



Sec. 7.10. CD-MUO Crescent Design – Mixed Use Optional

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](#).

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.

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.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
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. 18.1.58

Table 7.10.9.E.1 CD-MUO Uses			
Use		Use Standards	Definition
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. 18.1.139
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
School, technical	P	Sec. 9.3.23.1	Sec. 18.1.165
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
Research & Development, Production and Warehousing Uses			
Production	P/S	Sec. 9.3.22	Sec. 18.1.150.1
Research & Development	P/S	Sec. 9.3.22	Sec. 18.1.157
Institutional and Community Service Uses			
Fire and/or rescue facility	P		Sec. 18.1.64
College or University	P		Sec. 18.1.33
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

Article 9 Use Regulations

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. [Back to top](#)

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. [Back to top](#)

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. [Back to top](#)

9.3.22 Research and Development and/or Production

- A. By Right. Research & Development and/or Production uses are permitted by right in accordance with the use standards provided below.
 - 1. All operations, activities and storage shall be conducted within a completely enclosed building, except research requiring solar exposure and uses which by their nature must be conducted outside a building; or as otherwise approved for outdoor storage in accordance with use standards provided in Section 9.3.17.2 Outdoor Storage.
 - 2. The use, storage, and disposal of hazardous materials must all federal, state, and local codes.
 - 3. No vibration, odor, smoke, radiation, particulate matter or other adverse impacts that create significant negative impacts to adjacent land uses shall be detectable at the property boundary.
 - 4. Accessory outdoor storage in the B-2, B-3, B-4 and I-1 Zoning Districts no greater than 250 square feet is permitted by-right subject to the use standards of Sec. 9.3.17.2 Outdoor Storage. Outdoor storage shall not be allowed in the B-1 Zoning District. Outdoor storage greater than 250 square feet in the B-2, B-3, B-4 and I-1 Zoning Districts is permissible with special exception approval per Sec. 3.4.
 - 5. Additional standards where Research & Development, and/or Production uses are located within 250 feet of residentially zoned property:
 - a. No outdoor activity, including loading, unloading, maintenance, truck idling, or related activity shall occur between the hours of 7:00pm and 7:00am.
 - b. Fences, walls, and/or berms shall be used in combination with vegetative screening to interrupt the view of adjacent residential districts. Use of a 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 of the required 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.
- B. Special Exception. Research & Development and/or Production uses shall require special exception approval if the proposed use does not comply with all



applicable standards for by-right use as set forth Sec. 9.3.22.A. Research and Development and/or Production. [Back to top](#)

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. [Back to top](#)

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. [Back to top](#)

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 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. [Back to top](#)

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:
 1. 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.
 2. Monopoles shall be setback a minimum of 50 feet from any existing or planned right-of-way, and



3. 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:
 1. 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
 2. There exists valid technological or physical justification making co-location impossible.
 3. 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.

1. 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.
2. Transmission towers shall be setback a minimum of fifty (50) feet from any existing or planned right-of-way, and
3. 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
 1. 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
 2. No additional need is anticipated for any other potential user in the vicinity; or
 3. There is valid technological or physical justification as to why co-location is not possible.
 4. 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.

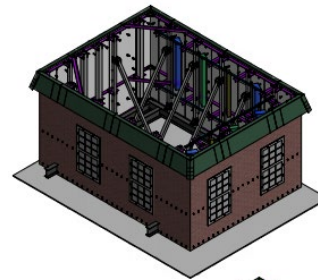
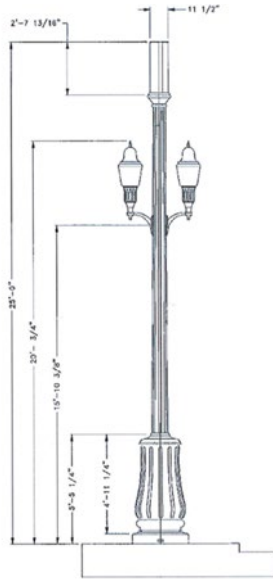
2. Such temporary use must comply with all federal, state and county regulations, including but not limited to regulations by the Federal Aviation Administration, the Federal Communications Commission and the Environmental Protection Agency.
3. The temporary testing equipment for the antenna shall be 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. 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. [Back to top](#)

F. Distributed Antenna Systems (DAS) and/or Small Cells.

Distributed Antenna Systems (DAS) and/or Small Cells with related unmanned equipment may be installed on non-residential buildings or structures, existing or replacement of existing utility distribution poles or existing or replacement of existing light standards in those zoning districts where permitted by right with the minimum standards provided below. Failure to meet any one, or more, use standards shall require special exception review and approval in accordance with Section 3.4 Special Exceptions.

Permissible antenna types in a DAS or Small Cell application include: 1) omnidirectional/whip antennas; 2) panel antennas; and 3) antennas enclosed in a cylinder subject to the following minimum use standards:

1. Local Collector Rights-of-way: Utility distribution pole installations, where permitted, shall be limited to rights-of-way of roads having a Local Collector classification or higher on the Roadway Network Policy Map in the Leesburg Town Plan.
2. Camouflage: Every effort shall be made by the applicant to utilize stealth and/or camouflage technologies/techniques on each DAS/Small Cell node and all appurtenant ground-mounted and/or roof-mounted equipment in order to minimize or eliminate potential visual impacts on surrounding properties. Examples of stealth solutions include, but are not limited to the following:



ALPHA & GAMMA SECTOR



BETA SECTOR

In any instance where stealth and/or camouflage technologies cannot be employed, the applicant shall provide evidence satisfactory to the Zoning Administrator justifying why it is impossible to employ such measures.

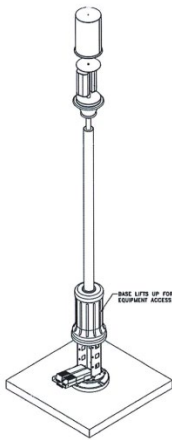
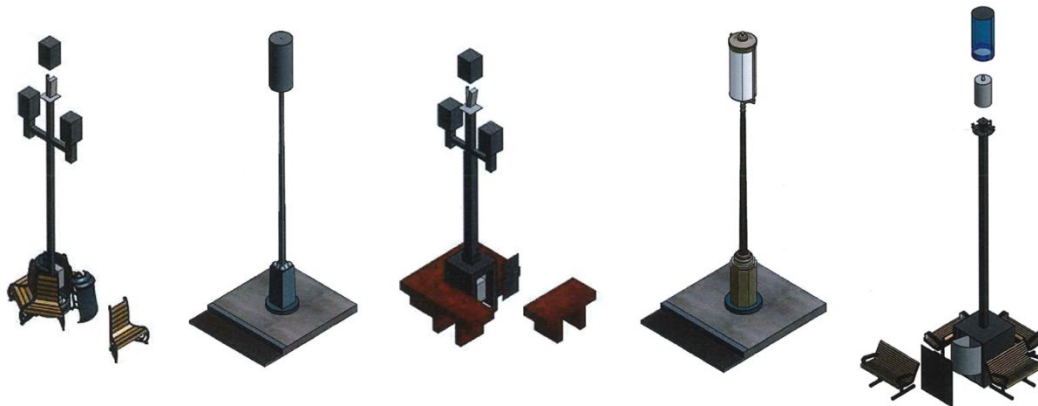
3. Maximum size and Height for Roof-Mounted Small Cell and/or DAS:

- c. Any antennas used in a Small Cell application shall not exceed 60"Hx24"Wx8"D.
- d. Any DAS node antenna shall not exceed six feet (6') in height or thirty inches (30") in diameter.
- