise required for the home care service. The park or play lot must be public or owned by the homeowners' association to which the residence belongs and must be accessed without crossing an arterial or collector road. The Outdoor play area must be shown on a plat to scale submitted at the time of application for the permit.

10. Fencing: Outdoor play area must be enclosed by a fence with a minimum height of four (4) feet.

11. Play Equipment Location: - No play equipment shall be located within the required yard setbacks.

12. Pathway to Facility: There must be a continuous hard-surface pathway/sidewalk connecting the drop-off and pick-up location to the entrance of the Family Day Home. The pathway shall be kept free of any snow or ice.

9.3.12 Kennels

A. There shall be a minimum lot size requirement of two (2) acres, and any structure used for the confinement, care or breeding of animals shall be located at least 200 feet from adjoining lot lines.

B. All such animals shall be kept in pens designed and maintained for humane and secure confinement.

C. In consideration of an application for a permit, the Town Council shall take into account the number and kinds of animals proposed to be kept and the characteristics thereof and may impose additional conditions.

9.3.12.1 Cattery

A. The operator shall maintain all facilities within a fully enclosed structure that is adequately soundproofed and constructed so there is no emission of odor or noise detrimental to other property in the area.

B. The operator shall comply with the Virginia Department of Agricultural and Consumer Services Division of Animal Industry Services laws.

9.3.13 Lumber or Building Material Sales Facilities

No lumber or building materials may be stored within required setbacks, and all lumber and building materials stored outside shall be adequately buffered and screened from adjoining properties and public rights-of-way.

9.3.13.1 Microbrewery

A. By Right. Microbreweries are permitted by right in accordance with the use standards provided below:

1. The Microbrewery prepares handcrafted beers, and/or other malt beverages, distributed for off-premises consumption in hand-capped or sealed containers in quantities up to one-half barrel (15.5 gallons), up to a maximum of 5,000 barrels (31 gallons per barrel) per year.

2. All brewing ingredients shall be stored indoors, in sealed containers, off the floor, and in accordance with all applicable Health Department regulations.

3. All exhaust from the brewing process shall be collected in a non-venting, stack condenser-type system and not vented directly into the atmosphere.

4. Any spent grains intended for pick-up or delivery for use as feed shall be stored in sealed containers and kept indoors prior to pick-up/delivery.

5. Any dumpsters where spent grains or other bi-product of the brewing process are disposed of shall be secured so as to block odors and prevent rodent infiltration.

6. A microbrewery shall be separated from a public school by a minimum of 200 feet.

B. Special Exception. Microbreweries shall require special exception approval in the following cases:

1. The proposed microbrewery does not comply with all four of the standards for a by right microbrewery set forth in Sec. 9.3.2.1.A.

2. Storage silos may only be permitted by special exception.

9.3.14 Mini-warehouse Facilities

A. Storage units shall be provided for long-term storage only, and all storage shall be within completely enclosed buildings.

B. Loading docks shall not be permitted.

C. Except for the purposes of loading and unloading, there shall be no incidental parking or storage of trucks and/or moving vans.

D. No office, retail or wholesale use of the storage units shall be permitted.

E. One accessory residential unit may be permitted solely for the use of a caretaker or watchman. (See 9.4.2)

F. The outdoor storage area, loading or parking shall be limited to areas designated on an approved site plan, and adequately screened from adjacent properties and roadways. Such areas shall not be used for the storage or display of inoperable vehicles as defined in Section 32-147 of the Town Code.

9.3.15 Multi-family Development and Attached Single-Family Development

The standards of this section shall apply to all multi-family development and all single-family attached (townhouse) development exceeding a density of 8 dwelling units per acre.

A. All structures shall be separated by a minimum horizontal distance of twenty (20) feet.

B. A minimum of thirty percent (30%) of the gross acreage of a site developed for multi-family or qualifying single-family attached residential use shall be maintained as open space. For developments with overall density exceeding eight (8) units per net acre, active recreation facilities such as playgrounds, tennis courts, swimming pools and clubhouses shall be provided at a rate of at least two hundred fifty (250) square feet per dwelling unit. “Active recreation” is defined as activities that allow physical participation by an individual or group. The size, type, and number of facilities provided shall be commensurate with the anticipated needs of the residents.

C. Construction of recreation facilities described in the site plan shall be in accordance with a schedule approved as part of the plan and shall be at a rate equivalent to or greater than the rate of construction of dwellings. At a minimum, a phasing plan must assure that major recreation facilities, such as pools, clubhouses and tennis courts, are constructed prior to completion of fifty percent (50%) of the total units.

D. Recreation facilities shall be adequately soundproofed and constructed so that there will be no noise detrimental to other properties. Lighting of any outdoor recreation facility must be directed so as to eliminate or mitigate glare onto any residential use or roadway. The hours of operation for outdoor recreation facilities shall not exceed 7 a.m. to 11 p.m.

E. Recreation space is that part of the open space which is specifically designed to serve the needs of residents of the district concerning active recreation. (Activities may include, but not be limited to swimming, tennis, golf, ball field. Small children's play areas may be counted as recreation space if the area's shortest dimension is fifty (50) feet and the area contains at least 2,500 square feet.)

F. The following locations requirements shall apply to recreation space insofar as reasonably practicable:

1. Recreation areas intended for general use and for pedestrian access shall be accessible from dwellings without crossing streets, or with a minimum of street crossings.

2. Walkways and recreational areas shall form an interconnected system, serving also as routes to schools, churches and other major pedestrian destinations.

3. The recreation and walkway system shall be located in block interiors and oriented away from exposure to automotive traffic.

4. At least ninety (90) percent of all dwelling units shall be within 600 feet (by normal pedestrian routes) of countable recreation space.

G. If the street to which the multi-family or single-family attached development takes access serves fifty (50) dwelling units or less, vehicular access from off-street parking and service areas may be directly to the street from individual dwelling units. Determination of number of dwelling units served shall be based on normal route of traffic anticipated in the development.

H. Architectural treatment shall avoid massive, monolithic and repetitive building types, facades and setbacks, and shall be compatible with surrounding areas. Building elevations and architectural details sufficient to show compliance with this standard shall be submitted for approval.

9.3.16 Neighborhood Retail Convenience Center

A. Centers may be comprised of a collection of stores including a mix of retail, service, and office uses and may include, but are not limited to, convenience food store, pharmacy (without drive-through facility), grocery store, eating establishment, eating establishment fast food (without drive-through facility), child care center, recreation facility (gymnasium, exercise and weight room facilities, martial arts studio, etc.), exercise studio, dance studio, retail use, mailing services, personal service establishment, and bank (without drive-through facility).

1. Total building floor area of a Neighborhood Retail Convenience Center shall be established at the time of rezoning and shall not exceed 40,000 square feet gross floor area.

2. No single use or business shall occupy more than 15,000 square feet of the total gross floor area of a Neighborhood Retail Convenience Center.

3. Any use proposed in excess of the maximum gross floor area provided herein must be approved by special exception.

4. No drive-through uses shall be permitted in a Neighborhood Retail Convenience Center. Other uses not permitted include: appliance repair stores, variety department stores, radio and television repair shops, veterinary hospitals, emergency care facilities, movie theatres, furniture repair, outdoor storage, vehicle sales and/or rental facility, and vehicle and or equipment service facility.

B. Automobile service stations shall only be permitted in conjunction with other non-automobile related commercial uses.

C. The center shall provide landscaped open space necessary to effectively buffer parking, service areas and building mass from adjacent residential uses and public roads.

9.3.17 Nursing Homes

A nursing home shall be designed to accommodate service vehicles with access to the building at a side or rear entrance.

9.3.17.2 Pad Site (Use Standards)

Pad sites shall not have direct access to abutting public streets. Pad sites shall locate within 300 feet of the primary building within the center.

9.3.18 Parking Structures (Public or Private)

Such parking facilities shall be used solely for the parking of vehicles in operating condition. No motor vehicle repair work except emergency service shall be permitted in association with such a parking facility.

9.3.19 Personal Service

A. Personal services include but are not limited to the following: Appliance repair and rental stores; arts and crafts studio or store; barber shop and beauty shop; bicycle repair store; caterer; dressmaker shop; dry-cleaning and/or laundry pickup station; furniture repair and/or restoration; locksmith shop; musical instrument repair shop; office supply store; and photographer's studio; photostat shop; shoe repair shop; tailor shop; travel agency; and watch repair shops.

B. In the O-1 District, personal service uses that are accessory to office uses shall be located in the same building as the permitted uses and shall not constitute more than 25% of the gross floor area of the building. Personal service uses accessory to office use also include, in addition to uses listed in 9.3.16.A, bank without drive-in facility and eating establishment without drive-in facility.

9.3.20 Repair Garages

No permit shall hereafter be issued for a public garage, automobile repair shop or service station if the entrance or exit for vehicles is (a) in the same block front within two hundred (200) feet of any school, public playground, hospital, church, or public library, or, (b) if such entrance or exit shall be located within twenty (20) feet of an “R” District within the same block front; and, no permit shall be issued hereafter for public garage, automobile repair shop or service station if any part of any structure, including underground gasoline tanks and/or service aisles are to be located within one hundred (100) feet of any building or grounds of any of the aforesaid public or institutional uses or any “R” District.

9.3.21 Recreation Facilities

A. No building used for or in conjunction with a recreation facility shall be located within fifty (50) feet of any property line except within the Crescent Design District.

B. All lighting fixtures used to illuminate outdoor areas shall be designed to avoid glare in surrounding areas. The facility shall be lit only during the hours that the facility is open for business, except for necessary security lighting.

C. A lighting plan shall be submitted to verify that all lighting fixtures are directed onto the site, and will not impact adjacent properties or roadways.

D. The hours of operation for outdoor recreation facilities shall not exceed 7 a.m. to 11 p.m.

E. Outdoor recreation facilities shall be located and screened to minimize impact on adjacent properties.

F. Indoor recreation facilities shall be soundproofed to prevent noise levels from exceeding 55 dB (A) (SLOW meter response) at the property line of any lot containing a residential use.

G. Within the Crescent Design District all recreation facilities must be completely enclosed within a building.

9.3.22 Research and Development

A. Research and development shall have all business, service, storage and display of goods, equipment or materials conducted within a completely enclosed building, except research requiring solar exposure and uses which by their nature may be conducted outside a building.

B. The storage, manufacturing or disposal of hazardous materials is prohibited.

C. All refuse shall be contained within completely enclosed facilities. All refuse materials must be properly screened.

D. The Town Council shall consider the type and nature of any proposed assembly, integration and testing of products and shall determine that the use is compatible with the surrounding area.

9.3.23 Schools of Special Instruction

Schools of special instruction shall not be located within four hundred (400) feet of a residential zone unless all such uses are located within a completely enclosed building and the building is adequately soundproofed and constructed so that there will be no noise detrimental to other properties.

9.3.23.1 School, Technical

A. By Right. Technical Schools are permitted by right in accordance with the use standards provided below:

1. All instruction shall be provided within a fully enclosed structure.

2. The building shall be adequately soundproofed and constructed so that there will be no noise, vibration or odors detrimental to other properties.

3. No modifications of the zoning ordinance shall be required.

B. Special Exception. Technical schools shall require special exception approval in the following cases:

1. Where the proposed technical school does not comply with all of the standards for a by right technical school set forth in Sec. 9.3.23.1.A; or

2. Where Instruction involves motorized vehicles; or

3. Where materials used for instruction purposes requires specialized ventilation or hazardous material disposal; or

4. Where the likelihood of noise, vibration, and/or odors, which cannot be mitigated within the structure, affects neighboring property during the instructional period.

9.3.24 Service Stations

A. Service stations shall not include ancillary uses such as vehicular or tool rental (including moving vans) and shall be limited to the servicing of vehicles and non-automotive accessory retail sales of snacks, convenience foods, and similar products.

B. Service stations shall not include an outdoor storage area for more than three (3) abandoned, wrecked or inoperable vehicles on the site for more than one week, subject to the limitation that there shall be no dismantling, wrecking, or sale of said vehicles or part(s) thereof.

C. Outside sales and display areas shall be shown on the plan to be reviewed by the Planning Commission and Town Council.

D. The parking of commercial vehicles shall be prohibited on the site of a service station. This provision shall not be interpreted as prohibiting the parking of vehicles actively engaged in delivering fuel or other supplies to the service station.

E. No permit shall be issued for a service station if the entrance or exit for vehicles is:

1. In the same block front within two hundred (200) feet of any school, public playground, hospital, church, or public library; or

2. If such entrance or exit is be located within twenty (20) feet of an “R” District within the same block front.

3. No permit shall be issued for a service station if any part of any structure, including underground gasoline tanks or service aisles, is located within one hundred (100) feet of any building or grounds of a school, public playground, hospital, church, or public library or any “R” District.

F. Canopy Height as measured from the finished grade to the lowest point on the canopy fascia should not exceed 14’0”. The overall height of canopies shall not exceed 17’3”.

G. Canopy lighting shall be fully recessed in the ceiling of the canopy.

H. All sides of a building should express consistent architectural detail and character. All site walls, screen walls, garage doors and canopies should be architecturally integrated with the building by using similar materials, color and detailing.

9.3.25 Single-family Attached (Townhouse) Development

In the R-8 district, single-family attached dwelling units shall not be constructed to a greater density than eight (8) dwelling units per net acre. Townhouse development in the R-16 district in excess of eight (8) dwelling units per acre shall comply with the standards of Sec. 9.3.15.

9.3.26 Telecommunication Facilities

All future telecommunications structures, including transmission lines, should be placed underground per the Town’s under grounding policy if possible. The following standards have been established to permit the establishment of telecommunications facilities above ground if under grounding is not feasible in a manner that minimizes the visual impact of towers through careful siting, design, and screening; reduces the potential for damage to

adjacent properties caused by tower failure or falling ice; and maximizes the use of any transmission towers and structures through the promotion of co-location so as to minimize the need to construct new towers.

The standards of this section shall apply to all telecommunication uses and structures as provided below.

A. Standards Applicable to all Telecommunications Facilities:

1. No commercial advertising or signs shall be allowed on a tower or monopole, including manufacturer's logo or brand name.

2. Signals or lights or illumination shall not be permitted on any antenna, tower or monopole unless required by the Federal Communications Commission, the Federal Aviation Administration, State or Federal authorities, or the Town. When signals or lights are required, shields shall be installed that screen the signals or lights from ground view.

3. The related unmanned equipment structure(s) shall not contain more than seven hundred fifty (750) square feet of total gross floor area on each site. Structures shall not exceed twelve (12) feet in height. If located within the structure upon which the antennas are mounted, they may be located in the areas which are excluded from the determination of net floor area without changing the exclusion of those areas from the calculation of the density of the structure. The structure shall be of a material or color which matches the exterior of the building or structure.

4. Equipment buildings located on the grounds shall meet the minimum yard requirements of the zoning district where located.

5. Satellite and microwave dish antennas shall not exceed one and eight tenths (1.8) meters or six (6) feet in diameter.

6. A security fence at least six (6) foot high shall completely surround the tower (and guy wires if used) and equipment building. It shall be constructed in colors and materials to blend into the immediate surrounding environment.

7. All equipment and facilities from a telecommunications facility site shall be removed within ninety (90) days of cessation of telecommunications use and the site shall be restored as closely as possible to its original condition.

B. Antennas. Roof top mounted dipole/whip or panel antennas and related unmanned equipment may be installed in those districts where permitted subject to the minimum standards provided below. Note that these provisions do not apply to antenna installed on utility transmission towers. (See power-mount facilities in C. below):

1. Such antennas and related equipment may exceed the maximum building height limitations, provided the use is in accordance with the development criteria herein.

2. Dipole or whip antennas shall not exceed twenty (20) feet in height or seven (7) inches in diameter and shall be of a material or color which matches the exterior of the building or structure.

3. Directional or panel antennas shall not exceed five (5) feet in height or two (2) feet in width and shall be of a material, color, or finish that minimizes the

visual impact of the structure and emulates the exterior of the building or structure on which it is mounted.

4. Equipment structures located on the roof of a building shall not occupy more than twenty-five (25%) percent of the roof area.

5. Antennas and related unmanned equipment are permitted in any zoning district on buildings and structures owned or controlled by a federal, state, county, or Leesburg Town governmental unit.

6. Structures upon which an antenna is mounted/co-located, that were not constructed solely or primarily to support antennas, shall not be deemed to be a telecommunications facility per Sec 6409(a) of the Spectrum Act.

C. Monopoles and Power Mount Facilities. Monopoles, Power Mount Facilities (antenna mounted on utility transmission towers) and related unmanned equipment may be developed subject to the standards below to the extent permitted by special exception and with Commission Permit in the districts where permitted.

1. The Applicant shall demonstrate to the satisfaction of the Zoning Administrator that there is not an existing alternative structure which will reasonably meet the engineering and service needs of the proposed telecommunications facility

2. The height of such monopole shall not exceed one hundred fifty (150) feet, including antennas. Power Mount Facilities may exceed 150 feet in height if the existing transmission tower exceeds 150 feet and the height of the facility is approved as part of the special exception.

3. All lots where a monopole facility is located shall comply with the required setbacks in the underlying zoning district between the base of the tower, accessory structures and uses, and guy anchors to all property lines as well as the following setback requirements:

a. The minimum setback between monopoles and all property lines shall be a distance equal to fifty percent (50%) of the height of the tower, or the minimum required setback of the district, whichever is greater.

b. Monopoles shall be setback a minimum of 50 feet from any existing or planned right-of-way, and

c. Monopoles shall be set back a minimum of 100 feet, or fifty percent (50%) of the tower height, whichever is greater, from the lot line of any adjacent residential use or district.

4. Unless otherwise required by the Federal Communications Commission or the Federal Aviation Administration, monopoles shall be designed to minimize visibility through materials, colors, or other camouflage techniques.

5. No monopole shall be located within one-half mile of the H-1 Overlay District within the Town.

6. No monopole shall be located within a PRN or PRC District.

7. New telecommunications monopoles shall be designed to accommodate at least three (3) providers. The applicant shall identify the conditions under which future co-location by other service providers are permitted. Co-location

may be waived if the Town Council determines, based on substantial evidence produced by the applicant at the time of application, that:

a. The accommodation would cause the size of the monopole to significantly exceed the size of existing towers in the area resulting in an unnecessary visual impact on the surrounding area; or

b. There exists valid technological or physical justification making co-location impossible.

c. The Federal Communications Commission (FCC) has issued a written statement that no more licenses for those broadcast frequencies that are eligible to use the monopole will be issued in the foreseeable future.

8. The monopole shall be designed and constructed to all applicable standards of the American National Standards Institute, ANSI/EIA-222-E manual, as amended. All applications for development of a monopole facility shall verify compliance with these standards.

9. A soil report compliant with the standards found in Appendix I: Geotechnical Investigations, ANSI/EIA-222-E, as amended, shall be submitted to the Town, sealed by a registered soils engineer, to document and verify the design specifications of the foundation for the monopole, and anchors for guy wires if used.

10. Monopoles and antenna shall be designed to withstand wind gusts of up to 100 miles per hour.

D. Transmission towers. Transmission Towers (free-standing or guyed lattice-type towers) with related unmanned equipment may be developed in those districts where permitted when approved by special exception and with Commission Permit and the minimum standards provided below:

1. The Applicant shall demonstrate to the satisfaction of the Zoning Administrator that there is not an existing alternative structure which will reasonably meet the engineering and service of the proposed telecommunications facility.

2. The height of such tower shall not exceed one hundred fifty (150) feet, including antennas.

3. All lots where a transmission tower facility is located shall comply with the required setbacks in the underlying zoning district between the base of the tower, accessory structures and uses, and guy anchors to all property lines as well as the following setback.

a. The minimum setback between transmission towers and all property lines shall be a distance equal to fifty percent (50%) of the height of the tower, or the minimum required setback of the district, whichever is greater.

b. Transmission towers shall be setback a minimum of fifty (50) feet from any existing or planned right-of-way, and

c. Transmission towers shall be set back a minimum of one hundred (100) feet, or fifty percent (50%) of the tower height, whichever is greater, from the lot line of any adjacent residential use or district.

4. No tower shall be located within one-half mile of the boundary of the H-1 Overlay District within the Town.

5. No tower shall be located within a PRN or PRC District.

6. New Transmission Towers shall be designed to accommodate at least three (3) providers. The applicant shall identify the conditions under which future co-location by other service providers are permitted. Co-location may not be required when the Town Council determines based on substantial evidence produced by the applicant that.

a. Doing so would cause the size of the tower to significantly exceed the size of existing towers in the area and would create unnecessary visual impact on the surrounding area; or

b. No additional need is anticipated for any other potential user in the vicinity; or

c. There is valid technological or physical justification as to why co-location is not possible.

d. The Federal Communications Commission (FCC) has issued a written statement that no more licenses for those broadcast frequencies that are eligible to use the tower will be issued in the foreseeable future

7. The transmission tower shall be designed and constructed to all applicable standards of the American National Standards Institute, ANSI/EIA-222-E manual, as amended. All applications for development of a transmission tower facility shall verify compliance with these standards.

8. A soil report compliant with the standards found in Appendix I: Geotechnical Investigations, ANSI/EIA-222-E, as amended, shall be submitted to the Town, sealed by a registered soils engineer, to document and verify the design specifications of the foundation for the transmission tower, and anchors for guy wires if used.

9. Transmission towers and antenna shall be designed to withstand wind gusts of up to one hundred (100) miles per hour**.**

E. Temporary and Mobile and Land Based Telecommunication Testing Facilities

Temporary and Mobile and Land Based Telecommunication Testing Facilities consisting of antennas and related equipment may be permitted in any zoning district subject to the following performance standards:

1. A temporary special permit may be issued by the Zoning Administrator for a period not to exceed six (6) months, provided, however, that the Zoning Administrator may approve an extension for up to an additional six (6) months upon written request by the applicant, submitted prior to the expiration date which documents the need for further testing.

2. Such temporary use must comply with all federal, state and county regulations, including but not limited to regulations by the Federal Aviation Administration, the Federal Communications Commission and the Environmental Protection Agency.

3. The temporary testing equipment for the antenna shall be located either in an existing structure or in a construction trailer or in a “cell on wheels trailer” with a valid zoning permit. No construction trailer shall be located in any required parking space.

4. Any clearing or grading of a site for the installation of the construction trailer or antenna shall be the minimum necessary for the proposed use, but in no event shall the disturbed area, excluding an access road, exceed 5,000 square feet in area. The permit shall include a condition requiring that any disturbed area be restored as close as possible to its original condition.
5. If an existing structure does not provide sufficient height for the antenna, the applicant may erect a temporary pole not to exceed one hundred (100) feet in height.
6. There shall be not more than two (2) vehicles parked on the site at any time.
7. The Zoning Administrator shall require that the use will be appropriately screened from adjacent properties and may require the addition of plantings or the retention of existing vegetation.

9.3.27 Temporary Commuter Parking Lot

Because this parking facility is an interim use of limited duration which benefits the public the following standards shall apply:

A. The temporary use may be exempt from otherwise applicable Zoning Ordinance standards to the extent Council determines such exemptions shall have no adverse impact on adjacent properties, except as provided below.

B. The temporary commuter parking lot shall provide adequate circulation within the site and safe and convenient access onto adjoining streets. The circulation plan shall include stripping, number and location of entrances and travel aisles, provisions for the handicapped and necessary traffic control improvements. Wheel stops must be provided for parking spaces on existing graveled areas.

C. A plan must be provided which demonstrates safe and adequate lighting in accordance with the requirements of the Design and Construction Standards Manual.

9.3.28 Vehicle Sales or Rental Facilities

A. Sales rooms, rental offices, or service facilities shall be located within an enclosed building.

B. The outdoor area devoted to storage, loading, parking and display of goods shall be limited to that area so designated on an approved site plan. Such areas shall not be used for the storage or display of vehicles in inoperable condition as defined in Section 32-147 of the Town Code.

C. All outdoor areas used for parking, storage, loading display and driveways shall be constructed and maintained with an all-weather dustless surface.

D. All lighting fixtures used to illuminate outdoor areas shall be designed to avoid glare in surrounding areas. The facility shall be lit only during the hours that the facility is open for business, except for necessary security lighting.

E. A lighting plan shall be submitted to verify that all lighting fixtures are directed onto the site, and will not impact adjacent properties or roadways.

9.3.29 Vehicle or Equipment Service Facilities

A. Facilities shall not include an outdoor storage area for any more than four (4) abandoned, wrecked or inoperable vehicles on the site for more than one week, subject to the limitation that there shall be no wrecking, or sale of said vehicles or part(s) thereof. The outdoor areas devoted to storage, loading and/or parking shall be limited to the area so designated on an approved site plan, and shall be screened from the adjacent properties and roads.

B. All lighting fixtures used to illuminate outdoor areas shall be designed to avoid glare to the surrounding areas. The facility shall be lit only during the hours that the facility is open for business, except for necessary security lighting.

C. A lighting plan shall be submitted to verify that all lighting fixtures are directed onto the site, and will not impact adjacent properties or roadways.

9.3.30 Veterinary Hospitals

All such facilities shall be within a completely enclosed building. The building shall be adequately soundproofed and constructed so that there will be no emission of odor or noise detrimental to other properties in the area.

9.3.31 Utility Uses

A. Utility special exception uses shall not be required to comply with the height requirement set forth for the zoning district in which located. However, alternative height requirements may be established in the conditions under which such a special exception is granted.

B. In all zoning districts, all equipment, and machinery shall be effectively screened. In residential districts, where buildings are proposed, the form and materials shall be as harmonious as practical with adjacent residential architecture.

Sec. 9.4 Accessory Uses

9.4.1 Accessory Dwelling Units

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

B. Maximum Building Coverage. The combined area of the lot covered by the principal and accessory dwelling units shall not exceed seventy (70%) percent of the lot area

C. Number. No more than one accessory dwelling unit shall be permitted in conjunction with a principal dwelling unit or building.

D. Density. The district density shall not be affected by the development of an accessory dwelling unit.

E. Separate Facilities. Cooking and sanitary facilities shall be provided in each dwelling unit. Shared facilities shall not be permitted.

F. Basement and Cellar Dwelling Units. Basement or cellar dwelling units shall be permitted only if all exterior walls of the dwelling unit are at least four (4) feet above the average finished grade level of the adjoining ground.

G. Single-family Appearance. Except for dwellings located in a building containing commercial or office uses, the appearance of a single-family dwelling unit shall be maintained for the converted structure. No more than one entrance shall be located on the front facade of the building unless the building was originally designed with more than one entrance on the front. Additional entrances shall be placed on the side or rear of the structure. Fire escapes shall be placed unobtrusively on the side or rear of the structure.

9.4.2 Caretaker's Residences

A. Standards. The standards applicable to caretaker's residences shall be the same as those imposed by this Zoning Ordinance on any other accessory structure in the underlying zoning district, except that no landscaping shall be required between the accessory structure and the principal structure.

B. Maximum Number of Units. No more than one (1) caretaker's residence shall be allowed on a lot unless otherwise expressly allowed by this Zoning Ordinance.

C. Occupancy. Caretaker's residences may be occupied exclusively by the caretaker and their immediate family.

D. Size. A caretaker's residence may contain a maximum of 1,000 square feet of gross floor area.

9.4.3 Home Occupations

A. Purpose and Intent. Home occupations are permitted in any dwelling unit subject to the limitations established herein. It is the intent of this section to ensure the compatibility of home occupations with other permitted uses, to preserve the character of residential neighborhoods, and to prevent excessive noise, traffic, nuisance, safety hazards and other potential adverse impacts of commercial uses conducted in residential areas.

B. Application, Review, and Enforcement Procedures. Any person desiring to establish a home occupation shall submit a Home Occupation Permit application to the Zoning Administrator on a form provided by the town. The Zoning Administrator shall review the application for compliance with this article and other applicable provisions of law and shall make a decision to approve, approve with conditions or disapprove the application within two weeks of the date a complete application is received. The Zoning Administrator may impose reasonable conditions on the conduct of the home occupation use.

1. Duration of Permit. All home occupation permits shall remain valid unless the following occurs:

a. Violation of this section, or the conditions of the permit.

b. Failure to maintain a current Town of Leesburg business license.

2. Renewal. Home occupation permits may be renewed annually by application to the Finance Department for a business license.

3. Inspection. Home occupation applicants shall permit reasonable inspections of the premises by the Zoning Administrator or the Zoning Administrator’s designee to determine compliance with this subsection and the conditions of the home occupation permit.

4. Notice of Violation. The Zoning Administrator upon becoming aware of any violation of this subsection or conditions of the permit shall serve a notice of violation to the operator of the home occupation in accordance with the provisions of Sec. 17.3.2.

5. Revocation of Permit. The Zoning Administrator may revoke a home occupation permit for violation of this subsection or the conditions of the permit. Notice of such revocation shall be given in writing by the Zoning Administrator to the operator of the home occupation, by hand-delivery or certified mail, setting forth the reasons for the revocation, the date and time upon which the revocation is effective, and the appeals procedure. This provision shall not preclude the use of any other remedy prescribed by law with respect to violations of the provisions of the Zoning Ordinance.

C. Permitted Home Occupations. The following uses may be permitted as home occupation uses, subject to the use limitations of this subsection.

1. Artist and sculptor
2. Author and composer
3. Barber shop and beauty shop
4. Caterer
5. Computer programming, data processing, typing and word processing service
6. Direct sale product distribution
7. Dressmaker, seamstress and tailor
8. Family Day Home
9. Home crafts, such as model making, rug weaving, lapidary work, and ceramics, for sale off-site
10. House cleaning service, laundry and ironing service
11. Jewelry making and jeweler
12. Licensed Massage Therapy
13. Locksmith
14. Music lessons
15. Office for professional in fields such as, but not limited to, architecture, drafting and graphics, interior design, engineering, financial planning, and other consulting services
16. Office of a minister, rabbi, priest or other similar person associated with a religious organization
17. Office of a salesman, sales representative, or manufacturer's representative, provided that no retail or wholesale transactions are made in person on the premises
18. Similar use which does not involve retail or wholesale sales transactions in person on the premises or employment of persons other than members of the family occupying the dwelling
19. Telephone answering services and solicitation work

20. Tutoring
21. High-speed Internet access provider
22. Office of real estate broker
23. Office of mobile pet-grooming service
24. Dance Lessons
25. Personal Trainer
26. Other uses determined by the Zoning Administrator to be similar in scope and impact (on the surrounding neighborhood) to those permitted home occupations listed above.

D. Prohibited Home Occupations

The following shall be prohibited as home occupations:

1. Automotive detailing, repair or paint shop
2. (Reserved)
3. (Reserved)
4. Dog grooming service
5. Funeral chapel, funeral home
6. Gift shop
7. Landscape contractor
8. Limousine, hearse, ambulance or taxi service
9. Massage parlors
10. Medical or dental laboratory and/or office
11. Nursing homes
12. Outdoor repair or service
13. Palm reader/clairvoyant
14. Psychiatrist
15. Rental of any equipment or other items
16. Restaurant
17. Veterinary hospital and/or office
18. Welding or machine shop
19. Wrecking, repossession and/or towing service
20. Other uses determined by the Zoning Administrator to be similar in scope and impact (on the surrounding neighborhood) to those prohibited home occupations listed above.

E. Use Limitations

In addition to the regulations applicable in the zoning district in which located, all home occupations shall be subject to the following limitations and requirements.

1. Location. A home occupation shall be conducted entirely within a dwelling which is the bona fide residence of the principal practitioner or in any building accessory thereto which is normally associated with a residential use; provided, however, that no home occupation requiring water and/or sewer facilities (other than an artist) shall be conducted within an accessory structure other than a permitted accessory dwelling.

2. Merchandise Sales and Storage. No storage or display of goods shall be visible from outside the structure. In addition, no direct sales of products off display shelves or racks are permitted, but orders made by telephone or at a sales party may be filled on the premises.

3. Exterior Alterations. No alterations to the exterior appearance of the principal residential building, any accessory structure, or premises shall be made which changes the residential character of the property except that one (1) transmission antenna not to exceed five feet (5') in height, including the mounting apparatus, may be erected on the roof of the principal structure in the case of a high-speed internet access provider. Freestanding antennas are not permitted. Panel antennas are not permitted. Width of the antenna shall be no more than two inches (2").

4. Heavy Equipment and Toxic Materials Use or Storage. No use or storage of heavy vehicles or heavy equipment shall be permitted. Furthermore, no toxic, explosive, flammable, combustible, corrosive, radioactive or other dangerous or hazardous materials shall be used or stored on the site.

5. Limitation of Floor Area. No home occupation shall be permitted which comprises more than twenty-five (25%) percent of the gross floor area of the residence, nor more than four hundred (400) square feet of a permitted accessory structure, except that artists may use up to seven hundred (700) square feet of gross floor area.

6. Employees. (a) Members of the family occupying such dwelling may be employed on the premises in connection with the home occupation. (b) One employee, other than members of the family occupying such dwelling, shall be permitted to work on-site given one additional off-street parking space is provided.

7. Level of Activity. The use of the dwelling unit for a home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and shall under no circumstances change the residential character thereof. The Zoning Administrator may add, as a condition of the permit, limitations on the number of business-related visitors per day and/or the frequency of product or material deliveries.

8. Traffic, Parking. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood. Any need for parking generated by the home occupation is required to be on-site and shall be done in a manner which protects the residential character of the area and the visual appearance of the residence.

9. Equipment Processes. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors or electrical interference detectable to the normal senses off the premises. In the case of electrical interference, no equipment or process shall be used which creates

visual or audible interference in any radio or television receivers off the premises.

10. Signs. No signs accessory to such home occupation shall be displayed except as otherwise permitted or authorized by town regulations.

11. Licenses, Permits. A home occupation shall comply with all applicable town laws and regulations, including the need to obtain applicable business licenses and permits. In addition, home occupations shall comply with all applicable county, state or federal regulations governing the activity.

12. Family Day Home subject to the requirements of section 9.3.11.1

13. Office of Mobile Pet Grooming Service**.** No boarding of animals shall be permitted on-site.

14. Dance Lessons. Limited to three (3) instructional sessions per day with no more than four (4) students per session and may operate no more than five (5) days per week

9.4.4 Emergency Shelters

A. Emergency Shelters shall be allowed as accessory uses to churches, middle and high schools, and public buildings serving government or social service functions, subject to the limitations established herein.

B. Use Standards:

No accessory emergency shelter use shall be permitted unless it is determined that the following requirements are met. It shall be the applicant's responsibility to demonstrate compliance with these standards in a plan to be submitted with the Zoning Permit application. The Zoning Administrator may impose reasonable conditions to include neighborhood community outreach on the proposed use to ensure compliance with these standards or other applicable provisions of law. The plan must demonstrate compliance with the following standards. Upon approval of the applicant's plan, and prior to operation of the shelter, a zoning permit will be issued by the Town of Leesburg. The permit shall be renewed by July 1 of each year provided that the shelter has operated according to the approved plan and all conditions set forth below. If the shelter has not maintained compliance, the zoning permit may be revoked pursuant to subsection 9.4.4.C, below.

1. Adjacent uses shall be suitably protected from any adverse effects of the use including noise and glare. The use shall not create hazardous conditions for vehicular or pedestrian traffic, or result in traffic in excess of the capacity of streets serving the use.

2. Adequate refuse management, security, emergency services, and similar necessary facilities and services shall be available for the temporary use, and all necessary sanitary facilities shall be approved by the appropriate health agency.

3. The site is suitable for the proposed use and the use shall not have a substantial adverse impact on the surrounding neighborhood.

4. Emergency Shelters shall be accessory uses to churches, middle and high schools, and public buildings serving government or social service functions.

5. Air temperature, wind chill and/or heat index must be forecast at a level below 45 degrees or above 95 degrees to open the emergency shelter.
6. Accessory Emergency Shelter hours of operation shall not exceed 12 hours in a 24 hour day.
7. Upon issuance of a Wind Chill Advisory, Winter Storm Warning, Blizzard Warning, or Excessive Heat Advisory by the National Weather Service Office in Sterling VA, or other similar alert, the Emergency Shelter shall be permitted to remain open in excess of the time regulations set forth in 9.4.4.B.1.f.
8. All facilities shall have trained volunteer(s) or staff overseeing the Accessory Emergency Shelter at all times.
9. Emergency Shelter Sign. One sign not to exceed four (4) square feet in area with the message content limited to the name of the shelter and information that the shelter is open for business. The sign shall be permitted and displayed on the lot only when the conditions set forth in Sections 9.4.4.B.1.e and 9.4.4.B.1.g are forecast. A sign permit shall not be required but all other applicable regulations of this Zoning Ordinance shall apply.
10. To help ensure protection of neighboring properties, the Emergency Shelter shall have written rules of conduct for residents as well as a written plan for handling complaints.
11. Existing parking shall be sufficient to handle the use as an Emergency Shelter.
12. The plan shall demonstrate that no loitering at the site will occur once the accessory emergency shelter closes. The submitted plan shall also contain provisions for dispersal of patrons arriving on foot and patrons driving or transported to the facility upon closure of the facility.
13. The shelter shall agree in writing to abide by rules and regulations of the Loudoun County Continuum of Care Policy and Procedures Manual.
14. Prior to issuance of the Zoning Permit, the applicant must post the property at all street frontages notifying the neighborhood of the pending application for an Emergency Shelter. The property must be posted for fourteen (14) business days prior to the issuance of the Zoning Permit. Should written objection to the issuance of the Zoning Permit be received by the Zoning Administrator within this mandatory notice period the application for the Emergency Shelter shall appear on the next available Town Council docket for review. Should no written objections be received by the Zoning Administrator within fourteen (14) business days and all other use conditions are met, the Zoning Administrator shall issue the Zoning Permit for the Emergency Shelter.
15. Applicants seeking to open an Accessory Emergency Shelter not meeting the above Use Standards may apply for Special Exception approval from Town Council.

C. Revocation of Permit

The Zoning Administrator may revoke the zoning permit at any time upon the failure of the owner or operator of the use covered by the permit to observe all requirements of the permit, this article, and other relevant provisions of law. Notice of such revocation shall be given in writing by the Zoning Administrator to the owner or operator of the use, by hand-delivery or certified mail, setting forth the reasons for the revocation, the date and time upon which the revocation is

effective, and the appeals procedure. This provision shall not preclude the use of any other remedy prescribed by law with respect to violations of the provisions of this Zoning Ordinance.

D. Appeal

In the case of an appeal from the Zoning Administrator decision of revocation or denial of a zoning permit, the aggrieved party shall request a meeting with the Zoning Administrator. Within two (2) business days of the meeting, the Zoning Administrator shall inform the aggrieved person, in writing, of the decision to affirm, modify, or rescind revocation of the permit. Any person aggrieved by the action of the Zoning Administrator in the revocation or denial of a zoning permit may appeal the decision to the Town Council. The aggrieved shall submit a written narrative providing reasons behind the appeal along with the date and reasons for the Zoning Administrator's revocation or denial of the zoning permit. The request will be placed on the next available Town Council docket for discussion and action.

E. Emergency Preparedness

Nothing contained herein shall supersede language found in the Town Emergency Preparedness Ordinance.

9.4.5 Electric Vehicle (EV) Charging Station

A. EV charging station may be permitted as an accessory to a parking facility when the minimum standards provided below are met:

1. EV charging station spaces may be identified by non-illuminated signs measuring no more than two (2) square feet, posted directly in front of each space at heights between 42 inches and no more than 72 inches; and

2. Commercial signage shall be limited to wrapping the charging station "pumps" with cling-type appliques, paint or one non-illuminated, ground mounted sign measuring no more than two (2) square feet.

3. If no existing parking lot lighting is available to provide adequate illumination for the EV charging station, supplemental lighting may be provided in accordance with the minimum lighting standards provided in Section 12.11 Outdoor Lighting.

9.4.6 Display of Merchandise

A. Business within the *H-1 Overlay, Old and Historic District* and within the public right-of-way shall comply with the requirements of Town Code Chapter 30 Streets, Sidewalks and Other Public Places.

B. Outside of the *H-1 Overlay, Old and Historic District*, business merchandise may be displayed in the pedestrian travel aisle immediately adjacent to the front of the building, provided that such area be limited to a depth of 6 feet measured from the wall of the building and that the pedestrian travel aisle maintains sufficient width, as required by the Americans with Disabilities Act (ADA).

C. Seasonal outdoor display of merchandise such as, but not limited to, summer garden products, plants, and similar products may be permitted in a commercial parking lot on the same lot as the business selling such wares. The outdoor display may only be permitted in parking spaces in excess of the minimum

required by Article 11 (Parking, Loading, and Pedestrian Access) of this Ordinance. Seasonal outdoor display of merchandise in parking lots shall be limited to a period of three (3) consecutive months with a maximum of two (2) zoning permits within a calendar year. Prior to the issuance of a zoning permit, in accordance with Sec. 3.7 (Zoning Permits), the applicant must demonstrate that the seasonal outdoor display area(s) shall comply with the following:

1. Vehicle travel aisles will be kept clear for vehicular traffic;
2. Parking lot display areas must be located in such a manner as to provide safe pedestrian circulation;
3. Merchandise displayed cannot exceed eight (8) feet in height;
4. Display areas shall not exceed the area of eight (8) standard size parking spaces (i.e. 9'x18') and display areas shall be enclosed on at least three sides and not exceed eight (8) feet in height.

Sec. 9.5 Temporary Uses

9.5.1 Purpose and Intent

There are certain uses that may be permissible on a temporary basis subject to the controls, limitations and regulations of this section. The following sections provide the procedures and criteria used by the Zoning Administrator in reviewing temporary use applications.

9.5.2 Permitted Temporary Uses

A. Residential Districts

1. Wayside stand
2. Christmas tree sale
3. Other similar temporary use
4. Fair in the R-1 Single-Family Residential District

B. Commercial Districts

1. Wayside stand
2. Christmas tree sale
3. Carnival, circus, festival, fair, dog show, horse show, fireworks show, tent revival or similar meetings
4. Outdoor retail sales event
5. Farmers market
6. Other similar temporary use

C. Industrial Districts

1. Meeting, rally
2. Carnival, circus, festival, fair, dog show, horse show, fireworks show, tent revival or similar meetings
3. Other similar temporary use.

9.5.3 General Standards for Permitting Temporary Uses

No temporary use shall be permitted unless it is determined that the following requirements are met. It shall be the applicant's responsibility to demonstrate compliance with these standards. The Zoning Administrator may impose reasonable conditions on the proposed use to ensure compliance with these standards or other applicable provisions of law.

A. Adjacent uses shall be suitably protected from any adverse effects of the use, including noise and glare.

B. The use shall not create hazardous conditions for vehicular or pedestrian traffic, or result in traffic in excess of the capacity of streets serving the use.

C. Adequate refuse management, security, emergency services, and similar necessary facilities and services shall be available for the temporary use, and all necessary sanitary facilities shall be approved by the appropriate health agency.

D. The site is suitable for the proposed use, considering flood hazard, drainage, soils and other conditions which may constitute a danger to life, health or property.

E. The use shall not have a substantial adverse impact on the natural environment, including trees, ground cover and vegetation.

9.5.4 Standards for Specific Temporary Uses

A. Wayside Stand

1. Off-street Parking. Adequate provision must be made for off-street parking and safe ingress and egress.

2. Location. Such use shall be located on a lot having frontage on a major or minor arterial or a service drive for such roads or a limited access highway, as defined in the *Town Plan*.

3. Hours of Operation. The hours of operation shall be limited to daylight hours.

4. Permitted Sales. Produce sales shall be limited to seasonal or perishable produce, including flowers and plants, locally grown.

5. Signs. One (1) temporary sign may be permitted in accordance with this Zoning Ordinance.

B. Christmas Tree Sale

1. Off-street Parking. Adequate provision must be made for off-street parking and safe ingress and egress.

2. Location. Such use shall be located on a lot having frontage on a major or minor arterial or a service drive for such roads or a limited access highway, as defined in the *Town Plan*.

3. Hours of Operation. The hours of operation shall be limited to daylight hours, provided, however, night operations up to 9:00 p.m. may be permitted for Christmas tree sales in nonresidential districts with a lighting plan approved by the Zoning Administrator.

4. Signs. One temporary sign may be permitted in accordance with this Zoning Ordinance.

C. Carnival, Circus, Festival, Fair, Dog Show, Horse Show, Outdoor Retail Sales Event, Fireworks Show, Tent Revival or similar meetings.

1. Duration. A temporary use permit for such activities shall be issued for not more than ten (10) consecutive days, in any six (6) month period.
2. Location. No such activity shall be located closer than three hundred (300) feet to a residential use.
3. Off-street Parking and Access. Adequate provisions must be made for off-street parking; safe ingress and egress must be provided and approved by the Zoning Administrator.
4. Hours of Operation. Such activities are permitted only between the hours of 7:00 a.m. and 12:00 midnight. The Zoning Administrator may require that no activity, including set-up or knock-down of a carnival or circus, shall be permitted between 12:00 midnight and 7:00 a.m.
5. Illumination. Night operations shall be permitted only if there is a lighting plan approved by the Zoning Administrator which provides for safe lighting without excessive glare into residential areas or onto public streets.
6. Signs. One temporary on-site sign, advertising the activity and two on-site directional signs for ingress and egress may be permitted in accordance with this Zoning Ordinance.

D. Fair in the R-1 District

1. Existing Uses Only. Fairs may only be approved when located on a parcel with a pre-existing business or use on the subject R-1 zoned property. Vacant properties shall not be used for Fair uses.
2. Duration. A temporary use permit for such activities shall be issued for no more than three (3) consecutive days five (5) times per year. The total number of days allotted for the year may be consolidated resulting in more consecutive days fewer time per year.
3. Location. No such activity shall be located closer than three hundred (300) feet to a residential use.
4. No Outdoor Mechanical Rides. No outdoor mechanical rides such as ferris wheels, merry-go-rounds or similar rides are permitted.
5. Outdoor Performances. No outdoor performance on the property shall be permitted after 7:00 p.m. on any day. Performances after that time must be in a fully-enclosed building.
6. Off-Street Parking and Access. Adequate provisions must be made for off-street parking; safe ingress and egress must be provided as shown on a parking plan and approved by the Zoning Administrator.
7. Hours of Operation. Such activities are permitted only between the hours of 10:00 a.m. and 11:00 p.m. Monday – Saturday; 10:00 a.m. and 10:00 p.m. Sunday including set-up and knock-down. Any performance activity from 10:00 p.m. – 11:00 p.m. must be in a fully enclosed building.
8. Noise. All permitted Temporary Use Permits shall be subject to Town of Leesburg noise limitations according to Zoning Ordinance Section 7.9 Noise Limitations and Enforcement and Town Code Chapter 24 Article 5 Offenses

Against Public Peace and Order. The use of unenclosed mechanical equipment of any kind shall not extend past 7:00 p.m. of any day.

9. Sound Amplifying Equipment. Per Town Code Chapter 24 Article 5 Offenses Against Public Peace and Order, use of sound amplifying equipment shall be registered with the Town Manager at least 48 hours in advance of the use; use of such equipment shall not extend past 7:00 p.m. of any day as part of a fair temporary use permit.

10. Illumination. Night operations shall be permitted only if there is a lighting plan approved by the Zoning Administrator that provides for safe lighting without excessive glare into residential areas or onto public streets in accordance with Sec. 12.11 Outdoor Lighting.

11. Signs. The subject property shall be posted by one (1) temporary on-site sign per entrance to the property having a minimum size of 12 square feet, a maximum size of 24 square feet in area, no taller than six (6) feet, installed no fewer than ten (10) days in advance of the event. When any such event is being consolidated into more consecutive days fewer times per year, temporary signs may be permitted to remain in place as determined by the Zoning Administrator. At the conclusion of any such event, all signs shall be removed within 24 hours.

12. Written Notice. All adjacent properties, including those immediately across the street, shall be provided with written notification of an application for a fair no less than ten (10) days in advance of the application for Temporary Use Permit. Such notice shall be mailed by First Class Mail. An affidavit of mailing with a listing of all addresses noticed by that mailing shall be provided as part of the application for the Temporary Use Permit.

13. Revocation. The Zoning Administrator may revoke a Temporary Use Permit for a fair in the R-1 District for violation of this subsection or the conditions of the permit. Notice of such revocation shall be given in writing by the Zoning Administrator to the operator of the Fair Temporary Use Permit, by hand-delivery or certified mail, setting forth the reasons for the revocation, the date and time upon which the revocation is effective, and the appeals procedure. This provision shall not preclude the use of any other remedy prescribed by law with respect to violations of the provisions of the Zoning Ordinance.

Sec. 9.6 Business Special Events

9.6.1 Purpose and Intent

At the time of a new business grand opening or a special sales event a business shall be permitted to display items on the site designed to attract additional visibility subject to the controls, limitations and regulations of this section. The following sections provide the procedures and criteria used by the Zoning Administrator or designee in reviewing such business event applications.

9.6.2 Permitted Business Special Events

A. Grand Opening

B. Special Sales Events

9.6.3 Permit Required

A zoning permit shall be issued by the Zoning Administrator or designee prior to commencement of such special event activity governed by this ordinance. The applicant shall provide the dates of the activity, a plan showing the location of tents and displays, signage type and location along with any additional information necessary for the Zoning Administrator or designee to determine the proposed activity complies with the provisions of this ordinance.

9.6.4 Duration

A business special event shall be permitted three (3) times per year for a three (3) day period, each event.

9.6.5 Location

No such activity shall be located closer than two hundred (200) feet to a residential use except in the H-1 Overlay, Old and Historic District.

9.6.6 Off-street Parking and Access

Adequate provisions must be made for off-street parking and safe ingress/egress.

9.6.7 Hours of Operation

Such events are permitted between 8:00 a.m. and 10:00 p.m. inclusive of set-up and knock-down time.

9.6.8 Illumination

Night operations may be permitted only if there is a lighting plan approved by the Zoning Administrator or designee which provides for safe lighting without excessive glare into residential areas or onto public streets.

9.6.9 Signs

Signs shall be located on-site and cannot be placed in the public right-of-way. The permitted signs may stay on-site for the duration of the event. Signs cannot be located in a manner that will create a sight distance or safety hazard for motorists.

A. One (1) banner sign in accordance with Sec. 15.6.1 A. Special Sales Event. A separate temporary sign permit is not required when included with the Business Special Event Zoning Permit.

B. Two (2) real estate signs as defined in Sec. 15.4.14 or A-frame signs, no larger than five (5) square feet each.

C. Streamers, Pennants and Flags.

9.6.10 Tents

Tents and similar type structures requested for the event shall be included with the Business Special Event Zoning Permit.

Sec. 9.7 Dwelling Unit Occupancy

In any district in which residential uses are permitted or legally exist, a dwelling unit shall be occupied only by a family as defined in Zoning Ordinance Section 18.1.61. Occupancy by any other entity or person shall constitute a violation of this chapter.

A. Residential occupancy of dwelling units shall be limited to the maximum number of occupants permitted by this Ordinance and by the Virginia Property Maintenance Code occupancy limitations, to protect against threats to the public safety, health and welfare that can accompany overcrowding of land or undue density of population caused by excessive occupancy.

B. An owner or occupant of a dwelling unit that occupies or permits the occupancy of a dwelling unit by a number of occupants in excess of the maximum occupancy prescribed shall reduce the occupancy to a level consistent with the limits of this Ordinance and the Virginia Property Maintenance Code occupancy limitations upon notice of the Zoning Administrator or designee.

C. Residential occupancy is prohibited in any shed, boat, tent, portable storage unit, recreational vehicle or similar device. An unauthorized dwelling unit within a building shall be presumed to have been created when contiguous areas for living, sleeping, eating, cooking and sanitation are designed in such a manner as to establish a distinct, separate, and self-contained living or housekeeping unit. Unauthorized dwelling units are prohibited.

D. An unauthorized dwelling unit within a building exists when contiguous areas for living, sleeping, cooking and sanitation are designed in such a manner as to establish two or more distinct, separate, self-contained living or housekeeping units. The existence of any one of the following conditions shall be considered to be an unauthorized dwelling unit.

1. A secured internal access/connection is maintained that prevents full access to all of the common living area (exclusive of private bedroom/bath areas) to all occupants of the dwelling.

2. More than one assigned address or more than one electric, water or gas meter serving the dwelling unit.

Article 10 | Density/Intensity + Dimensional Standards

Contents of Article

Sec. 10.1 Residential Zoning Districts 10-1
Sec. 10.2 Nonresidential Zoning Districts 10-2
Sec. 10.3 Alternative Residential Development Options 10-4
10.3.1 Residential Cluster Development 10-4
10.3.2 Zero Lot Line Development 10-6
10.3.3 Traditional Design Option 10-8
Sec. 10.4 Measurements, Computations and Exceptions 10-13
10.4.1 Size and Dimension Standards, Generally 10-13
10.4.2 Minimum District Size 10-14
10.4.3 Calculation of Density 10-14
10.4.4 Lot Size 10-14
10.4.5 Minimum Yard Requirements 10-17
10.4.6 Maximum Height 10-21
10.4.7 Maximum Lot Coverage 10-23
10.4.8 Minimum Open Space 10-23
10.4.9 Minimum Public Street Frontage Requirement 10-23
10.4.10 Maximum Floor Area Ratio 10-23

Sec. 10.1 Residential Zoning Districts

The following table provides a summary of the Density/Intensity and Dimensional Standards that apply within residential (base) zoning districts. In the event of conflict between this table and the district-by-district listings in Article 5, the standards listed in Article 5 shall control.

	R-E	R-1	R-2	R-4	R-6	R-HD	R-8	R-16	R-22
Minimum Lot Area (sq ft)									
Single-Family Detached	3 ac	1 ac	20,000	10,000	6,500	4,000	6,500	NA	NA
Single-Family Attached, Interior Lot	NA	NA	NA	NA	NA	NA	2,000	1,400	NA
Single-Family Attached, Corner and End Lots	NA	NA	NA	NA	NA	NA	2,000	1,400	NA
Duplex, Vertical	NA	NA	NA	NA	10,000	6,000	10,000	NA	NA
Duplex, Horizontal	NA	NA	NA	NA	5,000	3,000	5,000	NA	NA
Multi-Family	NA	NA	NA	NA	NA	NA	NA	10,000	None
Other	3 ac	1 ac	20,000	10,000	8,000	8,000	8,000	8,000	8,000
Minimum Lot Width (ft)									
Interior Lot	200	100	90	75	75 [1]	[2]	[4]	100 [5]	100
Corner Lot	225	125	110	90	90 [1]			100 [5]	100
Maximum Density (units per acre)									
Multi-Family	NA	NA	NA	NA	NA	NA	NA	16 [6]	22
Minimum Yards/Setbacks (feet)									
Front (Principal Building)	30	30	25	15	15	[3]	15	30 [7]	30
Front (Garage Entrance)	30	30	25	20	20	[3]	20	30	30
Side	20	20	15	10	10	5	10[10]	30 [7]	30
Rear	30	30	25	20	20	30	20	30 [7]	30

	R-E	R-1	R-2	R-4	R-6	R-HD	R-8	R-16	R-22
Maximum Building Height (feet)									
Residential	35	35	35	35	35	35	35	35	35/45 [8]
Nonresidential	35[9]	35[9]	35[9]	35[9]	35[9]	35	35[9]	35[9]	35/45 [8]
Min. Open Space									
	NA	NA	NA	NA	NA	NA	25%	30%	30%
Min. Zoning District Area (acres)									
	None	None	None	None	None	None	None	5	None

[1] Duplex Lot Width (feet):

	Vertical Structure	Horizontal Structure
Interior Lot	37.5	75
Corner Lot	45	90

[2] Minimum Lot Width (feet):

	Interior Lots	Corner/End Lots
Single-Family Detached	40	40
Duplex, Vertical	60	60
Duplex, Horizontal	30	30
Nonresidential	20	20

[3] Minimum Front Setback: 1 foot; Maximum: 20 feet, Actual setback determined in accordance with Sec. 10.4.5D.

[4] Minimum Lot Width (feet):

	Interior Lots	Corner/End Lots
Single-Family Detached	75	75
Single-Family Attached	20	30
Duplex, Vertical	37.5	45
Nonresidential	90	90
Duplex, Horizontal	75	90

[5] Minimum lot width for single-family attached: 18-foot interior lots, 28-foot corner/end lots.

[6] Maximum density: 16 units per acre multi-family; 10 units per acre single-family attached if mixed; 12 units per acre overall.

[7] Minimum setbacks for single-family attached: 10-foot front, 10-foot side (for end units), and 20-foot rear.

[8] Adjacent to any residential use other than multifamily, the maximum building height shall be 35 feet.

[9] Maximum height for a place of worship may exceed 35 feet when allowed by a special exception approved by the Town Council in accordance with the procedures of Sec. 3.4 Special Exceptions.

[10] Side yard setback shall be 0 feet for an interior townhouse lot.

Sec. 10.2 Nonresidential Zoning Districts

The following table provides a summary of the Density/Intensity and Dimensional Standards that apply within nonresidential (base) zoning districts. In the event of conflict between this table and the district-by-district listings in Article 6, the standards listed in Article 6 shall control.

	O-1		B-1	B-2	B-3	B-4	I-1		
Minimum Lot Area (square feet)									
Single-Family Detached	NA		4,000	NA	NA	6,000	NA		
Single-Family Attached, Interior Lot	NA		2,000	NA	NA	2,400	NA		

	O-1		B-1	B-2	B-3	B-4	I-1		
Single-Family Attached, Corner and End Lots	NA		3,000	NA	NA	3,000	NA		
Duplex, Vertical	NA		6,000	NA	NA	3,000	NA		
Duplex, Horizontal	NA		3,000	NA	NA	6,000	NA		
Multi-Family	NA		10,000	20,000	NA	10,000	NA		
Other	20,000		None	20,000	20,000	80,000	40,000		
Minimum Lot Width (feet)									
Interior Lot	100		[1]	100	200	[6]	200		
Corner Lot	100			100	200		200		
Maximum Nonresidential FAR									
	None		None	None	0.35	0.50[8]	None		
Min. Yards/Setbacks (feet)									
Front [2]	20		[3]	20 [4]	40	20	50		
Side	20		5 [5]	10	25	10	20		
Rear	20		20	20	25	20	20		
Minimum Common Open Space (pct)									
	NA		NA	NA	NA	20	NA		
Max. Building Height (feet)									
Residential	NA		35	35	NA	45	NA		
Nonresidential (Mixed-Use [Res-Nonres])	45[7]		45	45[7]	45[7]	65[7][8]	45[7]		
Min. Zoning District Area (acres)									
	None		None	5	5[8]	None	5		

[1] Minimum Lot Width (feet):

	Interior Lots	Corner/End Lots
Single-Family Detached	40	40
Single-Family Attached	20	30
Multi-Family	100	100
Duplex, Vertical	30	30
Duplex, Horizontal	60	60
Nonresidential	20	20

[2] Properties within the H-1 Overlay District shall be eligible for reduced front yards (setback) in accordance with Sec. 10.4.5D.
[3] Minimum Front Setback: 1 foot; Maximum: 20 feet, Actual setback determined in accordance with Sec. 10.4.5D.
[4] New or expanded developments within the B-2 District may have up to a minimum front yard setback requirement of 5 feet if the development of the lot or a development of a combination of abutting lots has at least 400 feet of front yard road frontage. The 5-foot setback is also subject to the following provisions:

a. Parking or loading areas for motor vehicles or storage of materials or equipment shall not be located within the reduced front yard setback.
b. The total square footage of all structures shall not exceed the maximum allowable square footage permissible within the required setbacks.
c. The Director of Plan Review shall determine that such development will not interfere with necessary public improvements or required landscaping.
d. The front facade of a building shall have as its primary orientation the adjacent roadway from which the front yard setback reduction is requested.
e. Fencing or wall located within the front yard setback shall not exceed 42 inches above grade.

[5] No side-yard setback requirements for lots fronting on Market Street, Loudoun Street, King Street, Wirt Street and Liberty Street.

[6] Minimum Lot Width (feet):

	Interior Lots	Corner/End Lots
Single-Family Detached	50	50
Single-Family Attached	24	30
Multi-Family	100	100
Duplex, Vertical	30	30
Duplex, Horizontal	60	60
Nonresidential	200	200

[7] The front, side and rear yard minimum setback shall be increased to be equal to the height of the building where the building height exceeds the required minimum yard setback adjacent to residential district only. For example, the B-2 District allows a commercial building to be a maximum of 45 feet in height. If the rear yard of the building is to be located adjacent to a residential use (such as townhouses), the building must be at least 45 feet from the property line with the residential use, even though the rear setback for the B-2 District is only 20 feet.

[8] Where a lot is proposed to be rezoned to the B-3 District consistent with the Town Plan, and the lot (a) does not contain 5 acres in area, and (b) is not contiguous to an existing B-3 District, the minimum district size shall not apply.

Sec. 10.3 Alternative Residential Development Options

10.3.1 Residential Cluster Development

Residential cluster developments shall be allowed in accordance with the Use Table of Sec. 9.2, subject to the following standards.

A. Development Standards. The development standards that apply to residential cluster developments shall be the same as those established in the zoning district in which the residential cluster development is located, except as expressly modified by the regulations of this subsection.

1. Minimum Lot Size (for single-family dwelling types permitted by the underlying zoning district**:**

a. R-2 District – 9,600 square feet

b. R-4 District - 5,000 square feet

c. R-6 District - 4,000 square feet

d. R-8 District – 4,000 square feet

2. Minimum Lot Width (for single-family dwelling types permitted by the underlying zoning district:

a. R-2 District – 80 feet

b. R-4 District – 50 feet

c. R-6 District – 35 feet

d. R-8 District – 35 feet

3. Minimum Yard Regulations

a. Front Yard (Principal Dwelling) - 15 feet

b. Front yard (Garage Entrance) – 20 feet

c. Side Yard - 5 feet

d. Rear Yard - 10 feet

B. Structure Location Requirements

1. The minimum distance between any two buildings or structures in a cluster development shall be 10 feet.

2. The minimum distance between any buildings or structures and public street edge of right-of-way shall be 15 feet, provided that the minimum setback for any garage opening shall be 20 feet.

3. A buffer area of at least 50 feet in width shall be provided along the perimeter of a residential cluster development boundary. No new building, structure, driveway, parking or loading areas shall be located within the buffer.

C. Open Space

1. Minimum Requirement. Within every approved residential cluster development, a minimum of 40 percent of the gross acreage shall be planned and reserved permanently for common open space, to be maintained exclusively for recreation and/or conservation purposes.

2. Use of Open Space; Features to be Included

a. All non-developable area consisting of all streambeds, all FEMA floodplain and any wetlands and areas with slopes exceeding a 25 percent gradient shall be permanently maintained as open space. For purposes of this section these areas may be counted towards meeting minimum open space requirements, provided that floodplains, wetlands or water areas shall not account for more than 50 percent of the required open space.

b. The use of open space areas shall be restricted to those activities that permit the use and enjoyment of the open space without compromising designated purpose of the open space area.

c. Only those stormwater detention basins that are designed as wetlands or wet bottom basins with vegetation along side slopes may be counted toward meeting minimum open space requirement.

3. Prohibited Areas. No land lying within the following areas shall be counted toward meeting minimum open space requirements:

a. Residential lots

b. Public or private roads or drives

c. Sidewalks and parking areas, excluding pathways in open space.

4. General

a. Land designated as open space shall be used and maintained as open space and may not be separately subdivided or developed except as provided herein. The Zoning Administrator shall be authorized to allow development within designated open space areas for the maintenance or enhancement of the protected open space. The Zoning Administrator shall specifically be authorized to allow fences, walls, signs and other structures within open space areas if necessary to protect or enhance the function of such open space areas or when the Zoning Administrator

determines that such improvements or structures will not be detrimental to the function of the open space area being preserved. When open space areas are designated for specific uses that require the construction of improvements, such improvements shall be appropriately sized and designed to meet the needs of the development.

b. In designing subdivisions and laying out developments, efforts shall be taken to maximize the use and enjoyment of open spaces for the purposes designated. Small strips or spots of open space shall be avoided; they may be used only when no other practical means exists for providing required open space.

c. Landscaping within open space areas shall be designed so that open space areas are aesthetically pleasing and functionally usable for the purpose specified.

5. Management Plan. A management plan covering a minimum period of 5 years shall be prepared and submitted for all required open space areas.

6. Connections. The required open space shall be connected to the residential dwellings within the development by pedestrian ways (sidewalks or trails) and roads. The open space areas must be usable and accessible for recreational activities.

7. Ownership. Within any residential cluster development approved under this Zoning Ordinance on which a tract is designated to be used in common for recreational or other public or semi-public purposes, no lot shall be approved, recorded, sold, or used within the development until the following appropriate documents in a form approved by the Town Attorney have been executed:

a. The nature of the permanent organization under which common ownership is to be established, including its purpose; how it shall be governed and administered; the provisions made for permanent care and maintenance of the common property including necessary bonds when required by the town; and the method for assessing the individual property owners for their share of the cost of administering and maintaining such common property; and

b. The extent of common interest held by the owner of each individual parcel in the tract held in common with others.

10.3.2 Zero Lot Line Development

A. Description. A zero lot line development is one in which houses in the development on a common street frontage are shifted to one side of their lot. This provides for greater usable yard space on each lot. These developments require that planning for all of the house locations be done at the same (subdivision) platting. Because the exact location of each house is predetermined, greater flexibility in site development standards is possible while assuring that single-dwelling character is maintained.

B. Applicability. Zero lot line developments are allowed for houses in the RHD, R-6, and R-8 Districts and all Planned Development Districts.

C. Procedure. Zero lot line developments are allowed by-right. Review for compliance with the standards of this section shall occur during the subdivision

platting process. Restrictions that assure the minimum distance between houses and any required easements must be recorded on the plats of the applicable lots. Proof of such recordation must be submitted as part of the building permit application.

D. Setbacks. Notwithstanding any other requirements of this Zoning Ordinance, the side building setback on one side of a house in an approved zero lot line development may be reduced to zero (0) feet. This reduction does not apply to the street side setback or to the interior side setback adjacent to lots that are not part of the zero lot line project.

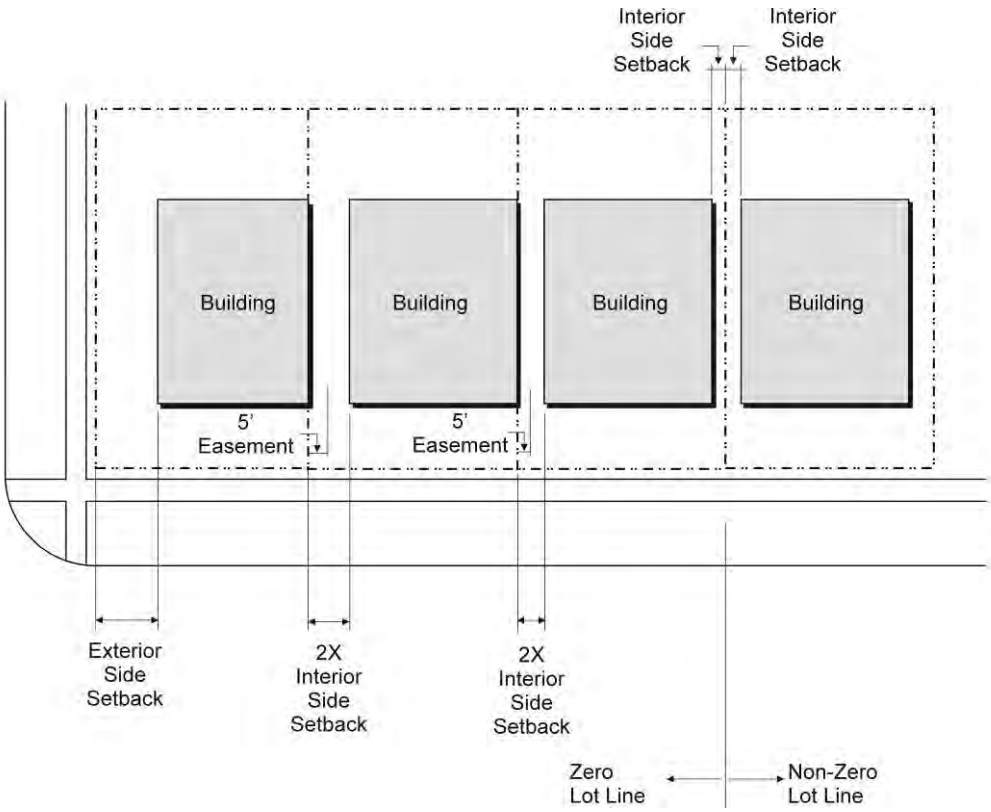
E. Additional Standards

1. Distance Between Houses. The minimum distance between all buildings in the development must be equal to two times the required side setback required by the underlying zoning district. A deed restriction must be recorded on the deed of each applicable lot to ensure continued compliance with this setback.

2. Eaves. The eaves on the side of a house with a reduced setback may project a maximum of 18 inches over the adjacent property line. In this case, an easement for the eave projection must be recorded on the deed for the lot where the projection occurs.

3. Maintenance Easement. An easement between the two property owners to allow for maintenance or repair of the house is required when the eaves or side wall of the house are within 4 feet of the adjacent property line. The easement on the adjacent property must provide at least 10 feet of unobstructed space between the furthermost project of the structure and the edge of the easement.

4. Privacy. If the side wall of the house is on the property line, or within three (3) feet of the property line, windows or other openings that allow for visibility into the side yard of the adjacent lot are not allowed. Windows that do not allow visibility into the side yard of the adjacent lot, such as a clerestory window or a translucent window, are allowed.



10.3.3 Traditional Design Option

A. Description. The purpose of this section is to allow the option for development and redevelopment of land, consistent with the design principles of traditional neighborhoods. A traditional neighborhood:

1. Is compact, fostering walk ability
2. Is designed to a human scale; provides a pedestrian-scale streetscape featuring narrow street profiles, on-street parking, building-forward orientation, short block lengths, and decorative street lighting
3. Provides a mix of single-family detached housing styles to accommodate household diversity in terms of age, size and income
4. Includes a grid-like street and alley system that allows for maximum connectivity to adjacent neighborhoods as well as non-residential activity centers
5. Either includes as part of the development, or is in close proximity to, planned retail/office centers
6. Includes pedestrian/bicycle connection to any nearby community facilities
7. Retains existing buildings with historical or architectural features that enhance the visual character of the community
8. Incorporates significant community focal points into the design
9. Is consistent with the Leesburg Town Plan

B. Applicability. The Traditional Design Option is an alternative set of standards for new single-family detached residential development of 50 acres or more in the R-1 zoning district, with frontage on at least one major arterial road (existing or planned). When in conflict with other Town regulations, including the Zoning Ordinance, the Design and Construction Standards Manual, The Subdivision and Land Development Regulations, etc. the Traditional Design Option shall take precedence.

C. Procedure. The Traditional Design Option is allowed by right. Review for compliance with the standards of this section shall occur during the subdivision review process. Proof of such recordation must be submitted as part of the Zoning Permit application. Individual building elevations required by Section 10.3.3.J.4 shall be submitted as part of the Zoning Permit application.

D. Density. The base density shall be commensurate with R-1 zoning. A density bonus allowing up to 1.6 units per gross acre may be attained as specified in Section 10.3.3.M.

E. Access Requirements. Traditional Design Option development must have multiple access points to roads adjacent to the development.

F. Street Design.

1. Streets shall be arranged primarily in a grid-like pattern. Cul-de-sacs are discouraged, and if included in the design should be kept to a minimum.
2. All streets shall consist of two lanes.
3. All streets shall include sidewalks on both sides.
4. Sidewalks shall have a minimum unobstructed width of five feet.
5. A minimum of 20 percent of all house lots shall have rear frontage on a private alley.
6. On-street parking shall be provided.
7. Crosswalks shall be provided at all controlled intersections to alert motorists to the presence of pedestrians and to allow pedestrians safe crossing points.
8. Crosswalks shall be clearly marked and shall incorporate traffic calming devices such as contrasting surface color and/or texture, or bump-outs.
9. Applicants shall provide a typical street section with the application.
10. Street cross-sections shall indicate the location of proposed street trees.

G. Open Space.

1. The Open Space regulations of this section require the establishment and maintenance of improved open space to provide adequate light, air and space to residents or occupants of all developments. These regulations require the establishment of a property owner association to be responsible for the maintenance of common improvements, as detailed in Section 8.3.6 of the Zoning Ordinance.
2. At least 25 percent of the gross acreage of the Traditional Neighborhood Development must be open space.

a. Open space may include undevelopable areas such as steep slopes and wetlands, and storm water management (SWM) facilities. Allowances for Stormwater Management Facilities shall be as follows:

i. Only those storm water detention basins that are designed as wetlands or wet bottom basins with vegetation along side slopes may be counted toward meeting the minimum open space requirement.

ii. A maximum of 50 percent of the acreage of storm water management facilities may be counted as open space.

iii. 100 percent of (wet or dry) regional storm water management facility acreage within the development may be counted as open space.

iv. 100% of (wet or dry) ponds that incorporate significant Best Management Practice components may be counted as open space.

v. 100% of (wet or dry) ponds that have been or are to be constructed entirely for or in part for a Town capital improvement project may be counted as open space.

b. At least 30 percent of the open space provided must be for active and/or passive recreation.

c. All residential lots shall be within a ¼ mile walk of open space.

d. At least 10% of the total open space provided must be comprised in a single contiguous parcel of significant length, width and grade to be suitable for pick-up games and other unorganized field sports.

H. Development Standards.

1. Lot Size

a. Lots shall be a minimum of 5,000 square feet in area.

b. No lot shall exceed one acre in area.

c. Lots 10,000 square feet or more in area shall comprise no more than 50 percent of the total number of lots.

2. Building Location

a. Garages shall be recessed a minimum of six feet from the front façade of the principal structure

b. Lots with rear frontage on a alley shall have rear-loaded garages, and shall have no off-street parking to the front

c. Air conditioning equipment, heat pumps and similar mechanical equipment may not project more than three feet into any required side or rear yard.

d. Porches and bay windows may project up to three feet into a required yard.

e. Accessory structures shall meet all requirements contained in Section 10.4.5.C.1 of the Zoning Ordinance.

f. On lots of 6,000 square feet or less no house shall exceed 3,500 square feet in area, including basements. This maximum shall not include

garages. In no case shall the area of a garage exceed 25% of the floor area of the primary structure.

g. Additional development standards are presented in the table below:

Criterion	Lot Size/Standard	
	5,000 – 10,000 sf in area	**10,000+ sf in area**
1. Front setback	25' maximum	20' minimum
2. Front garage setback	31' minimum	N/A
3. Side setback	6' minimum	10' minimum
4. Rear setback	25' minimum	30' minimum
5. Rear garage setback	4' minimum	N/A
6. Minimum width (interior lots)	45	70
7. Minimum width (corner lots)	70	70

I. Landscaping and Buffering.

1. A 50-foot landscape buffer shall be implemented on the perimeter of the development where adjacent to major arterial streets.

2. A 35-foot landscape buffer shall be implemented on the perimeter of the development where adjacent to streets of a classification other than major arterial.

3. An S-2 type buffer shall be provided between perimeter streets and dwelling units when front facades face the perimeter street.

4. An S-3 type buffer shall be provided between perimeter streets and dwelling units when rear facades face the perimeter street.

J. Architectural Design. The following are key elements of traditional neighborhoods, and shall be incorporated into the design:

1. A minimum of 75 percent of all residential lots less than 8,000 square feet in area shall include porches, porticoes or other covered entry features.

2. Housing units on corner lots shall include a porch, portico or other covered entry feature on each street facade. Such features may be separate or contiguous.

3. Building height shall not exceed 35 feet.

4. No adjacent units shall have identical elevations; adjacent units shall vary with regard to color and/or materials and/or fenestration.

5. Applicant shall provide detailed exterior architectural designs. Individual building elevations shall include at least two of the following elements:

a. dormer(s)

b. front porch(es), portico(es) or other covered entry feature(s)

c. bay window(s)

d. balcony(ies)

e. brick or stone façade(s)

f. detailed molding around all front façade doors and windows

6. All dwelling units shall have brick or stone foundation faces; exposed concrete foundations are prohibited

K. Recreational Facilities. A Traditional Design Option development shall include a minimum of three of the following recreational amenities:

1. Linear Park: Passive open space improved only with pedestrian or bicycle passageways. Linear parks should link the subject neighborhood to other subdivisions and to activity centers or define the edge of the neighborhood or community. Linear parks should average at least 50 feet in width.

2. Seating Area: An improved passive open space at least 1,000 square feet in area. Each seating area shall include benches or other landscape material suitable to facilitate seating. Landscaping shall include trees and other aesthetically pleasing landscaping materials.

3. Green: An improved passive open space surrounded by streets. Greens shall incorporate open lawns and landscaping with trees, and not contain any structures. Greens shall be a minimum of 2,500 square feet in area.

4. Square: An improved active open space surrounded by streets, which includes a structure such as a gazebo or landscape feature, and serves as a focal point or gathering area. Squares should be a minimum of 5,000 square feet and include at a minimum 50% hard-surfaced area. Squares should have a geometric shape where the length shall not exceed three times the width.

5. Playgrounds, tot lots and open play fields: Open space areas improved with play equipment or other active open space improvements at least 5,000 square feet in size. Playgrounds and tot lots should be a minimum of 50 feet in width. Landscaping shall include trees suitable to provide shaded areas.

6. Park: Open space area improved for active and passive recreation at least 10,000 square feet in size. No more than 50 percent of a park boundary should be adjacent to streets.

7. Natural Area: Area left undisturbed with maintenance limited to removal of hazards, nuisances or unhealthy conditions.

L. Utilities. All new utilities shall be located underground.

M. Density Bonus.

1. A density bonus for Affordable Dwelling Units (as defined in Section 3.17) is not available, nor shall Affordable Dwelling Units be required with the Traditional Design Option.

2. Right-of-way dedication for all planned roads within the proposed development (as identified in the Town Plan) must be made in order to attain any density bonus.

3. Applicants may attain a density bonus of 0.1 units per gross acre, up to a maximum density of 1.6 units per gross acre, for each criterion below:

a. Provide either rear frontage on an alley, or detached front-loaded garages in rear yards, with at least 30 percent of house lots; or,

b. Provide open space comprising at least 30 percent of the gross acreage; or,

c. Provide more than 50 percent of residential lots of 9,000 square feet or less; or,

d. Provide a community recreation site (such as pool, community center, amphitheatre); or,

e. Provide at least one 'boulevard' entrance (divided roadway with a treed median), at least 500 feet in length, from each major arterial road adjacent to the development; or,

f. Provide at least 15 percent of the total required open space for 'active' recreation; or, provide pedestrian/bicycle connections to on-site recreation facilities and adjacent public facilities such as schools, roads and existing trail systems.

g. Provide pedestrian/bicycle connections to on-site recreation facilities and adjacent public facilities such as schools, roads and existing trail systems.

Sec. 10.4 Measurements, Computations and Exceptions

10.4.1 Size and Dimension Standards, Generally

A. Establishment of Standards. In order to carry out the purpose and intent of this Zoning Ordinance, size and dimension standards for particular zoning districts are hereby established.

B. Application of Standards. The size and dimensions established by this Zoning Ordinance within particular zoning districts shall be minimum or maximum limitations, as appropriate to the case, and shall apply uniformly to each class or kind of structure or parcel of land, except as specifically provided herein. Where this Zoning Ordinance imposes greater restrictions upon the use of a structure or parcel of land than are imposed on such uses by any other town regulation or ordinance, the provisions of this Zoning Ordinance shall prevail.

C. Use, Occupancy and Construction. No building, structure or parcel of land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be constructed, except in conformance with all size and dimension standards for the district in which it is located.

D. Requirements for One Use Not to be Used for Another. No part of a yard, open space area, or lot area required in connection with any building or use for the purpose of complying with this Zoning Ordinance shall be included as apart of a yard, open space or lot area similarly required for any other building or use, unless so authorized by this Zoning Ordinance.

E. Variances. Variances from these standards, excluding the maximum density and floor area ratio (FAR) limitations and as authorized by Sec. 13.2, may be granted by the Board of Zoning Appeals in accordance with the procedures of Sec. 3.13.

10.4.2 Minimum District Size

A. Generally. Where a minimum district size is specified for a given zoning district, no parcel of lesser size shall be so classified in any location in the town except by the Town Council acting on a rezoning application of its own initiation. Additional contiguous land may be rezoned to such classification if such an addition complies with any minimum standards established for enlarging the zoning district.

B. If No Minimum District Size. Where no minimum district size is specified, the minimum lot area and lot width requirements shall define the minimum district size.

10.4.3 Calculation of Density

A. Generally. In no instance shall the maximum residential density specified for a given zoning district be exceeded in the approval of any development, except as specifically authorized in this Zoning Ordinance. For residential districts maximum density shall be expressed as the number of dwelling units divided by the net area of the subject parcel.

B. Residential Density Calculation. For the purpose of calculating density, net area shall be calculated by subtracting all of the following from the gross land area of the subject parcel: (1) all lands within existing public rights-of-way (2) area within the 100-year floodplain and wetlands; (3) any area devoted to nonresidential uses, unless otherwise authorized by the Zoning Ordinance or Planned Development Ordinance and provided all other applicable town regulations are met; and (4) area classified as steep slopes.

C. Fractions. The maximum density figures of this Zoning Ordinance shall not be interpreted as a guarantee of density; other standards may work to limit density to figures lower than the stated maximum density of the underlying zoning district. In the determination of the maximum number of units to be allowed, the permitted number shall be made proportional to any fraction of an acre that is part of the development. Any fraction of a number shall be rounded down to the next whole number.

D. Mixed Residential. In mixed developments having both multi-family and single-family attached (townhouse) sections, density and any resulting active recreation facility requirements may be calculated separately for each respective dwelling category. See Article 9.

10.4.4 Lot Size

A. Generally. Except as may be specifically permitted by the provisions of this Zoning Ordinance, no structure or part thereof shall hereafter be constructed or moved on a lot which does not meet all of the minimum lot area and dimension requirements established for the zoning district in which the structure is or is to be located.

B. Applicability to All Uses. Unless otherwise expressly permitted by this Zoning Ordinance, all permitted uses and all special exception uses shall be subject to the lot size requirements specified for a given district.

C. Continuing Compliance. Unless otherwise expressly permitted under this Zoning Ordinance, no lot existing on February 25, 2003, shall thereafter be reduced in size, dimension, or area below the minimum requirements set out herein, except by reason of a portion being acquired for public use in any manner, including dedication, condemnation, purchase, and the like.

D. Exemptions from Lot Area and other Dimensional Standards. Lots created after February 25, 2003, shall meet the minimum standards established herein except that the following shall be exempt from minimum lot area and other zoning dimensional standards:

1. Lots created for use by the Town of Leesburg, municipal utilities, public utilities as defined in Section 56-232 of the Code of Virginia, or public service corporations as defined in Section 56-1 of the Code of Virginia and meets the requirements of Section 5-621 of the Code of Virginia; and

2. An "outlot" designated on a plat as open space, provided that no habitable structures shall be built upon such an outlot.

E. Boundary Line Adjustments. Boundary line adjustments may be permitted between nonconforming lots (or between a conforming and a nonconforming lot), provided the Zoning Administrator finds that the degree of nonconformity for any lot resulting from such boundary line adjustment is not increased due to such adjustment.

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

G. Pipestem and Irregular Lots

1. Minimum Size of Pipestem Lots. Pipestem lots may be created as authorized in the Subdivision and Land Development Regulations, provided all such lots, exclusive of the stem portion, are a minimum of thirty (30) percent larger than the minimum lot size required for the zoning district or 13,000 square feet, whichever is greater. The stem portion of the lot shall be deemed to be that portion of the lot which connects to a public street or approved private accessway, and which does not meet the minimum lot width requirements of this Zoning Ordinance.

2. Additional Use Limitations and Standards. Principal and accessory structures on pipe stem lots which have been created as authorized by this Zoning Ordinance the Subdivision and Land Development Regulations shall be located within the building restriction lines shown on the final plat of the subdivision in which the lot is located,-or the yard requirements of this Zoning Ordinance, whichever is more restrictive. Required off-street parking for uses

located on a pipe stem lot shall not be located on the stem portion of the lot or common driveway serving more than one lot. Any pipe stem lot created after April 26, 2011 shall have a minimum of 20 feet of frontage on a public street or approved private access way. No portion of the pipe stem lot shall measure less than 20 feet between the street property line and the buildable area of the lot. Required off-street parking on pipe stem lots shall be connected to a public street by a driveway with a minimum pavement width of 14 feet for driveways serving 1 or 2 lots, and 18 feet for those serving 3 or more lots, and shall be paved in compliance with the standards within the Leesburg Design and Construction Standards Manual

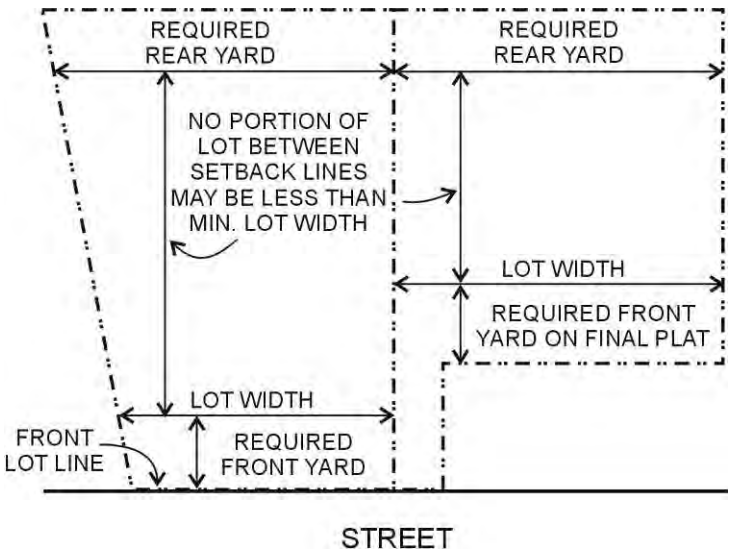
3. Pipe stem and Irregular Lots. Main buildings and accessory structures on pipestem or irregular lots subdivided under Sections 13-75 or 13-91 of the Town Code shall be located within the building lines shown on the final plat of the subdivision in which the lot is located. Required off-street parking on pipestem lots shall not be located on the stem portion of the lot or common driveway serving more than one pipestem lot. Required off-street parking on pipestem lots shall be connected to a street by a driveway with a minimum pavement width of 14 feet which shall be paved as required by the Leesburg Design and Construction Standards Manual.

H. Measurement of Lot Width

1. Except as otherwise expressly stated in this Zoning Ordinance, lot width shall be measured parallel to the front lot line at the point of the minimum required front yard setback. No portion of the lot between the front and required rear yard (setback) lines shall be less than the minimum lot width required for the zoning district. (See Sec.10.4.4G for pipe stem lot exceptions)

2. For pipestem lots approved by the town, the minimum lot width shall be measured at the minimum front yard line approved on the final plat.

Measurement of Lot Width



10.4.5 Minimum Yard Requirements

A. Generally. Except as may be qualified by the provisions of this Zoning Ordinance, no structure or part thereof, shall hereafter be built or moved on a lot which does not meet all of the minimum yard requirements established for the zoning district in which the structure is located. Nothing within these regulations shall prohibit the establishment of building restriction lines which exceed the requirements of these zoning regulations.

B. Required Yards for Corner Lots. Corner lots shall maintain a front yard, as established for the respective zoning district, on each street frontage; and no accessory building shall be permitted within any front yard. On a narrow lot of record which existed prior to the adoption of this Zoning Ordinance, the front yard for the longest lot line abutting a street may be reduced as provided herein.

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

1. Accessory Structures. Accessory structures which are customarily incidental and subordinate to the principal structure or use on the property, and are separated from the principal structure by a minimum of ten (10) feet, may be erected within a required side or rear yard, provided such accessory structures are located a minimum of two (2) feet from the property line for single-family detached, duplex and townhouse dwelling units. No accessory structure shall be located closer than five (5) feet to a principal structure on another lot. No accessory structure within a residential district shall exceed twenty (20) feet in height. No accessory structure within a residential zoning district shall exceed 900 square feet in area or fifty percent (50%) of the principal structure footprint, whichever is less. Multi-family and non-residential uses shall adhere to the district regulations for side and rear yard requirements for accessory structures, excluding signs.

2. Air Conditioners and Similar Equipment. Air conditioning equipment, heat pumps and similar mechanical equipment may not project more than three (3) feet into any required side or rear yard but no closer than five (5) feet to any lot line. Notwithstanding, window air conditioning units may not project more than eighteen (18) inches into a required yard.

On lots in which the required side or rear yard setback is five (5) feet or less, heating, ventilation, and air conditioning (HVAC) equipment and other similar equipment may be located no closer than two (2) feet from the side or rear lot line if the following standards are met:

a. A solid fence, wall or other screening is installed around any such HVAC unit or equipment to appropriately screen the unit or equipment from adjacent properties and public rights-of-way to the satisfaction of the Zoning Administrator and in accordance with all other applicable regulations.

3. Architectural Features and Structural Overhangs. Cornices, awnings, eaves, gutters or other similar structural overhangs at least eight (8) feet above grade may extend up to three feet into any required yard. This section shall

not be construed to allow increased square footage for a second story or higher floor overhang.

4. Balconies, Chimneys, Porches, Bay Windows, Steps and Landings. Balconies, chimneys, porches, bay windows, steps and landings which comprise less than one-third the length of the wall may project up to three feet into a required yards, but no closer than five (5) feet to any lot line.

5. Decks and Patios.

a. Uncovered decks which are attached to the principal structure and are not more than three (3) feet above grade on the lot may extend into a required side or rear yard within five (5) feet of the property line for single-family detached residences and three (3) feet of the side or rear property line for all other residential uses.

b. Uncovered decks, which are attached to the principal structure and are more than three (3) feet above grade on the lot, may extend into a required rear yard to within ten (10) feet of the property line, however, side yard requirements shall apply.

c. A patio adjoining the principal structure may extend into a required side or rear yard within two (2) feet of the property line for all residential uses subject to buffer guidelines.

6. Fences, Walls and Hedges. Fences, walls and hedges may be located within required yards subject to the following limitations.

a. **Front Yard**. Fences, walls and hedges not exceeding 42 inches in height may be erected in the front yard of any lot. For residential uses, landscaping and decorative wooden or iron or masonry fences which exceed 42 inches in height may be located within a required front yard provided such fences and landscaping do not obstruct visibility at street or driveway intersections. In no case shall a fence in the front yard of a residential district exceed six (6) feet in height.

b. **Side and Rear Yard**. Fences in residential districts shall be limited to a maximum height of seven (7) feet when located in a side or rear yard; except when abutting a nonresidential district or use, in which case such fences may be eight (8) feet in height. Fences in nonresidential districts, when located in side or rear yards shall be limited to eight (8) feet in height.

c. **Prohibited Walls and Fences; Residential Districts**. No barbed wire, electrical elements, or other hazardous materials shall be maintained as a fence or part of a fence or wall in a residential district.

7. Fire Escapes and Outside Stairways. Unenclosed stairways and fire escapes may extend up to four and one-half feet (54 inches) into a required yard, but shall be no closer than five (5) feet to the property line.

8. Satellite Dish Antennae.

a. **Residential Districts.** Satellite dish antennae with a diameter of up to one meter shall be allowed within all residential zoning districts. There are no restrictions on where such antenna may be located on residential lots, provided that (1) they shall not create a safety hazard and (2) the Board

of Architectural Review shall be authorized to regulate the location and appearance of such antenna within H-1 and H-2 Overlay Districts. Satellite dish antenna with a diameter of more than one meter in diameter shall be prohibited within all Residential Districts.

b. Nonresidential Zoning Districts. Satellite dish antennae with a diameter of up to two meters shall be allowed within all nonresidential zoning districts. Such antennas shall be ground mounted and located within the rear yard unless it is determined that a useable signal cannot be obtained from a rear yard location. Such antennae shall be screened from view at ground level from any public street or residential use, and they may not exceed the height limitations of the zoning district. No portion of any such antennae shall be located within ten (10) feet of any property line or the height of the proposed dish antennae, whichever distance is greater. Satellite dish antennae with a diameter of more than two meters shall be allowed within nonresidential zoning districts only when approved as a Special Exception use in accordance with Sec. 3.4.

9. Swimming Pools. A private swimming pool, not exceeding three (3) feet above grade, is permitted in a required minimum side or rear yard to within six (6) feet of a property line, as measured perpendicular from said property line to the outermost edge of the pool coping. Any associated walkway or deck, not exceeding three (3) feet above grade, is permitted in a required minimum side or rear yard to within three (3) feet of a property line. A private swimming pool, or associated walkway or deck, exceeding three (3) feet above grade, shall not be permitted in a required minimum yard. Swimming pools shall not be permitted in front yards. Private pools not exceeding three (3) feet above grade must be enclosed by a fence with a minimum height of four (4) feet, in compliance with the IRC International Residential Code.

10. Utility Equipment and Public Safety. Fire hydrants, transformers and related utility and public safety equipment may be located within any required yard, as authorized by this Zoning Ordinance and the Subdivision and Land Development Regulations.

11. Other Structures. Trellises and trelliswork, play equipment, wires, outdoor furniture, mailboxes, ornamental entry columns and gates are allowed within required yards, so long as not deemed a sight distance or safety hazards by the Zoning Administrator.

12. Platform Decks. An at grade platform deck not exceeding ten (10) inches in height, may extend into a required side or rear yard within two (2) feet of the property line, cannot exceed two hundred (200) square feet in area, and shall be permitted in the rear yard only. A platform deck cannot have footers for support and must be supported by the ground only. Platform decks are exempt from Zoning Permit requirements and will not require review by the Board of Architectural Review or a Certificate of Appropriateness when not visible from the street as determined by the Zoning Administrator.

D. Reduction of Front Yard Requirements in Historic District. New or expanded developments within the H-1 Overlay District may be located closer to the street frontage than otherwise authorized by the underlying zoning district, up to the average setback of existing buildings (including any covered or enclosed portions

of such structures) which abut the property along the street frontage. In circumstances where there will not be an adverse impact to adjoining properties, an existing principal structure may be expanded along an established nonconforming perimeter yard setback. In both situations, the applicant must demonstrate to the satisfaction of the Board of Architectural Review and the Zoning Administrator that the proposed structure will be compatible with the surrounding properties and will not interfere with the light, air, convenience of access, public improvements, safety from fire, flood and other dangers.

E. Additional Setback Requirements from Certain Streets. In addition to those yard requirements established for zoning districts, the building setback requirements established herein for certain public streets within the Town of Leesburg shall also be applicable. In case of conflict with other provisions of this Zoning Ordinance, the greater setback requirement shall prevail.

1. Route 7, East of the Route 7/15 Bypass: 100 feet from the right-of-way line.

2. Route 15, South of the Route 7/15 Bypass: 100 feet from the right-of-way line.

3. West Market Street, north side only, between Ayr Street and the western corporate limits: 100 feet from the centerline of the right-of-way.

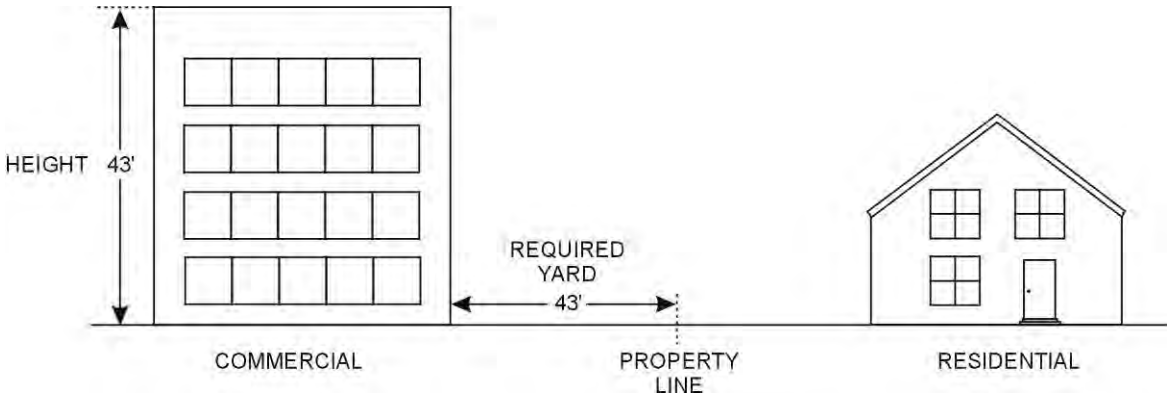
4. Dulles Greenway Private Toll Road: 120 feet from the right-of-way line.

5. Increased Setbacks Based on Road Classification Outside of the Bypass. No building shall be located closer than 100 feet from the right-of-way of any limited access highway, 80 feet from a major arterial road, 50 feet from a minor arterial road, and 35 feet from the right-of-way of a through collector road located outside of the Route 7/15 Bypass in the area to the east side and/or south side of the Route 7/15 Bypass as indicated in the Transportation Element of the Town Plan.

6. Pursuant to the process outlined in Section 3.18, the setbacks may be waived or modified by the Town Council

F. Increased Setback Adjacent to Residential Districts. In nonresidential districts the front, side and rear yard minimum setback shall be increased to be equal to the height of the building where the building height exceeds the required minimum yard setback adjacent to residential districts only. For example, the B-2 District allows a commercial building to be a maximum of 45 feet in height. If the rear yard of the building is to be located adjacent to a residential district (such as R-6), the building must be at least 45 feet from the property line with the residential district, even though the rear setback for the B-2 District is only 20 feet.

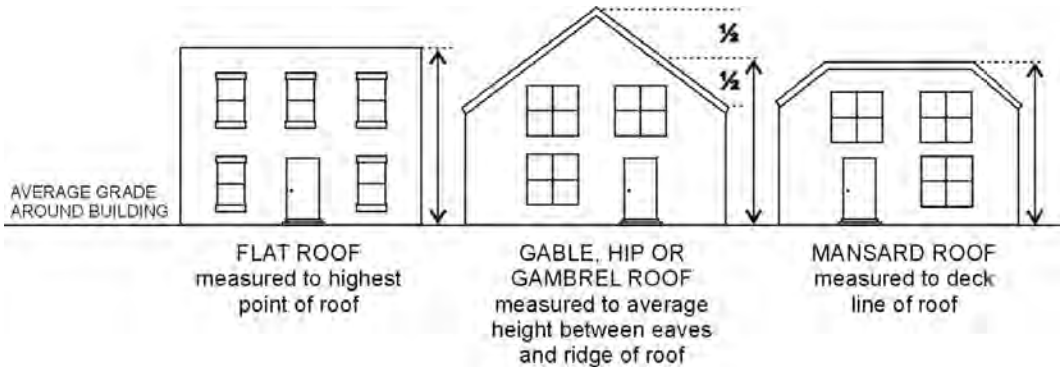
Increased Setback Adjacent To Residential Districts



10.4.6 Maximum Height

A. Maximum Height, Generally. Except as may be specifically provided by this Zoning Ordinance the maximum height specified for the individual zoning districts shall apply to all structures located within the district.

Measurement of Height



B. Measurement of Height. Building height shall be measured as the vertical distance to the highest point of the roof for flat roofs, to the deck line of mansard roofs, and to the average height between eaves and the ridge of the gable, hip and gambrel roofs measured from the average grade around the entire building.

C. Structures Excluded from Maximum Height Limitations. The maximum height limitations established within this Zoning Ordinance shall not apply to the following structures:

1. Barns, silos, windmills and related agricultural structures;

2. Water towers, fire and observation towers, aircraft control towers, and navigational aids;

3. Chimneys, church spires, belfries, and governmental monuments;

4. Elevator towers, air-conditioning units and all rooftop HVAC and mechanical equipment shall be hidden from the view of public rights-of-way and adjoining properties. This shall be accomplished for pitched roofs by placing the equipment on the back half of the building or concealing the equipment within the roof structure. This shall be accomplished for flat roofs by limiting the area of the screened area or penthouse containing the equipment to no more than 25% of the area of the floor below and setting the penthouse or screened area from the front and back facades of the building such that the top of the penthouse or screen is below a 45 degree line drawn from the bottom of the parapet. In addition, the penthouse or screen wall shall be compatible with the design of the building and for properties located in the H-1 or H-2 overlay districts, comply with the applicable design guidelines as determined appropriate by the Board of Architectural Review.

5. Parapet walls extending no more than four feet above the maximum height limit;

6. Residential antennae attached to the principal structure, not including satellite dish antennae, up to a maximum height of ten (10) feet above the height of the structure; and

7. Radio, television and utility transmission and receiving antennae, when authorized by the Town Council under Sec. 10.4.6E.

D. **Aviation Hazards; Additional Height Limitations**. No structure shall be permitted within the vicinity of the Leesburg Executive Airport or any other airfield which would encroach into any airport approach or departure path, established in accordance with Federal Aviation Administration criteria.

E. **Height Increases by Special Exception**. When specifically authorized by this Zoning Ordinance, the Town Council may allow by special exception height increases for certain structures which exceed the limits established for the Zoning District. The Town Council shall review such requests in compliance with the procedures and criteria of this Zoning Ordinance.

10.4.7 Maximum Lot Coverage

Except as otherwise specifically provided in this Zoning Ordinance, maximum lot coverage standards, where specified for certain zoning districts, shall be construed to include that portion of a lot occupied by buildings or structures which are roofed or otherwise not open to the sky and which are greater than three (3) feet in height.

10.4.8 Minimum Open Space

Except as otherwise specifically provided in this Zoning Ordinance, the open space requirements for a given zoning district shall be considered as a minimum and shall be located on the same lot as the principal use of the property. In mixed developments having both multi-family and single-family attached (townhouse) sections, density and any resulting active recreation facility requirements may be calculated separately for each respective dwelling category.

10.4.9 Minimum Public Street Frontage Requirement

All dwelling units, except for farm dwellings and employee's quarters, shall be located on a lot with frontage on a public street or approved private accessway.

10.4.10 Maximum Floor Area Ratio

No new buildings shall be permitted to be erected which, either individually or in combination with other buildings, exceed the maximum floor area ratio (FAR) for the lot upon which such buildings are to be located.

Article 11 | Parking, Loading and Pedestrian Access

Contents of Article

Sec. 11.1 General 11-2
11.1.1 Purpose and Intent 11-2
11.1.2 Applicability 11-2
11.1.3 Procedures: Site Plan or Subdivision Requirement 11-2
11.1.4 Permanence of Requirements 11-2
Sec. 11.2 Pedestrian Access 11-2
11.2.1 Purpose 11-2
11.2.2 Connections 11-2
11.2.3 Materials 11-3
11.2.4 Lighting 11-3
Sec. 11.3 Number of Parking Spaces Required 11-3
Sec. 11.4 Alternative Parking Provisions 11-6
11.4.1 Off-Site Parking 11-6
11.4.2 Shared Parking (Joint Use) 11-7
11.4.3 Payments In-Lieu 11-7
11.4.4 Modified Requirements in the Downtown H-1 Overlay District 11-8
11.4.5 Shared Parking (Mixed Use) 11-9
Sec. 11.5 Use of Parking and Loading Areas 11-10
11.5.1 Use of Parking and Loading Facilities, Generally 11-10
11.5.2 Trucks Parked in Residential Areas 11-10
11.5.3 Vehicle Sales and Display Areas 11-10
Sec. 11.6 Parking and Loading Area Design Standards 11-10
11.6.1 General 11-10
11.6.2 Dimensions of Parking Spaces and Aisles 11-13
11.6.3 Dimensions of Loading Facilities 11-15
11.6.4 Overflow Parking Facilities 11-15
11.6.5 Minimum Dimensions of Parking Spaces and Aisles in Parking Structures 11-15
Sec. 11.7 Maintenance 11-16
Sec. 11.8 Stacking Spaces 11-16
11.8.1 Food Restaurants 11-16
11.8.2 Car Washes 11-16
11.8.3 Financial Institution Drive-up Windows 11-16
11.8.4 Other Uses 11-16
Sec. 11.9 Number of Off-Street Loading Spaces Required 11-17
Sec. 11.10 Alternative Loading Provisions 11-18
11.10.1 Shared Loading Facilities 11-18
Sec. 11.11 Sight Distance 11-18
Sec. 11.12 Administration 11-19
11.12.1 Floor Plans 11-19
11.12.2 Rules of Interpretation 11-19
11.12.3 Monitoring and Enforcement 11-19

Sec. 11.1 General

11.1.1 Purpose and Intent

The purpose of these regulations is to ensure the provision of adequate pedestrian circulation facilities and off-street parking and loading areas. It is further the intent of these regulations to avoid undue congestion on public streets; to protect the level of service and capacity of existing streets; to avoid unnecessary conflicts between pedestrians and vehicles; to preserve and enhance the H-1 Overlay District; and to promote the general health, safety and public welfare.

11.1.2 Applicability

These off-street parking and loading regulations of this article shall apply to all parking and loading areas, including driveways for single-family and duplex dwellings, established within the Town of Leesburg following February 25, 2003.

11.1.3 Procedures: Site Plan or Subdivision Requirement

An application for site plan or subdivision plat approval, as appropriate, shall be required prior to the construction of any new or expanded off-street parking and loading facilities for all uses other than single-family detached and duplex dwellings, pursuant to the procedures established in Section 13-64 of the Leesburg Subdivision and Land Development Regulations. Any plans for re-striping or modifying the number of parking or loading spaces shall be approved by the Zoning Administrator upon the submittal of a parking lot plan which complies with all applicable ordinance requirements.

11.1.4 Permanence of Requirements

No owner or operator of any structure or use shall discontinue, dispense with or cause a reduction in pedestrian access or in the number of required off-street parking or load spaces without establishing alternative vehicular parking and/or loading facilities which meet the requirements of this article. Any structure or use which is altered or expanded in a manner which would warrant the provision of additional off-street parking or loading facilities shall provide such facilities in compliance with this article prior to occupancy of the altered or expanded portion of the use. If, as a result of amendments to this Zoning Ordinance regarding the number and/or size of parking or loading spaces, an existing use is determined to have an excess number of spaces, such space may be removed upon approval of a revised site plan.

Sec. 11.2 Pedestrian Access

11.2.1 Purpose

The pedestrian access standards of this section pertain to a development's internal pedestrian circulation system. The section encourages a safe, attractive, and usable pedestrian circulation system internal to all developments. The purpose of the section is to ensure a direct pedestrian connection between the street and buildings on the site and between buildings and other activities within the site. In addition, it provides for connections between adjacent sites, where feasible.

11.2.2 Connections

A. **Connection to street.** The internal pedestrian circulation system must connect all adjacent streets and sidewalks to the main entrance.

B. Internal connections. The internal pedestrian circulation system must connect all buildings on the site, and provide connections to other areas of the site, such as parking areas, bicycle parking, recreational areas, common open space areas, and all pedestrian amenities.

11.2.3 Materials

A. The internal pedestrian circulation system must be hard-surfaced and shall have an unobstructed width of at least four (4) feet wide.

B. Where the system crosses driveways, parking areas, and loading areas, the system must be clearly identifiable through the use of elevation changes, a different paving material, texture change, or other similar method. Striping does not meet this requirement.

C. Where the system is parallel and adjacent to a vehicle travel lane, the system must be a raised path or be separated from the vehicle travel lane by a raised curb, bollards, landscaping or other physical barrier. If a raised path is used, the ends of the raised portions must be equipped with curb ramps.

11.2.4 Lighting

The on-site pedestrian circulation system must be lighted to a level where the system can be used at night by employees, residents and customers.

Sec. 11.3 Number of Parking Spaces Required

All uses shall be subject to the minimum off-street parking requirements established in this section unless modified parking standards are included as a proffer or as a condition of the approval of a special exception or conditionally permitted use, or otherwise modified by provisions of this Zoning Ordinance. Pursuant to the process outlined in Section 3.18 of this ordinance, these parking requirements may be modified by the Town Council.

Parking Standards Table	
Type of Use	Minimum Number of Spaces Required
Residential Uses	
Single-Family Detached	2.0 per dwelling if access to the lot is onto a public street; 3.0 per dwelling if access to the lot is from a private access way.
Single-Family Attached	2.0 per dwelling units if access to the lot is onto a public street; 2.5 per dwelling if access to the lot is from a private access way. For townhouses with a single-car garage the garage shall not be counted as a parking space. For townhouses with a two-car garage, the two-car garage shall count as a single (one) parking space.
Duplex	2.0 per dwelling if access to the lot is onto a public street; 3.0 per dwelling if access to the lot is from a private access way.
Multi-Family	1.5 per dwelling for efficiency and one bedroom units; 2.0 per dwelling for two bedroom units; and 2.5 per dwelling for units with three or more bedrooms.
Housing for Elderly with Central Dining Facilities	1.0 per three dwelling units, plus 1.0 per employee, provided that Zoning Administrator may approve reduced requirements (to as low as 1 per 4 dwelling units) if the

Parking Standards Table	
Type of Use	Minimum Number of Spaces Required
	housing is provided within 1,320 feet of shopping, personal service and other necessary support services or if on-going vanpool service is provided to residents.
Housing for the Independent Elderly	2.0 per three dwelling units, plus 1.0 per employee.
Tourist Home or Bed and Breakfast	1.0 per sleeping room, plus 2.0 per permanent residence.
Assisted Living Residence	1.0 per three beds, plus 1.0 per employee.
Institutional and Community Service Uses	
Auditorium or Stadium	1.0 per four seats design capacity.
Church or Place of Worship	1.0 per four seats design capacity of the principal place of worship; provided, however, that the number required may be provided on an off-site public or private parking lot which is accessory to another use which is not open or operating during the time of weekend services if such parking lot is within 500 feet of the place of worship and sufficient spaces are available without charge by permission of the owners of the lot.
Civic Club or Organization	1.0 per three members, based on maximum anticipated membership.
Hospital	1.0 per two beds, plus 1.0 per staff physician, plus 1.0 per other employee assigned to the major shift.
Library	1.0 per 2.5 patrons, based on the occupancy load, plus 1.0 per employee on the major shift.
Museum or Cultural Center	1.0 per 300 square feet of gross floor area.
Nursery School or Child Care Center	1.0 per staff member or employee, excluding required handicapped spaces.
Nursing Home or Specialized Care Facility	1.0 per four beds.
Park, dog	1.0 per each 1,000 square feet of area of the off-leash dog area.
Postal Service	1.0 per 2.5 patrons based on occupancy capacity, plus 1.0 per employee on the major shift and 1.0 per postal vehicle stored on site.
School, Elementary	1.0 per 25 classroom seats based on maximum design capacity, plus 10 reserved (visitor) parking spaces. [1]
School, High School	1.0 per 2.5 classroom seats based on maximum design capacity, plus 20 reserved (visitor) parking spaces. [1]
School, Middle	1.0 per 10 classroom seats based on maximum design capacity, plus 15 reserved (visitor) parking spaces. [1]
University, College or Similar Educational Institution	1.0 per 1.67 students based on maximum design capacity, plus 20 reserved (visitor) parking spaces. [1]
Recreational Uses	
Country Club	1.0 per 4 members, based on maximum anticipated membership.
Golf Course, Public	40 per nine holes, plus 1.0 per employee.
Health or Fitness Club	1.0 per 200 square feet gross floor area.
Swimming Pool	1 per 75 square feet of pool area, plus 1 per 100 square feet of seating area, plus 1 per 4 spectator seats.
Tennis or Racquet Club	4.0 per court.

Parking Standards Table	
Type of Use	Minimum Number of Spaces Required
Commercial Uses	
Appliance Sales	1.0 per 400 square feet gross floor area.
Bank or Financial Center	1.0 per 250 square feet gross floor area.
Bowling Alley	4.0 per alley, plus additional spaces for any eating establishment.
Business Service or Supply	1.0 per 300 square feet gross floor area.
Car Wash	1.0 per employee, plus required stacking spaces.
Convenience Store	6.0 per 1,000 square feet gross floor area.
Eating Establishment, Carry Out Only	1.0 per 75 square feet gross floor area.
Eating Establishment, Fast Food	1.0 per 100 square feet gross floor area, plus one additional for every four outside seats.
Eating Establishment, Sit Down	1.0 per 150 square feet gross floor area, plus one additional for every four outside seats.
Electronic Data Storage Center	1.0 per employee.
Funeral Home or Mortuary	1.0 per four seats, plus 1.0 per two employees, plus one reserved for each hearse, ambulance or company vehicle.
Furniture Sales	1.0 per 400 square feet gross floor area.
Hardware Sales	1.0 per 400 square feet gross floor area.
Hotel or Motel	1.0 per room, plus 1.0 per two employees, plus additional spaces for restaurants.
Kennel or Animal Hospital	1.0 per 300 square feet gross floor area.
Landscaping, Lumber or Building Material Sales, Retail	1.0 per 400 square feet gross floor area for display area, plus 1.0 per 1,000 square feet of warehouse area, plus 1.0 per company vehicle.
Medical Clinic	4.0 per examination room, plus 1.0 per physician and employee.
Medical Office	1.0 per 300 square feet gross floor area.
Office, General	1.0 per 300 square feet gross floor area.
Outdoor Sales	1.0 per 500 square feet of sales area, plus 1.0 per employee.
Personal Services Establishment	1.0 per 200 square feet gross floor area.
Radio or Television Station	1.0 per 300 square feet gross floor area, plus 1.0 per company vehicle.
Repair Services, Light	1.0 per 300 square feet gross floor area.
Retail Sales, General	1.0 per 200 square feet gross floor area for the first 10,000 square feet, plus 4.0 per each additional 1,000 square feet of gross floor area.
Service Station, Automotive	2.0 per service bay, plus 1.0 per employee, plus additional spaces, as required herein, for any auxiliary uses such as convenience food sales.
Shopping Center	Same as for general retail sales, plus additional space, as required herein, for offices, theatres and eating establishments.
Theatre, Indoor	1.0 per 3.0 seats.
Wholesale Trade Establishment	1.0 per 1,000 square feet gross floor area, plus 1.0 per company vehicle.

Parking Standards Table	
Type of Use	Minimum Number of Spaces Required
Vehicular Sales or Rental, Motorcycles	1.0 per 500 square feet enclosed sales areas, plus 1.0 per two (2) service bays, plus 1.0 per employee and 1.0 per 1,000 square feet of open sales area.
Vehicular Sales or Rental	1.0 per 500 square feet enclosed sales area, plus 2.0 per service bay, plus 1.0 per employee, plus 1.0 per 2,500 square feet of open sales area.
Vehicle Service Facility, Motorcycles	1.0 per 200 square feet enclosed sales areas, plus 1.0 per two (2) service bays, plus 1.0 per employee.
Vehicle Service Facility	1.0 per 200 square feet of sales area, plus 2.0 per service bay, plus 1.0 per employee.
Industrial, Trade and Warehouse Uses	
Assembly or Manufacturing Operation	1.0 per 1,000 square feet gross floor area, or 1.0 per employee, whichever is more.
Building Contractors and Similar Trades and Services	1.0 per 500 square feet gross floor area, plus 1.0 per company vehicle.
Heavy Equipment Sales	1.0 per 500 square feet enclosed sales area, plus 2.0 per service bay, plus 1.0 per employee, plus 1.0 per 2,500 square feet of open sales area.
Mini-Warehouse Facility	4.0 per 1,000 square feet gross floor area of office space, plus 1.0 per employee, plus 2.0 for resident manager quarters.
Printing or Publishing, Major	1.0 per 1,000 square feet gross floor area, or 1.0 per employee, whichever is more.
Research and Development Facility	1.0 per 1,000 square feet gross floor area, or 1.0 per employee, whichever is more.
Warehousing Facility or Freight Terminal	1.0 per 1,000 square feet gross floor area, or 1.0 per employee, whichever is more.
Utility Uses	
Utility Facility, Major	1.0 per employee, plus 1.0 per company vehicle.
Utility Facility, Minor	Adequate parking for the emergency maintenance of utility facility, minimum of 2.0 plus 1 loading space with maneuvering room for 50-foot vehicle.

[1] Should a school increase in capacity, by any reason including the addition of portable classrooms, additional parking shall be provided in accordance with this Ordinance.

Sec. 11.4 Alternative Parking Provisions

11.4.1 Off-Site Parking

Off-street parking and loading spaces shall be provided on the same lot or within the same development as the use to which said use is appurtenant, except as provided below.

A. General. The Planning Commission may authorize the utilization of off-site parking areas for uses within nonresidential zoning districts, and anywhere within the H-1 Overlay District, and may authorize valet parking for nonresidential uses in the R-HD and B-1 Districts if the Planning Commission determines that there are practical difficulties in satisfying the parking requirements on-site and/or that the public safety or convenience would be better served by an off-site location. If

the Planning Commission authorizes the use of off-site parking, the following conditions shall apply:

1. The owner of a site utilizing an off-site parking area to satisfy on-site parking requirements shall deliver evidence satisfactory to the Town of the owner's right to use the off-site parking area by license, deed, easement, or by long-term lease which has a term equal to or exceeding the projected life of the facility to which the parking is appurtenant and available for use. Such evidence shall be recorded at the owner's expense in the land records of Loudoun County, Virginia. In addition, the owners of the site and the off-site parking area shall be bound by recorded covenants requiring the owners and all subsequent owners, heirs, or assigns, to maintain the required number of off-street parking spaces during the existence of the use to which the parking is appurtenant. Where a parking right is created under this section it shall not be subject to divestment except with the prior approval of the Town.
2. Pedestrian access shall be available within a walking distance of 500 feet for nonresidential uses and 300 feet for residential uses, measured from the nearest point of the building lot to an entrance to the parking area, except that where valet parking is authorized, such off-site parking may be located anywhere within the R-HD and B-1 Districts.
3. Such separated parking areas shall be usable without causing unreasonable traffic congestion, detriment to any residential neighborhood, or hazard to pedestrians.

B. Valet Parking. In addition to other conditions that apply to off-site parking, valet parking requires (a) that vehicles are parked by a person other than the owner or operator; (b) that the vehicles so served are parked or stored in an off-street parking facility; (c) prior to cessation of valet parking, the operator must provide alternate parking in accordance with this Zoning Ordinance; and (d) no valet parking operation which involves the pick-up, delivery, stacking, storing or parking of motor vehicles by a valet or parking attendant on, to or from any public right-of-way shall be permitted.

11.4.2 Shared Parking (Joint Use)

Required off-street parking spaces may be provided cooperatively for two or more nonresidential uses, subject to the approval by the Land Development Official (LDO) of appropriate legal instruments to ensure the permanent availability of off-street parking for all such uses. The amount of parking provided for all such nonresidential uses shall equal the sum of the amounts of parking required for each of the respective uses; provided, however, the LDO may authorize a reduction in the total number of required parking spaces when the LDO makes a determination that two or more uses can be adequately served by the same parking spaces by reason of the characteristics of the land uses and the hours of operation. The LDO is also authorized to require restrictions on the use and hours of operation of any uses that share parking spaces.

11.4.3 Payments In-Lieu

Rather than providing the required off-street parking on-site due to a change of use, expansion of an existing use or new construction, developers of land within the H-1 Overlay District may provide a portion or all of such parking by means of a payment to the town's parking fund. Such payment shall be based on a one-time fee per parking space, as established from time to time by resolution of the Town Council. Any off-street parking

satisfied in this matter shall run with the land, and any subsequent change in use that requires more off-street parking shall require subsequent action to satisfy additional parking requirements. No refund of such payment shall be made when there is a change of use to require less parking. Such payment shall be made to the town in one lump sum prior to the issuance of a zoning permit; however, this payment shall not guarantee the availability of parking for the fee-paying development. Funds derived from such payment shall be deposited by the town in a special parking fund and shall be used for acquiring and developing off-street parking facilities within the H-1 Overlay District. NOTE: This option is not available for residential uses or structures except as provided below.

A. On lots of record existing as of (February 14, 2012) measuring 4,000 square feet or less, situated between Liberty Street and Church Street and between South Street and North Street a portion or all required parking for residential uses may be provided by payment in lieu in accordance with this section.

11.4.4 Modified Requirements in the Downtown H-1 Overlay District

A. Building within 500 feet of Municipal Parking Facility. Where an existing building or structure is used or rehabilitated for any nonresidential use in the B-1 District, no parking spaces shall be required for any such building or structure within 500 feet of a municipal parking facility, measured from the nearest point of the building lot to an entrance to the municipal parking facility. For purposes of this article a municipal parking facility is defined as any parking facility owned and maintained by the Town of Leesburg or Loudoun County.

B. Building more than 500 feet from Municipal Parking Facility. For buildings or structures used or rehabilitated for any nonresidential use in the B-1 Districts that are more than 500 feet from a municipal parking lot, one-half (50%) of the parking spaces required by Sec. 11.3 must be provided. The Land Development Official may authorize in writing a further reduction of required on-site parking of up to one hundred percent (100%) of the spaces required by Sec. 11.3 when deemed appropriate and necessary to facilitate the rehabilitation, reuse or expansion of an existing structure in the downtown H-1 Overlay District. The Land Development Official shall examine the nature of the proposed business or building addition and information regarding peak parking hours for the use when considering a reduction request.

C. Building Addition. Where an addition is made to an existing building or structure in the B-1 District for any nonresidential use, off-street parking spaces required by Sec. 11.3 must be provided in full for the addition area unless modified by the Land Development Official as provided above. If the building expansion removes area used for existing parking on the site, the parking spaces eliminated thereby must be provided for in full, either through relocation, or as provided under Sec. 11.4.2 or Sec. 11.4.3.

D. Demolition and Redevelopment. Where redevelopment of property in the B-1 District involves demolition of existing buildings to create new building sites, then off-site parking spaces required by Sec. 11.3 must be provided in full.

E. Development of Vacant Land. Where previously vacant land is developed as nonresidential uses in the B-1 District, off-street parking spaces required by Sec. 11.3 must be provided in full.

11.4.5 Shared Parking (Mixed Use)

Required off-street parking spaces may be provided cooperatively for two or more uses within a mixed use development in accordance with the Time of Day Factors provided below. Use of shared parking reductions are subject to the determination by the Land Development Official (LDO) that two or more uses can be adequately served by the same parking spaces by reason of the characteristics of the land uses and the hours of operation. The LDO shall make a determination regarding any such proposed reduction in the number of required parking spaces. LDO is also authorized to require restrictions on the use and hours of operation of any uses that share parking spaces. Any shared parking reductions shall also be subject to the approval by the LDO of appropriate legal instruments to ensure the permanent availability of off-street parking for all uses.

A. Shared Use Time of Day Factors: In order to determine the minimum required parking spaces in a mixed use development, apply the Time of Day factors provided below to the minimum required parking spaces as provided by Section 11.3 to each land use type in the mixed use development, for example,

Mon-Fri	Use	Total Req'd x Time/Day Factor	Adjusted Total Required	Overall Total Spaces Req'd
8 AM – 5 PM	Office	191 x 96%	183	368
	Retail	86 x 77%	66	
	Restaurant	181 x 66%	119	

In the example above the time of day factors reduce the total number of required spaces by 90 from the minimum required per Section 11.3. The same calculation shall be repeated for each of the time periods found in the weekday and weekend tables below to determine the overall adjusted total number of spaces required by the development.

Compare the calculations: the lesser is the minimum number of parking spaces that need to be provided. The LDO shall make the determination as to whether this minimum will be sufficient to adequately serve the mixed use development.

Weekdays

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

Weekends

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

Sec. 11.5 Use of Parking and Loading Areas

11.5.1 Use of Parking and Loading Facilities, Generally

Off-street parking and loading facilities shall be used solely for the parking of vehicles in operating condition by the patrons, occupants or employees of the use to which such facilities are accessory. No motor vehicle repair work, except emergency service, shall be permitted in association with off-street parking and loading facilities. The storage of commercial vehicles or merchandise or the sale of vehicles shall be prohibited in a required off-street parking or loading area, except as specifically authorized in this Zoning Ordinance.

11.5.2 Trucks Parked in Residential Areas

Parking facilities accessory to residential uses shall be used for the parking of passenger vehicles, recreational vehicles, horse trailers or trucks which are owned by the occupants of the dwelling or their guests.

One (1) commercial vehicle may be stored on the premises whether privately owned or business provided, for the resident's use for commuting and/or work purposes. Such vehicle cannot exceed a one (1) ton hauling capacity. This section shall not apply to commercial vehicles while in the performance of providing delivery or service on the premises.

Dump trucks and vehicles designed to haul garbage, trash, refuse or waste of any type and for the towing and recovery of vehicles are strictly prohibited to be parked on residential properties.

11.5.3 Vehicle Sales and Display Areas

All areas used for the display of vehicles for the purposes of sale or rental shall comply with the provisions of this Zoning Ordinance regarding setback and pavement requirements.

Sec. 11.6 Parking and Loading Area Design Standards

All proposed off-street parking and loading facilities shall comply with the requirements of this section.

11.6.1 General

A. **Overall Internal Circulation Pattern**. All off-street parking and loading facilities shall be designed and constructed in a manner so as to provide for adequate circulation within the site and safe and convenient access onto adjoining streets.

Among factors to be considered during the review of parking and loading areas shall be the following: number and location of entrances and travel aisles, need for acceleration, deceleration and turning lanes, and other traffic control improvements, the general arrangement and delineation of parking and loading areas, the quality and quantity of landscaping provided; the means of access to buildings for fire fighting equipment and emergency vehicles, and the needs of the handicapped.

B. Entrances and Exits. Driveway entrances shall be designed to accommodate all vehicle types having occasion to enter the site, including delivery vehicles. There should be not more than one entrance and exit or one combined entrance and exit along any street frontage unless deemed necessary by the Land Development Official in order to alleviate traffic congestion and interference along such street. The width of all entrances and exits to off-street parking and loading areas shall comply with the requirements of the Design and Construction Standards Manual, except that the Land Development Official may authorize a narrower driveway entrance/exit width for parking and loading areas within the H-1 Overlay, Old and Historic District when:

1. The Director of Plan Review verifies in writing that a narrower driveway entrance/exit is acceptable based on adequate sight distance and vehicle turning movement requirements in the particular case; and/or

2. Sufficient turning space is provided so that vehicles need not back into a public street.

C. Relationship of Off-Street Parking and Loading Areas to Public Rights-of-Way. In no event shall parking or loading areas be provided in a manner that requires vehicles to back out into the public rights-of-way or that requires vehicles to enter or exit a site in a manner which would require them to make an unlawful maneuver within the public right-of-way. This requirement does not apply to areas consisting of driveways serving single-family detached or duplex dwellings, although direct access onto arterial roadways is discouraged.

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

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

2. Unless otherwise expressly exempt under the provisions of this Zoning Ordinance, all off street parking and loading areas including aisles and entrances, shall be paved with durable dust-free hard surface, except as may be specifically authorized within the 100-year floodplain. Residential driveways shall be paved at least twenty feet (20') back from any public sidewalk or driveway apron. Beyond twenty feet alternate materials such as gravel, grasscrete or brick pavers that are designed to be driven upon may be used. Individual parking spaces shall be paved; provided however, that a two-foot section of the standard 18-foot commercial parking space may be unpaved if the area is landscaped and a raised curb stop is installed so that the front two feet of the vehicle may overhang the landscaped area. Off-street parking areas associated with public parks, open space areas and driveways for designated historic landmarks and within the H-1 Overlay, Old and

Historic District shall be eligible for a waiver from the pavement requirements of this section. The applicant must request the waiver in a letter attached to the application. To grant a waiver or modification the Zoning Administrator must determine that actual pavement is not necessary in the particular case. The Zoning Administrator shall set forth in writing the reasons for such determination.

E. Curb and Gutter. Curb and gutter shall be installed where deemed necessary by the Land Development Official, within off-street parking and loading areas in order to manage storm drainage, channelize traffic, protect buildings and landscaping areas, and separate pedestrian and vehicular circulation areas.

F. Sidewalks and Pedestrian Facilities. Sidewalks shall be provided along the entire street frontage of a site, as necessary to protect pedestrians and promote the safe and efficient movement of pedestrians and vehicles along a street. Sidewalks shall have a minimum unobstructed width of five (5) feet. In the case of a block containing a partial sidewalk, the width of the existing sidewalk may be continued for the remainder of the block length so long as ADA requirements are met. New sidewalks within a historic district or serving a historic district will be reviewed by the Board of Architectural Review and/or by staff, as required, in accordance with applicable historic district regulations to mitigate potential impact on the historic resource or historic streetscape.

In those cases outside of the H-1 Overlay, Old and Historic District where the applicant can properly demonstrate that a sidewalk four (4) feet in width that meets ADA minimum requirements can adequately and safely accommodate pedestrian traffic, the Zoning Administrator may modify the five (5) foot width requirement. Any modification request shall be made in writing to the Zoning Administrator with adequate information testifying to the nature of the existing block or sidewalk and evidence justifying the modification sought. The Zoning Administrator shall set forth in writing the grant of modification with reasons for such determination.

G. Delineation of Parking and Loading Spaces; Traffic Control Signs. All parking and loading spaces shall be marked by durable painted lines or curbs extending the length of the space. Signs or pavement marking shall be utilized, as necessary, to ensure safe traffic operation and to identify designated handicapped parking spaces and off-street loading spaces.

H. Lighting. Any lighting used to illuminate off-street parking and loading areas shall be arranged, installed and maintained in order to deflect, shade and focus lights away from adjacent public or private properties. Modifications to installed lighting may be required by the Zoning Administrator upon determination that the lighting constitutes a hazard or a nuisance.

I. Setbacks, Screening and Landscaping. All parking and loading areas shall comply with the setback, screening and landscaping requirements of Article 12.

J. Emergency and Public Vehicle Access. Parking and loading areas shall be designed so that emergency, public service and refuse collection vehicles can serve the development without the necessity of backing unreasonable distances or making other dangerous or hazardous turning movements.

K. Front Yard Parking Areas No front yard paved surface used for parking shall exceed thirty-five percent (35%) of the size of the front yard of the lot. This provision shall not apply to (1) any lot improved with a single-family attached dwelling; or (2) any lot with an existing lot width of forty-five (45) feet or less; or (3) any lot in the H-1 Overlay, Old and Historic District.

11.6.2 Dimensions of Parking Spaces and Aisles

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

A. Standard Parking Spaces. All surface parking spaces shall be designed as standard parking spaces, except as otherwise expressly allowed or required herein. Standard parking spaces shall be a minimum of 9.0 feet in width and 18 feet in length, except for parallel parking spaces which shall be a minimum of 22 feet in length.

B. Accessible Parking for Physically Handicapped Persons. A portion of the total number of required off-street parking spaces in each off-street parking area shall be specifically designated, located and reserved for use by persons with physical disabilities. The number and dimensions of handicapped accessible parking spaces shall be required in accordance with the Federal Americans with Disabilities Act (ADA).

1. Number of Spaces**.** The minimum number of accessible spaces to be provided shall be a portion of the total number of off-street parking spaces required, as determined from the following schedule. Parking spaces reserved for persons with disabilities shall be counted toward fulfilling off-street parking standards.

Total Parking Spaces Provided	Minimum Number of Accessible Spaces	Minimum Number of Van-Accessible Spaces	Minimum Number of Car-Accessible Spaces
1-25	1	1	0
26-50	2	1	1
51-75	3	1	2
76-100	4	1	3
101-150	5	1	4
151-200	6	1	5
201-300	7	1	6
301-400	8	1	7
401-500	9	2	7
501-1,000	2% of total spaces	1 out of every 8 accessible spaces	7 out of every 8 accessible spaces
Over 1,000	20 + 1 per each 100 spaces over 1,000		

2. Minimum Dimensions**.** All parking spaces reserved for persons with disabilities shall comply with the parking space dimension standards of this

article, provided that access aisles shall be provided immediately abutting such spaces, as follows:

Parking and Passenger Loading Zones for Disabled Persons				
Vehicle Type	Accessible Parking Space	Access Aisle	Total	Additional Criteria
Passenger	8 feet	5 feet	13 feet	Not less than one space shall be van accessible
Van	8 feet	8 feet	16 feet	A sign shall alert van users to the presence of the wider aisle
Universal	11 feet	5 feet	16 feet	No additional signage needed. Best for shared access aisles with 2 spaces

a. Car-Accessible Spaces. Car-accessible spaces shall have at least a 5-foot wide access aisle located abutting the designated parking space.
b. Van Accessible Spaces. Van-accessible spaces shall have at least an 8-foot wide access aisle located abutting the designated parking space.
c. Common Parking Aisle. Two accessible parking spaces may share a common access aisle.
d. Vehicle Overhangs. Parked vehicle overhangs shall not reduce the unobstructed width of an accessible route.
e. Parking Space/Aisle Slopes. Parking spaces and access aisles shall be level with surface slopes not exceeding 1:50 (2%) in all directions.
f. Passenger Loading Zones. Passenger loading zones shall provide an access aisle at least five (5) feet wide and 20 feet long adjacent and parallel to the vehicle pull-up space.

3. Signs. Required spaces for persons with disabilities shall be identified with signs and markings identifying the spaces as reserved for persons with disabilities. Signs shall be posted directly in front of the parking spaces at a height of no less than 42 inches and no more than 72 inches. Spaces shall be located in close proximity to building entrances and shall be designed to permit occupants of vehicles to reach the building entrance on an unobstructed path.

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

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

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

11.6.3 Dimensions of Loading Facilities

A. Minimum Dimensions of Off-Street Loading Areas. For the purpose of these regulations there shall be two general categories of off-street loading dimensions: standard loading spaces and semi-trailer loading spaces.

1. Standard Loading Space Dimensions. Standard loading spaces shall be a minimum 15 feet in width and 30 feet in length and provide a minimum vertical clearance of 15 feet; provided, however, that when loading spaces are located alongside each other, additional loading spaces need only be a minimum of 12 feet in width. All uses which are required to provide a standard loading space shall provide an entrance and circulation system which can accommodate an American Association of State Highway and Transportation Officials (AASHTO) SU Design Vehicle.

2. Semi-Trailer Loading Space Dimensions. Semi-Trailer loading spaces shall be a minimum of 15 feet in width and 55 feet in length and provide a minimum vertical clearance of 15 feet. Uses which are required to provide a semi-trailer loading space shall utilize an AASHTO WB-50 Design Vehicle for planning the entrance and on-site circulation system.

3. Location of Off-Street Loading Spaces. No off-street loading area shall be located within any required front yard. Furthermore, no off-street loading area shall be used to satisfy requirements for parking or stacking spaces. All loading areas shall be located and designed in a manner which does not interfere with the free circulation of vehicles within parking or stacking areas.

11.6.4 Overflow Parking Facilities

Off-street parking areas which are provided in excess of the requirements established in this article and which will only be used on a periodic basis, in order to accommodate temporary special events on the property, may be located on an unpaved surface if approved in writing by the Land Development Official. Conditions appropriate to ensure that the temporary use will be of short duration shall be specified by the Land Development Official.

11.6.5 Minimum Dimensions of Parking Spaces and Aisles in Parking Structures

Parking Angle	Space Width (feet)	Space Length (feet)	Aisle Width (feet)	
			1-Way	2-Way
45°	8.5	18	13	21
60°	8.5	18	18	22
90°	8.5	18	22	22

Handicap accessible spaces shall be provided in accordance with Section 11.6.2.B.

A. Where fire lanes are required, the minimum aisle width shall be determined by the Fire Marshal.

B. Minimum parking space dimensions shall be provided exclusive of access drives, aisles, ramps or columns. All spaces shall be striped.

C. Minimum vertical clearance for all spaces shall be six feet, six inches (6’6”). When the facility serves a “place of public accommodation” as defined by the

Americans with Disabilities Act, then a minimum vertical clearance of eight feet, two inches (8'2") shall be provided for van accessible spaces and along the vehicular route to the accessible spaces, and from the accessible spaces to the exit.

D. Maximum slope for parking floors shall not exceed five percent (5%).

E. Maximum slope for speed ramps shall not exceed fifteen percent (15%).

F. Parking spaces and access aisles for handicap accessible spaces shall be level and not exceed a two percent (2%) slope.

Sec. 11.7 Maintenance

Parking and loading facilities shall be maintained in a clean, orderly and dust-free condition at the expense of the owner or lessee. Parking and loading areas shall be resealed or repaved and pavement markings periodically repainted and on-site traffic control signs replaced, as necessary, to maintain a clear identification of individual parking and loading spaces and to facilitate the safe movement of pedestrian and vehicular traffic.

Sec. 11.8 Stacking Spaces

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

11.8.1 Food Restaurants

A minimum of ten (10) stacking spaces shall be required for fast food restaurants with drive-up windows. The distance shall be measured from the drive-up window.

11.8.2 Car Washes

A minimum of seven (7) stacking spaces per car wash bay shall be required.

11.8.3 Financial Institution Drive-up Windows

The minimum number of stacking spaces required for each teller, customer window or automatic teller machine (ATM) serving a financial institution shall be three (3) stacking spaces per lane and per window. However, the Town Council may require additional stacking spaces based on site conditions and safety considerations during review of the special exception application requesting the use. Such stacking lanes shall be used solely for drive-up window vehicle stacking and shall not conflict or extend into vehicle parking areas, drive aisles or loading spaces and shall be screened to avoid being a dominant visual feature of the site when viewed from adjacent streets.

11.8.4 Other Uses

For other uses not specifically provided for herein, the Zoning Administrator shall make a determination regarding the number of stacking spaces required.

Sec. 11.9 Number of Off-Street Loading Spaces Required

Notwithstanding the loading requirement set forth below, in no instance shall more than five (5) off-street loading spaces be required for any given use or building.

Type of Use	Minimum Number of Loading Spaces Required
Residential Uses	None.
Institutional and Community Service Uses	Hospitals, nursing homes, and similar health care uses shall provide one standard loading space for the first 10,000 square feet of gross floor area plus one space for each additional 100,000 square feet of floor area. Schools and other institutional and community service uses which include a food service facility shall provide one standard loading space.
Recreational Uses	Recreational uses which include an accessory food service facility shall provide one standard loading space.
Commercial Uses	
Offices, and Similar Uses	One standard loading space for 20,000 square feet of gross floor area, plus one space for each additional 30,000 square feet.
Bowling Alleys and Similar Commercial Recreation Uses	One standard loading space.
Eating Establishments	One standard loading space for the first 10,000 square feet of gross floor area, plus one space for each additional 25,000 square feet. Fast food restaurants are encouraged to provide loading facilities which will accommodate the specific types of delivery vehicles that will serve the use.
Grocery Stores	One semi-trailer loading space for the first 10,000 square feet of gross floor area, plus one additional space for each additional 15,000 square feet.
Lumber and Building Material Supply	Sales uses shall be required to provide one semi-trailer loading space for the first 10,000 square feet of gross floor area, plus one additional space for each additional 25,000 square feet.
Retail Sales	One standard loading space for the first 15,000 square feet of gross floor area, plus one space for each additional 25,000 square feet.
Service Stations and Any Accessory Retail Fuel Sales	One semi-trailer loading area for discharging fuel; however, such space need not be marked on the pavement, provided the location of such area will not unduly interfere with the on-site circulation pattern.
Wholesale Trade Establishments	One standard loading space for the first 10,000 square feet of gross floor area, plus one additional space for each additional 10,000 square feet.
Vehicular Sales or Rental Establishments	One semi-trailer loading space.
Industrial, Trade and Warehouse Use	
Assembly and General Manufacturing Operations	One semi-trailer loading space for the first 10,000 square feet of gross floor area, plus one additional space for each additional 25,000 square feet.
Building Contractors and Similar Trades and Services	One standard loading space for the first 10,000 square feet of gross floor area, plus one additional space for each additional 10,000 square feet.

Type of Use	Minimum Number of Loading Spaces Required
Heavy Equipment Sales	One semi-trailer loading space.
Mini-Warehouse Facilities	One standard loading space for the first 10,000 square feet of gross floor area, plus one additional space for each additional 10,000 square feet.
Research and Development Facilities	One semi-trailer loading space for the first 10,000 square feet of gross floor area, plus one additional space for each additional 25,000 square feet.
Warehouse Facilities, Freight Terminals and Similar Uses	One semi-trailer loading space for the first 10,000 square feet of gross floor area, plus one additional space for each additional 25,000 square feet.
Utility Uses	One standard loading space.

Sec. 11.10 Alternative Loading Provisions

11.10.1 Shared Loading Facilities

Loading spaces may be provided cooperatively for two or more uses, subject to approval by the Zoning Administrator and approval of appropriate legal instruments by the Town Attorney to ensure the permanent availability of off-street loading for all such uses. The overall number of loading spaces provided may be reduced in those instances where it is demonstrated that adjacent land uses can be adequately served by a shared loading facility. The Zoning Administrator is authorized to require restrictions on the use and hours of operation of any uses that share loading spaces.

11.10.2. Waiver/Modification of Loading Space Requirements

When the use does not require that goods, merchandise, or equipment be routinely delivered or shipped to or from the subject use by either an American Association of State Highway Transportation Officials (AASHTO) WB-50 or SU type vehicle, then a waiver of the loading space requirement may be granted by the Zoning Administrator. The request for waiver shall be made to the Zoning Administrator in writing testifying to the nature of the business and justifying the waiver sought. To grant a waiver, the Zoning Administrator must determine that the use will be able to operate properly without routine delivery or shipment of goods, merchandise, or equipment by an AASHTO WB-50 or SU Design Vehicle. The Zoning Administrator shall set forth in writing the grant of modification or waiver with the reasons for such determination.

In those cases when the applicant can properly demonstrate that the use can be adequately and safely accommodated with loading for an AASHTO SU Design Vehicle when a WB-50 Design Vehicle is required, the Zoning Administrator may modify that requirement to permit the use of the SU Design Vehicle space. Any modification request shall be made in writing to the Zoning Administrator with adequate information testifying to the nature of the business and evidence justifying the modification sought. The Zoning Administrator shall set forth in writing the grant of modification with reasons for such determination.

Sec. 11.11 Sight Distance

All development shall comply with the Sight Distance standards of the Design and Construction Standards Manual Sec. 7-371.

Sec. 11.12 Administration

11.12.1 Floor Plans

The Zoning Administrator may require the submittal of floor plans for any use prior to issuance of a zoning permit in order to verify compliance with these requirements.

11.12.2 Rules of Interpretation

A. Whenever the required number of parking or loading spaces is not established in this article, and when there is no similar general type of use listed, the Zoning Administrator shall make a determination of the number of spaces to be provided.

B. When units of measurement utilized to determine the number of parking or loading spaces result in a fraction of a space, any fraction greater than or equal to one-half shall require one space.

C. Unless otherwise expressly stated, parking or loading requirements that are based on floor area shall be calculated on the basis of gross floor area.

D. When parking or loading requirements are based on the number of employees such requirements shall be based on the number of employees working on the largest single shift of operation.

E. When parking or loading requirements are based on the number of seats and benches or pews are utilized, each 18 lineal inches of such seating shall be determined to constitute one seat.

11.12.3 Monitoring and Enforcement

A. **Responsibility**. The enforcement of the provisions of this article shall be the responsibility of the Zoning Administrator or designee. Any violation of this article is a criminal misdemeanor, as described in Sec. 17.3.1.

B. **Occupancy Permits**. No occupancy permit shall be signed until the paved parking and loading areas required by this article have been installed to the satisfaction of the Zoning Administrator.

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

Article 12 | Tree Preservation, Landscaping, Screening, Open Space and Outdoor Lighting

Contents of Article

Sec. 12.1 General 2
12.1.1 Purpose and Intent 2
12.1.2 General Applicability 3
Sec. 12.2 Administration 3
12.2.1 Landscape Plan Required 3
12.2.2 Review Procedures 3
12.2.3 Contents of Landscape Plan 3
12.2.4 Contents of a Tree Preservation Plan 4
12.2.5 Monitoring and Enforcement 4
Sec. 12.3 Twenty-Year Tree Canopy Requirements 5
12.3.1 Requirements 5
12.3.2 Calculations and Exceptions 6
12.3.3 Tree Preservation and Tree Canopy Fund 7
12.3.4 Credits for Tree Canopy 7
12.3.5 Qualifying Canopy Credit 8
12.3.6 Damage to Preserved Trees 8
Sec. 12.4 Street Trees 8
12.4.1 Applicability 8
12.4.2 Species 8
12.4.3 Number 9
12.4.4 Location 9
12.4.5 Planting Standards for Trees in Rights-of-Way 9
Sec. 12.5 Perimeter Parking Lot Screening 9
12.5.1 Applicability 9
12.5.2 Definition 9
12.5.3 Parking Lots Adjacent to Public Streets 10
12.5.4 Other Parking Lots 10
Sec. 12.6 Interior Parking Lot Landscaping 10
12.6.1 Applicability 10
12.6.2 Definition 11
12.6.3 Standards 11
Sec. 12.7 Modified Parking Lot Screening and Landscaping Standards 11
12.7.1 Properties within the H-1 Overlay District 11
Sec. 12.8 Buffers and Screening 12
12.8.1 Applicability 12
12.8.2 Buffer-Yards 12
12.8.3 Buffer-Yard Matrix 16
12.8.4 Land Use Categories 16
12.8.5 Modification Buffer-Yard Requirements 17
12.8.6 Screening 18
12.8.7 Screening of Outdoor Storage and Loading Areas. 20
12.8.8 Dumpster Screening 20
Sec. 12.9 Plant Material Specifications 20
12.9.1 Condition 20
12.9.2 Size 20

12.9.3 Measurement of Size 21
12.9.4 Diversity 21
12.9.5 Planting Procedures 21
12.9.6 Tree Selection and Cover Guide 21
12.9.7 Maintenance 28
12.9.8 Sight Distance 29
12.9.9 Steep Slopes 29
Sec. 12.10 Open Space 29
12.10.1 Purpose 29
12.10.2 Minimum Open Space Required 29
12.10.3 Nonresidential Properties 29
12.10.4 Open Space for Residential Properties 30
12.10.5 Submittal Requirements 30
Sec. 12.11 Outdoor Lighting 31
12.11.1 Purpose and Intent 31
12.11.2 Applicability 31
12.11.3 Standards 31
12.11.4 Plan Required 32
12.11.5 Standards for Certain Uses 32
12.11.6 Exemptions 33

Sec. 12.1 General

12.1.1 Purpose and Intent

The purpose and intent of this article is to provide for tree preservation, landscaping, open space and outdoor lighting for; the general health, safety and welfare of our citizens; to enhance the community by the creation of an attractive environment; to protect property values and to further the urban design and economic development objectives of the Town Plan. To these ends, these regulations are intended to promote the preservation, planting and conservation of resources which provide important aesthetic, social, and economic benefits indispensable to the conservation and management of atmospheric, water, soil, and ecological resources which:

A. Provide for preservation and planting of trees in the development process to create a specified tree canopy or cover in twenty years pursuant to the authority granted in Section 15.2-961 of the Code of Virginia, 1950, as amended and as more particularly set forth herein.

B. Provide parking lot landscaping to reduce the harmful effects of heat, noise and glare associated with motor vehicle use.

C. Provide for the creation of safe, attractively landscaped areas adjacent to public streets by using landscape materials which separate vehicular and pedestrian areas.

D. Provide for screening and buffering between incompatible land uses.

E. Provide for shade and enhance the appearance of urban areas.

F. Provide for the protection of ground water, improve air quality and stormwater management through the mitigating effects of trees.

G. Provide for useful and attractive open space areas.

H. Provide for required outdoor lighting.

12.1.2 General Applicability

The provisions of this article shall apply to all land development applications submitted after January 1, 2010, except that site plan waivers and minor subdivisions submitted after November 10, 2009, shall be exempt from the applicability of these provisions. This article does apply to the enlargement of any parking lot, but does not apply to the resurfacing of any existing parking lot. This article shall apply to the construction of any parking lot with greater than five (5) spaces and the construction, extension or widening of any street.

Sec. 12.2 Administration

12.2.1 Landscape Plan Required

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

12.2.2 Review Procedures

The Land Development Official, or designee, shall be responsible for the review of all landscape plans and tree preservation plans.

12.2.3 Contents of Landscape Plan

A landscape architect, landscape designer or landscape contractor shall prepare every landscape plan required by this article. All landscape plans shall contain the following information:

A. **Scale**. Plans shall be drawn to a scale of not less than 30 feet to the inch on sheets not exceeding 24 by 36 inches;

B. **Contents**. All plans shall illustrate with sufficient detail the location of all proposed construction including driveways, parking areas, curbs, sidewalks, utility lines, utility easements, structures and landscape areas. Landscape areas shall indicate dimensions, and all proposed trees shall be illustrated at their full canopy spread as listed in Sec. 12.9.6. Landscape material proposed must comply with the Design and Construction Standards Manual planting practices within easements;

C. **Schedule**. All plans shall be accompanied by a schedule of plants proposed, including the number proposed, their height, caliper or gallon size, common and botanical name, the amount of tree canopy area credit and percent diversity (See Section 12.9.4). The plan shall identify each plant species with a unique symbol. The Plant Schedule Table can be found at http://www.leesburgva.gov/government/departments/planning-zoning/forms-related-links; and

D. **Open Space**. All plans shall include a table calculating the amount of open space and number of plants and trees required by the Zoning Ordinance and the amount of open space and number of plants and trees provided.

12.2.4 Contents of a Tree Preservation Plan

A tree preservation plan shall be prepared for each site that has existing trees intended for preservation. The plan should be prepared by or in consultation with an arborist certified by the Mid-Atlantic Chapter of the International Society of Arboriculture. Methods of protecting the vegetation shall be illustrated or explained on the Erosion and Sediment Control Plan. All tree preservation plans shall contain the following information:

A. Scale. Plans shall be drawn to a scale of not less than 30 feet to the inch on sheets not exceeding 24 by 36 inches or an alternate scale agreed to by the Town.

B. Contents. All plans shall delineate the edges of predevelopment tree canopy, the proposed limits of disturbance and the location of the tree protection limits.

C. Worksheet. All plans shall include 20 year tree canopy calculations in accordance with Section 12.3.1 on a worksheet provided by the Town of Leesburg found at www.leesburgva.gov/government/departments/planning-zoning/forms-related-links.

Tree Management Report. All plans shall include a Tree Management Report (TMR) that will document the health and structural condition of the existing trees to be preserved. A Tree Management Report shall follow the Tree Inventory and Condition Analysis Guide and the Tree Management Report Table found at www.leesburgva.gov/government/departments/planning-zoning/forms-related-links.

12.2.5 Monitoring and Enforcement

A. Responsibility. The enforcement of the provisions of this article shall be the responsibility of the Zoning Administrator. Any violation of this article is a civil misdemeanor as described in Sec. 17.3.1.

B. Occupancy Permits. No occupancy permit shall be signed until the trees, plants and other screening materials required by this article have been installed to the satisfaction of the Zoning Administrator. In order to better guarantee the success of planted materials required to be installed as part of a site plan, between the months of December – February and June – August only landscape bonds calculated using the Town of Leesburg Landscape Bond Schedule will be accepted for zoning approval on Occupancy Permit certificates supplied by Loudoun County.

C. Bonds.

1. Occupancy Permits. If, between the months of December – February and June – August, or in the opinion of the Zoning Administrator, the weather prohibits the installation of the required trees, plants or screening materials at the time of occupancy, the applicant shall post a cash bond for the installation of the required plants and installation costs. The bond shall be supported by (1) an estimate prepared by a landscape contractor of the cost of installing such landscaping, which

amount must be determined to be sufficient by the Land Development Official, and (2) a letter expressing the intent of the contractor to install the required plants. If the required landscaping is not installed within six (6) months, the bond shall be forfeited to the town to use for the planting of the required materials.

2. Planned Developments. No Site Plan or Final Plat within a Planned Development District shall be approved until the subdivider or developer has furnished to the town a cash deposit, corporate surety bond (in a form approved by the Town Attorney), or other guarantees satisfactory to the Town Council to ensure installation of all required landscaping. The bond shall be supported by (1) an estimate prepared by a landscape contractor of the cost of installing and constructing all landscaping shown on the approved subdivision plat or site plan. This amount must be determined to be sufficient by the Land Development Official. The surety shall be conditioned upon and shall guarantee the installation and construction of all landscaping shown on the plans and shall be released upon installation and construction of the landscaping in accordance with the plans. (2) The subdivider or developer shall further guarantee the maintenance and replacement, as necessary, of landscaping for two years after installation and shall furnish a cash deposit, corporate surety bond or other guarantees satisfactory the Town Council in an amount equal to ten percent (10%) of the costs of installation and construction of landscaping shown on the approved subdivision plat or site plan. This guarantee shall be released upon certification by the Zoning Administrator that the required landscaping has been completed and maintained in accordance with the requirements of the bond.

3. Bond Amount Determination. The bond amount required shall be based on the Landscape Bond Schedule as prepared and revised by the Urban Forester.

D. Conservation Easements. For the purpose of conserving and preserving undisturbed natural vegetation, topography, habitat and other natural features now existing on and across the property, a conservation easement may be required at the discretion of the Land Development Official.

Sec. 12.3 Twenty-Year Tree Canopy Requirements

12.3.1 Requirements

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

A. Ten percent (10%) tree canopy for a site zoned business, commercial or industrial.

B. Ten percent (10%) tree canopy for a residential site zoned twenty (20) or more units per acre.

C. Fifteen percent (15%) tree canopy for a residential site zoned more than ten (10) but less than twenty (20) units per acre.

D. Twenty percent (20%) tree canopy for a residential site zoned ten (10) units or less per acre.

E. If the full canopy requirement cannot be achieved on-site, the remaining requirement of canopy shall be calculated with the cost amount listed in Section G. below and a fee for the total shall be collected and deposited in the Town of Leesburg tree fund.

F. The cost to establish a new tree with a twenty (20) year canopy area starting with a two (2) – inch caliper nursery stock shall be $990.00.

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

12.3.2 Calculations and Exceptions

A. Trees. Existing trees preserved on-site may be used in the tree canopy calculation as a sq. ft. coverage, including parking lot landscaping and street plantings required by this article. Any existing trees used to meet the minimum canopy requirements of the ordinance must be identified by type and be at least twelve inch (12") diameter, in healthy and structurally sound condition and be protected from construction activity. Healthy and structurally sound conditions are defined as any tree rated at 40 percent or greater when the roots, trunk, scaffold branches, small branches and twigs, foliage and buds are evaluated and documented through field observations using the latest edition of the Guide for Plant Appraisal condition rating guide. Such protection procedures shall be illustrated on the Erosion and Sedimentation Control Plan, and the Tree Preservation Plan.

B. Tree planting credit. Street trees shall be counted toward required tree canopy cover. All trees planted on site as well as street trees planted in public right of way shall qualify for the minimum tree canopy calculation provided that:

1. The minimum size planted tree that will qualify for tree cover credit shall meet the minimum height and caliper requirements of Sec. 12.9.2; and

2. The minimum tree canopy calculations for the planted trees shall be based on the projected twenty-year tree cover area for each tree as shown in Sec. 12.9.6 (Tree Selection and Cover Guide).

C. Exclusions from minimum tree canopy calculations. An exclusion from the minimum tree canopy requirement is permitted for areas

comprised of the following features which shall be identified and shown on the subdivision plat or site plan:

1. Lakes and retention ponds, based on the normal water surface elevation, and swimming pools. Embankment, dam, or other control devices and easements in conjunction with the facility;
2. Lands under active commercial production or management of agricultural, horticultural or forest crops; landfills and quarries;
3. Major utility distribution easements of twenty-five (25) feet or more in width;
4. Floodplains and preserved wetlands;
5. Farmland or areas devoid of woody material;
6. Dedicated school sites;
7. Playing fields and other non-wooded recreation areas;
8. Dedicated right-of-way-streets; and
9. Law Enforcement Agencies.

12.3.3 Tree Preservation and Tree Canopy Fund

The Land Development Official may allow developers to contribute a pro-rated fee into the Town's Tree Canopy Fund when full canopy requirements cannot be provided on-site. The Town may use this fund directly to plant trees on public property including the right-of-way on public roads or the Town may elect to disburse this fund to community-based organizations exempt from taxation under 501 (c) (3) of the Internal Revenue Code for tree planting projects that benefit the community at large.

A. **Fee Basis.** Fees collected for these purposes shall be based on the cost to establish 20-year canopy cover using two-inch caliper nursery stock tree.

B. **Pro-rata Tree Canopy Cost.** The cost to establish a new tree with a twenty (20) year canopy area starting with a two (2) – inch caliper nursery stock shall be $990.00. This price covers the cost typically associated with purchasing plant material, cost of installation, and cost associated with proper tree care to ensure the development and survival of a healthy tree.

C. **Five Year Time Limit.** Any fees collected for these purposes must be spent within a five-year period established by the collection date or the fees will be refunded to the original contributor or legal successor.

12.3.4 Credits for Tree Canopy

Existing tree cover within any proposed subdivision plat or site plan shall be retained to the greatest extent possible and taken fully into account in the design of the improvements, grading of the property and calculation of the minimum tree canopy requirement. Such calculation shall be measured in square feet.

Existing tree canopy credit shall be granted if the following steps are taken:

A. Trees are listed on a Tree Management Report with a condition rating of 40% or greater;

B. Trees are shown on the Tree Preservation Plan with their Critical Root Zone entirely within the delineated tree protection area;

C. Tree protection details and narratives are on the Tree Preservation Plan; and

D. Credit will be given as 1.5 times the full diameter of the tree's drip line for sites with tree canopy requirements of 10% or less. For example, for a 30 feet diameter canopy, credit will be given for a 45 feet diameter save area. Credit will be given at 2 times the full diameter of the tree's drip line for sites with a tree canopy requirement of 15% or greater. For example, for a 30 feet diameter canopy, credit will be given for a 60 feet diameter save area.

12.3.5 Qualifying Canopy Credit

All trees planted to qualify for canopy credits must meet the specifications of the American Association of Nurserymen standard Z60.1 or latest revision.

12.3.6 Damage to Preserved Trees

In the event that existing tree canopy proposed to be preserved for tree canopy credits dies or must be removed because it represents a hazard, the canopy will be replaced by the planting of nursery stock trees. The number of replacement trees will be calculated following the Town's Tree Replacement Formula. The formula can be found on the Town Website at www.leesburgva.gov.

Sec. 12.4 Street Trees

12.4.1 Applicability

Street tree planting is required any time a street is constructed, extended or widened, including any capital improvement projects, and all development applications, including Site Plan Waiver, and for all development and redevelopment within the corporate limits except as specifically modified during the rezoning process. This requirement shall apply to all zoning districts. Street trees shall be located within the required front yard or public rights-of-way based on a recommendation by the Urban Forester. However, if the Land Development Official and the Director of Plan Review determine that unacceptable conflicts with public facilities will result then street trees must be planted within the required front yard.

12.4.2 Species

Tree species shall conform to those identified as street trees on the Tree Selection and Cover Guide of Sec. 12.9.6. Substitutions may be requested in writing prior to installation of the trees to the Land Development Official, or designee. In reviewing plans for street tree plantings the Land Development Official shall consider:

A. The size, type and condition of existing street trees;

B. The majority of street trees planted shall be medium or large scale canopy trees to provide shade and visual relief except where overhead utility lines prohibit such trees;

C. Only trees having a mature height of less than 20 feet shall be located under overhead utility lines;

D. Understory trees should be planted in groups; and

E. Only single stem trees shall be planted as street trees.

12.4.3 Number

One (1) medium or large canopy tree shall be provided for every forty (40) feet of street frontage. In the case of overhead utility lines, only understory trees shall be utilized and one understory tree shall be provided for every fifteen (15) feet of street frontage. In the case of capital improvement projects for public streets, one (1) tree should be provided for every forty (40) feet of street frontage; however, in no case shall there be a net loss in the number of trees in the area improved. In cases where street trees are planted under or near overhead utility lines and understory trees are required per Sec. 12.4.2.C, one (1) tree should be provided for every thirty (30) feet of street frontage.

12.4.4 Location

Street trees shall be located either within the public right-of-way or no further than fifteen (15) feet from the sidewalk or edge of pavement. Nothing in this section shall be construed as to require that tree plantings be planted at even intervals. Minimum recommended spacing between trees should be thirty (30) feet for large and medium canopy trees.

12.4.5 Planting Standards for Trees in Rights-of-Way

The Urban Forester must approve the types of trees to be planted in the public rights-of-way. In addition, trees planted in the public rights-of-way must comply with clear zone requirements pursuant to Appendix B (1) of VDOT's Subdivision Street Design Guide and the Town's typical street tree detail.

A. **Modification/Waiver Provision.** Street tree plantings may be reduced or eliminated at the discretion of the Land Development Official in accordance with the provisions below and provided canopy coverage calculations are submitted with every modification request. Payment to the Tree Canopy Fund is required when the minimum standards found in Section 12.3.1 have not been met. Any such modification issued by the Land Development Official shall be in writing and shall set forth the reasons for granting the modification.

Sec. 12.5 Perimeter Parking Lot Screening

12.5.1 Applicability

All parking areas described below, unless explicitly exempted, must be screened as described in this article. For the purposes of this article, parking lots are defined as any area used for the display or parking of any and all types of vehicles, boats or heavy construction equipment, whether these vehicles are or are not for sale or lease. This definition includes, but is not limited to, parking lots and display areas for automobile dealerships and service stations. The area of the parking lot shall be calculated to include all paved areas used for ingress/egress. The requirements of this section shall apply to the construction or enlargement of any parking lot with five (5) or more parking spaces. No perimeter parking lot screening shall be required if an S-2 or S-3 screen as described in Sec. 12.8.6. is required.

12.5.2 Definition

Perimeter parking lot screening shall include all landscape areas outside the perimeter of the paved area of the lot and any landscape area required adjacent to a public street.

12.5.3 Parking Lots Adjacent to Public Streets

A. Landscape Area. A continuous landscape area ten (10) feet in width, exclusive of easements, sidewalks, trails or right-of-way, shall be located between the parking lot and the property line. If road improvements are necessary across the frontage of the property, a continuous landscape strip with an average width of ten (10) feet may be provided to meet the requirements of this section. If a parking lot is built adjacent to an existing parking lot which has landscape area narrower than ten (10) feet in width, the width of the existing landscape area may be continued provided that it is at least four (4) feet wide.

B. Number of Trees. One (1) tree for at least every forty (40) feet of frontage shall be planted in the landscape strip.

C. Screening Adjacent to Public Street. All parking lots adjacent to the public street must be screened along the street frontage except as necessary for driveway entrances/exists and sight distance purposes. Screening shall be accomplished through the planting of shrubs, hedges and/or the creation of berms. No plant material or berm shall obstruct the sight distance of motorists entering or leaving the site. Spacing of shrubs shall be no greater than four (4) feet and shrubs shall have a minimum height of eighteen (18) inches.

D. Species. All trees planted to meet the requirements of this section shall be street trees as identified in Sec. 12.9.6 (Tree Selection and Cover Guide).

12.5.4 Other Parking Lots

A. Landscape Area. A continuous landscape area at least five (5) feet in width shall be located between the property line and the parking lot.

B. Number of Trees and Shrubs. One (1) tree and three (3) shrubs for every fifty (50) feet of frontage shall be planted in the landscape area.

C. Species. All trees planted to meet the requirements of this section shall be canopy trees as identified in Sec. 12.9.6 (Tree Selection and Cover Guide).

Sec. 12.6 Interior Parking Lot Landscaping

12.6.1 Applicability

The requirements of this section shall apply to the construction or enlargement of any parking lot with sixteen (16) or more parking spaces. Such landscaping shall be in addition to perimeter parking lot screening, street tree planting and buffering.

A. The requirements of this section shall specifically not apply to vehicle sales facilities.

B. The Land Development Official shall have the authority to waive or modify interior parking lot landscaping requirements for a public law enforcement facilities when it is determined that such landscaping is in conflict with security measures for that facility. A request for modification, waiver or reduction of interior parking lot landscaping requirements by the Land

Development Official shall be in writing and shall state the reasons for granting the request.

12.6.2 Definition

Interior parking lot landscaping is any landscape area over 145 square feet in the case of single-bay parking and 300 square feet in the case of double-bay parking that is within the perimeter of the paved parking area.

12.6.3 Standards

A. **Minimum Parking Lot Landscape Area**. At least five percent (5%) of the gross area of the parking lot shall be comprised of landscape area. The gross area of the parking lot shall include all paved areas within the lot including areas for ingress/egress. Paved storage areas may be subtracted from this figure for land uses such as lumber yards and warehouses.

B. **Minimum Landscape Area**. No landscape area shall be less than 145 square feet with a minimum width of nine (9) feet.

C. **Number of Trees**. One (1) tree for every sixteen (16) parking spaces.

D. **Number of Shrubs**. Three (3) shrubs for every sixteen (16) parking spaces.

E. **Light Poles.** Light poles should not be placed in landscape islands. If a light pole is located within 20 feet of a required tree, the tree cannot be counted toward the minimum canopy coverage requirement

F. **Species**. Each landscape area with an area of 300 square feet or more shall be planted with one (1) Large Canopy or two (2) Medium Canopy trees. Each 145-square foot landscape area shall be planted with one (1) Medium Canopy tree. (See Sec. 12.9.6).

Sec. 12.7 Modified Parking Lot Screening and Landscaping Standards

Parking Lot Landscaping Standards may be reduced or eliminated at the discretion of the Land Development Official in accordance with the provisions below and provided canopy coverage calculations are submitted with every modification request. Payment to the Tree Canopy Fund is required when the minimum standards found in Section 12.3.1 have not been met. Any such modification issued by the Land Development Official shall be in writing and shall set forth the reasons for granting the modification.

12.7.1 Properties within the H-1 Overlay District

A. **Screening Area Adjacent to a Public Street**. The Land Development Official may waive or reduce the requirement for a perimeter parking lot screen as described in Sec. 12.5 when the required ten (10) foot area would serve no useful purpose, would result in a hardship to the property owner and a suitable screening alternative has been provided where necessary. Alternative screening such as architectural walls may be permitted when approved by the Board of Architectural Review. Any such modification shall be issued by the Land Development Official before an

application may be considered by the Board of Architectural Review on the subject property. The modification shall be in writing and shall set forth the reasons for granting the modification.

B. **Relation of Perimeter Parking Lot Screening and Interior Parking Lot Landscaping**. The Land Development Official may modify the numerical requirements for the amount of landscape space and amount of plant materials as required in Sec. 12.5 and Sec. 12.6. If additional landscape area or plant material is provided that exceeds the requirements of the interior or perimeter parking lot landscaping the Land Development Official may apply this to the alternative perimeter or interior landscaping requirements.

C. **Form of Waiver**. A request for modification, any waiver or reduction of parking lot landscaping requirements by the Land Development Official shall be in writing and shall state the reasons for granting the modification request.

Sec. 12.8 Buffers and Screening

12.8.1 Applicability

The buffer-yard requirements of this section shall apply to all new construction, including Site Plan Waiver and enlargement of existing structures constituting more than fifty percent (50%) of the floor area of the existing structure.

12.8.2 Buffer-Yards

A. **Definition**. Buffer-yards are the combination of buffer plus screening required to physically separate and to obscure the view of adjoining land uses. Buffer-yards shall not be used for the storage of materials, buildings, parking or loading areas for motor vehicles or equipment or signs. Driveway entrances and entrances connecting adjacent parking lots or developments may intersect the required buffer-yard. See Sections 18.1.21 Buffer, 18.1.21.1 Buffer-Yard and 18.1.166 Screening for definitions

B. **Relation to Setbacks**. Buffer-yards may be provided in the area required for setbacks by the zoning district regulations.

C. **Buffer-yards Exceeding Setbacks**. In any instance when the buffer yard required by this article exceeds the setback required by the zoning district regulations the buffer yard required by this article must be provided.

D. **Credit for Existing Buffer**. Any existing buffer-yard proposed to be saved by a subdivision or site plan, which complies with the intention of this article, shall be deemed to meet these buffer-yard requirements. The plant material to be saved must be identified and illustrated to show their size and height and must be in a healthy condition.

E. **Buffer-Yards Adjacent to a Vacant Parcel**. Site plans and subdivisions proposed adjacent to vacant parcels of property shall only be required to provide one-half of the required buffer yard set forth in Sec.12.8.3.

F. **Buffer-Yards Adjacent to a Developed Site**

1. Existing Development Complying with Buffer-Yard Requirement. Whenever a site plan or subdivision is proposed adjacent to a developed property that has provided one hundred percent (100%) of the required buffer-yard the adjacent proposed development or subdivision must provide at least one half of the width of the buffer-yard required by Sec. 12.8.3. This provision shall apply unless modified by Sec. 12.8.5.
2. Existing Development Not Complying with Buffer-Yard Requirement. Whenever a site plan or subdivision is proposed adjacent to a developed property that has not provided any or all of the required buffer-yard, the adjacent proposed development or subdivision shall provide the balance of the buffer-yard required by Sec. 12.8.3. This provision shall apply unless modified by Sec. 12.8.5. Properties residentially zoned or used as single-family detached dwellings developed prior to October 22, 1986 shall not be determined to have provided a buffer-yard as defined in this section.

G. Buffer-Yards Adjacent to Certain Public Streets. The purpose of these requirements is to ensure that the rear and/or side of a residential, commercial or industrial use and the lowest story of the rear and/or side exterior wall of that use is screened from the view of all collector and higher classification streets (in its ultimate design), as indicated in the Transportation Section of the Town Plan. The intent of these requirements is to provide a safer and more livable environment for residential uses and provide an attractive view of various residential, commercial and industrial uses from major streets.

1. When the rear and/or side of a residential, commercial, institutional (including playgrounds) or industrial structure abuts a street classified as a collector or a higher classification street (in its ultimate design), as indicated in the Transportation Section of the Town Plan, buffer-yards shall be provided between the residential, commercial or industrial use and the public right-of-way. The buffer- yard shall be provided either on individual lots in a perimeter landscape area or as part of a common open space owned and maintained by a homeowners' association. If a perimeter landscape area is used on individual lots, the area within the perimeter landscape area shall not be included in the calculation of lot size.
2. The width of the buffer and the screening materials required to be planted within the buffer yard shall be as follows:
   a. **Collector.** A minimum of 35 feet wide with the following plant material per 100 linear feet of right-of way:

Table 12.8.2.A

Canopy Trees	4
Evergreen Trees	15
Shrubs	30

   b. **Arterial.** A minimum of 50 feet wide with the following plant material per 100 linear feet of right-of –way:

Table 12.8.2.B

Canopy Trees	6
Evergreen Trees	18
Shrubs	40

c. **Limited Access Highway.** A minimum of 75 feet wide with the following plant material per 100 linear feet of right-of-way:

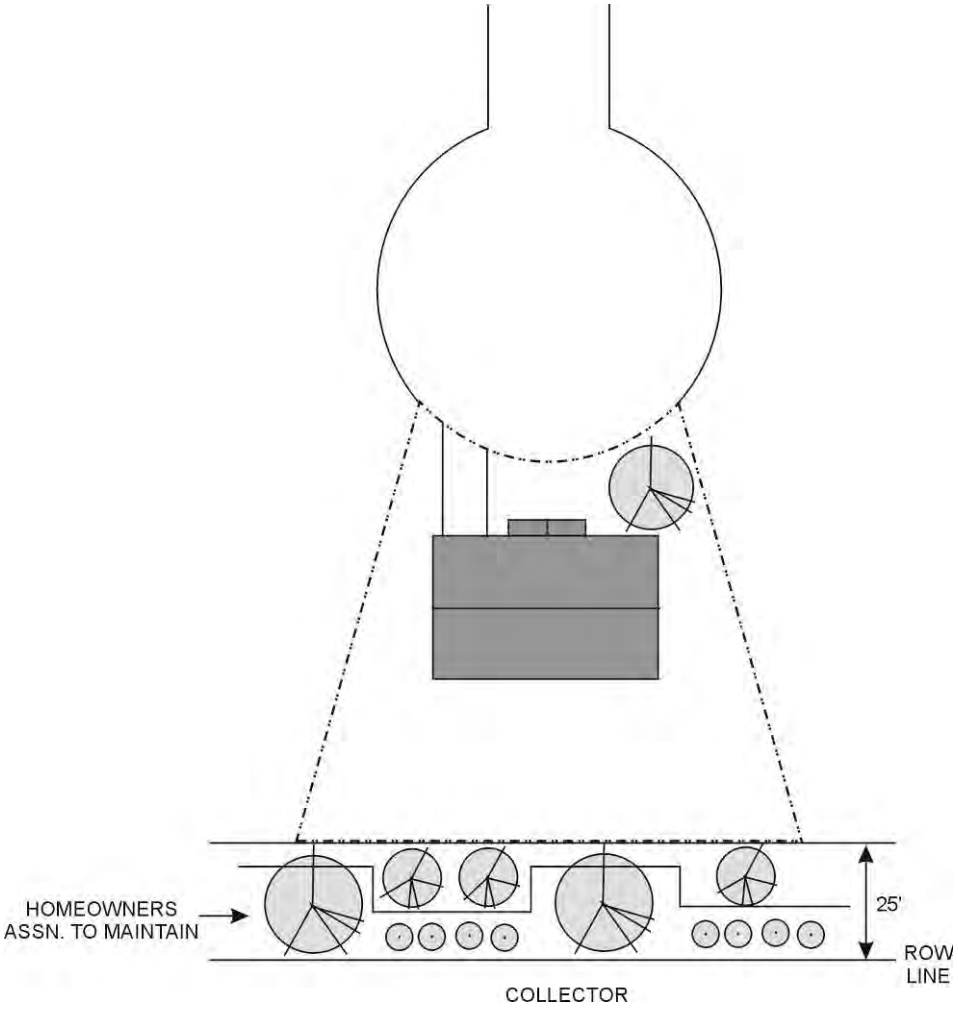
Table 12.8.2.C

Canopy Trees	8
Evergreen Trees	20
Shrubs	48

3. Fences, walls, berms and/or very dense vegetative treatments may also be employed within the required screen to interrupt the view of the rear or side yards. Use of decorative, opaque fence or wall with a minimum height of six (6) feet or berms with a minimum height of four (4) feet with hedges and/or shrubs within the buffer yard can reduce some or most of the requirements screening as determined by the Land Development Official. The design of fences or walls shall avoid long stretches to the point of visual monotony and shall be varied by using changes in height, different material combinations, offset angles, or other types of articulation. An architectural elevation detail of the screening treatment type shall be submitted for review when a fence or wall is utilized and shall demonstrate that attractive visual continuity has been achieved.

4. The Land Development Official may modify any of the aforementioned buffer and screening in rear and side yards adjacent to public streets as deemed appropriate with the purpose and intent of this article. Any request for modification shall be in writing and shall state the reasons for granting such request.

Example of Reduced Buffer and Screening Adjacent to Collector



H. Easements in Buffer-Yards. When proposing easements in a required buffer-yard, see the Design and Construction Standards Manual, Sec. 8-700 Planting Practice Within Easements.

12.8.3 Buffer-Yard Matrix

The buffer-yard matrix describes the requirements for screening and buffer between adjoining land uses. (S = required screen type (1, 2 or 3); number above screen type = minimum width of buffer in feet.)

Table 12.8.3.A

Proposed Land Use		Existing Land Use									
		Residential			Institutional		Commercial			Industrial	
		Ra	Rb	Rc	Ia	Ic	Ca	Cb	Cc	Ina	Inb
Residential	Ra	X	10	50	25	25	25	35	50	75	75
		X	S1	S3	S2	S3	S3	S3	S3	S3	S3
	Rb	10	X	25	25	25	25	35	50	75	75
		S1	X	S3	S2	S3	S3	S3	S3	S3	S3
	Rc	50	25	25	25	25	25	35	50	75	75
		S3	S3	S1	S2	S3	S3	S3	S3	S3	S3
Institutional	Ia	25	25	25	X	25	X	25	50	75	75
		S2	S2	S2	X	S2	X	S2	S2	S2	S3
	Ic	25	25	25	25	X	10	10	25	50	50
		S3	S3	S3	S2	X	S2	S2	S2	S2	S3
Commercial	Ca	25	25	25	10	25	X	10	10	25	25
		S3	S3	S3	S2	S2	X	S2	S2	S1	S2
	Cb	35	35	35	25	10	10	10	10	25	25
		S3	S3	S3	S2	S2	S2	S2	S2	S1	S2
	Cc	50	50	50	50	25	10	10	10	25	25
		S3	S3	S3	S2	S2	S2	S2	S2	S1	S2
Industrial	Ina	75	75	75	75	50	25	25	25	10	25
		S3	S3	S3	S2	S2	S2	S2	S2	S1	S1
	Inb	75	75	75	75	50	25	25	25	25	25
		S3	S3	S3	S3	S3	S2	S2	S2	S1	S1

12.8.4 Land Use Categories

For the purpose of this article, existing and proposed land uses are divided into four major land uses categories: residential, institutional, commercial and industrial. Each category is subdivided to reflect the intensity of the proposed use. For instance, the residential category is divided into single-family detached, single-family attached and multi-family residential. In those instances where a proposed or existing use is not listed below, the Zoning Administrator shall decide which land use category is applicable. If the adjacent property is vacant the property shall be assumed to be the land use recommended in the Land Use Element of the *Town Plan*.

A. Residential

1. Ra - Single-family detached and duplexes
2. Rb - Single-family attached (townhouses)

3. Rc - Multi-family residential

B. Institutional

1. Ia - Low Intensity uses including libraries, post offices, churches and public parking lots, schools, child care centers, active parks and recreation facilities, W&OD Trail.
2. Ic - Emergency Services including hospitals and fire and rescue stations

C. Commercial

1. Ca -Offices and general retail uses under 10,000 square feet gross floor area
2. Cb -Offices and General retail uses over 10,000 square feet gross floor area and minor utilities
3. Cc -Hotels and motels, fast-food restaurants, convenience grocery stores, banks with a drive-through window, vehicle sales and service, monopole and transmission tower telecommunication facilities, and the airport

D. Industrial

1. INa - Industrial uses without outdoor storage
2. INb - Industrial uses with outdoor storage and major utilities

12.8.5 Modification Buffer-Yard Requirements

Buffer-yards may be reduced or eliminated at the discretion of the Land Development Official in accordance with the provisions below and provided canopy coverage calculations are submitted with every modification request. Payment to the Tree Canopy Fund is required when the minimum standards found in Section 12.3.1 have not been met. Any such modification issued by the Land Development Official shall be in writing and shall set forth the reasons for granting the modification.

A. Properties in the H-1 Overlay, Old and Historic District. Buffer-yards may be reduced or eliminated at the discretion of the Land Development Official for development plans or subdivisions in the H-1 Overlay, Old and Historic District. An opaque screen accomplished through the construction of architectural features, walls or the planting of vegetative materials may be required as a substitute for all or a portion of the required buffer-yard. The Board of Architectural Review must approve the non-vegetative, architectural screens, if any. Any such modification shall be issued by the Land Development Official before an application may be considered by the Board of Architectural Review on the subject property. The modification shall be in writing and shall set forth the reasons for granting the modification.

B. Usable Lot Area. Where the strict provisions of this article would reduce the usable area of a lot due to lot configuration or to a point which would preclude a reasonable use of the lot, buffer-yard requirements may be waived or modified by the Land Development Official where the side of a building, a barrier and/or the land between the building and the property line has been specifically designed to minimize the adverse impact through a combination of architectural and landscaping techniques.

C. **Special Design.** Buffer yard requirements may be waived or modified by the Land Development Official where the side of a building, a barrier and/or the land between that building and the property line has been specifically designed to minimize the adverse impact through a combination of architectural and landscaping techniques.

D. **Construction of Walls**. Buffer-yard requirements may be reduced by up to one-third (1/3) where the developer constructs a six (6) foot high brick or stone wall if the Land Development Official finds the intent of the buffer-yard regulations is better served by inclusion of the wall. The Land Development Official shall set forth in writing the reasons for such determination.

E. **Combined Site Plan**. The Land Development Official may modify or reduce the requirements for buffer-yards when the adjoining land uses are developed under a combined site plan.

F. **Special Exceptions.** All uses allowed by special exception in a given district shall be required to provide buffer yards using the Section 12.8.3. Buffer Yard Matrix and Section 12.8.5.B. Useable Lot Area; C. Special Design; D. Construction of Walls; and applicable sections of the Town Plan as guides. The Town Council, as part of the special exception approval, may modify the buffer-yard except for properties located within the H-1 Overlay, Old and Historic District. Any such modification shall insure that adequate screening and buffering are provided to mitigate potential adverse impacts on adjacent properties associated with the special exception use.

12.8.6 Screening

A. **Definition**. This section establishes three different screens as identified in Sec. 12.8.3. Five separate types of plants are required: large and medium scale canopy shade trees, evergreen trees, understory trees, and shrubs.

B. **Plant Varieties**. Plantings must be identified as suitable screening plants per Sec. 12.9.6. Alternative varieties may be approved by the Land Development Official under Sec. 12.8.6D.

C. **Number of Plants**. Plant materials are required per square foot of buffer area. For example, if the matrix requires a 25-foot buffer along a 100-foot property boundary, then 2,500 square feet of buffer space is required. Screen 1, Alternative A requires one (1) medium and four (4) large scale canopy trees, and 25 shrubs.

D. **Alternative Screens and Modifications**. Alternative planting programs that achieve the objectives of the required screens are permitted to allow flexibility in landscape design. The Land Development Official may approve any of the alternative screens provided below or a combination of the alternatives if the applicant can demonstrate that the objective of the screen has been met. The Land Development Official may reduce or eliminate the requirements for evergreen trees or shrubs if a landscape plan proposes the use of hedges, shrubs, walls, or berms that achieve the objective of the required screen. The Land Development Official shall set forth in writing the reasons for such determination.

1. Screen 1. An open screen between relatively similar land uses. Open screening shall provide an attractive separation between the land uses. Screen 1 shall consist of one of the three alternative planting programs described below or as otherwise approved as described in Sec. 12.8.6D:

Table 12.8.6.A

Screen 1 (plant units per square foot of buffer yard)			
Type of Plant	**A**	**B**	**C**
Large Canopy Trees	1/1000	1/1000	1/1000
Medium Canopy Trees	1/1000	1/1000	1/1000
Understory Trees	0	1/1000	0
Evergreen Trees	0	0	1/350
Shrubs	1/100	1/100	1/200

Note: All figures are per square foot of required buffer-yard.

2. Screen 2. A semi-opaque screen between land uses which are dissimilar in character. Semi-opaque screening should partially block views from the adjoining land uses and create a separation between the adjoining land uses.

Table 12.8.6.B

Screen 2 (plant units per square foot of buffer-yard)			
Type of Plant	**A**	**B**	**C**
Large Canopy Trees	1/1000	1/750	1/1000
Medium Canopy Trees	1/1000	1/1000	1/1000
Understory Trees	0	1/500	0
Evergreen Trees	1/500	1/500	1/175
Shrubs	1/100	1/100	1/200

Note: All figures are per square foot of required buffer-yard.

3. Screen 3. An opaque screen between incompatible land uses. Opaque screening should block views between adjoining land uses and create a definite spatial separation.

Table 12.8.6.C

Screen 3 (plant units per square foot of buffer-yard)			
Type of Plant	**A**	**B**	**C**
Large Canopy Trees	1/1000	1/1000	1/1000
Medium Canopy Trees	1/1000	1/1000	1/1000
Understory Trees	1/500	1/250	1/500
Evergreen Trees	1/500	1/500	1/175
Shrubs	1/100	1/100	1/200

Note: All figures are per square foot of required buffer-yard.

12.8.7 Screening of Outdoor Storage and Loading Areas.

All outdoor storage and loading areas created after the adoption of this Zoning Ordinance shall be screened from all public streets and adjacent residential properties. An opaque screen at least six (6) feet in height comprised of plants, trees, walls or other opaque materials must be provided.

12.8.8 Dumpster Screening

Trash dumpsters and other waste/recycling containers serving multi-family or nonresidential uses shall be completely screened from view off-site.

A. Design and Other Specifications. Dumpsters or other trash receptacles shall be screened from public view on 3 sides by a solid wall at least six (6) feet in height and on the fourth side by a solid gate at least five (5) feet in height. The gate and wall shall be maintained in good working order and shall remain closed except when trash pick-ups occur. The wall and gate shall be architecturally compatible with other buildings and structures on the site.

B. Setbacks. All enclosures shall be located a minimum of twenty-five (25) feet from residential zoning districts, provided that the Zoning Administrator shall be authorized to approve reduced setbacks when site size or other conditions prevent compliance with this setback.

Sec. 12.9 Plant Material Specifications

12.9.1 Condition

A. New Plant Material.

All new plants required by this article shall be of specimen quality, exceptionally heavy, symmetrical and outstandingly superior in form, compactness and symmetry. They shall be sound, healthy, vigorous, well branched and densely foliated when in leaf; free of disease and insects, eggs or larvae; and shall have healthy, well-developed root systems. They shall be free from physical damage or other conditions that would prevent vigorous growth. Trees with a damaged or crooked leader, bark abrasions, sun scale, disfiguring knots, insect damage or cuts of limbs over ¾ inch in diameter that are not completely closed will be rejected.

B. Existing Trees and Plant Material.

A condition evaluation will be required on all submissions of a Tree Preservation Plan as required in Section 12.2.4. The condition of each tree to be retained with a diameter of six (6) inches or greater will be recorded in the Tree Management Report (TMR). Determining tree condition will be based on field observations using the methodologies as described in the latest edition of the Guide for Plant Appraisal. Any existing tree rated forty percent (40%) or less on a scale of 0 to 100 percent, with 0 representing a dead tree will not receive credits toward meeting the canopy requirements.

12.9.2 Size

All plant material installed to meet the requirements of this Zoning Ordinance shall comply with the minimum size requirements below at the time of planting:

A. Street Trees: Caliper: Two inches

B. Large Canopy Trees: Caliper: Two inches

C. Medium Canopy Trees: Caliper: Two inches

D. Evergreen Trees: Height: 6 feet minimum; full branching

E. Understory Trees: Height: 6 feet minimum

F. Shrubs: Height: 18 inch minimum

G. Hedges: Planted and maintained to form a continuous, solid visual screen at least two feet in height within one year after planting

12.9.3 Measurement of Size

Caliper is measured six (6) inches above the ground up to and including four (4) inch caliper size, and twelve (12) inches above the ground for larger sizes. Diameter will be measured at the height of 54 inches from the base of the trunk or as otherwise allowed in the Guide for Plant Appraisal.

12.9.4 Diversity

For each group of plant material (large canopy trees, shrubs, etc.) the plan shall have a diverse mix of species. In those cases where there are twenty-one (21) or more of one plant type (such as large canopy trees) the percentage of one species within each group shall not exceed thirty percent (30%). In smaller projects where twenty (20) or less of any plant type are required, the thirty percent (30%) maximum shall not apply.

12.9.5 Planting Procedures

All trees and shrubs planted shall meet the specifications of the American Association of Nurserymen. All trees planted for tree cover credits shall meet the specifications of the American Association of Nurserymen and shall be planted in accordance with the publication entitled, “Tree and Shrub Planting Guidelines,” published by the Virginia Cooperative Extension.

12.9.6 Tree Selection and Cover Guide

Plant material in the following list may be used to satisfy the canopy tree requirements of this article. The list is divided into the following categories: large canopy trees, medium canopy trees, evergreen trees, understory trees, shrubs, and groundcover. Selections must conform to the varieties and functions identified in this list unless alternative varieties are approved by the Urban Forester.

Table 12.9.6.A

Function Codes

Key	Description	Comments
B	Buffer	
S	Street Tree	Only single stem trees shall be used
U	Utility	Overhead utilities
IN	Interior Parking Lot Landscaping	Only single stem trees shall be used
PP	Perimeter Parking Lot Landscaping	
SB	Street Buffer	

Table 12.9.6.B

Large Canopy Trees 2 inch caliper Square Footage of Canopy Credit = 260			
Botanical Name	Common Name	Function	Height & Spread
Acer rubrum	red maple	B, S, IN, PP, SB	50 x 40
Acer saccharum	sugar maple	B, S, IN, PP, SB	50 x 35
--Commemoration			
--Legacy			
Betula nigra	river birch	B, S, IN, PP, SB	50 x 50
--Duraheat			
Celtis occidentalis	hackberry	B, S, IN, PP, SB	50 x 50
--Prairie Pride			
Fagus grandifolia	American beech	B, S, IN, PP, SB	60 x 30
Fagus syvatica	European beech	B, S, IN, PP, SB	55 x 40
Ginkgo biloba	ginkgo (male only)	B, S, IN, PP, SB	50 x 30
Gymnocladus dioicus	Kentucky coffeetree	B, S, IN, PP, SB	60 x 45
Liquidamber styraciflua	American sweetgum	B, S, IN, PP, SB	60 x 40
--Moraine			
--Rotundiloba			
Liriodendron tulipifera	tulip poplar	B	80 x 40
Quercus alba	white oak		60 x 50
Quercus bicolor	swamp white oak	B, S, IN, PP, SB	55 x 55
Quercus coccinea	scarlet oak	B, S, IN, PP, SB	70 x 45
Quercus phellos	willow oak	B, S, IN, PP, SB	60 x 40
--Hightower			
Quercus rubra	red oak	B, S, IN, PP, SB	75 x 75
Quercus shumardii	shumard oak	B, S, IN, PP, SB	50 x 40
Styphnolobium japonicaum	Japanese pagodatree	B, S, IN, PP, SB	60 x 40
Taxodium distichum	baldcypress	B, S, IN, PP, SB	60 x 40
Tilia tomentosa	silver linden	B, S, IN, PP, SB	60 x 30
Ulmus americana	American elm	B, S, IN, PP, SB	70 x 40
--Princeton			
--Jefferson			
--Valley Forge			
Ulmus japonica x wilsoniana	accolade elm	B, S, IN, PP, SB	60 x 35
Ulmus parifolia	lacebark elm	B, S, IN, PP, SB	50 x 50
Zelkova serrata	Japanese zelkova	B, S, IN, PP, SB	55 x 35
--Green Vase			
--Village Green			

Table 12.9.6.C

Medium Canopy Trees 2 inch caliper Square Footage of Canopy Credit = 185			
Botanical Name	Common Name	Function	Height & Spread
Acer barbatum	Florida maple	B, S, IN, PP, SB	30 x 30
Acer campestre	hedge maple	B, S, IN, PP, SB	30 x 30
Acer rubrum	red maple	B, S, PP, SB	50 x 15
--Armstrong			
--Bowhall			
Acer truncatum	purpleblow maple	B, S, IN, PP, SB	35 x 25
--Norwegian Sunset			
Carpinus betulus	European hornbeam	B, S, PP, SB	35 x 15
--Franz Fontaine			
Cercidiphyllum japonicum	katsuratree	B, S, IN, PP, SB	45 x 30
Cladrastis kentukea	yellowwood	B, S, IN, PP, SB	45 x 45
Corylus colurna	Turkish filbert	B, S, PP, SB	45 X 25
Ginkgo biloba	ginkgo	B, S, PP, SB	50 x 25
--Golden Colonnade			
--Princeton Sentry			
Gleditsia triacanthos inermis	honeylocust	B, S, IN, PP, SB	45 x 40
--Skyline			
--Shademaster			
Halesia tetraptera	Carolina silverbell	B, S, IN, PP, SB	35 x 25
Liquidamber styraciflua	American sweetgum	B, S, PP, SB	30 x 12
--Emerald Sentinel			
Nyssa sylvatica	black gum	B, S, IN, PP, SB	45 x 25
Ostrya virginiana	American hophornbeam	B, S, IN, PP, SB	40 x 25
Parrotia persica	Persian ironwood	B, S, IN, PP, SB	30 x 25
Phellodendron amurense	cork tree (male only)	B, S, IN, PP, SB	40 x 35
Pistacia chinesis	Chinese pistache	B, S, IN, PP, SB	35 x 30
Zelkova serrata	Japanese zelkova	B, S, PP, SB	45 x 15
--Musashino			

Table 12.9.6.D Understory Trees 6 feet minimum height Square Footage of Canopy Credit = 110			
Botanical Name	Common Name	Function	Height & Spread
Aesculus pavia	red buckeye	B, SB, U	20 x 25
Acer ginnala	amur maple	B, SB, U	15 x 15
Acer griseum	paperbark maple	B, SB	25 x 25

Amelanchier spp.	serviceberry	B, SB, U	20 x 15
--Autumn Brilliance			
--Cole's Select			
--Trazam			
Carpinus caroliniana	American hornbeam	B, SB	25 x 25
Cercis canadensis	redbud	B, SB, U	25 x 25
Chionanthus virginicus	Fringetree	B, SB, U	15 x 15
Cornus kousa	Korean dogwood	B, SB	25 x 25
Cornus mas	corneliancherry dogwood	B, SB, U	20 x 15
Cotinus coggygria	smoketree	B, SB, U	15 x 15
Hamamelis virginiana	witchhazel	B, SB	25 x 20
Koelreuteria paniculata	goldenraintree	B, SB	30 x 30
Lagerstroemia spp.	crape myrtle	B, SB, U	20 x 12
Magnolia virginiana	sweetbay magnolia	B, SB, U	20 x 20
Magnolia spp.	magnolia	B, SB, U	12 x 10
--Little Girl			
Malus spp.	crabapple	B, SB	25 x 20
Oxydendron arboretum	sourwood	B, SB	30 x 20
Zelkova serrata	Japanese zelkova	B, SB, U	20 x 30
--Schmidtlow			
--City Sprite			

Table 12.9.6.E
Large Evergreen Trees
6 feet minimum height
Square Footage of Canopy Credit = 175

Botanical Name	Common Name	Function	Height & Spread
Abies concolor	white fir	B	50 x 20
Chamaecyparis thyoides	Atlantic whitecedar	B	45 x 25
Cryptomeria japonica	Japanese cedar	B, SB	35 x 15
--Yoshino			
X Cupressocyparis leylandii	leyland cypress	B	60 x 12
Ilex opaca	American holly	B, SB	30 x 20
--Satyr Hill			
Juniperus virginiana	Eastern redcedar	B, SB	35 x 15
Magnolia grandiflora	Southern magnolia	B	50 x 25

--Bracken's Brown Beauty			
- D. D. Blanchard			
Picea abies	Norway spruce	B, SB	60 x 30
Picea omorika	Serbian spruce	B, SB	55 x 25
Pinus bungeana	lacebark pine	B, SB	40 x 30
Pinus echinata	shortleaf pine	B	70 x 50
Pinus parviflora	Japanese white pine	B, SB	40 x 40
Pinus strobus	Eastern white pine	B	70 x 35
Pinus taeda	loblolly pine	B	60 x 30
Pinus thunbergii	Japanese black pine	B, SB	30 x 30
Thuja plicata	arborvitae	B, SB	60 X 25
--Green Giant			

Table 12.9.6.F
Small Evergreen Trees
6 feet minimum height
Square Footage of Canopy Credit = 25

Botanical Name	Common Name	Function	Height & Spread
Chamaecyparis obtuse	hinoki falsecypress	B, SB	25 x 10
Ilex xattenuate	Foster's holly	B, SB	25 x 10
Ilex spp.	holly	B, SB, U	15 x 8
--Red Hybrid Holly			
Ilex x Nellie Stevens	Nellie Stevens holly	B, SB, U	20 x 10
Juniperus chinensis	Chinese juniper	B, SB, U	20 x <10
--Hetzii Columnaris			
--Keteleeri			
--Sparten			
--Spearmint			
Juniperus scopularum	rocky mountain juniper	B, SB, U	20 x <10
--Gray Gleam			
--Moonglow			
--Whichita blue			
Juniperus virginiana	Eastern redcedar	B, SB, U	20 x <10
--Burkii			
--Hillspire			
--Idyllwild			
Thuja occidentalis	arborvitae	B, SB, U	20 x 5
--dark arborvitae			
--Techny			

Table 12.9.6.G
Prohibited or Reduced Credit for Trees

Botanical Name Common Name	Prohibited or Reduced Credit for Planting	Full or Reduced Credit for Preservation	Comments
Acer negundo box elder	X	X	Full Canopy Credit if preserved away from buildings and infrastructure
Acer platanoides Norway maple	X	None	
Acer saccharinum Silver maple	X	X	Full Canopy Credit if preserved away from buildings and infrastructure
Ailanthus altissima tree of heaven	X	None	
Albizia julibrissin mimosa	X	None	
Catalpa spp. catalpa	X	X	Full Canopy Credit if preserved away from buildings and infrastructure
Cornus florida flowering dogwood	X	X	Full Canopy Credit if preserved within a contiguous save area
Cupressocyparis leylandii leyland cypress	X	X	Susceptible to disease, overused Full credit for preservation
Elaeagnus umbellate autumn olive	X	None	
Elaeagnus angustifolia Russian olive	X	None	
Fraxinus spp. ash	X	None	Due to Emerald ash borer
Ginkgo biloba ginkgo (female)	X	X	Full Canopy Credit if preserved away from buildings and infrastructure
Morus spp. mulberry	X	None	
Paulownia tomentosa princess tree	X	None	
Phellodendron amurense corktree (female)	X	None	
Pinus nigra Austrian pine	X	None	
Pinus strobus white pine	X	X	Full Canopy Credit
Pinus viginiana Virginia pine	X		Full Canopy Credit if preserved away from buildings and infrastructure

Populus spp. Poplars	X	X	Full Canopy Credit if preserved away from buildings and infrastructure (cottonwood only)
Pyrus calleryana ornamental pear	X	None	
Robinia pseudoacacia black locust	X	X	Full Canopy Credit if preserved away from buildings and infrastructure
Salix spp. willow	X	X	Full Canopy Credit if preserved away from buildings and infrastructure
Tsuga spp. hemlock	X	None	Due to hemlock wooly adelgid
Ulmus pumila Siberian elm	X	X	Full Canopy Credit if preserved away from buildings and infrastructure

Table 12.9.6.H.
Evergreen Shrubs
(18 inch minimum height)

Common Name	Botanical name	Function
English Yew	Taxus baccata	B, IP, PP, SB
Japanese Yew	Taxus cuspidate	B, IP, PP
Azalea	(various species)	B
Chinese Holly	Ilex cornuta*	B, IP, PP
Japanese holly	Ilex crenata*	B, IP, PP, SB
Holly	Ilex spp.	B, PP, SB
Spreading Juniper	Juniperus spp.	B, IP, PP, SB
Japanese Falsecypress	Chamaecyparis pisifera	B, PP, SB
Wintergreen Barberry	Berberis julianae	B, PP
Laurel	Prunus lauroceraus	B, IP, PP

*Use appropriate size cultivars for interior parking lot landscaping. Note that ground covers must be used in slopes 2:1 or greater.

Table 12.9.6.I.
Deciduous and Flowering Shrubs
(18 inch minimum height)

Common Name	Botanical Name	Function

Abelia	(various species)*	B. IP, PP
Azalea	(various species)*	B
Cotoneaster	(various species)*	B, IP, PP, SB
Forsythia	(various species)*	B, PP
Viburnum	(various species)*	B, PP, SB
Chokeberry	Aronia arbutifolia	B
Spirea	(various species)*	B, IP, PP, SB
Cinquefoil	Potentilla spp.	B, IP, PP, SB
Fothergilla	(various species)*	B
Sweetspire	Itea virginica	B, IP, PP, SB
Sweetshrub	Calycanthus floridus	B
Wieglea	(various species)*	B, PP

*Use appropriate size cultivars for interior parking lot landscaping. Note that ground covers must be used in slopes 2:1 or greater.

Table 12.9.6.J.
Ground Cover

Common Name	Botanical Name	Function
Pachysandra	Pachysandra terminalis	B
Ground Juniper	(various species)*	B
Dwarf Cotoneaster	(various species)*	B
Lirope	(various species)*	B

*Use appropriate size cultivars for interior parking lot landscaping. Note that ground covers must be used in slopes 2:1 or greater.

12.9.7 Maintenance

A. Responsibility. The owner or the owner's agent shall be responsible for the maintenance, repair and replacement of all landscape materials and fences required by this article on privately held property that is not otherwise maintained by a homeowners association.

B. Condition. All landscape materials shall be kept in healthy condition free of all disease and infestation. All fences and screens shall be maintained in a safe and attractive condition.

C. **Repair and Replacement.** The owner or agent, upon written notice of the Zoning Administrator, shall repair or replace any landscape materials, screens or fencing not meeting the requirements of this section within thirty (30) days.

12.9.8 Sight Distance

No tree, shrub, hedge or vegetation, whether or not required by this article, shall be planted or maintained in any way that interferes with the sight distance of any persons.

12.9.9 Steep Slopes

Large caliper nursery stock trees shall not be planted on slopes steeper than 3:1. If tree planting must occur on slopes of 3:1 up to 2:1 then smaller tree stock will be permitted. Smaller plant stock will be planted at a density equal to approximately 400 tree seedlings per acre. Canopy credit shall be based on the ground surface area of the area planted in smaller size stock.

Sec. 12.10 Open Space

12.10.1 Purpose

The Open Space regulations of this section require the establishment and maintenance of improved open space to provide adequate light, air and space to residents or occupants of all developments. These regulations require the establishment of a non-profit organization to be responsible for the maintenance of common improvements in all developments and subdivisions, and shall apply to all site plans and subdivision applications submitted after February 25, 2003. The regulations below separately address open space in residential and nonresidential developments.

12.10.2 Minimum Open Space Required

Open space shall be provided in an amount required by the zoning district regulations.

12.10.3 Nonresidential Properties

Open space area in nonresidential zoning districts shall be appropriately landscaped and shall not include streets, drives, off-street parking and loading areas, and areas so located or of such size or shape to have no substantial aesthetic or recreational value. Buffer-yards, areas of parking lot landscaping and yard setbacks may be applied toward the requirements of this section.

A. **Maintenance Requirements**

1. Responsibility. The owner or the owner's agent shall be responsible for the maintenance of all open space areas in a reasonable condition.
2. Condition. All open space areas shall be kept in a clean, attractive and safe condition. All open space areas shall be kept open to the residents or occupants this open space is intended to serve.
3. Repair. The owner or agent, upon written notice of the Zoning Administrator, shall repair any defective condition of the open space areas that render these spaces unusable or unsafe, within thirty (30) days. If the deficiencies set forth by the Zoning Administrator have not been rectified within the 30-day period or any extension thereof, the town, in order to preserve property values in the area and to prevent the open space from becoming a public nuisance, may repair the open

space to a reasonable condition in accordance with the approved landscape plan. The owner shall be responsible for reimbursing the town for any costs associated with this repair.

12.10.4 Open Space for Residential Properties

A. Applicability. These regulations shall apply to all land in common open space in residential developments whether these lands are proposed to be dedicated for public use or not; all improvements provided for common use and benefit whether or not required by this Zoning Ordinance; and all lands to be dedicated or conveyed for public use.

B. General Requirements

1. Organization. A non-profit organization or other legal entity under the laws of Virginia must be established to provide for the ownership, care and maintenance of all open space areas and improvements.

2. Covenants. All such organizations shall be created by covenants and restrictions recorded among the land records of Loudoun County. All such covenants shall include provisions for the maintenance of common open space.

C. Maintenance Requirements.

1. Responsibility. The organization described in Sec. 12.10.4B shall be responsible for the maintenance of all open space areas and improvements in a reasonable condition.

2. Condition. All open space areas shall be appropriately landscaped and shall be kept in a clean, attractive and safe condition. All open space areas shall be kept open to the residents this open space is intended to serve.

3. Repair. The owner or agent, upon written notice of the Zoning Administrator, shall repair any defective condition of the open space areas that render these spaces unusable or unsafe, within thirty (30) days. If the deficiencies set forth by the Zoning Administrator have not been rectified within the 30-day period or any extension thereof, the town, in order to preserve property values in the area and to prevent the open space from becoming a public nuisance, may repair the open space to a reasonable condition in accordance with the approved landscape plan. The owner shall be responsible for reimbursing the town for any costs associated with this repair.

12.10.5 Submittal Requirements

Prior to the dedication or conveyance of those lands described in Sec. 12.10.4, the following documents shall be submitted to and approved by the town.

A. Articles of Incorporation. The articles of incorporation, by-laws or other organizational documentation for the nonprofit organization.

B. Covenants. The covenants or restrictions related to the use of common property including the system and amounts of assessments.

C. Right of Entry. A document granting the right of entry upon such common property to the town police officers, fire and rescue squad personnel while in pursuit of their duties; and, in the case of private

access ways and common driveways, permitting the enforcement of cleared emergency vehicle access.

D. Deed of Conveyance. A copy of the Deed of Conveyance and a Title Certificate or, if approved by the Town Manager, a commitment for a policy of title insurance issued by an insurance company authorized to do business in Virginia, assuring unencumbered title for all lands proposed to be conveyed to the town, other appropriate governmental agency, or other organization, including the non-profit organization.

Sec. 12.11 Outdoor Lighting

12.11.1 Purpose and Intent

The purpose of this section is to establish outdoor lighting standards that reduce the impacts of glare, light trespass and overlighting; promote safety and security; and encourage energy conservation.

12.11.2 Applicability

A. This section shall apply to the installation of new outdoor lighting fixtures or the replacement of existing outdoor lighting fixtures. Replacement of a fixture shall mean a change of fixture type or change to the mounting height or location of the fixture. Routine lighting maintenance, such as changing lamps or light bulbs, ballast, starter, photo control, housing and other similar components shall not constitute replacement and shall be permitted provided such changes does not result in a higher lumen output.

B. Outdoor lighting fixtures, legally installed and existing prior to February 14, 2012, that do not conform to the provisions of this section shall be deemed to be a lawful nonconforming use and may remain. A nonconforming lighting fixture that is changed to or replaced by a conforming lighting fixture shall no longer be deemed nonconforming.

12.11.3 Standards

A. Full cut-off lighting fixtures shall be mounted horizontal to the ground and shall be used for all walkway, parking lot, canopy and building/wall mounted lighting and all lighting fixtures located within those portions of open-sided parking structures that are above ground. For purposes of this section, an open-sided parking structure shall be a parking structure which contains exterior walls that are not fully enclosed between the floor and ceiling.

B. Lighting used to illuminate flags, statues, signs or any other objects mounted on a pole, pedestal or platform, spotlighting or floodlighting used for architectural or landscape purposes, shall consist of full cu-off or directionally shielded lighting fixtures that are aimed and controlled so that the directed light shall be substantially confined to the object intended to be illuminated. Directional control shields shall be used where necessary to limit stray light. In addition, such lighting shall be shielded to protect motorists and pedestrians from glare.

C. All construction site lighting, with the exception of lighting that is used to illuminate the interiors of buildings under construction, shall use full cut-off or directionally shielded fixtures that are aimed and controlled so the directed light shall be substantially confined to the object intended to be illuminated. Directional control shields shall be used where necessary to limit stray light. Frosted light bulbs shall be used to light the ten foot outermost perimeter area of the interiors of the buildings under construction.

D. High intensity light beams in the form of outdoor search lights, lasers or strobe lights are prohibited.

E. Light poles in all parking lots areas shall not exceed a maximum height of 25 feet including the base. Light poles shall not be permitted on the top deck of parking structures.

F. Wherever possible, illumination of outdoor seating areas, building entrances and walkways is accomplished by use of ground mounted fixtures not more than four feet in height.

G. All exterior lighting fixtures shall be located a minimum of ten feet from a property line.

H. Wall mounted lights, other than entry lights of 100 watts or less, shall be fully shielded luminaries, such as shoebox or can fixtures, to direct all light downward and to prevent the light source from being visible from any adjacent residential properties and public street right-of-way. Wall pack lights on buildings may be used at entrances to a building to light unsafe areas. Such lights cannot be used to draw attention to the building or provide general building or site lighting. Wall packs on the exterior of the building shall be fully shielded, full cut-off, to direct light vertically downward at an angle that shall limit output to prevent glare onto adjacent properties and be 100 watts or less. Wall pack lights visible from any location off site are prohibited.

12.11.4 Plan Required

A photometric plan shall be provided that indicates all outdoor lighting fixtures exclusive of street lights will not have a source of illumination that is visible beyond the site or cause illumination of adjacent properties in excess of 0.5 foot-candles, as measured at the site boundary. Where lighting is located along a street with existing street lights and/or along a common property line with another commercial parking lot with pre-existing lighting levels exceeding the 0.5 foot-candle maximum, the 0.5 foot-candle requirement may be waived when it can be demonstrated to the satisfaction of the Zoning Administrator that compliance is not possible due to pre-existing non-conforming overlapping light sources, and the proposed lighting does not intensify the non-conforming condition.

12.11.5 Standards for Certain Uses

In addition to section 12.11.4 outdoor lighting fixtures associated with service stations, service station/mini-mart and vehicle sale, rental and ancillary service establishments shall be subject to the following:

A. Service station and service station/mini-mart canopy lighting shall not exceed a maintained level of 20 foot-candles under the canopy as measured horizontally at grade at the inside of the outside edge of the canopy. All underside canopy lighting shall consist of full cut-off lighting fixtures.

B. Outdoor display area lighting used in conjunction with a vehicle sale, rental and ancillary service establishment shall not exceed a maintained lighting level of 20 foot-candles as measured horizontally at grade. For the purpose of this section, outdoor display areas shall include all display/storage areas for vehicles offered for sale or rent and the associated travel lanes.

12.11.6 Exemptions

The following shall be exempt from the provisions of this section:

A. Lighting fixtures and standards required by the Federal Communications Commission, Federal Aviation Administration, Federal and State Occupational Safety and Health Administrations or other federal, state or town agencies, to include street lights within the public right-of-way.

B. Outdoor lighting fixtures required by law enforcement, fire and rescue, the Virginia Department of Transportation or other emergency response agencies to perform emergency or construction repair work, or to perform nighttime road construction on major thoroughfares.

Article 13 | Flood Protection

Contents of Article

Sec. 13.1 General 13-1
13.1.1 Applicability 13-1
13.1.2 Floodplain Boundary Changes 13-1
13.1.3 Zoning Permits; Compliance with Applicable Regulations 13-1
13.1.4 Prohibited Activities 13-2
13.1.5 State and Federal Approval 13-2
13.1.6 Notification 13-2
13.1.7 Easement Required 13-2
13.1.8 Disclaimer of Liability 13-2
Sec. 13.2 Use Regulations 13-3
13.2.1 Permitted Uses 13-3
13.2.2 Special Exception Uses 13-4
Sec. 13.3 Variances 13-4
13.3.1 Additional Factors to be Satisfied 13-4
13.3.2 Referral for Technical Assistance 13-5
13.3.3 General Findings 13-5
13.3.4 Hardship Relief Finding 13-5
13.3.5 Required Notification to Applicant 13-5
13.3.6 Records 13-6
Sec. 13.4 Existing Structures in Floodplains 13-6
13.4.1 Expansion or Enlargement 13-6
13.4.2 Modifications and Improvements 13-6
Sec. 13.5 Signs in Floodplains 13-6

Sec. 13.1 General

13.1.1 Applicability

The Flood Protection regulations of this article shall apply to all lands within the 100-year floodplain of Town Branch Creek, Dry Mill Branch Creek, Cattail Branch Creek, Big Springs, Tuscarora Creek and other waterways as identified in the National Flood Insurance Program Flood Insurance Rate Maps for Loudoun County, Virginia and Incorporated Areas, effective date July 5, 2001, based on the Flood Insurance Study for Loudoun County, Virginia and Incorporated Areas, published by the Federal Emergency Management Agency (FEMA) effective date July 5, 2001, as modified from time to time by a Letter of Map Revision (LOMR) issued by FEMA.

13.1.2 Floodplain Boundary Changes

Floodplain boundaries are subject to change with approved FEMA Letters of Map Revision. Such floodplain boundary changes do not require Town Council approval of a zoning map amendment.

13.1.3 Zoning Permits; Compliance with Applicable Regulations

All uses, activities and development occurring within any floodplain shall be undertaken only upon the issuance of a zoning permit. Such development shall be undertaken only in strict compliance with the provisions of this Zoning Ordinance and with all other applicable codes and ordinances including the Virginia Uniform Statewide Building Code. Prior to the

issuance of any such permit, the Zoning Administrator shall require all applications to include compliance with all applicable State and Federal laws.

13.1.4 Prohibited Activities

Under no circumstances shall any use, activity and/or development adversely affect the capacity of the channels or floodways of any watercourse, drainage ditch or any drainage facility or system. No development shall be permitted in the Floodplain except where the effect of such development on flood heights is fully offset by accompanying improvements that have been approved by all appropriate authorities. The placement of any mobile home within the Floodplain is prohibited, except in an existing mobile home park or subdivision.

13.1.5 State and Federal Approval

Approval shall be obtained from FEMA & Virginia Department of Conservation and Recreation (DCR) when applicable prior to any proposed alteration or relocation of any channels, watercourse or stream within the town.

13.1.6 Notification

At the time of submission of a floodplain study to the Town that indicates an offsite increase in any FEMA regulatory floodplain elevation the applicant shall provide written notification to all property owners for which the floodplain study shows a base flood elevation rise. The applicant shall also provide written notification to all jurisdictions whose regulations govern any portion of land affected by the flood elevation increase or are adjacent to a property that has a base flood elevation rise. In addition, if subsequent revisions to the floodplain study result in an offsite increase in any of the FEMA regulatory base flood elevations on additional properties not provided written notification originally, the applicant shall then send written notification to these additionally affected properties and jurisdictions.

Proper proof of notification as well as a sample of the notification letter shall be provided by the applicant (to the Town) as part of their completed CLOMR application package in accordance with FEMA requirements.

13.1.7 Easement Required

The applicant is responsible for obtaining floodplain easements from affected landowners for any increase in base flood elevation that will occur offsite as a result of an applicant's proposed plan to physically alter the floodplain in conjunction with the applicant's proposed development. The applicant shall provide copies of such easements and proof of recordation to the Town prior to the Town's approval of construction, subdivision, or site plans. Should the as-built information required with FEMA's LOMR application or other Town criteria cause an increase of the base flood elevation that reaches outside of the recorded off site floodplain easement(s), the applicant shall either make the required field changes as shown on the approved construction documents (and submit an updated as-built) or obtain a larger floodplain easement from the affected landowners to encompass the increased base flood elevation. If land is affected in Loudoun County as well as the Town, the applicant shall provide copies of such easements and proof of recordation to Loudoun County as well.

13.1.8 Disclaimer of Liability

The degree of flood protection sought by the provisions of this ordinance is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study. Larger floods may occur on rare occasions. Flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This ordinance does not imply that areas outside of the 100 year base flood elevations, or

that land uses permitted within such area will be free from flooding or flood damages. This ordinance shall not create liability on the part of the Town of Leesburg or any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made there under.

Sec. 13.2 Use Regulations

13.2.1 Permitted Uses

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

A. Agricultural uses such as general farming, pasturing, grazing, outdoor plant nurseries, horticulture, truck farming, forestry, sod farming, and wild crop harvesting.

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

C. Accessory residential uses such as gardens, play areas, and pervious loading areas.

D. Accessory industrial and commercial uses such as parking and loading areas.

E. Along the north side of Town Branch between Wirt Street SW and Harrison Street SE, a building used solely for non-residential uses may be located within the floodplain fringe provided it is entirely outside of the floodway and meets the following provisions:

1. All floors below the 100-year flood level shall be floodproofed up to the 100-year-flood level, and the building, any building extensions, and/or accessory buildings shall be designed to resist uplift and/or horizontal water pressure; provided, that in no event shall any floor below the 100-year-flood level be used for human or animal habitation, food storage or food preparation.

2. All new and /or replacement public utilities, water mains, sanitary sewers and their appurtenances, shall be designed to be floodproofed to minimize or eliminate infiltration and exfiltration and to insure their structural integrity under flood conditions.

3. Water heaters, furnaces, air conditioners, electrical distribution panels and other critical mechanical or electrical installations shall not be installed below the 100-year-flood level. Separate electrical circuits shall serve areas below the 100-year-flood level and shall be dropped from above.

4. A registered professional engineer shall certify the adequacy of the floodproofing design to withstand the stresses of the base flood and such plan shall cite the elevation to which the structure is floodproofed. Such certification shall be provided on a Federal Emergency Management Agency/National Flood Insurance Program Elevation Certificate and/or Floodproofing Certificate as applicable.

5. Prior to approval of any construction plan that proposes a non-residential building within the Floodplain Fringe, the Applicant shall obtain a Conditional Letter of Map Revision (CLOMR) from FEMA that includes FEMA approved floodproofing requirements and is in conformance with all Town and FEMA floodplain requirements.
6. Prior to issuance of any occupancy permit for a non-residential building within the Floodplain Fringe, the applicant shall obtain a Letter of Map Revision (LOMR) from FEMA that verifies the building has been constructed in general conformance to the approved CLOMR elevations and all required floodproofing mechanisms have been properly installed.
7. Adverse impacts to the floodplain and stream channel shall be mitigated using methods specified in the DCSM.

13.2.2 Special Exception Uses

The following uses may be permitted in the Floodplain when reviewed and approved as a Special Exception use in accordance with the procedures of Sec. 3.4, provided that they are not prohibited by this or any other ordinance.

A. Structures, except for mobile homes, accessory to the uses and activities in Sec. 13.2.1.

B. Temporary uses such as circuses, carnivals and similar activities.

C. Storage of materials and equipment provided that they are not buoyant, flammable or explosive, and are not subject to major damage by flooding, or provided that such material and equipment is firmly anchored to prevent flotation or movement, and/or can be readily removed from the area within the time available after flood warning.

D. Other similar uses and activities provided they cause no increase in flood heights and/or velocities. All uses, activities, and structural developments shall be undertaken in strict compliance with the flood-proofing provisions contained in all other applicable codes and ordinances.

Sec. 13.3 Variances

13.3.1 Additional Factors to be Satisfied

In passing upon applications for Variances, the Board of Zoning Appeals shall be governed by all standards and procedures specified in other sections of this Zoning Ordinance (including those of Sec. 3.1.3) and the following factors:

A. The danger to life and property due to increased flood heights or velocities caused by encroachments. No variance shall be granted for any proposed use, development or activity within the Floodplain that will cause any increase in flood levels during the 100-year flood.

B. The danger that materials may be swept on to other lands or downstream to the injury of others.

C. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination and unsanitary conditions.

D. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners.

E. The importance of the services provided to the community by the proposed facility.

F. The requirements of the facility for a waterfront location.

G. The availability of alternative locations for the proposed use not subject to flooding.

H. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.

I. The relationship of the proposed use to the comprehensive plan and floodplain management program for the area.

J. The safety of access to the property for ordinary and emergency vehicles in time of flood.

K. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters expected at the site.

L. Such other factors which are relevant to the purposes of this Zoning Ordinance.

13.3.2 Referral for Technical Assistance

The Board of Zoning Appeals may refer any application and accompanying documentation pertaining to any request for a variance to any engineer or other qualified person or agency for technical assistance in evaluating the proposed project in relation to flood heights and velocities, and the adequacy of the plans for protection and other related matters.

13.3.3 General Findings

Variances shall only be issued after the Board of Zoning Appeals has determined that the granting of such will not result in:

A. Unacceptable or prohibited increases in flood heights;

B. Additional threats to public safety;

C. Extraordinary public expense;

D. Nuisances;

E. Fraud or victimization of the public; or

F. Conflict with local law or ordinances.

13.3.4 Hardship Relief Finding

Variances shall only be issued after the Board of Zoning Appeals has determined that the variance will be the minimum relief to any hardship.

13.3.5 Required Notification to Applicant

The Board of Zoning Appeals shall notify the applicant for a variance, in writing, that the issuance of a variance to construct a structure at or below the 100-year flood elevation:

A. Increases risks to life and property.

B. Will result in increased premium rates for flood insurance.

13.3.6 Records

A record of the above notification as well as all variance actions, including justification for their issuance, shall be maintained and any variances that are issued shall be noted in the annual report submitted to the Federal Insurance Administrator.

Sec. 13.4 Existing Structures in Floodplains

A structure or use of a structure or premises which lawfully existed before the enactment of these provisions, but which is not in conformity with these provisions, may be continued subject to standards of this section.

13.4.1 Expansion or Enlargement

Existing structures and/or uses located in the Floodplain shall not be expanded or enlarged (unless the effect of the proposed expansion or enlargement on flood heights is fully offset by accompanying improvements).

13.4.2 Modifications and Improvements

A. Any modification, alteration, repair reconstruction or improvement of any kind to a structure and/or use located in any floodplain to an extent or amount of less than fifty (50) percent of its market value, shall be elevated and/or flood-proofed.

B. Any modification, alteration, repair, reconstruction or improvement of any kind to a structure and/or use in a floodplain to an extent or amount of fifty (50) percent or more of its market value shall be undertaken only in full compliance with the provisions of the Virginia Uniform Statewide Building Code.

Sec. 13.5 Signs in Floodplains

See Sec. 15.10

Article 14 | Creek Valley Buffer*

Contents of Article

Sec. 14.1 Purpose and Intent 14-1
14.1.1 Purpose 14-1
14.1.2 Intent 14-1
Sec. 14.2 Buffer Setbacks 14-1
14.2.1 Standard Setbacks 14-1
14.2.2 Reduced Setbacks 14-2
14.2.3 Exemptions 14-2
Sec. 14.3 Effect of Buffer 14-2
Sec. 14.4 Existing Lots of Record 14-3
Sec. 14.5 Development Criteria 14-3
Sec. 14.6 Permitted Uses 14-3

***Adopted May 13, 2003 per Ordinance No. 2003-0-6**

Sec. 14.1 Purpose and Intent

14.1.1 Purpose

The purpose of the Creek Valley Buffer standards of this article is to govern the construction of buildings, structures, parking and other impervious surfaces in areas adjacent to rivers and major stream areas draining greater than 640 acres, by providing for a setback area from the channel scar line or stream centerline in which construction of improvements will not occur except as set forth below.

14.1.2 Intent

The intent is to promote water quality and the preservation of significant environmental resource areas; protect and enhance water and groundwater recharge processes by protection of the natural capacity of vegetative areas along rivers and creeks to filter and purify storm water runoff; protect aquatic environments from the warming effects of solar radiation by preserving riparian tree canopy cover; promote tourism and high quality corporate investment by maintaining to the extent reasonably possible, existing high water quality; to maintain the scenic beauty of streams in the Town of Leesburg; assist the Town in meeting its obligations under the Clean Water Act; provide open space for natural habitat; provide for public access to streams; and implement the Comprehensive Plan.

Sec. 14.2 Buffer Setbacks

14.2.1 Standard Setbacks

The following setbacks are established along rivers and major streams in areas where the 100-year floodplain is less than the setbacks provided below.

A. Two hundred fifty (250) feet measured along the slope of the ground from the channel scar line on the Potomac River.

B. One hundred fifty (150) feet on each side of the creek measured along the slope of the ground from the centerline of the channel of each creek or stream where the watershed is greater than 640 acres.

14.2.2 Reduced Setbacks

The preferred alternative is for landowners to provide the full buffer as specified in this Ordinance. In certain circumstances where the Town Plan calls for more intensive development and lot configuration warrants consideration of a reduced setback, a reduced setback will be granted subject to mitigation as follows:

A. BMP Credit Setback Reduction (applicable to all Creek Valley Buffers) – Allows a reduction of a required one hundred fifty (150)-foot buffer to fifty (50) feet subject to provision of onsite stormwater Best Management Practices (BMPs) consistent with the Design and Construction Standards Manual (DCSM).

B. Town Branch Setback Reduction (applicable only along Town Branch upstream of the Tuscarora Creek Valley Buffer and downstream of Dry Mill Road) - Allows a further reduction of a required buffer to as little as zero (0) feet subject to provision of all required onsite stormwater BMPs as well as additional BMPs that provide the water quality benefits equal to one and one-half (1.5) times the equivalent of what the disturbed buffer area would have provided if it were in a good quality forested condition for the portion of the buffer area disturbed closer than fifty (50) feet of the stream. A further requirement for the Town Branch setback reduction is improvements providing access to the stream. Such improvements shall provide, at the least, pedestrian access that accommodates social interaction and physical proximity to the stream. The improvements shall be provided along the full length of the section of Town Branch where the stream is onsite or within fifty (50) feet of the site and tie in to similar existing or planned facilities on adjacent properties, as well as connect with other facilities on the site. Improvements shall include, at the least, a pedestrian pathway of materials and width that are complementary to the abutting development and land use as well as trees and other landscaping, and pedestrian amenities (benches, educational signs, railings) to create usable open space that takes advantage of the proximity to the stream. While meeting this requirement, improvements shall mitigate impacts of the reduced stream buffer by incorporating measures such as but not limited to pervious surfaces, stormwater retention, bioretention, shading of the stream, and wildlife habitat.

14.2.3 Exemptions

The buffer setbacks of this section do not apply to agricultural, horticultural or forestall uses where a farm plan approved by the Loudoun County Soil and Water Conservation District or other Town and/or County approved agency is kept continuously in place.

Sec. 14.3 Effect of Buffer

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

Sec. 14.4 Existing Lots of Record

On any existing lot of record as of May 13, 2003 zoned RE, R1, R2, R-4, R-6 or R-8, a single-family residence and its attendant driveway, parking area and/or detached garage and incidental accessory structures may be permitted so long as there is not an existing residence on the property. The new residence cannot be within 150 feet of the stream centerline nor in floodplain, wetlands or steep slopes. Lots proposed as part of a Planned Development may be developed in accordance with the approved rezoning concept plan. Any existing lot of record with commercial or industrial zoning may be developed in accordance with this ordinance and all other applicable regulations.

Sec. 14.5 Development Criteria

The Creek Valley Buffer is not intended to and shall not limit development density (gross floor area or units per acre) otherwise allowed on land within the Creek Valley Buffer area. The Creek Valley Buffer shall be administered like any other setback provided for in this ordinance in allowing otherwise developable land within the setback area to be counted for density computation purposes and applied towards the construction of improvements outside the setback area. Road crossings and driveways shall be permitted subject to applicable federal and state regulations, this ordinance and to such performance standards as contained in the Design and Construction Standards Manual.

Sec. 14.6 Permitted Uses

Except as otherwise expressly stated in this article, only the following uses shall be permitted within required Creek Valley Buffer areas: (1) water dependent or passive recreational uses that do not involve land-disturbing activities as defined by this ordinance; (2) improvements associated with historic, cultural or archeological sites; or (3) water and sewer lines.

Article 15| Sign Regulations

Contents of Article

Article 15| Sign Regulations 15-1
Article 15 | Sign Regulations 15-4
Sec. 15.1 General 15-4
15.1.1 Purpose and Intent 15-4
15.1.2 Applicability 15-4
15.1.3 “Sign” Defined 15-4
Sec. 15.2 Sign Permit Required 15-4
Sec. 15.3 Definitions 15-5
15.3.1 Animated Sign 15-5
15.3.2 A-frame/Sandwich Board Sign 15-5
15.3.3 Awning/Canopy Sign 15-5
15.3.4 Banner 15-5
15.3.5 Bench Sign 15-5
15.3.6 Billboard Sign 15-5
15.3.7 Business Sign 15-5
15.3.8 Changeable Copy Sign 15-5
15.3.9 Commercial Flag 15-5
15.3.9.1 Development Sign 15-5
15.3.10 Directional Sign 15-6
15.3.11 Directory Sign 15-6
15.3.11.1 Electronic Message Board Sign 15-6
15.3.12 Façade Sign 15-6
15.3.13 Flashing Sign 15-6
15.3.14 Freestanding Projecting Sign 15-6
15.3.15 Section Reserved 15-6
15.3.16 Ground Sign 15-6
15.3.17 Home Occupation Sign 15-6
15.3.18 Identification Sign 15-6
15.3.19 Illuminated Sign 15-6
15.3.19.1 Incidental Sign (For Vehicle Service Garage Bays) 15-6
15.3.20 Inflatable Sign 15-6
15.3.21 Institutional Bulletin Board Sign 15-7
15.3.21.1 Kiosk Sign 15-7
15.3.21.2 LED 15-7
15.3.22 Marquee Sign 15-7
15.3.23 Monument Sign 15-7
15.3.23.1 Neon Sign 15-7
15.3.24 Off-premises Sign 15-7
15.3.25 Pole Sign 15-7
15.3.26 Political Sign 15-7
15.3.27 Portable Sign 15-7
15.3.28 Pre-Existing/Non-Conforming Sign 15-7
15.3.29 Private Yard Sale Sign 15-7
15.3.30 Projecting Sign 15-8
15.3.31 Real Estate Sign 15-8
15.3.32 Roof Sign 15-8
15.3.32.1 Service Station Signs 15-8

15.3.33 Shopping Center Courtesy Signs 15-8
15.3.34 Sign Area 15-8
15.3.35 Sign Face 15-8
15.3.35.1 Special Event Signs 15-8
15.3.36 Temporary Sign 15-8
15.3.37 Vehicle Sign 15-8
15.3.37.1 Vehicle Division Sign 15-8
15.3.38 Wall Sign 15-8
15.3.39 Window Sign 15-9
Sec. 15.4 Exemptions 15-9
15.4.1 Identification Signs 15-9
15.4.2 Change of Message 15-9
15.4.3 Commemorative Plaques and Historical Markers 15-9
15.4.4 Flags 15-9
15.4.5 Handicapped Parking Space Signs 15-9
15.4.6 Directional Signs 15-9
15.4.7 Security and Warning Signs 15-9
15.4.8 Open/Hours of Operation Sign or Flag 15-9
15.4.9 Private Drive Signs - Residential 15-10
15.4.10 Public Signs 15-10
15.4.11 Seasonal Banners 15-10
15.4.12 Temporary Political Signs 15-10
15.4.13 Yard Sale Signs 15-10
15.4.14 Real Estate Signs (Leasing/Sale Information) 15-10
15.4.15 Temporary Window Signs 15-11
15.4.16 Vehicle Safety Inspection Signs 15-11
15.4.17 Government Signs 15-11
15.4.18 Town Special Event Signs 15-11
15.4.19 Artwork 15-11
15.4.20 Service Station Pump Signs 15-11
15.4.21 Temporary Place of Worship Signs 15-11
15.4.22 Temporary Signs Announcing an Educational or Religious Event 15-11
15.4.23 Vehicle Signs 15-11
Sec. 15.5 Prohibited Signs 15-11
15.5.1 Off-Premises Signs 15-12
15.5.2 Portable Signs 15-12
15.5.3 Changeable Copy Signs 15-12
15.5.4 Simulated Traffic Signs 15-12
15.5.5 Animated Signs 15-12
15.5.6 Flashing Signs 15-12
15.5.7 Glaring Signs 15-12
15.5.8 Strings of Lights 15-12
15.5.9 Roof Signs 15-13
15.5.10 Signs Affixed to Trees, etc. 15-13
15.5.11 Hazards 15-13
15.5.12 Signs Erected in or Over a Public Right-of-Way 15-13
15.5.13 Home Occupation Sign 15-13
15.5.14 Neon Signs 15-13
Sec. 15.6 Temporary Signs 15-13
15.6.1 Signs Requiring Temporary Sign Permit 15-13
Sec. 15.7 Regulations Applicable to All Signs 15-14

15.7.1 General Sign Standards 15-14
15.7.2 Development Standards for Permitted Sign Types..... 15-14
15.7.3 Construction and Maintenance Standards 15-19
15.7.4 Pre-Existing/Non-Conforming Signs 15-19
Sec. 15.8 Signs in Residential Zoning Districts..... 15-20
15.8.1 General Regulations..... 15-20
15.8.2 Signs for Permitted Principal Uses..... 15-20
Sec. 15.9 Signs in Nonresidential Zoning Districts..... 15-21
15.9.1 Signs in Business/Employment Districts; General Regulations 15-21
15.9.2 Signs for Individual Businesses 15-21
15.9.3 Signs for Multiple Businesses 15-22
15.9.4 Signs for Commercial, Office and Industrial Centers..... 15-22
15.9.5 Signs for Service Stations..... 15-23
15.9.6 Signs for Vehicle Sales Dealerships 15-23
15.9.7 Signs for Theaters 15-24
15.9.8 Unusual Site Constraints 15-24
Sec. 15.10 Signs in Floodplains 15-24
Sec. 15.11 Signs in the H-1 Overlay District 15-24
15.11.1 Certificate of Appropriateness Required 15-24
15.11.3 Sign Modifications..... 15-25
15.11.4 Additional Review Criteria..... 15-25
15.11.5 Administrative Review Authority..... 15-25
Sec. 15.12 Signs in the H-2 Overlay District 15-25
15.12.1 Certificate of Appropriateness Required 15-25
15.12.2 Exemptions..... 15-25
Sec. 15.13 Comprehensive Sign Plans 15-26
15.13.1 Signs, Generally 15-26
15.13.2 Modifications..... 15-26
Sec. 15.14 Sign Permit Procedures..... 15-28
15.14.1 Applicability..... 15-28
15.14.2 Filing of Application; Fees 15-28
15.14.3 Information Required 15-28
15.14.4 Recording of Sign Permit 15-29
15.14.5 Revocations..... 15-29
Sec. 15.15 Temporary Sign Permit Procedures..... 15-29
Sec. 15.16 Expiration of Sign Permits 15-29
Sec. 15.17 Removal of Illegal Signs 15-29

Article 15 | Sign Regulations

Sec. 15.1 General

15.1.1 Purpose and Intent

The purpose of this article is to establish reasonable and effective regulations pertaining to the time, place and manner in which signs may be erected and maintained in order to:

- Foster business growth and vitality and to provide flexibility to respond to market and economic trends;
- Stimulate the economic vitality of the Town, encourage a business atmosphere that continues to attract new enterprises to the Town, encourage trade within the Town, and to appropriately inform customers so that businesses can thrive and thereby help provide revenue necessary for a well-balanced tax base;
- Provide a responsive and efficient administrative sign permit approval process for business owners;
- Provide clear and effective standards that permit reasonable signage for businesses and institutions;
- Provide for signage that is constructed and maintained in a structurally sound and attractive manner;
- Provide compatible signage with the landscape/streetscape and architecture of surrounding buildings, including historic sites and structures;
- Ensure the effectiveness of public traffic signs and signals;
- Create legible and appropriate signs related to the activity to which they pertain; and
- Improve the public health, safety, and general welfare of the community.

15.1.2 Applicability

These sign regulations shall apply to all signs erected within the Town of Leesburg.

15.1.3 “Sign” Defined

Any letters, words, figures, numerals, emblems, commercial flags, designs, trademarks, posters or other objects which (i) make known, designate, or attract attention of any person to a place, event, product or business, and (ii) which are visible to persons located outdoors, and whether individually or in any combination, are used for the purpose of visually attracting the attention of the public while viewing the same from outdoors. This definition excludes display of merchandise which is otherwise regulated in Chapter 30 of the Town Code.

Sec. 15.2 Sign Permit Required

Except as provided herein, no sign shall be erected, installed, used, altered, relocated, replaced or reconstructed until a Sign Permit has been issued by the Zoning Administrator and approved by the Board of Architectural Review or the Preservation Planner if applicable. For the purpose of this Zoning Ordinance, all signs are considered accessory uses and,

unless specifically qualified, shall be located on the same lot with the principal use to which they pertain.

Sec. 15.3 Definitions

The definitions of this section shall be used solely for the purpose of interpreting and administering the sign regulations of this article. If the definitions of this section conflict with other definitions of this Zoning Ordinance, the definitions of this section shall control. Standards for particular sign types can be found in Section 15.7.2 Development Standards for Permitted Sign Types.

15.3.1 Animated Sign

A sign, any portion of which rotates, moves or in any way simulates motion, by any means, including fluttering, rotating or otherwise moving, or set in motion, by movement of the atmosphere, including but not limited to streamers, pennants, propellers, or discs. The use of balloons to a maximum circumference of fifty (50) inches and not displayed above a height of ten (10) feet shall not constitute an animated sign.

15.3.2 A-frame/Sandwich Board Sign

A portable sign not secured or attached to the ground or surface upon which it is located; constructed in a manner to form an "A" or tent-like shape. (Graphic)

15.3.3 Awning/Canopy Sign

A sign placed directly on or attached to the surface of an awning or canopy. (Graphic)

15.3.4 Banner

A temporary sign made of fabric or any non-rigid material with no enclosing framework designed to be attached to a building.

15.3.5 Bench Sign

A sign painted, located on, or attached to any part of the surface of a bench, seat or chair placed on or adjacent to a public place or roadway.

15.3.6 Billboard Sign

See "Off-premises Sign."

15.3.7 Business Sign

A sign that directs attention to a business or profession conducted, or to a commodity or service sold, offered or manufactured, or to an entertainment offered on the premises where the sign is located.

15.3.8 Changeable Copy Sign

A sign or part of a sign that is designed so that characters, letters or illustrations can be changed or rearranged without altering the face or surface of the sign. (Graphic)

15.3.9 Commercial Flag

Any fabric or other flexible material attached to or designed to be flown from a flagpole or similar device intended to visually attract the attention of the public to any commercial item (such as a place, event, product or business) while viewing the same from outdoors. (Graphic)

15.3.9.1 Development Sign

A temporary sign erected on the premises where construction is taking place, during the period of the construction. The sign may indicate the names of the architects, engineers, landscape architects, contractors or similar artisans, and the owners, financers, sponsors

and similar individuals or firms having a role or interest with respect to the structure or project.

15.3.10 Directional Sign
An on-premises sign designed to guide vehicular and/or pedestrian traffic by using such words as “Entrance”, “Exit”, “Parking”, “One Way” or similar directional instruction, but not including any advertising message.

15.3.11 Directory Sign
A sign listing the tenants or occupants of a building or group of buildings that may indicate their respective professions or business activities.

15.3.11.1 Electronic Message Board Sign
A sign displaying characters that move or change, caused by any method other than physically removing and replacing the sign or its components. This includes a display that incorporates technology to allow the sign face to change the image, such as any display that incorporates LED lights manipulated through digital input, “digital ink” or any other method or technology that allows the sign face to present a series of images or displays. (Graphic)

15.3.12 Façade Sign
See “Wall Sign.”

15.3.13 Flashing Sign
A sign consisting of or illuminated by flashing or intermittent lights or other lights of changing degrees of intensity, brightness or color. Flashing signs do not always contain written messages such as found with Electronic Message Board Signs.

15.3.14 Freestanding Projecting Sign
A small, pedestrian oriented sign supported by a single upright and which hangs from an arm projecting perpendicularly from the single upright support. (Graphic)

15.3.15 Section Reserved

15.3.16 Ground Sign
A sign which is suspended or supported by one or more uprights or braces in the ground with no more than thirty (30) inches clearance from the bottom of the sign to the ground below. (Graphic)

15.3.17 Home Occupation Sign
A sign that advertises a home occupation.

15.3.18 Identification Sign
A sign which displays only the address and name or crest, insignia or trademark, occupation or profession of an occupant or the name of any building on the premises.

15.3.19 Illuminated Sign
A sign illuminated in any manner by an artificial light source, whether internally or externally lit.

15.3.19.1 Incidental Sign (for Vehicle Service Garage Bays) An on-site directional wall sign installed to identify the type of service provided in a particular vehicle service garage bay.

15.3.20 Inflatable Sign
Any display capable of being expanded by air or other gas and used on a temporary or permanent basis to advertise a product or event.

15.3.21 Institutional Bulletin Board Sign
A sign containing a surface upon which is displayed the name of a religious institution, school, library, community center or similar institutional or community service use, and the announcement of its services or activities.

15.3.21.1 Kiosk Sign
A three (3) or more sided freestanding structure located within a pedestrian circulation area in commercial districts and used for the posting of notices and locational information but not for commercial advertising. (Graphic)

15.3.21.2 LED
An LED display is a display which uses light-emitting diodes (L.E.D.). Additionally, LED is a lighting method used for illumination of individual channel letters or like signs.

15.3.22 Marquee Sign
A sign attached to a projecting structure over an entrance to a building (such as a theater or motel) or extending along and projecting beyond the building's wall and generally designed and constructed to provide protection against the weather. (Graphic)

15.3.23 Monument Sign
A freestanding sign permanently installed on the property and used to identify a building, its tenants or businesses located on the same site. The base of a monument sign is as wide or wider than the main sign face. A monument sign is built on-grade in such a manner that the sign and the structure are an integral part of one another. (Graphic)

15.3.23.1 Neon Sign
Signs made of continuous luminous tubes containing neon or other inert gases that glow brightly when high voltage is applied. (Graphic)

15.3.24 Off-premises Sign
A sign which directs attention to a business, commodity, service or establishment conducted, sold or offered at a location other than the premises on which the sign is erected.

15.3.25 Pole Sign
A sign that is mounted on one or more poles or similar supports where the bottom of the sign is higher than thirty (30) inches above the ground. (Graphic)

15.3.26 Political Sign
A temporary sign announcing or supporting political candidates or issues in connection with any national, state or local election.

15.3.27 Portable Sign
Any sign not permanently affixed to a building, structure or the ground. This category includes, but is not limited to, banners, balloons, and similar devices used to attract attention. This category of signs will not apply to authorized temporary signs listed in Sec. 15.6 Temporary Signs, signs authorized in Sec. 9.6 Business Special Events and A-frame/Sandwich Board signs in compliance with 15.7.2 E Development Standards for Permitted Sign Types.

15.3.28 Pre-Existing/Non-Conforming Sign
See Sec. 15.7.4 Pre-Existing/Non-Conforming Signs for definition and conditions.

15.3.29 Private Yard Sale Sign
A temporary sign advertising private sales of personal property (such as garage sales or rummage sales).

15.3.30 Projecting Sign
Any sign, other than a wall, awning or marquee sign, which is permanently affixed to a building and is supported only by the wall on which it is mounted. (Graphic)

15.3.31 Real Estate Sign
A sign pertaining to the sale or lease of the premises, or a portion of the premises, on which the sign is located. Real Estate signs are permitted only at locations of actual vacancy being advertised for sale or lease.

15.3.32 Roof Sign
A sign erected or constructed, in whole or in part, upon or above the highest point of a building with a flat roof, or the lowest portion of a roof (i.e., eave line) for any building with a pitched, gambrel, gable, hip or mansard roof. (Graphic)

15.3.32.1 Service Station Signs
Signs permitted by Sec. 15.9.5 Signs for Service Stations for buildings and premises in which the primary source of revenue is the retail dispensing of motor fuels. This information must be verified by the applicant prior to the issuance of sign permits.

15.3.33 Shopping Center Courtesy Signs
A sign or signs displaying a "welcome to" and "thank you" message along with the name of the shopping center and/or management company name.

15.3.34 Sign Area
The entire face of a sign, including the advertising surface and any framing, trim or molding, but not including the supporting structure. (Graphic)

15.3.35 Sign Face
The area or display surface used for the message, not including the support structure.

15.3.35.1 Special Event Signs

A. **Governmental Events.** Town Special Event Signs are Town of Leesburg-installed signs or banners announcing a specific Town sponsored event.

B. **Business Events.** Business Special Event Signs in accordance with Section 9.6 Business Special Events.

15.3.36 Temporary Sign
A sign or advertising display designed or intended to be displayed for a specified period of time, as provided in Sec. 15.4 Exemptions and Sec. 15.6 Temporary Signs.

15.3.37 Vehicle Sign
Any permanent or temporary sign exceeding two (2) square feet affixed to, painted on, or placed upon any parked vehicle, parked trailer, or other parked device capable of being driven or towed, which is conspicuously parked in order to advertise the business or entity to the passing motorist or pedestrian; and the primary purpose of which is to provide additional signage on-site or to serve the function of an outdoor advertising sign. (Graphic)

15.3.37.1 Vehicle Division Sign
A wall sign announcing the name of an automotive manufacturer's division being sold at a Vehicle Sales dealership.

15.3.38 Wall Sign
A sign attached to a wall, or painted on or against a flat vertical surface of a building in such a manner that the wall becomes the supporting structure for, or forms the background structure of, the sign.

15.3.39 Window Sign

All signs, whether temporary or permanent, internally illuminated or non-illuminated, attached to or applied directly onto the surface of any window or within a distance of three (3) feet inside the window and which can be read from a street or parking lot. Inside the H-1 Old and Historic Overlay District, internally illuminated window signs are prohibited up to three (3) feet with exceptions found in Section 15.4.8 Open/Hours of Operation Sign or Flag and 15.7.2.F.4. H-1 Old and Historic Overlay District (Neon) (Graphic)

Sec. 15.4 Exemptions

Sign permits shall not be required for the following signs; however, all other applicable regulations of this Zoning Ordinance shall apply.

15.4.1 Identification Signs

A sign indicating the address and/or names of occupants of premises, not exceeding two square feet in area.

15.4.2 Change of Message

Changing the message content of an approved directory, institutional bulletin board or theater marquee sign.

15.4.3 Commemorative Plaques and Historical Markers

Commemorative plaques and historical markers erected by a recognized historical agency or governmental body, and in accordance with Code of Virginia Section 42-66.

15.4.4 Flags

One flag per business bearing the word “OPEN” or other words depicting the nature of the business and not exceeding fifteen (15) square feet in area. Should the flag contain any corporate logo or text, the flag will no longer be considered exempt.

15.4.5 Handicapped Parking Space Signs

Standardized signs designed to identify a Handicapped Parking Space.

15.4.6 Directional Signs

Directional signs for nonresidential uses not exceeding three (3) square feet in area or located closer than five (5) feet to any lot line. Directional signs may be internally lit or illuminated by white light only. This includes small signs displayed for the direction or convenience of the public, including signs that identify a restroom, entrance, exit, freight entrance or similar feature.

15.4.7 Security and Warning Signs

Signs posted on private property warning the public against trespassing, or similar messages, provided that any such sign does not exceed two (2) square feet in area.

15.4.8 Open/Hours of Operation Sign or Flag

Signs attached to or applied directly onto the window of a business not exceeding two (2) square feet in area.

A. Within H-1 Old and Historic Overlay District.

- Sign. Such sign may consist of two (2) square feet of neon illumination if continuously lit and reading “OPEN” but shall not consist of LED, or any other non-incandescent light sources if located in the H-1 Old and Historic Overlay District.

- Flag. One flag bearing the single word “Open” not exceeding fifteen (15) square feet in area may be displayed.

B. Outside the H-1 Old and Historic District.

- Sign. Such sign may consist of two (2) square feet of neon, LED or any other non-incandescent illumination if continuously lit and reading “OPEN”.
- Flag. One flag bearing the single word “Open” not exceeding fifteen (15) square feet in area.

15.4.9 Private Drive Signs - Residential

One per drive entrance, not exceeding two (2) square feet in area, with the message content limited to the words “Private Drive” and the address of any residences utilizing the private roadway.

15.4.10 Public Signs

Public signs, including traffic, utility and other regulatory signs.

15.4.11 Seasonal Banners

Seasonal banners displayed on private property not advertising a product, services, or the name of any business or place of business. Includes seasonal banners at shopping centers. Seasonal Banners shall not be displayed for a period exceeding forty five (45) days.

15.4.12 Temporary Political Signs

Temporary political campaign signs on private property not to exceed thirty-two (32) square feet in area or six (6) feet in height. Such signs shall not be erected more than sixty (60) days prior to the election and shall be removed within five (5) days after the election. If, after reasonable notice, such signs are not removed, the town may remove them and the candidate, organization or person who caused the sign to be erected may be charged for the removal. Temporary political signs may not be placed upon utility poles or within the public right-of-way.

15.4.13 Yard Sale Signs

Temporary private yard sale signs not exceeding three (3) in number per yard sale totaling no more than twelve (12) square feet and not placed in a public right-of-way or erected more than two (2) days before the sale. All such signs are to be removed within twenty four (24) hours of the end of the sale. Yard sale signs may be placed on fences and trees on individually owned lots where the yard sale is being conducted. However, no such sign shall be placed on utility poles, fire hydrants or other public property.

15.4.14 Real Estate Signs (Leasing/Sale Information)

A. On-Site. Real estate signs located on the premises as a wall or window sign, which shall not exceed twelve (12) square feet in area for single-family residential uses, or thirty-two (32) square feet in area for non-residential uses. Freestanding real estate signs may not exceed four (4) square feet in area for single-family residential uses or twenty-four (24) square feet in area for non-residential uses. No real estate sign shall exceed a height of six (6) feet. One real estate sign shall be permitted per property, except for corner lots, which may have two (2) such signs. Real estate signs shall be removed within five (5) days of the settlement or full lease of the property.

B. Temporary Open House Signs shall comply with the following:

1. Signs may be displayed only forty eight (48) hours prior to an open house until twenty four (24) hours after an open house event.

2. Signs may not be located within the public right of way.
3. Signs may not exceed an area of six (6) square feet and may not be taller than four (4) feet in height.
4. Animated signs are prohibited.

15.4.15 Temporary Window Signs

Temporary window signs shall be limited to fifty percent (50%) of the total square footage of the window area, inclusive of all windows on the façade facing the public street or the front of the building where no street frontage exists, thirty-two (32) square feet, whichever is less. Any such sign shall not be illuminated and shall not remain in place for more than four (4) weeks.

15.4.16 Vehicle Safety Inspection Signs

Vehicle safety inspection signs not exceeding ten (10) square feet in area. Such signs may be either a wall sign or attached to an existing authorized ground sign structure (two (2) per business) not to exceed the height of the ground sign.

15.4.17 Government Signs

Government signs that are approved by the Town Council or installed for the public benefit by the Town of Leesburg.

15.4.18 Town Special Event Signs

Town-sponsored special event signs or banners.

15.4.19 Artwork

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

15.4.20 Service Station Pump Signs

Signage on service station island pumps not exceeding eight (8) square feet and exclusive of state mandated labeling signage.

15.4.21 Temporary Place of Worship Signs

1. Signs may be displayed only forty eight (48) hour prior to a service until twenty four (24) hours after a service.
2. Signs may not be located within the public right of way.
3. Signs may not exceed an area of six (6) square feet and may not be taller than four (4) feet in height.
4. Animated signs are prohibited.

15.4.22 Temporary Signs Announcing an Educational or Religious Event

Cumulative sign area shall not exceed twenty-four (24) square feet and no sign shall exceed six (6) feet in height. The sign will not be displayed more than fourteen (14) days prior to the event and will be removed within five (5) days after the event.

15.4.23 Vehicle Signs

Vehicle signs meeting the requirements of 15.7.2.L Vehicle Signs – Development Standards.

Sec. 15.5 Prohibited Signs

The following signs are expressly prohibited unless specifically stated otherwise.

15.5.1 Off-Premises Signs
Off-premises signs, including billboards except as provided in Sec. 15.6 Temporary Signs, Sec. 15.4.14 Temporary Open House Signs and Sec. 15.4.21 Temporary Place of Worship Signs.

15.5.2 Portable Signs
Any sign not permanently affixed to a building, structure or the ground. This category includes, but is not limited to, banners, inflatable signs and similar devices used to attract attention. This category of signs will not apply to authorized temporary signs listed in Sec. 15.6 Temporary Signs, signs authorized in Sec. 9.6 Business Special Events and A-frame/sandwich board signs meeting the standards of Sec. 15.7.2 E A-Frame/Sandwich Board Sign – Development Standards, 15.4.14 Temporary Open House Signs and Sec. 15.4.21 Temporary Place of Worship Signs.

15.5.3 Changeable Copy Signs
Changeable copy signs, excluding approved institutional bulletin boards, theater signs and fuel price signs as permitted by this Zoning Ordinance. See Sec. 15.8.2.D Signs for Institutional Uses, Sec. 15.9.6 Signs for Theaters, and Sec. 15.9.5 Signs for Service Stations.

15.5.4 Simulated Traffic Signs
Signs that may be confused with or obstruct the view of any authorized traffic sign or signal.

15.5.5 Animated Signs
A sign, any portion of which rotates, moves or in any way simulates motion, by any means, including fluttering, rotating or otherwise moving, or set in motion, by movement of the atmosphere, including but not limited to streamers, pennants, propellers, or discs. This prohibition shall not apply to the hands of a clock, a weathervane, flags meeting all applicable requirements of this article, balloons to a maximum circumference of fifty (50) inches and not displayed above a height of ten (10) feet and signs authorized in Sec. 9.6 Business Special Events.

15.5.6 Flashing Signs
A sign consisting of or illuminated by flashing or intermittent lights or other lights of changing degrees of intensity, brightness or color. Flashing signs do not always contain a written message such as those found with Electronic Message Board Signs, except for time and temperature signs.

15.5.7 Glaring Signs
Signs with light sources of such brightness as to constitute a hazardous glare, reflection or nuisance as determined by the Zoning Administrator.

15.5.8 Strings of Lights
Strings of lights outlining property lines or sales areas, or any portion of a structure, unless part of an approved sign or sign-structure. This prohibition shall not apply to strings of lights installed (a) in the H-1, Old and Historic Overlay District to illuminate the cornice line of buildings, accentuate landscaping and decorate alleyways; (b) in any district as holiday decorations, which may be illuminated only during the holiday season to which the display of such lights is customarily associated; and (c) in any district as general outdoor seating area decorations at food establishments. Exempt strings of lights illuminating the cornice line of buildings, alleyways or outdoor seating areas must be comprised of clear bulbs that are 0.4 watts, have a separation distance of 5.25 inches between bulbs and which provide continuous light.

15.5.9 Roof Signs

A sign erected or constructed, in whole or in part, upon or above the highest point of a building with a flat roof, or the lowest portion of a roof (i.e., eave line) for any building with a pitched, gambrel, gable, hip or mansard roof. However, roof signs located above the lowest portion of a roof (i.e. eave line) shall be permitted for compound, mansard and gambrel roofs not exceeding twenty five (25) feet in height and affixed flat to the surface of the wall.

15.5.10 Signs Affixed to Trees, etc.

Signs affixed to public trees, public fences, public posts, light poles, street signs or any other publicly owned appurtenance.

15.5.11 Hazards

Signs that obstruct the visibility at intersections or block any window, door, fire escape, stairway, or any opening intended for light, air or access to any building.

15.5.12 Signs Erected in or Over a Public Right-of-Way

Signs erected in or over public right-of-way or on public land except as permitted in Chapter 30 of the Town Code.

15.5.13 Home Occupation Sign

A sign that advertises a home occupation.

15.5.14 Neon Signs

Neon, LED or other non-incandescent lighted signs located within the H-1 Old and Historic Overlay District unless otherwise permitted by this Ordinance._

Sec. 15.6 Temporary Signs

15.6.1 Signs Requiring Temporary Sign Permit

The following signs shall require the issuance of a Temporary Sign Permit by the Zoning Administrator prior to their erection. The permit shall cite the length of time any such sign may be displayed. If after the expiration of the Temporary Sign Permit, such signs are not removed, the town may remove them and charge the cost of removal to the enterprise or proprietor responsible.

A. **Promotional Event Sign.** The sign shall be attached at each corner to an existing principal structure which includes porches and porch railings and shall not exceed twenty-four (24) square feet in area or six (6) feet in height. Display of the sign is limited to fourteen (14) continuous days, five (5) times a year with a separate permit required for each display period. The sign shall be removed within twenty-four (24) hours of the expiration date of the permit.

B. **Temporary Business Identification.** A wall mounted temporary sign not to exceed twenty-four (24) square feet to identify a new business for a period of forty five (45) days prior to approval of permanent signage. A one-time renewal of thirty (30) days is permitted upon approval of the Zoning Administrator or designee.

Sec. 15.7 Regulations Applicable to All Signs

15.7.1 General Sign Standards

A. Determination of Sign Height. The height of a sign shall be determined as the difference in height measured from grade to the uppermost extremity of the sign.

B. Number of Sign Faces. No sign shall have more than two (2) sign faces unless permitted as a kiosk sign.

C. Determination of Monument Sign Area. The surface area of the largest face of the structure will determine the total square footage of the monument sign. This calculation will exclude the first eighteen (18") inches of the base, provided it does not include any sign copy. In addition, a planter structure which does not exceed one foot (1) in height or include sign copy will also be excluded from the area calculation.

D. Area of Signs with Two Sign Faces. The area of a sign with two (2) sign faces shall be computed according to the following:

1. Sign faces separated by an interior angle of forty five (45) degrees or greater, both sign faces shall be included;
2. Sign faces separated by an interior angle of less than forty five (45) degrees, one sign face shall be included, provided, however, the area of the largest sign face shall be used when two faces are unequal in area.

E. Area of a Kiosk Sign. The area of a kiosk sign shall be computed inclusive of all sides or faces of the kiosk. (Graphic)

15.7.2 Development Standards for Permitted Sign Types

All new signs and all existing signs which are replaced, reconstructed, extended or changed structurally shall comply with the following development standards unless the building size, location or orientation may result in a circumstance which is not adequately addressed in this article, and may necessitate a modification to the standards provided herein. Any such modification must demonstrate to the satisfaction of the Zoning Administrator that compliance with the stated purpose and intent of these sign regulations will not be compromised.

A. Monument Sign - Development Standards

1. Road Frontage Requirements. Monument signs shall be permitted only on lots with one hundred (100) feet or more of road frontage.
2. Minimum Separation Distance. No monument sign shall be permitted to be erected within one hundred (100) feet of an existing monument sign.
3. Maximum Height. Ten (10) feet.
4. Maximum Size. One (1) square foot per five (5) linear feet of street frontage, up to a maximum size of forty (40) square feet.

B. Projecting Sign - Development Standards

1. Frontage Requirements. Eighteen (18) feet of ground level frontage.
2. Angle of Projection. Ninety degrees (90°).
3. Limit on Projection. Three and one-half feet (3'6") or one-half of the width of the sidewalk, whichever is less.
4. Projection Over right-of-way. Permit required as provided in Chapter 30 of the Town Code.

5. Minimum Clearance. Seven and one-half feet (7'6").
6. Maximum Height. Fourteen feet (14').
7. Maximum Size. One (1) square foot per linear foot of building frontage on which the sign is to be attached, up to twelve (12) square feet.
8. Use Limitation. Maximum one (1) per building, provided not within eighteen (18) ft. of another projecting sign. Buildings located on a corner shall be permitted one (1) per street frontage.

C. Wall/Marquee Sign - Development Standards

1. Placement, Generally. No wall sign shall cover, cross or otherwise hide columns, belt courses or other decorative architectural features of the building, including balconies.
2. Maximum Height of Wall Signs. Twenty-five feet (25').
3. Maximum Size. One (1) square foot per linear foot of building frontage on which the sign or signs are to be attached, up to a maximum aggregate of one hundred (100) square feet.
4. Limit on Projection. Twelve inches (12").

D. Awning and Canopy Signs - Development Standards

1. Location. Parallel to and not projecting above or below the face of the awning or canopy.
2. Limit on Projection. To within one foot of the vertical placement of curbs, but shall in no way interfere or obstruct either pedestrian or vehicular traffic. Any sign which projects over the public right-of-way shall comply with Chapter 30 of the Town Code.
3. Maximum Size. One square foot per linear foot of the awning or canopy, up to a maximum ten (10) square feet.

E. A-frame/Sandwich Board Sign – Development Standards

1. **Inside the H-1 Old and Historic Overlay District**

   A-frame/Sandwich Board Signs located inside the H-1 Old and Historic Overlay District and located within the public right of way are subject to the requirements found in Chapter 30 of the Town Code. A-frame/Sandwich Board Signs located inside the H-1 Overlay District but unable to meet the requirements of Chapter 30 of the Town Code are subject to the following regulations:

   a. Location. Outside of the public right of way and not located within required parking spaces, landscaping or travel aisles unless further restricted by the Zoning Administrator to eliminate a traffic safety hazard.

   b. Maximum Size. The sign shall not exceed twenty-four (24) inches in width and thirty-four (34) inches in height.

   c. Duration/Grandfathering Limitation. Any permit for an A-frame sign shall clearly state that the permit shall be valid for a period of one year from the date of adoption of this ordinance (January 26, 2010) and will automatically renew unless the Town Council has repealed the applicable sections of the Zoning Ordinance to eliminate A-frame signs as a

permitted sign type prior to January 26, 2011. In such case, no permit issued shall be valid or grandfathered beyond the January 26, 2011 automatic termination date.

d. Each sign shall count towards the total number of signs per business allowed and requires a permit to be issued by the Zoning Administrator.

e. Each sign shall be subject to review under the H-1 Old and Historic District Design Guidelines.

2. <u>Outside the H-1 Old and Historic Overlay District</u>

a. <u>Location</u>. The sign shall be no more than five (5) feet from the front door of the business to which the sign pertains. No such sign may be located within ten (10) feet of the property line and driveway entrance. On a corner lot the sign shall not be located within twenty (20) feet of the intersecting streets. A four (4) foot unobstructed space must be maintained on the sidewalk in front of the business to meet A.D.A. requirements.

b. <u>Maximum Size</u>. The sign shall not exceed twenty-four (24) inches in width and thirty-four (34) inches in height.

c. <u>Duration/Grandfathering Limitation</u>. Any permit for an A-frame sign shall clearly state that the permit shall be valid for a period of one year from the date of adoption of this ordinance (January 26, 2010) and will automatically renew unless the Town Council has repealed the applicable sections of the Zoning Ordinance to eliminate A-frame signs as a permitted sign type prior to January 26, 2011. In such case, no permit issued shall be valid or grandfathered beyond the January 26, 2011 automatic termination date.

d. Each sign shall count towards the total number of signs per business allowed and requires a permit to be issued by the Zoning Administrator.

F. Neon, LED Display or other non-incandescent light Signs -Development Standards

1. <u>Number</u>. One (1) window sign.

2. <u>Maximum Size</u>. The square footage of any single sign shall not exceed four (4) square feet.

3. <u>Exemption</u>. Open/Hours of Operation Signs attached to or applied directly onto the window of a business not exceeding two (2) square feet in area.

4. <u>H-1 Old and Historic Overlay District</u> – the Board of Architectural Review(B.A.R.) may review and approve neon signage for buildings where the use of historically documented neon was previously used and shall be based upon Design Guidelines as established by the B.A.R.

5. <u>Limit on Use</u>. Neon, LED Display or other non-incandescent light signs must remain of constant light and not scroll, flash or be animated in any other way.

G. Electronic Message Board Signs – Development Standards

1. <u>Number</u>. One (1) permitted for Institutional Uses only.

2. Maximum Size. The square footage of any single electronic message board component of a sign shall not exceed twenty four (24) square feet.
3. Electronic Message Board signs located within the H-1 Old and Historic Overlay District are prohibited.
4. Limit on Use. Electronic Message Board signs for institutional uses shall be permitted to change message content twice per hour.

H. Ground Signs-Development Standards

1. Maximum Height. Seven (7) feet.
2. Maximum Size. One (1) square foot per five (5) linear feet of street frontage, up to a maximum size of forty (40) square feet. There shall be no more than thirty (30) inches clearance from the bottom of the sign to the ground below.
3. A business is not permitted both a Freestanding Projecting sign and a Ground sign at the same location.

I. Freestanding Projecting Signs-Development Standards

1. Maximum Height. Seven (7) feet including any decorative caps or finials.
2. Maximum Size. Eight (8) square feet.
3. A business is not permitted both a Freestanding Projecting sign and a Ground sign at the same location.

J. Kiosk Signs – Development Standards

1. Maximum Height. Ten (10) feet.
2. Maximum Size. Forty (40) square feet inclusive of all sign faces of the kiosk.
3. Illumination. Kiosk signs may only be externally illuminated.
4. Minimum Separation. Kiosk signs must contain a three hundred (300) foot separation from other kiosk signs.
5. Location. Kiosk signs may only be utilized in developments with twenty (20) or more businesses are located in the development.

K. Window Signs – Development Standards

1. Permanent Window Signs; Additional Restrictions. Permanent window signs shall be limited to twenty-five percent (25%) of the total square footage of window area, inclusive of all windows on the façade facing the public street or the front of the building where no street frontage exists, or sixteen (16) square feet, whichever is less. Window signs located above the ground floor shall not be illuminated.
2. See also Sec. 15.4.15 Temporary Window Signs Exemptions

L. Vehicle Signs – Development Standards

1. Vehicle in Operating Condition and Daily Use. Vehicles in operating condition currently registered and licensed to operate on public streets with a valid inspection sticker and are actively used in the daily conduct of the business or entity to which the signs relate.
2. Proximity Limitation. Vehicle signs must be parked no closer than forty (40) feet from a public right of way line or in a location that is more than fifteen (15) feet from the curb line of the paved parking lot perimeter in a designated and approved striped parking space, whichever is farther.

M. Institutional Use Signs – Development Standards

1. Institutional Bulletin Boards**.** One monument style sign per use, not to exceed forty (40) square feet in area and six (6) feet in height. Any changeable copy area or electronic message board sign display cannot exceed twenty-four (24) square feet of the total sign area. Institutional bulletin boards may be illuminated by white light only. Electronic Message Board displays shall be permitted to change message content twice per hour.
2. Institutional Use Wall Signs. In addition, each institutional use may be permitted one (1) wall sign identifying the name and address of the premises not to exceed forty (40) square feet in area. These signs may not be illuminated when abutting a residential use.
3. Separation Distance. Institutional bulletin boards shall not be located closer than one hundred (100) feet from any other institutional bulletin board.

N. Seasonal Produce Stand Signs. The total area of all such signs shall not exceed twenty-four (24) square feet, nor shall any sign exceed six (6) feet in height.

O. Development Sign. A sign installed at the time of zoning permit issuance not to exceed one per street frontage announcing the owner, occupant, developer, architect, contractor and other persons or firms involved in the construction on the premises, provided:

1. The total area of such signs shall not exceed sixteen (16) square feet in residential zoning districts or thirty-two (32) square feet in other districts.
2. Such sign shall be removed prior to the issuance of a temporary or permanent certificate of occupancy.
3. Such signs shall not exceed six (6) feet in height.

P. Residential Subdivision and Model Home Identification Signs. One sign may be erected for not more than two (2) years at each principal entrance to the development. Such signs shall not exceed six (6) feet in height or twenty-four (24) square feet in area. Individual model homes may maintain a sign not exceeding six (6) square feet in area.

Q. Roof Signs

1. Roof signs located above the lowest portion of a roof (i.e. eave line) shall be permitted for compound, mansard and gambrel roofs not exceeding twenty five (25) feet in height and affixed flat to the surface of the wall or roof.
2. Maximum Size. One (1) square foot per linear foot of building frontage on which the sign or signs are to be attached, up to a maximum aggregate of forty (40) square feet.

R. Vehicle Division Signs For Vehicle Sales dealerships only. Each Vehicle Sales dealership may display one wall sign not exceeding thirty (30) square feet in area for each division of cars being sold at the facility.

S. Incidental Signs (for Vehicle Service Garage Bays). A maximum of one (1) wall sign for each vehicle service garage bay not exceeding six (6) square feet maximum announcing the type of service performed in each garage bay, e.g., “Service”, “Tires”, “Oil Change”, “Alignment”, “Inspections”, etc. Incidental Signs shall be installed in direct association with the garage bay and shall not contain

any commercial message including, but not limited to the business name or logo, product names or logos, etc.

15.7.3 Construction and Maintenance Standards

A. Building Code Compliance. All signs shall be constructed in compliance with the Virginia Uniform Statewide Building Code.

B. Condition of Signs. All signs and components shall be maintained in good repair and in a safe, clean and attractive condition.

C. Repair or Removal of Nuisance Signs. Any sign which is declared to be an immediate or imminent hazard to life or property may be caused to be immediately removed or repaired. All costs associated with the removal or repair shall be charged to the owner of the premises.

D. Removal of Obsolete Signs. Any sign which is obsolete, because of discontinuance of the advertised activity or any other reason which would cause the sign to be obsolete, shall be removed within thirty (30) days.

15.7.4 Pre-Existing/Non-Conforming Signs

A. Any sign which was lawfully established in accordance with all applicable regulations in effect at the time of its establishment which does not conform to the provisions herein, and any sign which is accessory to a lawful nonconforming principal use, shall be deemed a lawful pre-existing sign, and may remain, subject to the following conditions:

1. Pre-existing/Non-Conforming signs must be kept in good repair and condition. However, any sign which is declared to be unsafe or unlawful by any authorized Town official as a result of physical condition may not be restored, repaired or rebuilt, but must be removed.

2. Pre-existing/Non-Conforming signs may not be displayed on any other portion of the property or building other than its original location, and may not be displayed on another property.

3. Pre-existing/Non-Conforming signs may not be enlarged, extended, reconstructed or structurally altered.

4. A pre-existing/non-conforming sign which is destroyed or damaged to an extent of fifty percent (50%) or more of its appraised value may not be altered, replaced or reinstalled unless it is in conformance with this article. If the damage or destruction is less than fifty percent (50%) of the appraised value, the sign may be restored within six (6) months of the damage, but shall not be enlarged or structurally altered in any manner.

5. A pre-existing/non-conforming sign must be removed if the structure, building or use to which it is accessory is destroyed, or demolished to an extent of fifty percent (50%) or more of the appraised value of the principal structure, building or use.

6. The sign copy of pre-existing/non-conforming signs may be changed to accommodate similar businesses occupying the same location. However, whenever a substantial change of use or structural alteration occurs upon a lot containing a pre-existing sign, such sign shall not be permitted unless modified to be in full compliance with this Zoning Ordinance.

Sec. 15.8 Signs in Residential Zoning Districts

15.8.1 General Regulations

A. Minimum Setback. Five (5) feet from all public rights-of-way, service drives or entrances unless further restricted by the Zoning Administrator to eliminate a traffic safety hazard.

B. Illumination of Signs in Residential Districts. The following signs may be illuminated by white light only: institutional bulletin boards and residential development identification signs.

15.8.2 Signs for Permitted Principal Uses

A. Single-Family and Duplex Dwellings. None except for those signs exempt from permit requirements and temporary signs authorized in Sec. 15.4 Exemptions and Sec. 15.6 Temporary Signs, respectively.

B. Residential Developments. Permanent subdivision or development identification signs indicating only the name and/or address of the premises. The identification signs shall be designed as monument signs or as part of an entrance feature (wall), with the maximum sign area as follows:

1. Developments of 20 Units or Less**.** One monument sign, not to exceed twenty (20) square feet in area or six (6) feet in height.
2. Developments of 21 Units or More**.** One monument sign at each major entrance, not to exceed thirty (30) square feet in area or six (6) feet in height. An alternative to construction of a monument sign is providing an architectural entrance feature on both sides of the main entrances not to exceed six (6) feet in height with up to twenty (20) square feet of sign area for each feature.
3. General Farming Activities**.** Two (2) ground-mounted farm signs per property up to eight (8) feet in height, with a combined area not to exceed twenty (20) square feet.

C. Signs for Residential Accessory Uses

1. Accessory Management or Rental Offices**.** One wall or projecting sign up to six (6) square feet in area.
2. Residential Community Bulletin Boards**.** Two (2) bulletin boards per subdivision; must be constructed as monument signs not exceeding forty (40) square feet in area each. The changeable copy area may not exceed twenty-four (24) square feet of the total sign area. The Community bulletin boards shall not exceed six (6) feet in height.
3. Other Accessory Uses**.** One (1) wall or projecting sign up to six (6) square feet in area.

D. Signs for Institutional Uses

1. Institutional Bulletin Boards**.** One monument style sign per use, not to exceed forty (40) square feet in area and, if a ground-mounted sign, six (6) feet in height. Any changeable copy area or electronic message board sign display cannot exceed twenty four (24) square feet of the total sign area. Institutional bulletin boards may be illuminated by white light only. Electronic Message Board displays shall be permitted to change message content twice (2) per hour.
2. Institutional Use Wall Signs. In addition each institutional use may be

permitted one (1) wall sign identifying the name and address of the premises not to exceed forty (40) square feet in area. These signs may not be illuminated when abutting a residential use.

3. Separation Distance. Institutional bulletin boards shall not be located closer than one hundred (100) feet from any other institutional bulletin board.

Sec. 15.9 Signs in Nonresidential Zoning Districts

15.9.1 Signs in Business/Employment Districts; General Regulations

A. **Development and Construction Standards.** All signs requiring a permit shall comply with the requirements of Sec. 15.7.3 Construction and Maintenance Standards and Sec. 15.7.2. Development Standards for Permitted Sign Types.

B. **Minimum Setback of Freestanding Signs.** Five (5) feet from any public rights-of-way, service drive or entrance unless further restricted by the Zoning Administrator to eliminate a traffic safety hazard.

15.9.2 Signs for Individual Businesses

A single business located on one (1) lot may erect signs as follows:

A. **Maximum Number of Signs Per Business**. Two (2).

B. **Types of Signs Permitted**. Wall, window, monument, projecting, awning, canopy, marquee, A-frame/sandwich board, neon (with restrictions), freestanding projecting, ground signs and Incidental Signs (for Vehicle Service Garage Bays).

C. **Maximum Size of Signs**.

1. Wall or Marquee Sign**.** One (1) square foot per linear foot of building frontage on which the sign or signs are to be attached, up to a maximum aggregate of one hundred (100) square feet.
2. Monument Sign**.** One (1) square foot per five linear feet of lot frontage on which the sign is to be located, up to a maximum size of forty (40) square feet and a maximum height of ten (10) feet.
3. Awning or Canopy Sign**.** One (1) square foot per linear foot of the awning or canopy, up to twenty (20) square feet.
4. Projecting Sign**.** One (1) square foot per linear foot of building frontage on which the sign is to be attached, up to twelve (12) square feet.
5. A-frame/Sandwich board Sign. Twenty-four (24) inches in width and thirty-four (34) inches in height.
6. Neon Signs. The square footage of any single neon sign shall not exceed (4) square feet.
7. Electronic Message Board. Displays for institutional uses may be a maximum of twenty-four (24) square feet and may only change message content twice per hour.
8. Freestanding Projecting Sign. Eight (8) square feet.
9. Incidental Signs (for Vehicle Service Garage Bays): Six (6) square feet maximum for each vehicle service garage bay.
10. Ground Sign. One (1) square foot per five (5) linear feet of street frontage, up to a maximum size of forty (40) square feet. There shall be no more than 30 inches clearance from the bottom of the sign to the ground below.

11. Window Sign. Permanent window signs shall be limited to twenty-five percent (25%) of the total square footage of window area, inclusive of all windows on the façade facing the public street or the front of the building where no street frontage exists, or sixteen (16) square feet, whichever is less. Window signs located above the ground floor shall not be illuminated.

15.9.3 Signs for Multiple Businesses

Multiple businesses located on a single lot may erect signs as follows:

A. Maximum Number of Signs Per Business. Two (2).

B. Types of Signs Permitted. Wall, window, monument, projecting, awning, canopy, marquee or A-frame/sandwich board, and kiosk. See Sec. 15.7.2 Development Standards for Permitted Sign Types for individual sign type requirements.

C. Maximum Size of Signs. Same as for individual businesses.

D. Directory Sign. One (1) wall mounted sign per building placed near the principal entrance, up to fifteen (15) square feet in area. Identification of a business on the directory sign will not be included with the number of signs permitted in subsection B above.

E. Wall Signs. One (1) per establishment having an individual outside entrance; harmonious with other wall signs as to color and lettering. The size shall be limited to one (1) square foot per linear foot of building frontage for the establishment, up to a maximum of one hundred (100) square feet.

15.9.4 Signs for Commercial, Office and Industrial Centers

Commercial, office or industrial centers or parks at least two (2) acres in size and including five or more establishments planned as an integrated development shall be authorized to erect additional signs based on the following:

A. Signs for Individual Establishments Within Center. Same as for individual or multiple businesses, as applicable, provided that no monument signs shall be permitted for individual businesses located on the same lot in a shopping center. One monument sign may be erected for each detached principal building within an office or industrial center. No such sign shall exceed twenty (20) square feet in area or eight (8) feet in height.

B. Shopping Center Identification Sign and Courtesy Signs. One monument sign with an area of one (1) square foot per five (5) linear feet of lot frontage on which the sign is to be erected, up to a maximum of forty (40) square feet and a maximum height of ten (10) feet. Only the name and address of the center and the names of establishments shall be displayed. In addition shopping center courtesy signs are permitted, one (1) sign at each entrance/exit only, located at least five (5) feet from the public right-of-way. Each sign is restricted to no more than three (3) square feet in area and three (3) feet in height. No advertisements or phone numbers are permitted on courtesy signs.

C. Office or Industrial Signs. One (1) monument sign at each major entrance of an office or industrial center identifying the name of the center only. No such sign shall exceed forty (40) square feet in area or ten (10) feet in height.

D. Kiosk Signs.

1. Per Section 15.7.2. J. Kiosk Signs – Development Standards.

15.9.5 Signs for Service Stations

Automobile service stations may erect signs as follows:

A. Maximum Number of Signs. Three (3) not including state required emissions and inspections signs.

B. Types of Signs Permitted. Wall, Window, Monument, awning, canopy, A-frame/Sandwich Board, neon (with restrictions), freestanding projecting ground signs and Incidental Signs (for Vehicle Service Garage Bays).

C. Maximum Size of Signs

1. Wall and A-frame/Sandwich Board**.** Same as individual businesses listed in Sec. 15.9.2 Signs for Individual Businesses. Wall signs may not exceed six (6) square feet in area for each sign identifying the special functions of various service bays in the building façade.
2. Signs**.** Same as for individual businesses, but may include within the allowable square footage a provision for changeable fuel price sign totaling up to twenty-four (24) square feet in area when integrated into a permitted monument sign. The location of the monument sign must be demonstrated as not interfering with sight distances.
3. Canopy or Awning**.** One (1) square foot per linear foot of the canopy or awning, with signage comprised of a single reference to the name of the service station and/or identification logo, up to a maximum fifty (50) square feet per sign.
4. Gas Pump Signs**.** Signs on pump islands relating to self-service or full-service locations, prices, promotions, displays, fuel availability, provided no such sign shall be located on or above any canopy that extends over the pump islands. Signage for each gas pump shall not exceed eight (8) square feet.
5. Inspection Sign. One (1) state inspection sign and one emission inspection sign on each frontage, provided no single sign exceeds six (10) square feet in area.
6. Incidental Sign (for Vehicle Service Garage Bay): Six (6) square feet maximum for each vehicle service garage bay.

15.9.6 Signs for Vehicle Sales Dealerships

Vehicle sales dealerships may erect signs as follows:

A. Maximum Number of Signs: Two (2) not including individual vehicle division signs or incidental signs for service garage bays.

B. Types of Signs Permitted: Wall, Window, Monument, Awning or Canopy, Vehicle Division, and Incidental Signs (for Vehicle Service Garage Bays)

C. Maximum Size of Signs:

1. Wall Sign: One (1) square foot per linear foot of building frontage on which the sign is attached up to a maximum of one hundred (100) square feet for any one sign. The aggregate total for all wall signs, including Vehicle Division Signs, shall not exceed one (1) square foot for every one (1) linear foot of building frontage upon which the signs are attached.

2. Window Sign: Permanent window signs shall be limited to twenty-five percent (25%) of the total square footage of window area, inclusive of all windows on the façade facing the public street or the front of the building where no street frontage exists, or sixteen (16) square feet, whichever is less. Window signs located above the ground floor shall not be illuminated.
3. Monument Sign: One (1) square foot per five linear feet of lot frontage on which the sign is to be located, up to a maximum size of forty (40) square feet and a maximum height of ten (10) feet.
4. Awning or Canopy Sign: One (1) square foot per linear foot of the awning or canopy, up to twenty (20) square feet.
5. Vehicle Division Sign: Thirty (30) square feet maximum for each corporate vehicle division sold at the Vehicle Sales dealership.
6. Incidental Sign (for Vehicle Service Garage Bay): Six (6) square feet maximum for each vehicle service garage bay.

15.9.7 Signs for Theaters

Theaters are authorized to erect one of the permitted wall or marquee signs with a changeable copy board displaying the name(s) and time(s) of the current motion picture or theatrical production. Theatres may install two (2) changeable copy movie poster signs per one (1) screen at the facility. Movie posters shall not exceed eight (8) square feet in size. Additionally, movie posters shall be located no higher on the wall than eight (8) feet off the ground to the top of the poster.

15.9.8 Unusual Site Constraints

When unusual building site conditions prohibit the ability to obtain effective signage, the Zoning Administrator may issue sign permits which comply with the intent of this article upon authorization by the Town Council.

Sec. 15.10 Signs in Floodplains

Signs may be erected in a floodplain only after the issuance of a sign permit by the Zoning Administrator. The Zoning Administrator is authorized to require modification of the area, height or location of a sign upon a determination that such change is necessary to promote the purpose and intent of the Flood Protection regulations of Article 13.

Sec. 15.11 Signs in the H-1 Overlay District

15.11.1 Certificate of Appropriateness Required

New signs or changes in text, color or composition to an existing permanent sign within the H-1 Old and Historic Overlay District require the approval of a Certificate of Appropriateness by either the Preservation Planner in accordance with Sec. 7.5.6 Administrative Approval of Certificate of Appropriateness or the Board of Architectural Review in accordance with Sec. 7.5.5 Certificate of Appropriateness and the issuance of a sign permit by the Zoning Administrator.

15.11.2 Exemptions

See Sec. 15.4 Exemptions for items that do not require review by either the Board of Architectural Review or the Preservation Planner.

15.11.3 Sign Modifications

When one (1) or more proposed signs in the H-1 Old and Historic Overlay District do not conform to the requirements of Article 15, the application will include justification that the requested modification serves the purpose and intent as established in Sec. 15.1.1 Purpose and Intent. Any such modifications may be based upon documented historical evidence from Leesburg provided by the applicant. In accordance with Section 7.5.5 Certificate of Appropriateness the Board of Architectural Review may authorize a sign modification that does not strictly adhere to the area, number, height and location criteria within the H-1 Overlay District if it is determined that the proposed sign is more consistent with the architectural and historic character of the building to which it relates and the historic character of the H-1 Old and Historic Overlay District Sign Guidelines overall.

15.11.4 Additional Review Criteria

Any sign erected within the H-1 Overlay District shall also satisfy all applicable criteria established in Sec. 7.5, H-1 Old and Historic Overlay District, as well as the Old and Historic District Sign Guidelines.

15.11.5 Administrative Review Authority

The Preservation Planner shall have authority to issue a Certificate of Appropriateness for applications that request approval for signs that conform to the criteria as established in the Old and Historic District Sign Guidelines in the section titled “Administrative Approval Criteria for Signs in the Old and Historic District. “ In the event the Preservation Planner determines that the sign does not conform to said guidelines the application shall be forwarded to the Board of Architectural Review for consideration, at the applicant’s request, at the next regularly scheduled BAR meeting for which all public hearing notice requirements can be met. An appeal of any BAR decision shall be in accordance with the provisions of Sec. 3.10.14 Appeals.

Sec. 15.12 Signs in the H-2 Overlay District

15.12.1 Certificate of Appropriateness Required

New signs or changes in text, color or composition to an existing permanent sign within the H-2 Overlay District require the approval of a Certificate of Appropriateness by either the Preservation Planner in accordance with Sec. 3.11.14 Administrative Approval of Certificates or the Board of Architectural Review in accordance with Sec. 7.6.4 Certificates of Approval, and the issuance of a sign permit by the Zoning Administrator.

15.12.2 Exemptions

See Sec. 15.4 Exemptions for items that do not require review by either the Board of Architectural Review or the Preservation Planner.

15.12.3 Additional Review Criteria

Any sign erected within the H-2 Overlay District shall also satisfy all applicable criteria established in Sec. 7.6.7 Design Guidelines as well as the H-2 Corridor Sign Guidelines.

15.12.4 Administrative Review Authority

The Preservation Planner shall have authority to issue a Certificate of Appropriateness for applications that request approval for signs that conform to the criteria as established in the H-2 Corridor Sign Guidelines and the H-2 Corridor Overlay District Design Guidelines. All signs in the H-2 Overlay District shall be subject to administrative review and action by the Preservation Planner in accordance with Section 3.11.14 Administrative Approval of Certificates. In the event the Preservation Planner determines that the sign does not

conform to said guidelines the application shall be forwarded to the Board of Architectural Review for consideration, at the applicant's request, at the next regularly scheduled BAR meeting for which all public hearing notice requirements can be met. An appeal of any BAR decision shall be in accordance with the provisions of Sec. 3.10.14 Appeals.

Sec. 15.13 Comprehensive Sign Plans

15.13.1 Signs, Generally

In order to encourage unified signage compatible with the architectural character of any existing or proposed multiple tenant development, the property owner of any such development may submit a comprehensive sign plan which indicates the following:

A. Type. All comprehensive sign plans shall indicate what types of signs permitted for commercial use in accordance with Article 15 are proposed for the subject development.

B. Number. All comprehensive sign plans shall detail, as applicable, the number of freestanding, monument, wall, and window signs permitted for all leasable tenant spaces.

C. Size. All comprehensive sign plans shall provide information on the dimensions and maximum size of all proposed signs.

D. Location. All comprehensive sign plans shall illustrate on accurately dimensioned elevations the locations of all proposed signs.

E. Color. All comprehensive sign plans shall provide details, including color chips, for all colors that are pre-determined in the comprehensive sign plan.

F. Materials. All comprehensive sign plans shall include samples of the materials proposed for all signs in the comprehensive sign plan.

G. Illumination. All comprehensive sign plans shall include information on the type of illumination for all signs in the comprehensive sign plan.

15.13.2 Modifications

When any proposed comprehensive sign plan includes one (1) or more signs that do not conform to the requirements of Article 15, the sign plan shall include justification that the requested modification serves the purpose and intent established in Sec. 15.1.1 Purpose and Intent.

15.13.3 Review Authority

All comprehensive sign plans shall be reviewed by an administrative panel composed of the Zoning Administrator, Deputy Zoning Administrator, and Preservation Planner as designated by the Director of Planning & Zoning.

A. Within the H-1 Overlay District. All comprehensive sign plans subject to administrative review within the H-1 Overlay District shall, upon evaluation, be forwarded to the Board of Architectural Review with a recommendation from the panel. BAR review of the comprehensive sign plan shall be completed in accordance with the provisions of Section 3.10 Certificate of Appropriateness: H-1of this Zoning Ordinance. An appeal of any BAR decision shall be in accordance with Sec. 3.10.14 Appeals.

B. Within the H-2 Overlay District. All comprehensive sign plans subject to administrative review within the H-2 Overlay District shall, upon evaluation, be approved or approved with conditions by the administrative panel. In the event that the administrative panel determines that the comprehensive sign plan does not meet the standards for appropriateness, the application shall, at the applicant's request, be forwarded to the Board of Architectural Review for consideration at the next regularly scheduled BAR meeting for which all public hearing notice requirements can be met. An appeal of any BAR decision shall be in accordance with the provisions of Sec. 3.11.15 Appeals.

C. Outside the H-1 and H-2 Overlay Districts. All comprehensive sign plans subject to administrative review outside of the (H) Overlay Districts shall, upon evaluation, be approved, approved with conditions, or denied by the administrative panel. An appeal of any administrative decision shall be forwarded to the Town Council for consideration and action.

15.13.4 Required Contents of Applications

All applications for comprehensive sign plans shall include the following:

A. Comprehensive Sign Plan Application Form (4 copies)

B. Review Fee

C. Narrative (4 copies). The narrative shall include the purpose and intent of the proposed comprehensive sign plan, a general overview of the signs requested, and justification for any modifications requested in accordance with Section 15.13.2 Modifications above.

D. Site plan (4 copies). The site plan shall show the footprints of all buildings subject to the comprehensive sign plan, the location of all parking spaces, all existing or proposed landscaping, all paved areas, including vehicular and pedestrian travel ways, the location of any monument sign(s) proposed in the comprehensive sign plan.

E. Elevations (4 copies). The elevations shall detail the façade(s) and any other elevations subject to the installation of signs in accordance with the comprehensive sign plan. The elevations will illustrate the typical sign to be installed as well as all signs subject to any requested modifications.

F. Sign Details (4 copies). The sign details shall include all the information outlined in Section 15.13.1 Signs, Generally, above.

G. Material Samples (1 copy). The material samples shall include those for any monument, wall, and window signs as well as color chips.

15.13.5 Standard for Review

In evaluating the appropriateness of any comprehensive sign plan application, the administrative panel shall use the applicable set of sign guidelines for the H-1 or H-2 Overlay District as well as the following standards:

A. Consistency/Variety. The degree of consistency or variety among the signs proposed for installation in a comprehensive sign plan should be related to the degree of consistency or variety among or within the building(s) to which the signs relate.

B. Compatibility with the buildings. The design (including, but not limited to, size, materials, colors, and illumination) of the proposed signs in a comprehensive sign plan should be compatible with the design features of the building(s) to which the signs relate.

C. Compatibility with other signs. All signs for a multi-tenant building or development should be compatible but not necessarily identical to one another.

D. Location. The signs should be located in areas that are generally appropriate for installation of signs, including sign bands over storefronts, or hanging from a porch or walkway canopy.

E. Number. The number of signs requested for any tenant in a multi-tenant building or development should be reasonably related to the area available for such signs as well as the degree of visibility of the tenant from within the development as well as from the public right-of-way.

15.13.6 Amendments to Existing Comprehensive Sign Plans

Any comprehensive sign plan approved prior to the adoption of this Ordinance is considered grandfathered. Changes to any existing, approved comprehensive sign plans shall be made in accordance with the provisions of Sec. 15.13 Comprehensive Sign Plans.

15.13.7 Sign Permit Procedures

All signs to be installed in multi-tenant developments for which there is an approved comprehensive sign plan require, prior to installation, issuance of a sign permit from the Zoning Administrator in accordance with Sec. 15.14 Sign Permit Procedures and as detailed below.

A. Conforming Signs. Any proposed permanent sign that conforms to the standards set forth in the approved comprehensive sign plan for the subject multi-tenant development may receive sign permits without any further review procedures.

B. Non-Conforming Signs. Any proposed permanent sign that does not conform to the standards set forth in the approved comprehensive sign plan shall, prior to issuance of the sign permit, be reviewed and approved in accordance with the procedures set forth in Sec. 15.13.3 Review Authority above.

Sec. 15.14 Sign Permit Procedures

15.14.1 Applicability

A Sign Permit shall be required for all signs erected after February 25, 2003, except for those signs which are specifically exempt from Sign Permit requirements.

15.14.2 Filing of Application; Fees

Applications for Sign Permits shall be filed on a form provided by the Zoning Administrator, shall contain information required herein, and shall be accompanied by the required fee amount.

15.14.3 Information Required

All applications for Sign Permits shall contain, or have attached thereto, the following information in either written or graphic form:

A. Name, address and telephone number of the sign erector and the sign owner.

B. Two (2) Site Location Plans showing the position of the sign in relation to adjacent lot lines, buildings, sidewalks, streets and intersections.

C. Type of sign and general description of structural design and construction materials to be used.

D. Purpose of the proposed sign.

E. Two (2) sets of drawings of the proposed sign which shall contain specifications indicating the height, perimeter and area dimensions, means of support, method of illumination, colors, and any other significant aspect of the proposed sign.

F. Any other information requested by the Zoning Administrator in order to carry out the purpose and intent of these regulations.

15.14.4 Recording of Sign Permit

The Zoning Administrator shall maintain a record of all Sign Permits issued. All Sign Permits shall be numbered in the order of their issuance.

15.14.5 Revocations

The Zoning Administrator may revoke a permit or approval if it is found that there has been concealment or misrepresentation of material facts in either the application or plans, or the sign has not been constructed as approved.

Sec. 15.15 Temporary Sign Permit Procedures

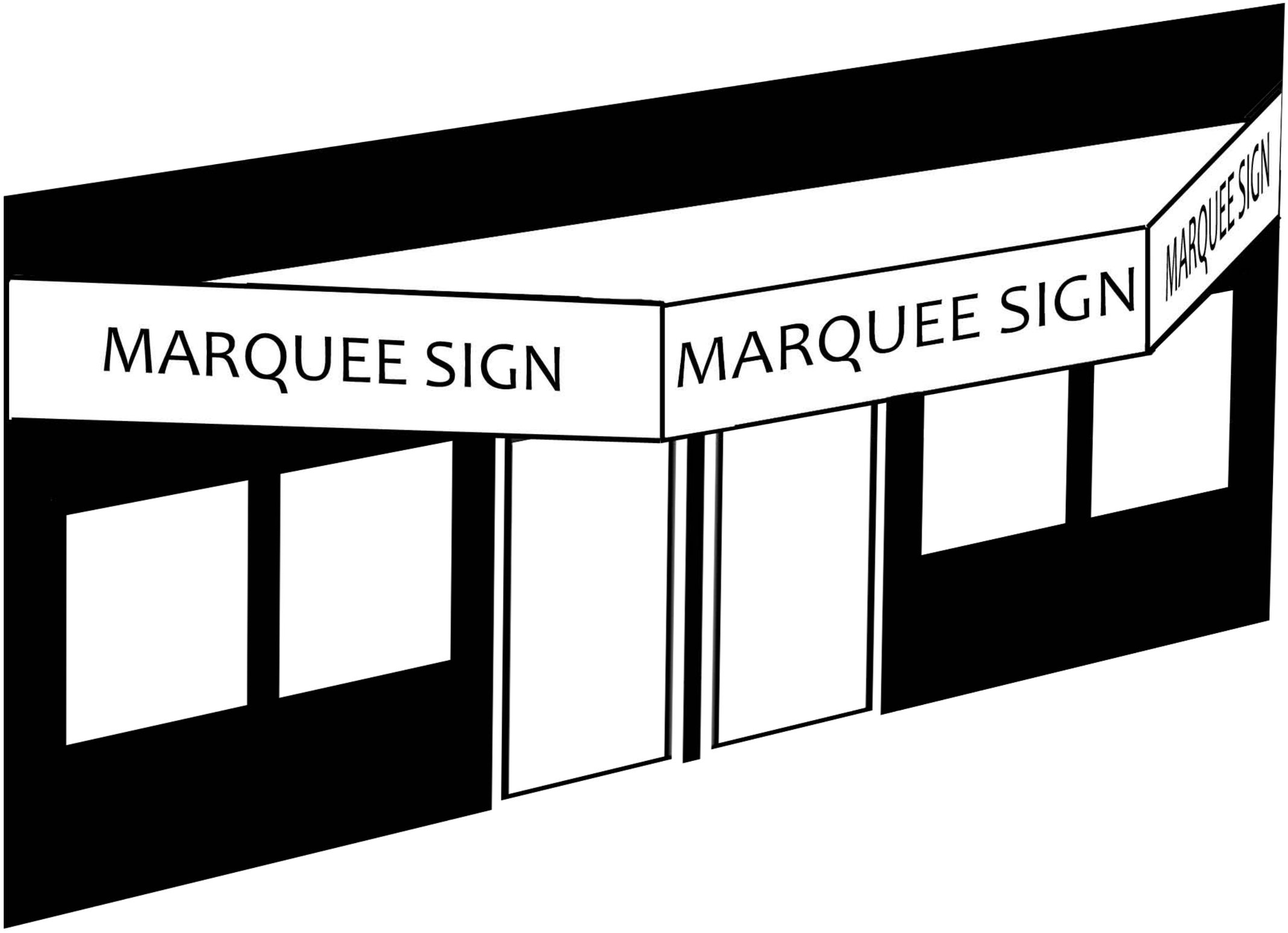
For all signs requiring the issuance of a Temporary Sign Permit, the applicant shall submit all information requested by the Zoning Administrator prior to the issuance of such permit. The approved permit shall include the expiration date of the temporary permit. A temporary sign(s) remaining after the expiration of the permit shall be considered an obsolete sign.

Sec. 15.16 Expiration of Sign Permits

A Sign Permit shall expire and become null and void if the approved sign is not erected within a period of twelve (12) months from the date the permit was originally issued.

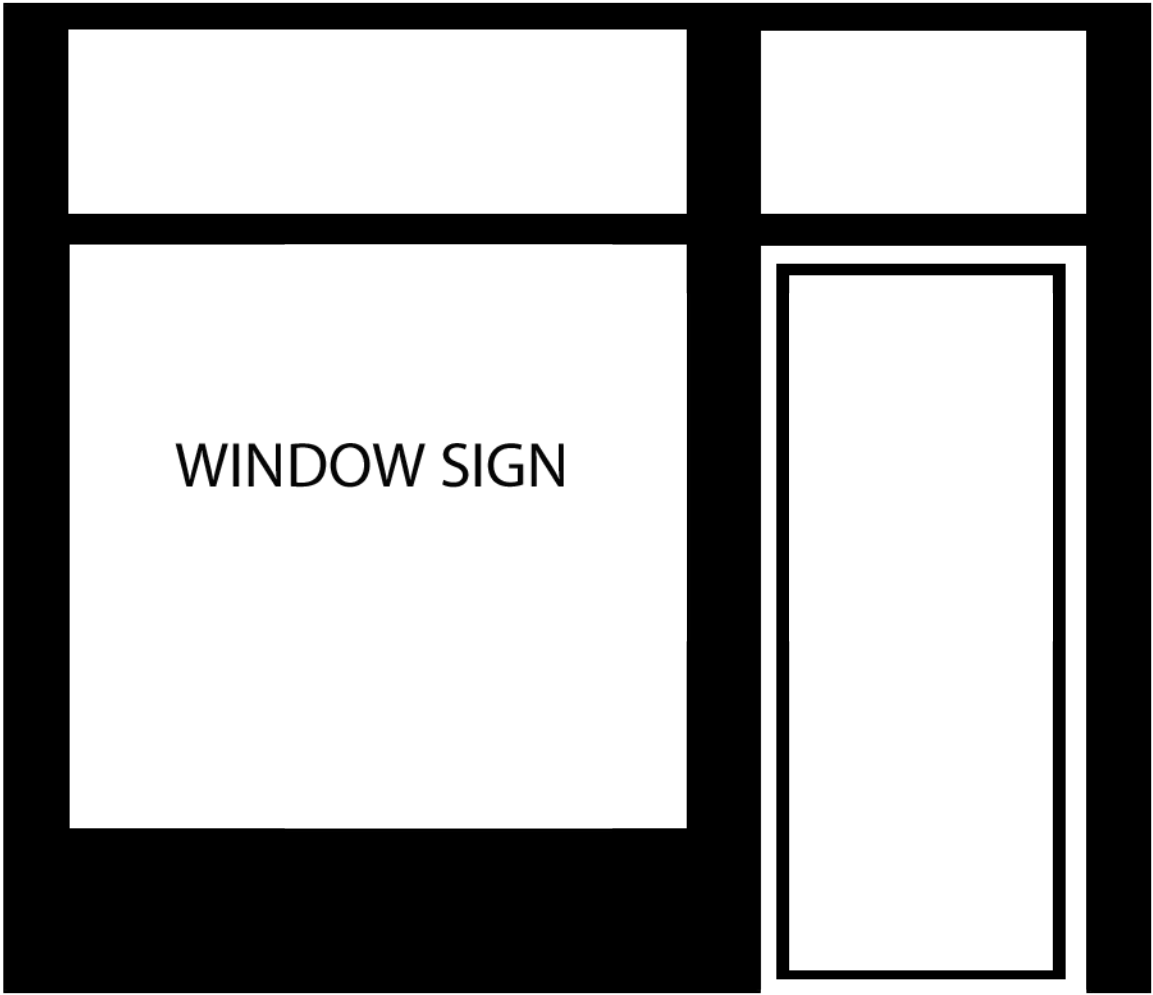
Sec. 15.17 Removal of Illegal Signs

The Zoning Administrator may remove or order the removal of any illegal sign at the expense of the property owner. An illegal sign is any sign erected without a permit as described in Sec. 15.14 Sign Permit Procedures or does not comply with any provision of this article.

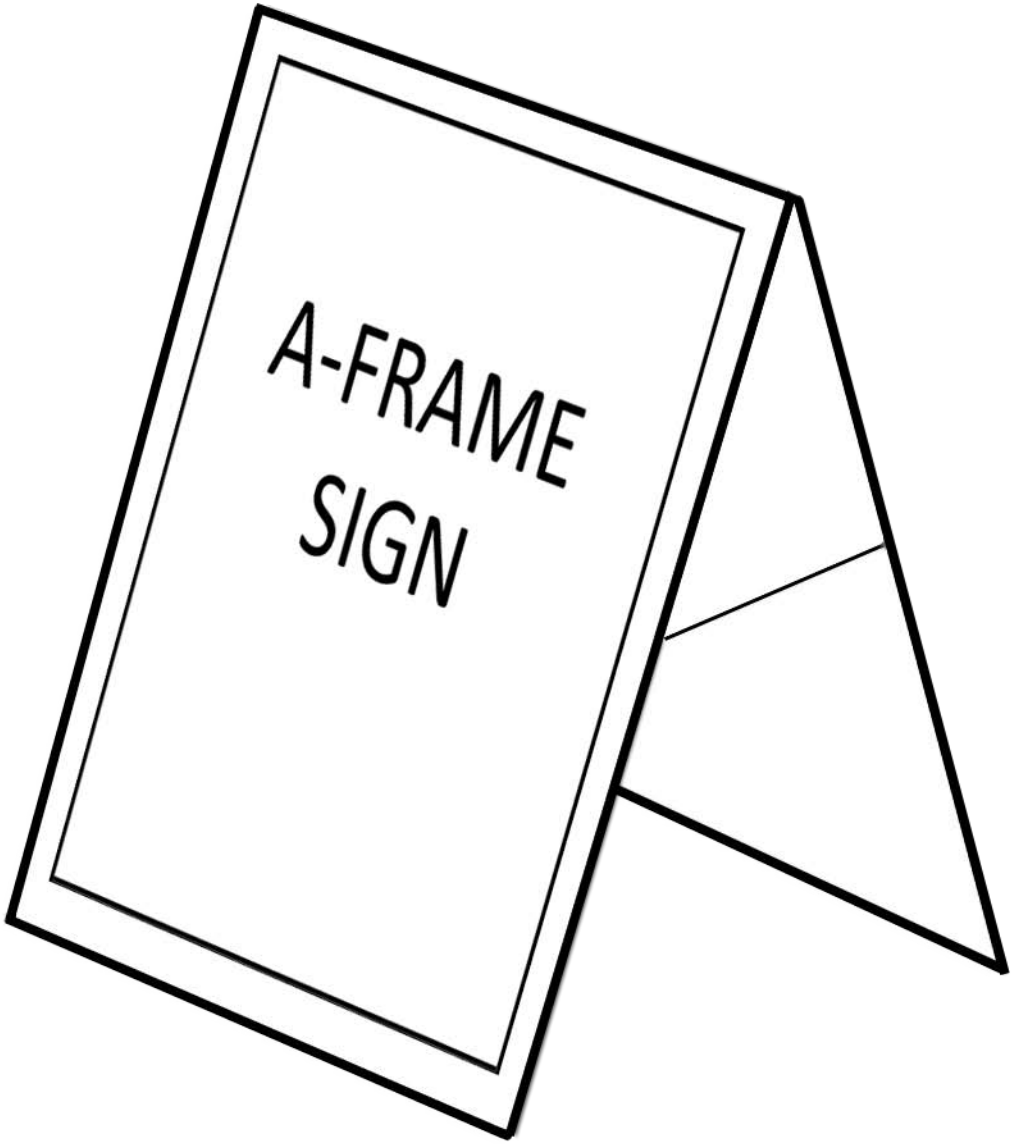

MARQUEE SIGN
MARQUEE SIGN
MARQUEE SIGN

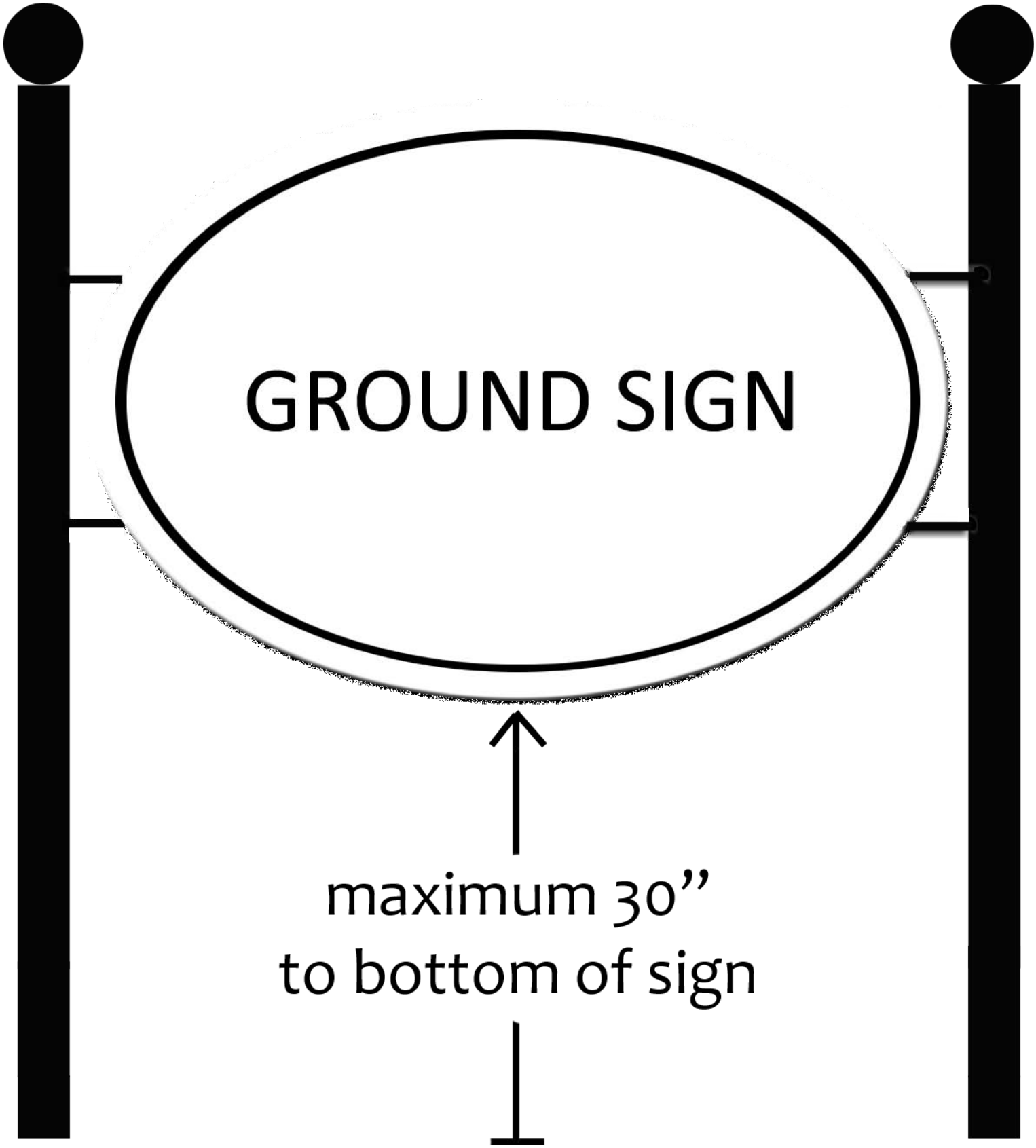
SIGN

ELECTRONIC MESSAGE
BOARD SIGN

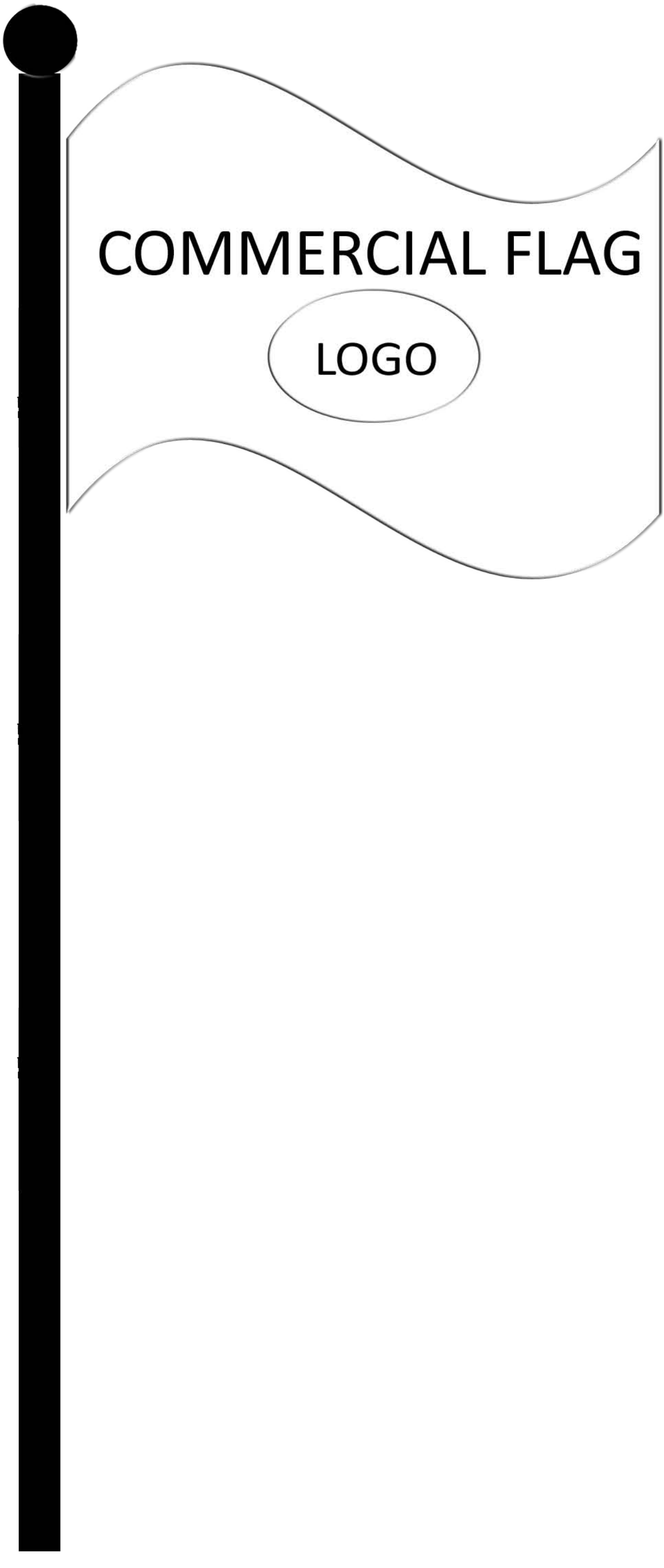

WINDOW SIGN

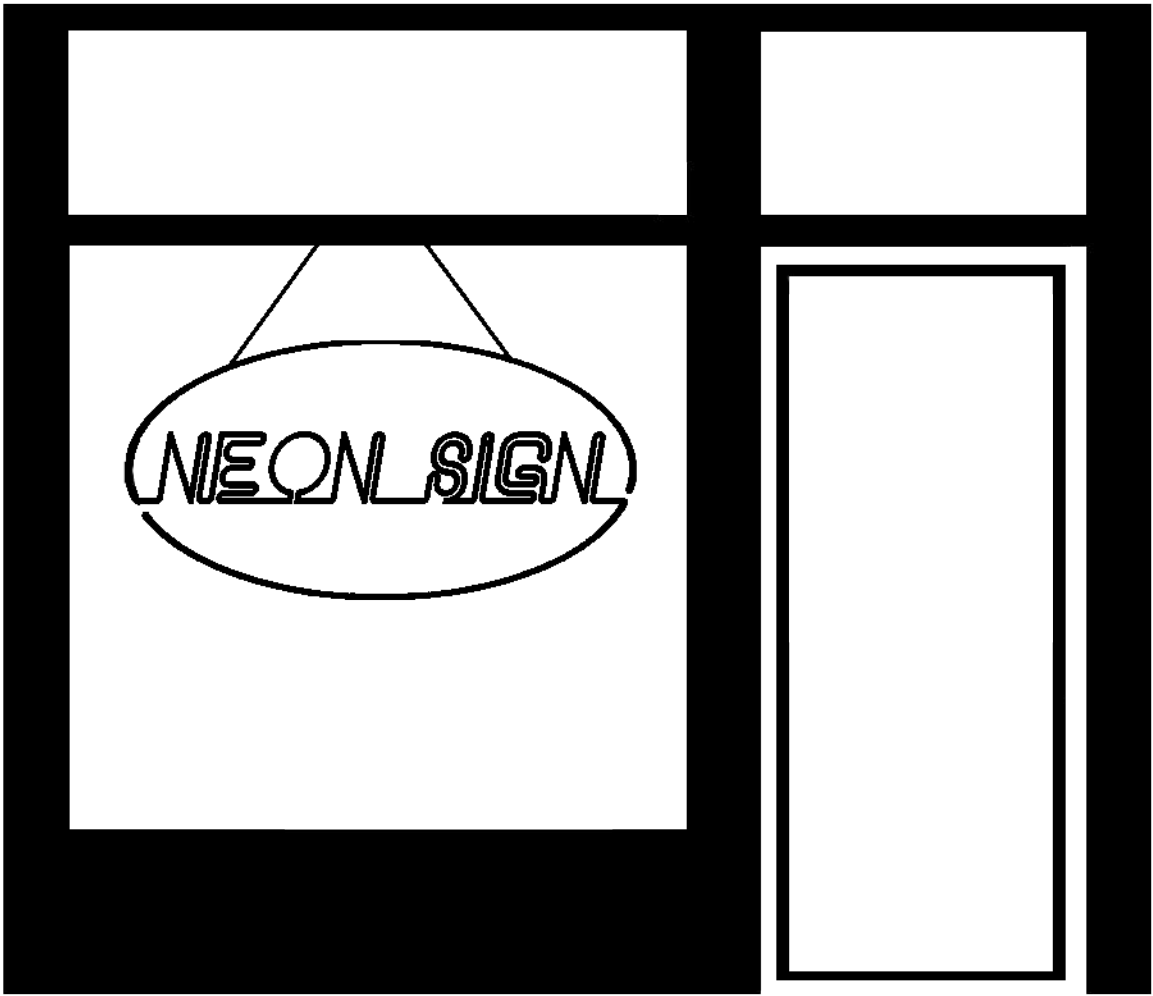
NEON SIGN


A-FRAME
SIGN


GROUND SIGN
maximum 30”
to bottom of sign

AWNING / CANOPY SIGN


COMMERCIAL FLAG
LOGO

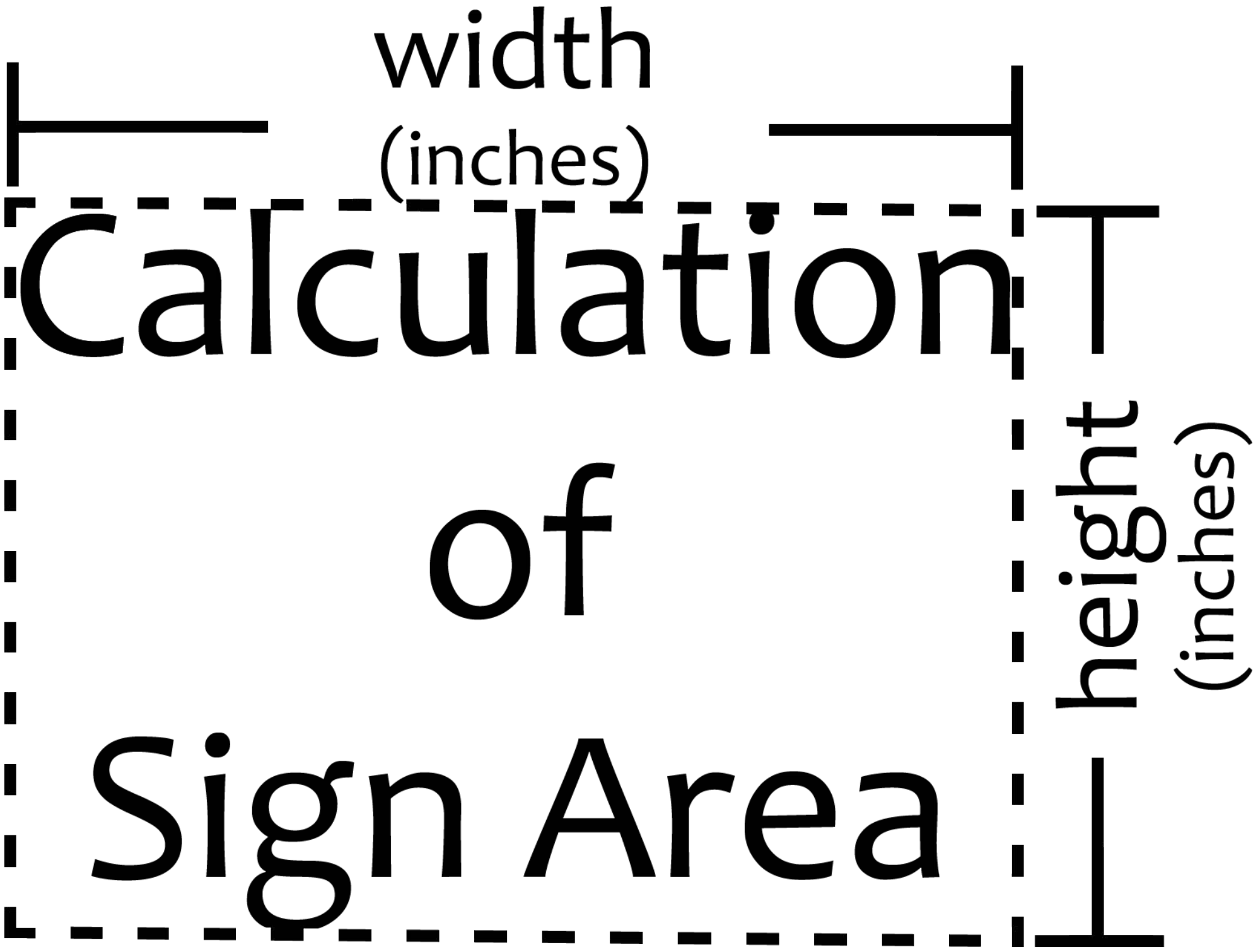

NEON SIGN

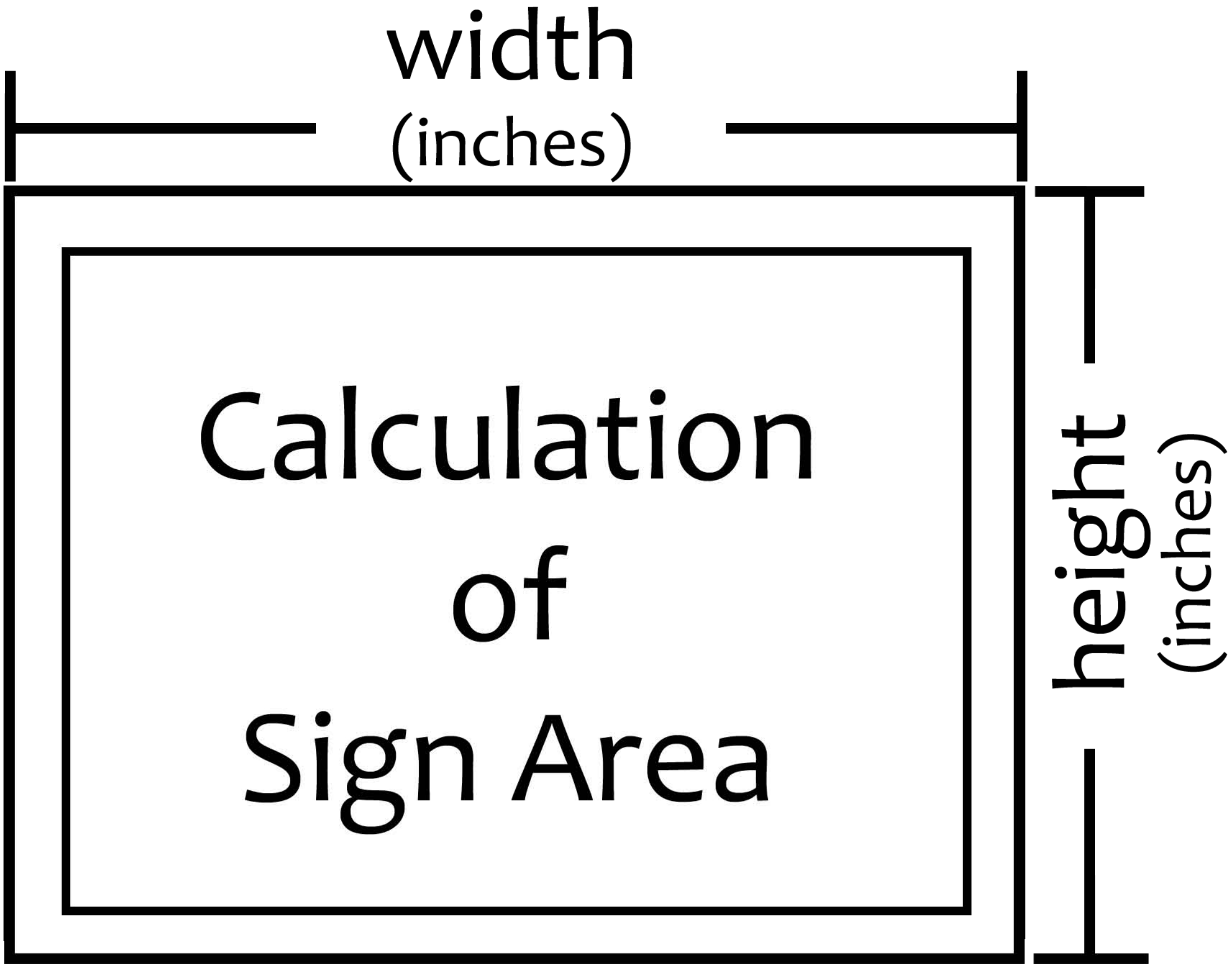
PERMANANT TEXT

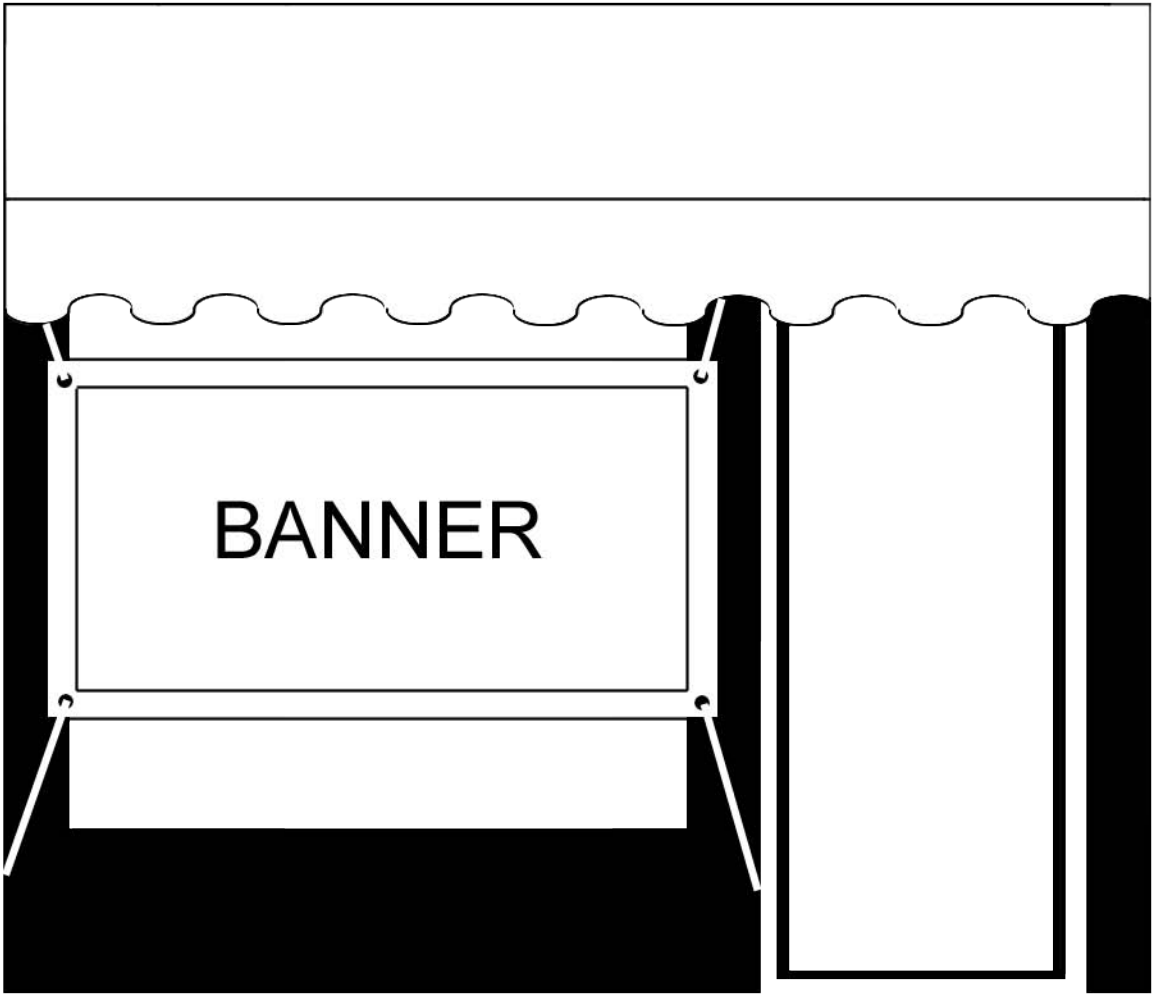
CHANGEABLE COPY

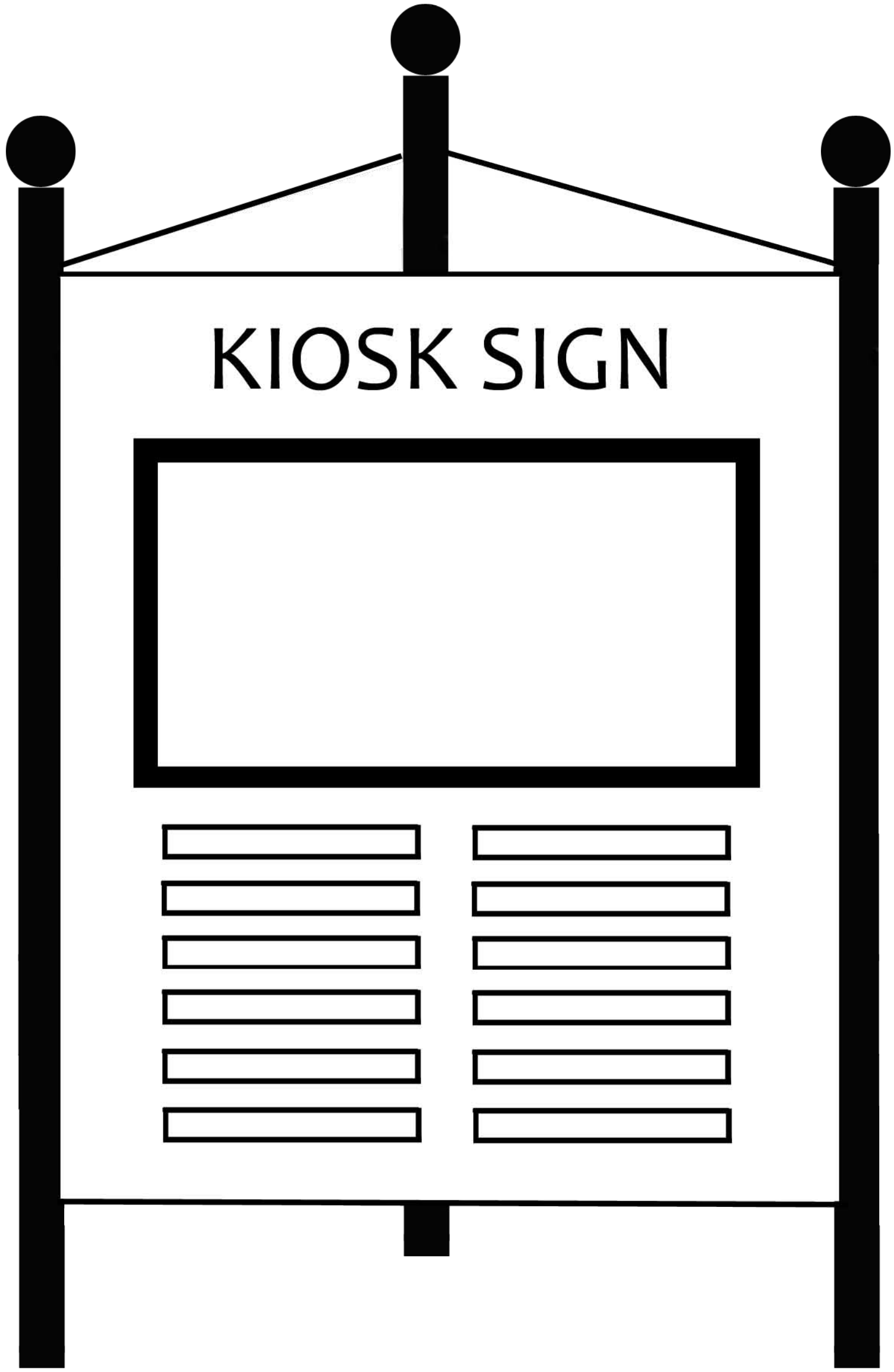
CHANGEABLE COPY

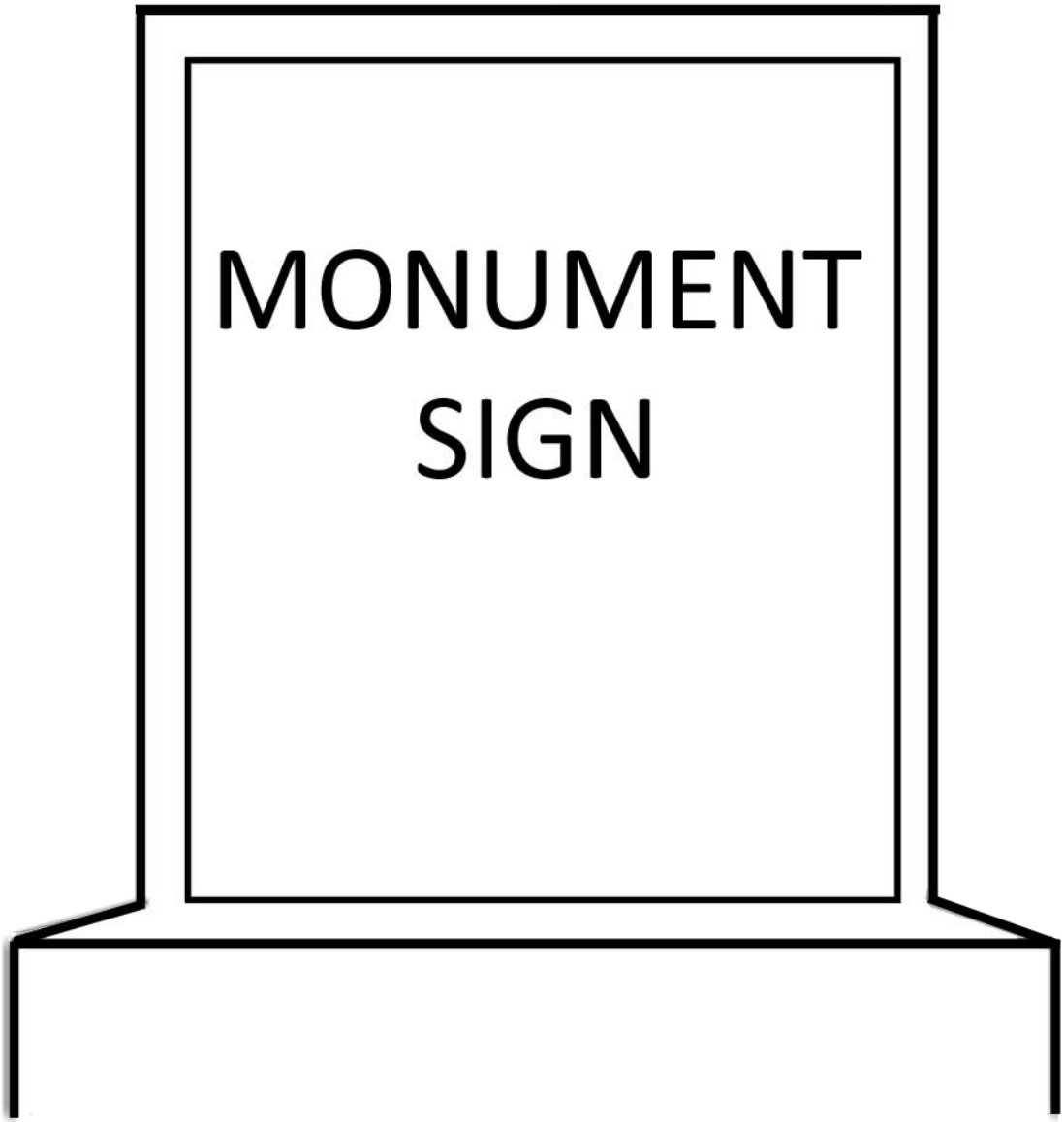
CHANGEABLE COPY

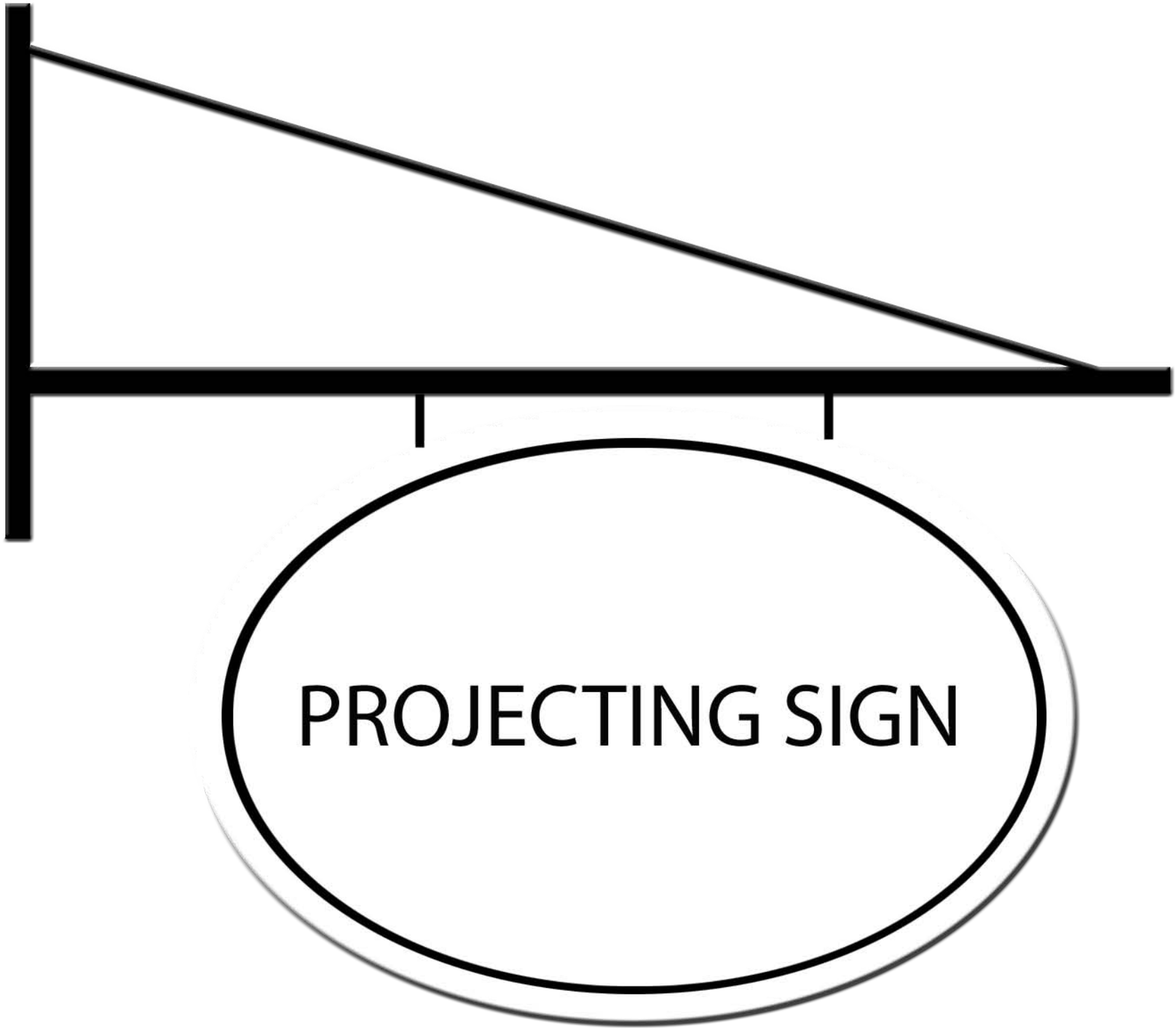

width
(inches)
Calculation
of
Sign Area
height
(inches)


width
(inches)
Calculation
of
Sign Area
height
(inches)


BANNER


KIOSK SIGN


MONUMENT
SIGN


PROJECTING SIGN

Article 16 | Nonconformities

Contents of Article

Sec. 16.1 General 16-1
16.1.1 Applicability 16-1
16.1.2 Purpose and Scope of Regulations 16-1
16.1.3 Authority to Continue 16-2
16.1.4 Determination of Nonconforming Status 16-2
16.1.5 Repairs and Maintenance 16-2
16.1.6 Change of Tenancy or Ownership 16-2
Sec. 16.2 Nonconforming Uses 16-2
16.2.1 Scope 16-2
16.2.2 Effect of Procedural Changes 16-2
16.2.3 Change of Use 16-2
16.2.4 Loss of Nonconformity Status 16-3
16.2.5 Minor Enhancements to Nonconforming Use Facilities 16-3
Sec. 16.3 Nonconforming Structures 16-3
16.3.1 Scope 16-3
16.3.2 Effect of Variances 16-4
16.3.3 Use 16-4
16.3.4 Expansion 16-4
16.3.5 Moving 16-4
16.3.6 Loss Damage or Destruction 16-4
Sec. 16.4 Nonconforming Lots 16-4
16.4.1 Scope 16-4
16.4.2 Vacant Parcels 16-4
16.4.3 Developed Lots 16-4
16.4.4 Highway Realignment or Condemnation 16-4

Sec. 16.1 General

16.1.1 Applicability

The regulations of this article govern nonconforming uses, nonconforming structures and nonconforming lots that came into existence legally but that do not comply with one or more requirements of this Zoning Ordinance.

16.1.2 Purpose and Scope of Regulations

It is the general policy of the town to allow uses, structures and lots that came into existence legally—in conformance with then applicable requirements to continue to exist and be put to productive use, but to bring as many aspects of such situations into compliance with existing regulations as is reasonably possible. This article establishes regulations governing uses, structures and lots that were lawfully established but that do not conform to one or more existing requirements of this Zoning Ordinance. The regulations of this article are intended to:

A. Recognize the interests of property owners in continuing to use their property;

B. Promote reuse and rehabilitation of existing buildings; and

C. Place reasonable limits on the expansion and alteration of nonconformities that have the potential to adversely affect surrounding properties or the community as a whole.

16.1.3 Authority to Continue

Any nonconformity that legally existed on February 25, 2003 or that becomes nonconforming upon the adoption of any amendment to this Zoning Ordinance may be continued only in accordance with the provisions of this article. Unless otherwise expressly stated, any variation from these standards shall require review and approval as a Variance in accordance with the procedures of Sec. 3.13.

16.1.4 Determination of Nonconforming Status

The burden of establishing that any nonconformity is a legal nonconformity shall in all cases be upon the owner of such nonconformity. The burden of proof for establishing the existence of a lawfully nonconforming lot, use or structure shall not be upon the Town of Leesburg or the Zoning Administrator.

16.1.5 Repairs and Maintenance

Normal repairs and routine maintenance of nonconformities shall be permitted unless such repairs increase the extent of nonconformity or are otherwise expressly prohibited by this Zoning Ordinance. Nothing in this article shall be construed to prevent structures from being structurally strengthened or restored to a safe condition, in accordance with an official order of a public official.

16.1.6 Change of Tenancy or Ownership

The status of a nonconformity is not affected by changes of tenancy, ownership or management.

Sec. 16.2 Nonconforming Uses

16.2.1 Scope

The regulations of this section apply to all nonconforming uses, which are uses that were legally established but which no longer comply with the use regulations of the zoning district in which they are located.

16.2.2 Effect of Procedural Changes

Any use that was legally established at a time when no special form of approval was required for the subject use (e.g., special exception review and approval) shall not be deemed nonconforming merely as a result of not having obtained such approval. Any enlargement or expansion of such use shall be subject to the procedures and standards in effect at the time of such expansion.

16.2.3 Change of Use

A. Change to Conforming Use. A nonconforming use may be changed to any use that is allowed in the zoning district in which it is located, subject to the all applicable standards and requirements applicable to the new use.

B. Conversion to Conforming Use. Once a nonconforming use is converted to a conforming use it may not be changed back to a nonconforming use.

16.2.4 Loss of Nonconformity Status

A. Abandonment. Once abandoned, a nonconforming use shall not be reestablished or resumed. Any subsequent use or occupancy of the structure or open land must comply with the regulations of the district in which it is located and all other applicable requirements of this Zoning Ordinance.

1. Evidence of Abandonment. A nonconforming use shall be presumed abandoned when any one of the following has occurred:

a. The owner has in writing or by public statement indicated intent to abandon the use;
b. A conforming or less intensive nonconforming use has replaced the nonconforming use;
c. The building or structure housing the nonconforming use has been removed through the applicable procedures for the condemnation of unsafe structures;
d. The owner has physically changed the building or structure or its permanent equipment in a manner that clearly indicates a change in use or activity to something other than the nonconforming use; or
e. The use has been discontinued, vacant or inactive for a continuous period of at least 2 years.

2. Overcoming Presumption of Abandonment. A presumption of abandonment based on the evidence of abandonment stated in paragraph “A.1” of this subsection may be rebutted upon a showing, to the satisfaction of the Board of Zoning Appeals, that the owner:

a. Has been maintaining the land and structure in accordance with all applicable regulations, including the Building Code, and did not intend to discontinue the use;
b. Has been maintaining all applicable licenses; and
c. Has filed all applicable tax documents.
d. In addition, the owner of the nonconforming use shall be required to demonstrate, to the satisfaction of the Zoning Board of Appeals, that during the period of inactivity or discontinuance the owner:
i. Has been actively and continuously marketing the land or structure for sale or lease;
ii. Or has been engaged in other activities that would affirmatively prove there was no intent to abandon.

16.2.5 Minor Enhancements to Nonconforming Use Facilities

A facility containing a nonconforming use and its related structures may be given minor enhancements, such as new roofing or façade elements, so as to improve the functionality, aesthetics, or safety of the nonconforming use so long as these minor enhancements do not increase the total allowed FAR or density currently existing or yield an intensification of the nonconforming use.

Sec. 16.3 Nonconforming Structures

16.3.1 Scope

The regulations of this section apply to nonconforming structures, which are structures that were legally established but which no longer comply with the Intensity and Dimensional Standards of Article 10.

16.3.2 Effect of Variances
If a variance is approved from otherwise applicable zoning district dimensional standards, the subject structure shall still be deemed nonconforming.

16.3.3 Use
A nonconforming structure may be used for any use allowed in the underlying zoning district, subject to all applicable use standards.

16.3.4 Expansion
A nonconforming structure may be enlarged or expanded if the expansion does not increase the extent of nonconformity.

16.3.5 Moving
A nonconforming structure may be moved if the movement or relocation eliminates the nonconformity. A nonconforming structure may also be moved if the movement is for the purpose of flood-proofing or removal of the structure from a floodplain and such movement will not increase the degree of nonconformity.

16.3.6 Loss Damage or Destruction
If a nonconforming principal structure is destroyed by any means, the owner may replace such structure provided that there is no increase in the extent of the nonconformity and provided that the repairs or reconstruction shall be undertaken within 2 years of the date of destruction and diligently carried on to its completion.

Sec. 16.4 Nonconforming Lots

16.4.1 Scope
The regulations of this section apply to nonconforming lots or record, which are lots or land parcels that were legally created but which no longer comply with the minimum area or width standards of the underlying zoning district. Nonconforming lots may be occupied and used in accordance with standards of this section.

16.4.2 Vacant Parcels
If the nonconforming lot was vacant at the time it became nonconforming, it may be used for any use allowed in the underlying zoning district. If one or more uses or intensities would comply with applicable setback requirements of the underlying zoning district while others would not, then only the uses or intensities that would conform to applicable setback requirements shall be permitted. Development on nonconforming lots shall comply with the dimensional standards of the underlying zoning district, except that required side yards may be reduced to no less than 10 percent of the lot width on each side, or five (5) feet on each side, whichever is greater.

16.4.3 Developed Lots
If the nonconforming lot contained a building or structure at the time it became nonconforming, then building or structure may be maintained or expanded in accordance with all applicable dimensional standards of the underlying zoning district.

16.4.4 Highway Realignment or Condemnation
Any lot, which by reason of realignment of a Federal or State Highway, or by reason of condemnation proceedings, has been reduced in size to an area less than that required by law, shall be considered a nonconforming lot of record subject to the provisions set forth in

this section. Any lawful use or structure existing at the time of such highway realignment or condemnation which would thereafter no longer be permitted under the terms of this Zoning Ordinance shall be considered a nonconforming use or structure.

Article 17 | Enforcement and Penalties

Contents of Article

Sec. 17.1 General 17-1
17.1.1 Responsibility for Enforcement 17-1
17.1.2 Compliance Required 17-2
Sec. 17.2 Types of Violations 17-2
17.2.1 Criminal Violations and Sanctions 17-2
17.2.2 Civil Violations and Penalties 17-2
Sec. 17.3 Enforcement Procedures and Remedies 17-4
17.3.1 Criminal Violations 17-4
17.3.2 Civil Violations 17-4
Sec. 17.4 Additional Remedies 17-5

Sec. 17.1 General

17.1.1 Responsibility for Enforcement

The Zoning Administrator shall have the authority and the duty to ensure that all buildings and structures and the use of all land complies with the provisions of this Zoning Ordinance. In acting to enforce this Zoning Ordinance, the Zoning Administrator, or authorized agent thereof, shall act in the name of the Town of Leesburg. The Zoning Administrator shall have all necessary authority on behalf of the Town Council to administer and enforce this Zoning Ordinance.

A. Issuance of Inspection Warrants. The Zoning Administrator or designee may present sworn testimony to a magistrate or court of competent jurisdiction and if such sworn testimony established probably cause that a Zoning Ordinance violation has occurred, request that the magiastrate or court grant the Zoning Administrator or designee an inspection warrant to enable the Zonign Administrator or designee to enter the subject dwelling for the purpose of determining whether violations of the Zoning Ordinance exist. The Zoning Administrator or designee shall make a reasonable effort to obtain consent from the owner or tenant of the subject dwelling prior to seeking the issuance of an inspection warrant under this section.

B. Authority to Petition Court. When the Zoning Administrator has reasonable cause to believe that any person has engaged or is engaging in any violation of the Zoning Ordinance that limits occupancy in a residential dwelling unit and the Zoning Administrator or designee, after a good faith effort to obtain the data or information necessary to determine whether a violation has occurred, has been unable to obtain such information, the Zoning Administrator may reqeuest that the Town Attorney petition the judge of the General District Court for a subpoena duces tecum against any such person refusing to produce such data or information. The judge of the court, upon good cause shown, may cause the subpoena duces tecum to be issued. Any person failing to comply with such subpoena shall be subject to punishment for contempt by the court issuing the subpoena. Any person so subpoenaed may apply to the judge who issued the subpoena to quash it.

17.1.2 Compliance Required

A. Any building or structure erected or any improvements constructed contrary to any of the provisions of this Zoning Ordinance and any use of any building or land which is conducted, operated or maintained contrary to the provisions of this Zoning Ordinance or the provisions of any approval granted by the Town under this Zoning Ordinance shall be a violation of this Zoning Ordinance and the same is hereby declared to be unlawful.

B. Any person, firm or corporation, whether owner, lessee, principal, agent, employee or otherwise, who violates any of the provisions of this Zoning Ordinance, or permits any such violation, or who fails to comply with any of the requirements hereof, or who erects any building or structure or uses any building, structure or land in violation of the provisions of this Zoning Ordinance or the provisions of any approval granted by the Town under this Zoning Ordinance shall be subject to the enforcement provisions of this article.

C. A written notice of a zoning violation or written order of the Zoning Administrator or designee sent by certified and first class mail to, or posted at, the last known address of the property owner as shown on the current real estate tax assessment records shall be deemed sufficient notice to the property owner and shall satisfy the notice requirements under general law.

Sec. 17.2 Types of Violations

Violations of this Zoning Ordinance are classified into two categories, as set out in this section.

17.2.1 Criminal Violations and Sanctions

A. Any violation of the provisions of this Zoning Ordinance, other than those expressly identified as constituting civil violations (See Sec. 17.2.2), shall be deemed Class 2 criminal misdemeanors and, upon conviction thereof, shall be punishable by a fine of not more than $1,000.00 for each separate offense. Each day during which the violation is found to have existed shall constitute a separate offense. However, any conviction resulting from a violation of provisions regulating the number of unrelated persons in single-family residential dwellings shall be punishable by a fine of up to $2,000. Failure to abate the violation within the specified time period shall be punishable by a fine of up to $5,000, and any such failure during any succeeding 10-day period shall constitute a separate misdemeanor offense for each 10-day period punishable by a fine of up to $7,500. No such fine shall accrue against an owner or managing agent of such dwelling unit during the pendency of any legal action commenced by such owner or managing agent of such dwelling unit against a tenant to eliminate an excessive occupancy condition. A conviction resulting from a violation of provisions regulating the number of unrelated persons in single-family residential dwellings shall not be punishable by a jail term.

B. The designation of a particular violation of this Zoning Ordinance as a civil violation pursuant to Sec. 17.2.2 shall preclude criminal prosecution or sanctions, except when such violation results in injury to a person or after the issuance of the third civil fine when the violation is for excessive occupancy of a dwelling unit.

17.2.2 Civil Violations and Penalties

A. The violation of any of the following ordinance provisions shall constitute a civil violation:

1. Zoning Permit (Sec. 3.7);
2. Fences and Walls (Sec. 10.4.5.C.6);
3. Application for Occupancy Permit (Sec. 3.9);
4. Certificate of Appropriateness (Sec. 7.5.5);
5. Certificate of Approval (Sec. 7.6.4);
6. Sign Permit (Sec. 15.2);
7. Certificate of Appropriateness Sign Permit: (Sec. 15.11.1)
8. Prohibited Signs (Sec. 15.5);
9. Sign Requiring Temporary Sign Permit (Sec. 15.6.1);
10. Maintenance of Signs (Sec. 15.7.3);
11. Removal of Obsolete Signs (Sec. 15.6.17.3.D);
12. Identification of Handicapped Parking (Sec. 11.6.2.B)
13. Conformance with Certificate of Approval (Sec. 3.11.13)
14. Use Reglations-Residential (Sec. 5.1.2 thru 5.9.2)
15. Use Regulations-Commercial (Sec. 6.1.2 thru 6.7.2)
16. Use Regulations-MC District (Sec. 7.2.2)
17. Maximum Sound Levels-dBA (Sec. 7.9.3)
18. Prohibited Home Occupations (Sec. 9.4.3.D)
19. Use Limitation-HO (Sec. 9.4.3.E)
20. Minimum Yard Requirements (Sec. 10.4.5.C.1-11)
21. Use of Parking and Loading Areas (Sec. 11.5.1-3)
22. Pavement Requirements (Sec. 11.6.1.D)
23. Outdoor Lighting (Sec. 12.11.A-C)
24. Dwelling Unit Occupancy (Sec. 9.7)
25. Establishment of Boarding House/Transient Lodging (Sec. 9.1.5)

B. All civil volitions shall be punishable by a fine of $200.00 for the initial violation and $500.00 for each additional violation of the same ordinance section.

Each day during which the violation is found to have existed shall constitute a separate offense. However, in no event shall specified violations arising from the same operative set of facts be charged more frequently than once in any ten (10) day period.

Any such civil penalty shall not be assessed during the pendency of the 30-day appeal period provided in accordance with § 15.2-2311 of the Code of Virginia, 1950, as amended.

C. In no event shall a series of specified civil violations arising from the same operative set of facts result in civil penalties that exceed a total of $5,000.00. When civil penalties for a zoning ordinance violation total $5,000 or more, or after the issuance of the third civil fine when the violation is for excessive occupancy of a dwelling unit, the violation may be prosecuted as a criminal misdemeanor.

Nothing in this subsection shall be construed as prohibiting the Zoning Administrator from initiating civil injunction procedures in cases of repeat offenses.

Sec. 17.3 Enforcement Procedures and Remedies

Violations of this Zoning Ordinance shall be corrected in accordance with the procedures of this section.

17.3.1 Criminal Violations

A. Upon becoming aware of a violation of any provision of this Zoning Ordinance, the Zoning Administrator or authorized agent thereof, may serve a Violation Notice and Correction Order on the person committing or permitting such violation, and the landowner.

B. If the person responsible for the alleged violation denies that a violation exists, the person may appeal the Zoning Administrator's decision in accordance with the procedures of 3.14.

C. If the person charged with such violation does not elect to correct the violation within such reasonable time as the Zoning Administrator has specified in the Violation Notice and Correction Order, the Zoning Administrator, or authorized agent thereof, may cause the service of a summons for such person in the Circuit Court or other court of competent jurisdiction to stand trial.

17.3.2 Civil Violations

A. Upon becoming aware of a civil violation of this Zoning Ordinance, the Zoning Administrator or authorized agent thereof, may issue a ticket or civil summons for such civil violation.

B. If the person summoned or issued a ticket for a civil violation wishes to appeal the summons or ticket to the Board of Zoning Appeals, the appeal shall be taken within 30 days after the issuance of the summons or citation by filing with the Zoning Administrator, and with the Board of Zoning Appeals, a notice of appeal specifying the grounds thereof.

C. Any person summoned or issued a ticket for a civil violation may make an appearance in person or in writing by mail to the Finance Department prior to the date fixed for trial in court, or, if no date has been fixed for trial, within 30 days from the date of issuance of the summons or ticket. Any person so appearing may enter a waiver of trial, admit liability, and pay the civil penalty established for the offence charged. Such persons shall be informed of their right to stand trial and that a signature to an admission of liability will have the same force and effect as a judgment of court. However, the appeal period for a notice of violation involving maximum occupancy limitations of a residential dwelling unit shall be ten (10) days from the date of the postmark on the certified first class mail and the notice shall so state.

D. If a person charged with a violation does not elect to enter a waiver of trial and admit liability, the violation shall be tried in the General District Court in the same manner and with the same right of appeal as provided for by law. An admission of liability or a finding of liability shall not be a criminal conviction for any purpose.

Sec. 17.4 Additional Remedies

In addition to the remedies provided in this article, the Town Council, Town Manager or Zoning Administrator may bring legal action to insure compliance with this Zoning Ordinance, including injunction, mandamus, abatement or any other appropriate action or proceeding authorized by law, to prevent, enjoin, abate, or remove any unlawful building, structure or use. Such action may also be instituted by any citizen who may be aggrieved or particularly damaged by any violation of any provisions of this Zoning Ordinance. At any time after the filing of an injunction or other appropriate proceeding to restrain, correct, or abate a Zoning Ordinance violation and where the owner of the real property is a party to such proceeding, the Zoning Administrator or governing body may record a memorandum of lis pendens pursuant to Code of Virginia Section 8.01-268. Any memorandum of lis pendens admitted to record in an action to enforce a zoning ordinance shall expire after 180 days. If the local real property and such owner subsequently transfers the ownership of the real property to an entity in which the owner holds an ownership interest greater than 50 percent, the pending enforcement proceedings shall continue to be enforced against the owner.

Article 18 | Definitions

Contents of Article

Sec. 18.1 Terms Defined 18-5
18.1.1 Abattoir 18-5
18.1.2 Abut 18-5
18.1.3 Accessory Building 18-6
18.1.4 Accessory Use 18-6
18.1.5 Accessory Dwelling 18-6
18.1.6 Amend or Amendment 18-6
18.1.7 Antenna 18-6
18.1.8 Application, Active 18-6
18.1.9 Application, Inactive 18-6
18.1.10 Application, Reactivated 18-6
18.1.11 Arts Center 18-6
18.1.12 Assisted Living Residences 18-7
18.1.13 Automobile Graveyard 18-7
18.1.14 Bank 18-7
18.1.15 Basic Industry 18-7
18.1.16 Bed and Breakfast 18-7
18.1.17 Berm 18-7
18.1.18 Best Management Practices (BMP's) 18-7
18.1.18.1 Boarding House/Transient Lodging 18-7
18.1.19 Block 18-7
18.1.20 Bowling Alley 18-8
18.1.20.1 Brewpub 18-8
18.1.21 Buffer 18-8
18.1.21.1 Buffer-Yard 18-8
18.1.22 Buildable Area 18-8
18.1.23 Building 18-8
18.1.24 Building Footprint 18-8
18.1.25 Building/Structure, Principal 18-8
18.1.26 Caliper 18-8
18.1.27 Car Wash 18-8
18.1.27.1 Cattery 18-9
18.1.28 Cemetery 18-9
18.1.29 Child Care Center 18-9
18.1.30 Club 18-9
18.1.31 Cluster Development 18-9
18.1.32 Commuter Parking Lot 18-9
18.1.33 College or University 18-9
18.1.34 Community Retail Commercial 18-9
18.1.35 Concept Plan 18-10
18.1.36 Condominium 18-10
18.1.37 Conference Center 18-10
18.1.38 Contiguous 18-10
18.1.39 Convenience Food Store 18-10
18.1.39.1 Dedicated Root Zone (CRZ) 18-10
18.1.39.2 Dedicated School Site 18-10
18.1.40 Country Club 18-10

18.1.40.1 Dance Studio 18-10
18.1.41 Design and Construction Standards Manual 18-10
18.1.41.1 Diameter Breast Height (DBH) 18-10
18.1.42 Diagnostic Laboratory 18-11
18.1.43 Distribution Facility 18-11
18.1.44 Dog Park 18-11
18.1.45 Dormitory 18-11
18.1.46 Drip Line 18-11
18.1.47 Drive or Driveway 18-11
18.1.48 Drive-in Facility 18-11
18.1.49 Duplex, Vertical 18-11
18.1.50 Duplex, Horizontal 18-11
18.1.51 Dustless Surface 18-12
18.1.52 Dwelling Unit 18-12
18.1.53 Easement 18-12
18.1.54 Eating Establishment 18-12
18.1.55 Eating Establishment, Fast-food 18-12
18.1.56 Elderly Housing 18-13
18.1.57 Electronic Data Storage Center 18-13
18.1.58 Emergency Care Facility 18-13
18.1.59 Emergency Shelter 18-13
18.1.59.1 Exercise Studio 18-13
18.1.60 Extended Family Residence 18-13
18.1.60.1 Fair 18-14
18.1.61 Family 18-14
18.1.61.1 Family Day Home 18-14
18.1.62 Farmers Market 18-15
18.1.63 Farming 18-15
18.1.64 Fire and/or Rescue Facility 18-15
18.1.65 Flood (100-Year) or Base Flood 18-15
18.1.66 Floodplain 18-15
18.1.67 Floor Area, Gross 18-15
18.1.68 Floor Area Ratio (FAR) 18-15
18.1.69 Funeral Home 18-16
18.1.70 Garage 18-16
18.1.70.1 Healthy and Structurally Sound Conditions (40% rule) 18-16
18.1.71 Golf Driving Range 18-16
18.1.72 Golf Course 18-16
18.1.73 Grade 18-16
18.1.74 Group Home 18-16
18.1.75 Hedge 18-16
18.1.76 Height, Building 18-16
18.1.77 Heliport 18-16
18.1.78 Reserved 18-17
18.1.79 Home Improvement Center 18-17
18.1.80 Home Occupation 18-17
18.1.81 Homeowners' Association 18-17
18.1.82 Hospital 18-17
18.1.83 Hotel 18-17
18.1.84 Industrial, Flex 18-17
18.1.85 Infill 18-17

18.1.85.1 Landscape Plan 18-17
18.1.86 Inn 18-18
18.1.87 Inoperable Vehicle 18-18
18.1.88 Kennel 18-18
18.1.88.1 Kitchen, Accessory 18-18
18.1.88.2 Kitchen 18-18
18.1.89 Library 18-18
18.1.90 Land Development Official 18-18
18.1.91 Landscape Contractor 18-18
18.1.92 Lot 18-18
18.1.93 Lot Area 18-18
18.1.94 Lot, Corner 18-18
18.1.95 Lot, Double Frontage (Through) 18-19
18.1.96 Lot, Interior 18-19
18.1.97 Lot, Reverse Frontage 18-19
18.1.98 Lot Depth 18-19
18.1.99 Lot of Record 18-19
18.1.100 Lot Width 18-19
18.1.101 Lumber and/or Building Material Sales Facility 18-19
18.1.102 Mailing Service 18-19
18.1.103 Manufactured Home (Mobile Home) 18-19
18.1.104 Manufacturing and Assembly 18-19
18.1.104.1 Microbrewery 18-19
18.1.105 Mini-Warehouse Facility 18-20
18.1.106 Mixed Use 18-20
18.1.107 Model Home 18-20
18.1.108 Monopole 18-20
18.1.109 Motel 18-20
18.1.110 Multi-Family Dwelling 18-20
18.1.110.1 Mural 18-20
18.1.111 Museum 18-20
18.1.112 Neighborhood 18-20
18.1.112.1 Nursery Tree Stock 18-20
18.1.113 Neighborhood Retail Convenience Center 18-20
18.1.114 Net Acreage 18-21
18.1.115 Nonconforming Lot 18-21
18.1.116 Nonconforming Structure 18-21
18.1.117 Nonconforming Use 18-21
18.1.118 Nuisance 18-21
18.1.119 Nursery 18-21
18.1.120 Nursing Home 18-21
18.1.120.1 Occupancy, Residential 18-21
18.1.120.2 Occupant 18-21
18.1.121 Office 18-21
18.1.122 Off-Site 18-21
18.1.123 On-Site 18-22
18.1.124 Open Space 18-22
18.1.125 Open Space, Common 18-22
18.1.126 Open Space, Public 18-22
18.1.127 Outdoor Storage Area 18-22
18.1.128 Overlay District 18-22

18.1.129 Outdoor/Indoor Vehicle Auction 18-22
18.1.129.1 Pad Site 18-22
18.1.130 Parcel 18-22
18.1.131 Parking, Off-Site 18-22
18.1.132 Parking Lot 18-23
18.1.133 Parking Space, Off-Site 18-23
18.1.134 Parking Structure, Public 18-23
18.1.135 Parking Structure, Private 18-23
18.1.136 Party Wall 18-23
18.1.137 Performance Bond 18-23
18.1.138 Permitted Use 18-23
18.1.139 Pharmacy 18-23
18.1.140 Reserved 18-23
18.1.141 Place of Worship 18-23
18.1.142 Planned Development 18-23
18.1.143 Planning Commission or Commission 18-23
18.1.144 Plant 18-23
18.1.145 Plat 18-24
18.1.146 United States Postal Service 18-24
18.1.147 Principal Use 18-24
18.1.148 Printing and/or Publication 18-24
18.1.149 Private Accessway 18-24
18.1.150 Problem Soils 18-24
18.1.151 Profile 18-24
18.1.152 Public Hearing 18-24
18.1.153 Public Utility, Major 18-24
18.1.154 Public Utility, Minor 18-24
18.1.155 Real Property 18-24
18.1.156 Recreation Facility 18-25
18.1.157 Research and Development 18-25
18.1.158 Retail Center 18-25
18.1.159 Retail Use 18-25
18.1.160 Rezoning 18-25
18.1.161 Right-of-way 18-25
18.1.162 School, General Education 18-25
18.1.163 School, Public 18-25
18.1.164 School, Special Instruction 18-25
18.1.165 School, Technical 18-25
18.1.166 Screening 18-26
18.1.167 Shopping Center 18-26
18.1.168 Services, Personal 18-26
18.1.169 Service Station 18-26
18.1.170 Setback 18-26
18.1.171 Single-Family Detached Dwelling 18-27
18.1.172 Single-Family Attached (Townhouse) Dwelling 18-27
18.1.172.1 Single-Family Attached (Stacked Townhouse) Dwelling 18-27
18.1.173 Site Plan Waiver 18-27
18.1.174 Slope 18-27
18.1.175 Special Exception 18-27
18.1.176 Stable 18-27
18.1.177 State 18-27

18.1.178 Steep Slopes 18-27
18.1.179 Street 18-28
18.1.180 Structure 18-28
18.1.181 Structure, Accessory 18-28
18.1.182 Structural Alteration 18-28
18.1.182.1 Tree Canopy 18-28
18.1.182.2 Tree Canopy Fund 18-28
18.1.182.3 Tree Management Reports 18-28
18.1.182.4 Tree Preservation 18-28
18.1.183 Subdivision and Land Development Regulations (SLDR) 18-28
18.1.184 Telecommunications Use and/or Structure 18-28
18.1.185 Temporary Commuter Parking Lot 18-29
18.1.186 Temporary Mobile/Land-Based Telecommunication Testing 18-29
18.1.187 Temporary Use 18-29
18.1.188 Tent 18-29
18.1.189 Theater, Indoor 18-29
18.1.190 Town 18-29
18.1.191 *Town Plan* 18-29
18.1.192 Transmission Tower 18-29
18.1.193 Tree 18-29
18.1.194 Urban Forester (Arborist) 18-30
18.1.195 Vacant Land 18-30
18.1.196 Vehicle Sales and/or Rental Facility 18-30
18.1.197 Vehicle and/or Equipment Service Facility 18-30
18.1.198 Veterinary Hospital 18-30
18.1.199 Warehouse 18-30
18.1.200 Wayside Bus Station 18-30
18.1.201 Wayside Stand 18-30
18.1.202 Wetlands 18-30
18.1.203 Yard 18-30
18.1.204 Yard, Front 18-30
18.1.205 Yard, Rear 18-30
18.1.206 Yard, Required 18-31
18.1.207 Yard, Side 18-31
18.1.208 Zero Lot Line Development 18-31
18.1.209 Zero Lot Line Dwelling 18-31
18.1.210 Zoning Administrator 18-31
18.1.211 Zoning Permit 18-31
18.1.212 Zoning District 18-31

Sec. 18.1 Terms Defined

18.1.1 Abattoir
A facility where animals are killed for food; slaughterhouse.

18.1.2 Abut
Same as “contiguous.”

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

18.1.4 Accessory Use
A use of land or of a building or portion thereof customarily incidental and subordinate to the principal use of the land or building and located on the same lot with such principal use.

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

18.1.6 Amend or Amendment
Any repeal, modification, or addition to a regulation, any new regulation, any change in the number, shape, boundary, or area of a district; or any repeal or abolition of any map, part thereof, or addition thereto.

18.1.7 Antenna
Any structure or devise used to collect or radiate electromagnetic waves, including both directional antennas, such as panels, microwave dishes and satellite dishes, and omni-directional antennas, such as whips but not including satellite earth stations.

18.1.8 Application, Active
Any Zoning Map Amendment application, Zoning Modification application, Concept Plan Amendment application, Special Exception application, Preliminary or Final Record Plat application, Site Plan application, which has been officially accepted by the Town and which is not an inactive application or has not been withdrawn or has not received a final decision.

18.1.9 Application, Inactive
Any Zoning Map Amendment application, Zoning Modification application or Concept Plan Amendment application officially accepted by the Town for processing but which has had processing suspended either by request of the applicant or by having no contact or activity occur in regard to the application by the applicant for a period of twelve months, or any Special Exception application, Site Plan application, Preliminary or Final Record Plat application officially accepted by the Town for processing but which has had such processing suspended either by request of the applicant or by having no contact or activity occur in regards to the application by the applicant for a period of six months.

18.1.10 Application, Reactivated
Any Zoning Map Amendment application, Zoning Modification application, Concept Plan Amendment application, Special Exception application, Preliminary or Final Record Plat application, Site Plan application which was classified as inactive which the applicant subsequently notifies the Town in writing of their desire to have the application brought to final decision.

18.1.11 Arts Center
A facility for the provision of instruction in fine and applied arts such as painting, print-making, sculpture, textiles and glass-making. Such facilities may include leasable studio space on the premises, as well as areas for the exhibition and sale of art work.

18.1.12 Assisted Living Residences
A type of adult care residence licensed by the Virginia Department of Social Services which provides a level of non-medical supportive service for adults who may have physical or mental impairments and require at least moderate assistance with the activities of daily living.

18.1.13 Automobile Graveyard
Any lot or place which is exposed to the weather and upon which more than five motor vehicles of any kind, incapable of being operated, and which it would not be economically practical to make operative, are placed, located, or found.

18.1.14 Bank
Any establishment, including an unmanned bank teller machine(s), wherein the primary occupation is concerned with such State regulated businesses as banking, savings and loans, loan companies and investment companies. Any drive-in automatic teller machine(s) not ancillary to a bank or any bank having a drive-in window(s) or drive-in automatic bank teller machine(s) shall be deemed a drive-in facility as defined herein.

18.1.15 Basic Industry
An establishment engaged in the basic processing and manufacturing of materials or products predominately from extracted or raw materials, or a use engaged in storage of, or manufacturing processes utilizing flammable or explosive materials, or storage or manufacturing processes which potentially involve hazardous or commonly recognized offensive conditions.

18.1.16 Bed and Breakfast
Overnight accommodations and a morning meal provided in a single family detached residence that is owner or manager occupied, in which five (5) or fewer rooms without cooking facilities are rented to transient guests. Bed and Breakfast located in a commercial zoning district may have weddings, receptions and business meetings as an ancillary use.

18.1.17 Berm
A landscaped earthen mound intended to screen, buffer, mitigate noise, and generally enhance views of parking areas, storage areas or required yards particularly from public streets or adjacent land uses.

18.1.18 Best Management Practices (BMP's)
Methods that are determined by the State to be the most effective and practical means of preventing or reducing the amount of pollution generated by non-point sources to a level compatible with established water quality goals and further defined in the Loudoun County Facilities Standards Manual (FSM). Non-point source pollution is carried in runoff that cannot be traced to a specific source and whose point of entry into the stream cannot be determined.

18.1.18.1 Boarding House/Transient Lodging
Any building other than a hotel, bed and breakfast, motel, and commercial inn where for compensation or by prearrangement for definite periods, lodging, lodging and meals, or meals are provided on a commercial basis for four (4) or more non-related persons.

18.1.19 Block
That land abutting on one side of a street extending to the rear lot lines (or for parcels of land extending through to another street, to a line midway between the two streets) and

lined between the two nearest intersecting and intercepting streets, or between the nearest intersecting or intercepting street and boundary of any railroad right-of-way, park, school grounds or unsubdivided acreage or centerline of any drainage channel 20 feet or more in width.

18.1.20 Bowling Alley
In-door facility for the sport of ten-pin or duck-pin bowling, with customary accessory uses such as snack bars.

18.1.20.1 Brewpub
A restaurant that prepares handcrafted beer, and/or other malt beverages, as an accessory use intended for consumption on the premises or sold for consumption off premises in hand-capped or sealed containers in quantities up to one-half barrel (or 15.5 gallons), up to a maximum total of 5,000 barrels (31 gallons/barrel) per year. The area used for brewing, including bottling and kegging, shall not exceed 25 percent of the total floor area of the use.

18.1.21 Buffer
Landscaping, fences, berms, walls or similar barriers or borders used to visibly separate one use from another or to shield or block noise or other nuisances.

18.1.21.1 Buffer-Yard
Buffer-yards are the combination of buffer plus screening required to physically separate and to obscure the view of adjoining land uses. Buffer-yards shall not be used for the storage of materials, buildings, parking or loading areas for motor vehicles or equipment or signs. Driveway entrances and entrances connecting adjacent parking lots or developments may intersect the required buffer-yard. See Sections 18.1.21 Buffer and 18.1.166 Screening for definitions.

18.1.22 Buildable Area
The area of the lot remaining after required yards have been provided.

18.1.23 Building
A structure having one or more stories and a roof, designed primarily for shelter of persons, animals, or property of any kind.

18.1.24 Building Footprint
The area on the ground surface covered by the building.

18.1.25 Building/Structure, Principal
A building in which is conducted the principal use of the lot on which it is situated. In any residential zone, any dwelling shall be deemed to be a main building on the lot on which the same is located if the lot is used primarily for residential purposes.

18.1.26 Caliper
The diameter of a tree trunk measured six (6) inches above the ground level for nursery stock that is less than four (4) inches in diameter and twelve (12) inches above ground for larger sizes.

18.1.27 Car Wash
A structure, or portion thereof, containing facilities for washing motor vehicles by hand or by using production-line, automated or semi-automated methods for washing, whether or not employing a chain conveyor, blower, steam-cleaning or similar mechanical devices.

18.1.27.1 Cattery
Any place or establishment, located within a fully enclosed structure, in which cats are kept or boarded for a fee.

18.1.28 Cemetery
Any land or structure used or intended to be used for the interment of human remains. The sprinkling of ashes or their burial in a biodegradable container on church grounds or their placement in a columbarium on church property shall not constitute the creation of a cemetery.

18.1.29 Child Care Center
An establishment which is licensed or approved to operate as a child care center in the Commonwealth of Virginia by the Virginia Department of Social Services, that enrolls two or more children under the age of 13 in a facility that is not the residence of the provider, or of any of the children in care, or 13 or more children at any location for whose care tuition, fees or other forms of compensation are charged. A child care center may include nursery schools, kindergartens. Other facilities for which the purpose is primarily educational, recreational or medical treatments that are not exempt from licensure by the Virginia Department of Social Services, and child day centers operated by religious institutions exempt from licensure are considered Child Care Centers.

18.1.30 Club
A facility where the principal purpose is for members of associations or organizations, such as but not limited to fraternal organizations, to meet to pursue common goals, interests or activities and usually characterized by certain membership qualifications, payment of fees and dues, regular meetings, and a constitution and by-laws. “Club” shall not include night clubs or other institutions operated as a business.

18.1.31 Cluster Development
An alternate means of developing a lot in the R-2, R-4, R-6, and R-8 Districts premised on the concept of design that preserves and protects sensitive natural or man-made features. Cluster development permits a reduction in lot area, yard and bulk requirements as described in Section 10.3.1 in exchange for creating common open space within the cluster.

18.1.32 Commuter Parking Lot
An off-street area surfaced and improved for the parking, on a daily basis but not for the storage of vehicles for twenty-four (24) hours or longer, established in conjunction with mass transit arrangements and carpooling programs.

18.1.33 College or University
An institution of higher education authorized by the State to award associate, baccalaureate or higher degrees, which may include on-site student, faculty, and/or employee housing facilities. For other educational institutions refer to definition of “school.”

18.1.34 Community Retail Commercial
Retail commercial and service uses oriented to serve several neighborhoods which typically include neighborhood retail commercial uses that may include, but are not limited to, a variety department store, florist, milliner, furniture store, radio and television repair shop, shoe store, gift shop, liquor store, men's and women's clothing stores, book store, toy store and movie theater.

18.1.35 Concept Plan
The plans, maps, writings, and other documents that describe a planned development for purposes of approving the concept plan and amending the *Town Plan*.

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

18.1.37 Conference Center
A facility to accommodate conventions, large meetings, trade shows and similar events. There may be accommodations for sleeping, eating and recreation as part of the facility.

18.1.38 Contiguous
To physically touch or border upon; or to share a common property line or border or to be located immediately across the street.

18.1.39 Convenience Food Store
Structure which contains less than 5,000 square feet of gross floor area and which is used for the retail sale of food or food and other items generally purchased in small quantities but not including the sale of gasoline. Convenience food store is not designated for on-site consumption of the products purchased on the premises, and characterized by the rapid turnover of customers and high traffic/trip generation.

18.1.39.1 Dedicated Root Zone (CRZ)
Portion of the root system that is the minimum necessary to maintain vitality or stability of the tree. It will be calculated as 1 inch of trunk diameter will equal 1 foot of CRZ radius.

18.1.39.2 Dedicated School Site
Property which has been conveyed to a public or private entity for the purpose of a school use.

18.1.40 Country Club
Facility providing recreational facilities, including a clubhouse, golf course and other recreation facilities, open only to members and their guests for a membership fee.

18.1.40.1 Dance Studio
A commercial establishment where people pay a fee to learn how to dance.

18.1.41 Design and Construction Standards Manual
Guidelines and standards for the design and construction of public facilities within the Town limits, as adopted by the town.

18.1.41.1 Diameter Breast Height (DBH)
Diameter will be measured at the height of 54 inches from the base of the trunk or as otherwise allowed in the guide of Plant Appraisal.

18.1.42 Diagnostic Laboratory
Facility for examining and testing blood, tissue, and other samples for purposes of determining the nature, condition and treatment of a disease or injury.

18.1.43 Distribution Facility
An establishment engaged in the receipt of goods, products, cargo and materials, individually or in bulk, the short-term holding or storage of such goods or merchandise, and/or the breaking up into lots or parcels and subsequent shipment off-site of such goods and merchandise. Distribution may be provided to an entity with an identity of interest with the distribution facility or to businesses and individuals unrelated to the distributor. The term "Distribution Facility" shall also include a transshipment facility for the temporary holding, storage and shipment of goods or vehicles.

18.1.44 Dog Park
A dog park is a contained public area where dog owners may allow their dogs to run off-leash. A dog park must be located on publicly owned or leased land and is not intended as a private commercial use.

18.1.45 Dormitory
A structure providing living accommodations for a student body or religious order as an accessory use for a college, university, boarding school, orphanage, convent, monastery, hospital or other similar institutional use.

18.1.46 Drip Line
An imaginary vertical line extending downward to the ground for the outermost edge of the tree canopy.

18.1.47 Drive or Driveway
An area specifically designated and designed for vehicular access to a residential lot.

A. **Pipestem Driveway**: Vehicular access constructed on the stem or stems of a pipestem lot or lots.

B. **Common Driveway**: Vehicular access to single-family detached lots constructed on ground of common ownership.

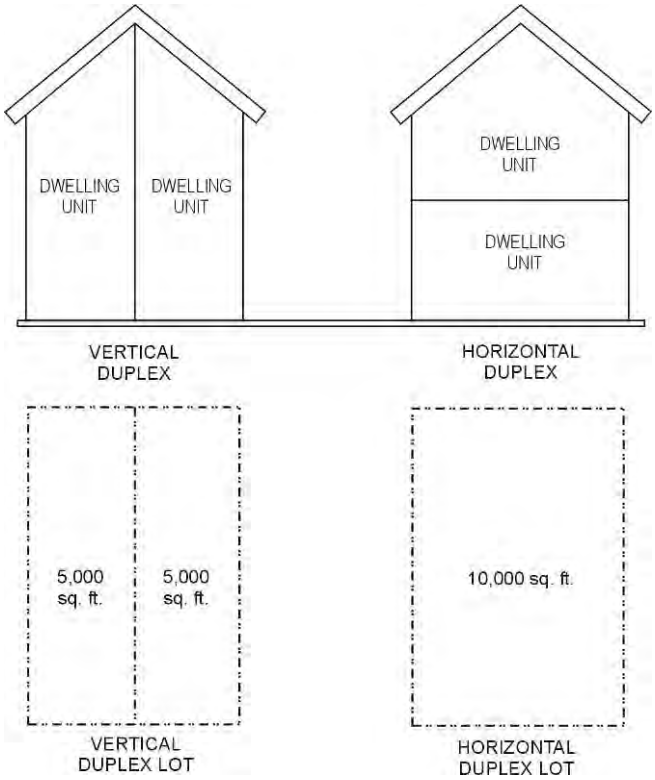
C. **Private Driveway**: Vehicular access constructed entirely within the limits of one lot for use only by that lot and which may connect to a street, pipestem driveway, common driveway or common parking court.

18.1.48 Drive-in Facility
A facility or portion thereof, which by design, physical features, service or by packaging procedures encourages or permits customers to receive services, obtain goods or be entertained while remaining in their motor vehicles.

18.1.49 Duplex, Vertical
A building containing two (2) separate dwelling units that are constructed with a common party wall or abutting walls and with each dwelling unit located on its own separate lot.

18.1.50 Duplex, Horizontal
The use of a single lot for two (2) dwelling units that are contained within a single building.

Duplex Types



18.1.51 Dustless Surface
A surface with a minimum of either two applications of bituminous surface treatment, concrete, bituminous concrete, or equivalent paving material approved by the Town and to be maintained in good condition at all times.

18.1.52 Dwelling Unit
A single unit providing complete, independent living facilities for a single family, including provisions for living, sleeping, eating and sanitation.

18.1.53 Easement
A right created by an express or implied agreement of one owner of land to make lawful and beneficial use of the land of another for a special purpose not inconsistent with any other uses already being made of the land.

18.1.54 Eating Establishment
Establishment in which the principal use is the sale of food and beverages for dining on the premises.

18.1.55 Eating Establishment, Fast-food
Any establishment which provides as a principal use the preparation and sale of food, frozen desserts, or beverages in a ready-to-consume state for consumption either within the restaurant, within a motor vehicle parked on the premises, or off-premises, and whose design or principal method of operation includes one or more of the following characteristics:

A. Food, frozen desserts, or beverages are served in edible containers or in paper, plastic or other disposable containers. Eating utensils, if provided, are disposable.

B. Food, frozen desserts, or beverages are usually served over a general service counter for the customer to carry to a seating facility within the restaurant, to a motor vehicle or off-premises. If consumed on premises, customers generally are expected to clear their own tables and dispose of their trash.

C. Forty-five percent (45%) or more of the gross floor area of the establishment is devoted to food preparation, storage and related activities, which space is not accessible to the general public.

D. Food, frozen desserts, or beverages are served to the occupants of motor vehicles while seated in the car.

A fast food restaurant shall have two classes; with a drive-through facility or without a drive-through facility.

18.1.56 Elderly Housing

A structure containing multi-family dwelling units where the occupancy of the dwellings are restricted to persons 60 years of age or older, or couples where either the husband or wife is 60 years of age or older and which meets the Fair Housing Amendments Act of 1988 for elderly housing. Such a structure may consist of individual dwelling units, community dining areas, common recreation areas, special support services and limited medical or nursing care.

18.1.57 Electronic Data Storage Center

A work site used as a facility for the storage of and the operation of computer hardware, equipment for processing, storage and/or routing of electronic data.

18.1.58 Emergency Care Facility

A facility staffed by medical professionals exclusively for short-term treatment of injury or illness on an out-patient basis.

18.1.59 Emergency Shelter

Facilities providing shelter to people within the Town of Leesburg and established in conjunction with adverse weather conditions (Warming and Cooling Centers), natural disasters, and other man made situations, including but not limited to terrorism or natural disaster events. Emergency Shelters shall be established as accessory uses to churches, middle and high schools, and public buildings serving government or social service functions within the Town of Leesburg.

18.1.59.1 Exercise Studio

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

18.1.60 Extended Family Residence

Within a single family residence or within a conforming accessory structure, a living area designed to provide independence and privacy by allowing a separate bedroom, bathroom, dining area and kitchen for an extended family member.

18.1.60.1 Fair

A fair is a recreational, social, educational, or cultural event, including but not limited to, seasonal celebrations such as a haunted house, or other annual events, open to the public or a designated part of the public, operated by a public or nonprofit group or agency for the benefit of a charity or public institution such as schools, hospitals or other philanthropic organizations.

18.1.61 Family

A person living alone, or any of the following groups conforming to the limitations of the Virginia Property Maintenance Code and living together as a single nonprofit and noncommercial housekeeping unit, and sharing common living, cooking and eating facilities:

A. Subject to the Virginia Property Maintenance Code occupancy limitations, any number of persons all of whom are related by blood, marriage, adoption, guardianship, or other duly-authorized custodial relationship, as verified by official public records such as drivers licenses, birth or marriage certificates; or by affidavits. The Zoning Administrator may require an affidavit in this regard and may reject any such evidence not in the form of an affidavit; or

B. Up to four persons not related to one another by blood, adoption, guardianship, or other duly-authorized custodial relationship, as verified by official public records such as driver's licenses, birth or marriage certificates; or by affidavits. The Zoning Administrator may require an affidavit in this regard and may reject any such evidence not in the form of an affidavit; or

C. Not more than eight persons who are:

1. Residents of a residential facility as defined in Section 15.2.2291, Code of Virginia or;

2. Handicapped as defined in the Fair Housing Act, 42 USC Section 3602 (h). This definition does not include persons currently illegally using or addicted to a "controlled substance" as defined in the Controlled Substances Act, 21 USC Section 802(6).

D. Subject to the Virginia Property Maintenance Code limitations, the following shall not be included in the number of persons who might comprise a family; up to two persons who may be domestic workers (or one domestic worker and one minor child of the domestic worker), live-in companions to the elderly or disabled, or "au pair" employees. Anyone claiming a domestic worker, live-in companion to the elderly or disabled, or "au pair" for any occupant must first verify to the Zoning Administrator the existence of a bona fide employment relationship or other contract which demonstrates the validity of such domestic worker, live in companion or "au pair" status.

18.1.61.1 Family Day Home

Any child day program offered in the residence of the provider or the home of any of the children in care for 6 through 12 children under the age of 13 in a 24 hour period, exclusive of the provider's own children and any children who reside in the home, when at least one child receives care for whose care tuition, fees or other forms of compensation is charged. Family day homes with 1-5 children, exclusive of the provider's own children and any children who reside in the home shall be treated as residential occupancy by a single family.

18.1.62 Farmers Market
A building, stalls, stands or place which is open to the general public for the sale of horticultural or agricultural products.

18.1.63 Farming
The production, keeping, maintenance, sale, lease or personal use of plants and animals useful to man, but not to include feedlots and chicken farms.

18.1.64 Fire and/or Rescue Facility
A facility including the storage of fire and/or rescue equipment and chartered by the Town of Leesburg and the Code of Virginia, which provides for the protection of life and property from the hazards of fire or explosions wherever located. For the purposes of this Zoning Ordinance, a fire and/or rescue facility shall not include a burn building.

18.1.65 Flood (100-Year) or Base Flood
The flood having a one percent chance of being equaled or exceeded in any given year.

18.1.66 Floodplain
The area subject to flooding by the base flood as designated by the Federal Emergency Management Agency (FEMA). The floodplain consists of both the floodway and floodplain fringe.

18.1.66.1 Floodplain Fringe
The area outside of the floodway that is inundated with floodwater during the base flood.

18.1.66.2 Floodproof
Any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents.

18.1.66.3 Floodway
The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation.

18.1.67 Floor Area, Gross
The sum of the total horizontal areas of the several floors of a building from the exterior face of exterior walls, or from the centerline of a wall separating two buildings. Gross floor Area shall include basements, elevator shafts and stairwells at each story. The following are excluded from Gross Floor Area: cellars, outside balconies which do not exceed a projection of six (6) feet beyond the exterior walls of the building; parking structures above or below grade; rooftop mechanical structures; penthouses enclosing only mechanical equipment; any space where the floor-to-ceiling height is less than six (6) feet; and enclosed or structural walkways designed and used exclusively for pedestrian access between buildings and/or parking structures.

18.1.68 Floor Area Ratio (FAR)
A ratio of a site's building area to land area. It is calculated by dividing total gross floor area of all buildings on a lot measured to the outside of walls, by the total lot area. (For example, a 25,000 square foot building on a 100,000 square foot lot has an FAR of 0.25.) However, see Sec. 8.5.3.D for calculation of floor area ratio in a Planned Development District.

18.1.69 Funeral Home
A structure used for human funeral services. A funeral home may contain facilities for the preparation of the dead for burial and the storage of caskets and funeral supplies. A funeral home may contain a crematorium as an accessory use when in accordance with the minimum Use Standards provided in Sec. 9.3.6.1 and approved by special exception.

18.1.70 Garage
An accessory structure or part of a principal building used primarily for the storage of passenger vehicles as an accessory use of the residing occupant or guests, and having no provisions for repairing or servicing such vehicles for profit.

18.1.70.1 Healthy and Structurally Sound Conditions (40% rule)
Known as “condition: shall be determined as any tree rated at 40 percent or greater when the roots, trunk, scaffold branches, small branches and twigs, foliage and buds are evaluated and documented through field observations using the latest edition of the guide for Plant Appraisal condition rating guide.

18.1.71 Golf Driving Range
A practice range for hitting golf balls from a common tee-off area, and for purposes of this Zoning Ordinance, not operated in conjunction with a golf course or country club.

18.1.72 Golf Course
Land, whether publicly or privately owned, on which the game of golf is played, including accessory uses such as golf driving ranges and buildings customary thereto.

18.1.73 Grade
The slope of a road, channel or natural ground. The finished surface of a canal bed, road bed, top of embankment, or bottom excavation; any surface prepared for the support of construction such as paving or lying of a conduit.

18.1.74 Group Home
A residential facility in which no more than eight (8) mentally ill, mentally retarded or developmentally disabled persons reside, with one or more resident counselors or other staff persons. A residential facility shall be deemed a group home when the Department of Mental Health, Mental Retardation and Substance Abuse Service is the licensing authority. For the purposes of this Zoning Ordinance, persons in a group home shall not be deemed a family.

18.1.75 Hedge
A dense planting of shrubs or small trees arranged in a row.

18.1.76 Height, Building
The vertical distance to the highest point of the roof for flat roofs, to the deck line of mansard roofs, and to the average height between eaves and the ridge of the gable, hip and gambrel roofs measured from the average grade around the entire building. (See Article 10)

18.1.77 Heliport
Helicopter landing area with facilities for pick-up and discharge of passengers and cargo, which may include hangars, maintenance areas and other accessory structures.

18.1.78 Reserved

18.1.79 Home Improvement Center
A retail use in a structure with a gross floor area of at least 50,000 square feet in which a variety of building supplies, hardware, landscaping materials and household supplies and equipment are sold.

18.1.80 Home Occupation
A business, profession, occupation or trade conducted for gain or support within a residential building or its accessory buildings by a resident of the dwelling which use is incidental and secondary to the use of the buildings for dwelling purposes and which does not change the residential character of such buildings. (See Article 9 for Home Occupation standards).

18.1.81 Homeowners' Association
A non-profit organization approved by the State Corporation Commission operating under recorded land agreements through which: (a) each lot/property and/or homeowner in a clustered or planned development is automatically a member, and (b) each lot is automatically subject to a charge for a proportionate share of the expenses for the organization's activities, such as maintaining a common property, and (c) the charge if unpaid becomes a lien against the property.

18.1.82 Hospital
Facility licensed and accredited by the Commonwealth of Virginia to receive in-patients and render medical and/or surgical care. “Hospital” shall include both general hospitals and institutions in which service is limited to special fields such as cardiac, pediatric, orthopedic, dermatology, chronic disease, and obstetrics. Ancillary facilities such as laboratories, outpatient facilities, rescue squad and training facilities, pharmacies, cafeterias and emergency facilities shall be considered hospital uses as well as a heliport serving the hospital.

18.1.83 Hotel
Any single building or group of dwelling units, combined or separated, containing guest rooms used for the purpose of housing transient guests, each unit of which is provided with its own toilet, washroom and off-street parking facility, and which may include features such as conference rooms, a restaurant or snack bar, or swimming pool or exercise room that would attract clientele other than transient guests.

18.1.84 Industrial, Flex
Any structure occupied by 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.

18.1.85 Infill
The utilization of vacant land in previously developed areas for buildings, parking lots, recreational facilities and other uses.

18.1.85.1 Landscape Plan
The plan depicting all proposed landscape material to be installed on site. It shall contain all information required under section 12.2.3.

18.1.86 Inn
A commercial facility for housing and feeding of transient quests in a building containing no more than fifteen (15) guest rooms without cooking facilities. Commercial use or rental of the property for business meetings, seminars, receptions and similar events or activities shall be permitted.

18.1.87 Inoperable Vehicle
As defined in Section 10-157 of the Town Code, Leesburg, Virginia.

18.1.88 Kennel
Any place or establishment, in which dogs and other domestic animals are kept, boarded or bred for a fee.

18.1.88.1 Kitchen, Accessory
Associated with single family dwellings, for use by the family residing within the dwelling unit, accessory or in addition to the first kitchen within the dwelling unit. Approval of an accessory or additional kitchen in a single family dwelling shall not be considered approval of a second dwelling unit or accessory dwelling unit unless approved per Section 9.4.1 of the Zoning Ordinance.

18.1.88.2 Kitchen
An area within a dwelling unit equipped with such electrical or gas hook-up that would enable the installation of a range, oven or like appliance for the preparation of food and also containing either or both a refrigerator and sink

18.1.89 Library
Structure, either publicly or privately owned, used for collection and storage of books, periodicals, and similar materials, and providing facilities for reading, research and/or borrowing of the collected materials.

18.1.90 Land Development Official
A Town official appointed by the Town Manager who may be the Director of Planning and Zoning, the Director of Plan Review or other designee as designated by the Town Manager in the particular case.

18.1.91 Landscape Contractor
An establishment providing for the planting and maintenance of gardens, grounds and yards; such use shall be inclusive of lawn mowing services that employ more than one person.

18.1.92 Lot
A designated parcel tract or area of land established by plat, subdivision or otherwise permitted by law, occupied or intended to be occupied by a principal building or use and its accessory buildings and uses.

18.1.93 Lot Area
The total area within the boundary lines of a lot excluding any public land.

18.1.94 Lot, Corner
A lot located at the intersection of two or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the format point of the lots meet at an interior angle of less than 135 degrees.

18.1.95 Lot, Double Frontage (Through)
An interior lot that fronts upon two parallel streets. Also known as a “through lot.”

18.1.96 Lot, Interior
A lot bounded by a street on only one side and a lot other than a corner lot.

18.1.97 Lot, Reverse Frontage
A through lot that is not accessible from one of the parallel streets upon which it fronts.

18.1.98 Lot Depth
The mean horizontal distance between the front and rear lot lines.

18.1.99 Lot of Record
A lot which has been recorded among the land records in the Office of the Clerk of the Circuit Court of Loudoun County, Virginia.

18.1.100 Lot Width
The distance between side lot lines measured parallel to the front line at the point of the minimum required front yard setback. No portion of the lot between the front and required rear yard (setback) lines shall be less than the minimum lot width required for the zoning district. (See Article 10 for pipestem lot exceptions).

18.1.101 Lumber and/or Building Material Sales Facility
Structure used for storage and sale of timber, beams, planks, boards and other building materials.

18.1.102 Mailing Service
Retail sales or business service establishment to facilitate the transmittal and receipt of letter, bulk and packaging mail.

18.1.103 Manufactured Home (Mobile Home)
A structure intended for human habitation that is transportable in one or more sections, is eight feet or more in width or forty feet or more in length, or when erected is 320 or more square feet in area. Such a structure is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation, connected to the required utilities and contains plumbing, heating, air-conditioning, and electrical systems.

18.1.104 Manufacturing and Assembly
The processing, fabrication, assembly, distribution of products such as, but not limited to: scientific and precision instruments, photographic equipment, communication equipment, computation equipment, household appliances, toys, sporting and athletic goods, glass products made of purchase glass, electric lighting and wiring equipment, industrial controls, radio and TV receiving sets, optical goods, and electrical machinery.

18.1.104.1 Microbrewery
A facility for the production and packaging of beer, and/or other malt beverages, for distribution, retail or wholesale, on or off premises, with a maximum capacity of not more than 15,000 barrels (31 gallons/barrel) per year. A microbrewery may include, as an accessory use, a restaurant or bar not to exceed more than 25 percent of the total floor area of the use.

18.1.105 Mini-Warehouse Facility
A structure or structures containing separate storage spaces of varying sizes leased or rented on an individual basis.

18.1.106 Mixed Use
A variety of complementary and integrated uses, including but not limited to residential, office, manufacturing, retail, public, entertainment, conference and lodging uses arranged in a compact urban form.

18.1.107 Model Home
A temporary or permanent structure used for display purposes only and not as a contractors office, real estate office or annex thereof.

18.1.108 Monopole
A single, self-supporting pole-type structure, tapering from base to top and supporting a fixture designed to hold one or more antennas. For purpose of this Zoning Ordinance, a monopole shall not be deemed to be a tower.

18.1.109 Motel
A building or portion thereof, or group of buildings of similar design, providing transient accommodations with at least 25 percent of all rooms having direct access to the outside.

18.1.110 Multi-Family Dwelling
A building containing three or more dwellings units located on a single lot or parcel of ground where each unit access the outside via a common hallway, stairs or elevators. Such units are located back-t-back, adjacent or stacked on top of each other. Multi-family dwellings shall include apartments, triplex dwellings, and quadruplex dwellings.

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

18.1.111 Museum
Facility used for the primary purpose of displaying artifacts, art work, historical documents, photographs, costumes, and other natural or man-made objects. The facility may include accessory meeting rooms and lecture halls.

18.1.112 Neighborhood
An area of a community with characteristics that distinguish it from other community areas by boundaries defined by physical barriers such as major roadways or natural features such as rivers.

18.1.112.1 Nursery Tree Stock
Any tree commercially grown for transplanting.

18.1.113 Neighborhood Retail Convenience Center
Neighborhood Retail Convenience Center uses established within Planned Districts are intended to service the daily shopping and personal service needs of surrounding residential areas within a market area generally extending in a one mile radius, or 3,000 households.

18.1.114 Net Acreage
Gross acreage minus acreage in the floodplain and steep slopes.

18.1.115 Nonconforming Lot
A lot, the area, dimensions or location of which was lawful prior to the adoption, revision or amendment of the Zoning Ordinance, but which fails by reason of such adoption, revision or amendment to conform to the present requirements of the zoning district. Also called a `legal nonconforming lot'.

18.1.116 Nonconforming Structure
A structure or building, the size, dimension or location of which was lawful prior to the adoption, revision or amendment of the Zoning Ordinance, but which fails by reason of such adoption, revision or amendment to conform to the present requirements of the zoning district. Also called a `legal nonconforming structure'.

18.1.117 Nonconforming Use
A use or activity which was lawful prior to the adoption, revision or amendment of a Zoning Ordinance, but which fails by reason of such adoption, revision or amendment to conform to the present requirements of the zoning district.

18.1.118 Nuisance
An interference with the enjoyment and use of property.

18.1.119 Nursery
An agricultural/commercial enterprise where plants and accessory products are sold on a retail basis. Twenty-five percent (25%) of the gross sales receipts of the commercial nursery must be derived from plants produced on site; or twenty-five (25%) of the area designated as a commercial nursery shall be dedicated to the cultivation of plants to be sold on-site.

18.1.120 Nursing Home
An extended or intermediate care facility licensed or approved by the Commonwealth of Virginia to provide full-time convalescent or chronic care to individuals who, by reason of advanced age, chronic illness or infirmity are unable to care for themselves.

18.1.120.1 Occupancy, Residential
Use of a building or structure as a dwelling unit or place of abode.

18.1.120.2 Occupant
Any person who is living or sleeping in a building; or having possession of a space within a building.

18.1.121 Office
A building, room or group of rooms used for conducting the affairs of a business, profession, services or government. For the purpose of this Zoning Ordinance, an office shall not involve manufacturing, fabrication, production, processing, assembling, cleaning, testing or repair of materials, goods or products.

18.1.122 Off-Site
Off-site means not on site; that is, outside the lot or parcel that is the subject of a given land use application.

18.1.123 On-Site
"On-site" shall mean within a lot or parcel that is the subject of a given land use application.

18.1.124 Open Space
Land area within a development intended to provide light, air and space to be designated for aesthetic or recreational purposes and to be accessible and in reasonable proximity to residents or occupants of the development. Open space may include, but is not limited to, lawns, decorative plantings, walkways, active and passive recreation areas, children's playgrounds, fountains, swimming pools, undisturbed natural areas, wooded areas, water bodies and those areas where landscaping and screening are required by provisions of this Zoning Ordinance. Open space shall not include driveways, parking lots or other vehicular surfaces; any area occupied by a building, nor areas so located or of such size or shape as to have no substantial aesthetic or recreational value and any area within individual residential lots. Open space parcels shall not be required to meet the minimum lot size, lot width or yard area requirements of the district regulations.

18.1.125 Open Space, Common
Open space owned and maintained by a property owners association or a condominium unit owners association in accordance with the provisions of Article 8.

18.1.126 Open Space, Public
Open Space dedicated or conveyed for public use.

18.1.127 Outdoor Storage Area
An unroofed area, or a roofed structure enclosed on not more than three sides, for the keeping of any goods, materials, or merchandise in the same place for more than twenty-four (24) hours. All outdoor storage shall be required to be enclosed by a fence, wall, landscaped berm, or other suitable and appropriate method. This definition shall not apply to the Display of Merchandise as described in Sec. 9.4.6.

18.1.128 Overlay District
A zoning district superimposed on another, both having validity in governing the use of the property.

18.1.129 Outdoor/Indoor Vehicle Auction
A public sale of vehicles one by one, each going to the last and highest of a series of competing bidders.

18.1.129.1 Pad Site
An area or lot within a shopping center reserved for a freestanding commercial use

18.1.130 Parcel
A contiguous lot or tract of land that is owned and recorded as property of the same person or controlled by a single entity.

18.1.131 Parking, Off-Site
Any space that is off-site and specifically allotted to the parking of motor vehicles. Such space shall not be in a public right-of-way.

18.1.132 Parking Lot
Surface facility used for parking automobiles, other passenger vehicles or trucks, but not for storage of such vehicles.

18.1.133 Parking Space, Off-Site
A space suitable for parking one automobile and including adequate driveways, if necessary, to connect such space with a public right-of-way. Space within a building or upon a roof, allocated for parking shall be included and considered a part of the required spaces.

18.1.134 Parking Structure, Public
A deck, building, or structure, or part thereof, owned and/or managed by a government or non-profit authority and used for the parking of vehicles, but not for the storage of such vehicles.

18.1.135 Parking Structure, Private
A deck building or structure or part thereof used for the parking of vehicles, but not for the storage of such vehicles, available to the public with or without compensation, or used to accommodate clients, customers or employees.

18.1.136 Party Wall
A common shared fire wall between two separate structures, buildings or dwelling units. Party walls may join attached dwelling units at a garage, but may not be construed to allow joining of such units by carports, sheds, stairwells or the like.

18.1.137 Performance Bond
A bond of surety, cashier's check, and/or cash deposit approved by the governing body equal to the full cost of improvements required by this Zoning Ordinance and providing for completion of said improvements within a definite term.

18.1.138 Permitted Use
Any use allowed in a zoning district by right.

18.1.139 Pharmacy
An establishment offering medical appliances or prescription medicines to the public; may include retail sales of non-medical goods.

18.1.140 Reserved

18.1.141 Place of Worship
A structure or part thereof which is intended for organized religious services including but not limited to a church, synagogue, or temple.

18.1.142 Planned Development
An area of land to be developed as a single entity according to a plan, containing residential, commercial, industrial and/or public areas, under the provisions of this Zoning Ordinance.

18.1.143 Planning Commission or Commission
The Planning Commission of Leesburg, Virginia.

18.1.144 Plant
Any of the several vegetation types required by this ordinance, i.e., Large Canopy Tree, Understory Tree, Shrub, etc.

18.1.145 Plat
A diagram or map, prepared by a person licensed to prepare plats in the Commonwealth of Virginia, drawn to scale showing tracts, parcels, lots, subdivisions, land boundaries, legally recordable in the clerk's office; together with all data essential to the description and identification of the elements shown thereon, and including one or more certificates indicating approval. A plat differs from a plan in that it does not necessarily show additional cultural, drainage, and relief features.

18.1.146 United States Postal Service
The public department responsible for the transportation and delivery of the mail: where mail is received, sorted and delivered and where postal materials are sold.

18.1.147 Principal Use
The primary or predominant use of any lot.

18.1.148 Printing and/or Publication
Facility at which large volumes of printed material are produced on a regular basis, as with a newspaper or magazine.

18.1.149 Private Accessway
A parking court, common driveway or parking lot.

18.1.150 Problem Soils
Soils classified as Class IV soils by the office of the Loudoun County Soil Scientist.

18.1.151 Profile
A drawing of a side or structural elevation of a structure or grade.

18.1.152 Public Hearing
Meetings of the Town Council, Board of Zoning Appeals and Planning Commission held expressly for the purpose of soliciting comments from the general public in accordance with requirements of the State Code.

18.1.153 Public Utility, Major
Public utility, major shall include the following: electric substations and other distribution centers, electrical generating plants and facilities, sewerage treatment and disposal facilities, storage facilities for natural gas, oil and other petroleum products, supply yards for any public utility, dial centers, repeater stations, water purification facilities, microwave facilities, satellite earth stations, water storage facilities and maintenance facilities incidental to any use set forth above.

18.1.154 Public Utility, Minor
A minor public utility shall include the following: electric transformer, natural gas, water and sewer transmission, collection, distribution and metering devises; and water and sewerage pumping stations.

18.1.155 Real Property
Land and generally whatever is erected or growing upon or affixed to land. Also rights issuing out of, annexed to, and exercise within or about land.

18.1.156 Recreation Facility
A facility offering or providing recreational activities. A recreational facility may include, but not be limited to a tennis court, racquetball court, basketball court, swimming pool, gymnasium, exercise and weight room facilities. Recreation facilities may offer non-recreational programs for children such as after-school programs, day camps, tutoring, etc. as an accessory use, provided that such program is exempt from licensure by the Virginia Department of Social Services as a child care center as provided by § 63.2-1715 of the code of Virginia. Recreational facilities may operate child care centers as an accessory use provided that they are licensed by the Virginia Department of Social Services as a child care center and Town of Leesburg Zoning Ordinance Sections 9.2, 9.3.4 and Section 3.4 if applicable.

18.1.157 Research and Development
Basic and applied investigations in the natural, physical, or social sciences directed toward the discovery, invention, design, or establishment of new products and services.

18.1.158 Retail Center
A group of commercial establishments planned as one entity.

18.1.159 Retail Use
Any use wherein the primary occupation is the sale of merchandise in small quantities, in broken lots or parcels, not in bulk, for use or consumption by the immediate purchaser. For the purpose of this Zoning Ordinance, retail uses shall not be deemed to include automobile-oriented uses, vehicle sale, rental and/or service or convenience retail.

18.1.159.1 Seedling
A tree grown from seed that has not yet reached a height of 3 feet or exceeded 2 inches in diameter.

18.1.160 Rezoning
A change in zoning district designation for a parcel or group of parcels adopted by the Town Council.

18.1.161 Right-of-way
A strip of land acquired by reservation, dedication, prescription or condemnation which is occupied by or is to be occupied by a road, pedestrian crosswalk, railroad, electric transmission lines, oil or gas pipeline, water line, sanitary storm sewer and other similar uses.

18.1.162 School, General Education
A parochial or private school giving regular instruction during a normal school year.

18.1.163 School, Public
An educational institution operated by a duly constituted governmental entity.

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

18.1.165 School, Technical
A school which primarily provides instruction to adults in vocational skills.

18.1.166 Screening
Whenever this term is used, it shall refer to a method of visually shielding or obscuring from view one abutting or nearby structure or land use from another by landscaping, berms, fences, walls or any combination thereof.

18.1.167 Shopping Center
Any group of three (3) or more commercial uses which:

A. Are designed as a single commercial group, whether or not located on the same lot or in the same building;

B. Are under common ownership or management;

C. Are connected by party walls, partitions, canopies, or other structural members to form one continuous structure or, if located in separate buildings, are interconnected by walkways and access ways designed to facilitate customer interchange between the uses;

D. Share a common parking area; and

E. Present the appearance of one (1) continuous commercial area.

18.1.168 Services, Personal
Any service wherein the primary occupation is the repair, care of, maintenance or customizing of personal properties that are worn or carried about the person or are a physical component of the person. For the purpose of this Zoning Ordinance, personal service establishments shall include, but need not be limited to, barber shops, beauty parlors, pet grooming establishments, laundering, cleaning and other garment servicing establishments, tailors, dressmaking shops, shoe cleaning or repair shops, and other similar places of business: services, personal do not include dry cleaning plants or laundries solely devoted to cleaning, processing, etc., or linen or diaper service establishments. Uses accessory to office use also include, but are not limited to, (1) Bank without drive-in facility; (2) Office supply store; (3) Newspaper stand; and (4) Eating establishment without drive-in facility.

18.1.169 Service Station
Buildings and premises in which the primary use is the supply and dispensing at retail sales of one or more of the following: motor fuels, lubricants, batteries, tires, motor vehicle accessories; and wherein additional mechanical services may be rendered and sales made, but only as accessory and incidental to the primary occupation. Uses permissible at a service station shall not include body work, straightening of body parts, painting, welding, or other work involving noise, glare, fumes, smoke, or other characteristics to an extent greater than normally found in service stations. Snack foods, tobacco, hot and cold drinks, newspapers and similar convenience goods may be sold as accessory to the principal use. Prepared foods such as sandwiches and cooked foods limited to off-premises consumption are permitted as an accessory use to the extent permitted by the special exception approved for the service station.

18.1.170 Setback
The minimum distance by which any building or structure must be separated from the lot lines.

18.1.171 Single-Family Detached Dwelling
The use of a single lot for a dwelling that is not attached to any other dwelling by any means.

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

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

18.1.173 Site Plan Waiver
The proposal for a development of an in-ground swimming pool or land disturbance of 1,000 to 3,000 square feet of land, including topography, drainage, building locations and such other information as required by the Subdivision and Land Development Regulations. The words *"No Adverse Impact Certification"*, when used in this Zoning Ordinance, shall mean *"Site Plan Waiver"*.

18.1.174 Slope
The average land gradient expressed as a percentage. Slope average shall be determined on the basis of mapping units two (2) acres or more using the Loudoun County base planimetric and topographic maps or other topographic maps, elevations, etc., prepared by such persons licensed to perform surveys to determine such information. Slope mapping units are defined by average slope ranges of 0-2%, 2-7%, 7-15%, 15-25%, and greater than 25%.

18.1.175 Special Exception
A use permitted in a zoning district, if listed in the district's regulations, only upon showing that such use in a specified location will comply with all the conditions and standards specified in the Zoning Ordinance and/or imposed by the Town Council as authorized by the State Code.

18.1.176 Stable
A facility for the keeping of horses for the private use of the residents of the lot. Such facility may include the commercial boarding of ten (10) or fewer horses and no more than one (1) instructor engaged for the purpose of educating and training students in horsemanship.

18.1.177 State
The Commonwealth of Virginia.

18.1.178 Steep Slopes
Land having a slope exceeding twenty-five percent (25%), pursuant to the Loudoun County Steep Slope Map.

18.1.179 Street
A strip of land subject to vehicular or pedestrian traffic and providing direct or indirect means of access to property, including but not limited to road, lane, drive, trail, court, place, terrace, alley, avenue, highway, boulevard and any other thoroughfare. For functional classification of streets refer to the "Transportation" section of the *Town Plan*.

18.1.180 Structure
Anything constructed or built for use, occupancy, or ornamentation whether installed on, above, or below the surface of land or water including, among others, buildings, stadiums, gospel and circus tents, platforms, stagings, observation towers, telecommunications towers, radio and TV broadcasting towers, water tanks, trestles, piers, open sheds, coal bins, shelters, walls, power line towers, pipelines, and railroad tracks.

18.1.181 Structure, Accessory
A building or structure subordinate and incidental to, and located on the same lot with, a principal building, the use of which is customarily found in association with and is clearly incidental to that of the main building or to the use of the land, and which is not attached by any part of a common wall or roof to the principal building.

18.1.182 Structural Alteration
Changes to or removal of supporting member or materials, including the roof members, which comprise the original method of construction of the building or structure.

18.1.182.1 Tree Canopy
The outer limit of a tree's foliage shown from directly overhead and will be measured in square feet.

18.1.182.2 Tree Canopy Fund
Financial mechanisms to collect, manage, and disburse fees collected from developers that cannot provide full canopy requirements on-site.

18.1.182.3 Tree Management Reports
The Tree Management Report (TMR) shall provide the results of an inventory of existing trees to be retained in table form which includes the following; a key for tree location, common name, botanical name, trunk diameter, critical root zone, condition, suitability for preservation, and comments.

18.1.182.4 Tree Preservation
The plan depicting all existing trees to be retained on site as part of the development process. It shall contain all information required under section 12.2.4.

18.1.183 Subdivision and Land Development Regulations (SLDR)
The Subdivision and Land Development Regulations of the Town of Leesburg, adopted by the Town Council to establish subdivision and site plan standards and procedures for development within the Town.

18.1.184 Telecommunications Use and/or Structure
A use provided by or a structure utilized by a public service utility or commercial public telecommunications service under the jurisdiction of the Virginia State Corporation Commission and/or licensed by the Federal Communications Commission to provide commercial public telecommunications services. A telecommunications structure may include a tower, monopole, and other antenna support structure or equipment buildings.

Telecommunications use and/or structure does not include non-commercial applications, such as amateur radio operations. Telecommunications use and/or structure does not include those uses or structures that are accessory to and solely used by an individual business. Telecommunications facilities shall not be considered as a Public Utility for the purpose of use designation and identifying authorized zoning districts.

18.1.185 Temporary Commuter Parking Lot
A Commuter Parking Lot used for two years of less. The use requires a Special Exception. The initial two-year period may be extended for up to two additional years through an additional Special Exception.

18.1.186 Temporary Mobile/Land-Based Telecommunication Testing
Whip antennas, panels antennas, microwave dishes, and receive-only satellite dishes and related equipment for wireless audio transmission with low wattage not to exceed 500 watts, from a sender to one or more receivers, such as for mobile cellular telephones and mobile radio system facilities.

18.1.187 Temporary Use
A use established for a fixed period of time with the intent that such use will terminate automatically upon the expiration of the fixed time period, unless permission to conduct the use is renewed pursuant to this Zoning Ordinance.

18.1.188 Tent
A collapsible moveable shelter consisting of a cover made of canvas, fabric, plastic or other material stretched over a supporting framework of poles that may be used as a temporary building and not intended for living quarters. Tents shall not be used as permanent structures for any purpose.

18.1.189 Theater, Indoor
A structure designed for the enactment of dramatic performance and/or showing of motion pictures. For the purpose of this Zoning Ordinance, a drive-in motion picture theater and an adult mini-motion picture theater shall be deemed prohibited uses.

18.1.190 Town
Town of Leesburg, Virginia.

18.1.191 *Town Plan*
The official document, commonly referred to as the Comprehensive Plan, or elements thereof, adopted by the Town Council, intended to guide the physical development of the Town or a portion thereof. Such plan, including maps, plats, charts, policy statements and/or descriptive material, shall be that adopted in accordance with Section 15.2-2226 of the Code of Virginia.

18.1.192 Transmission Tower
A lattice-type structure, guyed or self-supporting, used to support antennas. Also called a communication tower or radio tower.

18.1.193 Tree
A woody, tall-growing perennial plant generally with one main stem, but may form a multi-stem habit, which typically develops branches at a greater height above the ground than shrubs.

18.1.194 Urban Forester (Arborist)
A person trained in arboriculture, forestry, landscape architecture, horticulture, or related fields and experienced in the conservation and preservation of native and ornamental trees within the municipality.

18.1.195 Vacant Land
A lot or parcel of land on which no improvements have been constructed.

18.1.196 Vehicle Sales and/or Rental Facility
The use of any structure or land area for the display and sale and/or rental of new or used automobiles, trucks, vans, trailers, recreation vehicles or other vehicles and including any warranty repair work and other vehicle services conducted as an accessory use.

18.1.197 Vehicle and/or Equipment Service Facility
An establishment where the maintenance, servicing, repair or painting of vehicles, heavy equipment or large commercial appliances is conducted.

18.1.198 Veterinary Hospital
A facility where animals or pets are given medical or surgical treatment and the boarding of animals is limited to short-term care incidental to the hospital use.

18.1.199 Warehouse
A structure used for the storage of goods and materials which may also include ancillary wholesale sales not to exceed 25% of the site.

18.1.200 Wayside Bus Station
A small, roofed structure having from one to three walls, located near a street, and designed primarily for the protection and convenience of bus passengers.

18.1.201 Wayside Stand
A temporary structure designed for the display and sale of local agricultural products.

18.1.202 Wetlands
An area as identified on the National Inventory of Wetlands and/or regulated by the Army Corps of Engineers.

18.1.203 Yard
The area on a lot situated between the front, rear or side wall of a structure and the nearest lot line, unobstructed from the ground upward and unoccupied except by specific uses and structures allowed in such area by the provisions of this Zoning Ordinance.

18.1.204 Yard, Front
A yard extending across the full width of the lot, measured perpendicular to the front lot line and extending to the principal building or structure. On corner lots all yards which abut a street shall be deemed front yards. On pipestem and land locked parcels created after April 26, 2011, the front yard shall be the lot line that runs most parallel and is closest to the street that provides access to the parcel, whether the access is through the stem portion of the lot or an easement.

18.1.205 Yard, Rear
A yard extending across the full width of the lot, lying between the rear lot line of the lot, and extending to the principal building or structure. On corner lots which abut two streets with

front lot lines of unequal length, the rear yard shall be opposite and parallel to the shortest front lot line. On a corner lot which abuts three streets, the remaining yard shall be a rear yard if it abuts a rear yard, and shall be a side yard if it abuts a side yard.

18.1.206 Yard, Required
A yard, as defined above, located along the perimeter of a lot, the dimensions of which are set by the District Regulations of this Ordinance.

18.1.207 Yard, Side
A yard between the side lot line and the principal building and extending from the front yard to the rear yard.

18.1.208 Zero Lot Line Development
A development in which houses (dwelling units) on are shifted to one side of their lot, thereby providing for greater usable yard space on each lot.

18.1.209 Zero Lot Line Dwelling
A single-family detached dwelling in a zero lot line development that is located on or within 18 inches of an interior side lot line.

18.1.210 Zoning Administrator
An appointed Town official who serves as the Zoning Administrator, charged with the interpretation, administration and enforcement of this Ordinance for Leesburg, Virginia, or his/her designee.

18.1.211 Zoning Permit
A document signed by the Zoning Administrator as a condition precedent to the commencement of a use or the erection, construction, reconstruction, restoration, alteration, conversion, or installation of a structure or building, which acknowledges that such use, structure or building complies with the provisions of the Zoning Ordinance, or authorized variance there from.

18.1.212 Zoning District
The various classifications of agricultural, residential, commercial and industrial zoning categories provided for in this Ordinance and the areas on the zoning map in which such different districts are mapped. As used in this Ordinance, the term “zoning district” can refer either to the zoning category, i.e. “the B-1 Zoning District”, or the areas mapped in such uses on the zoning map.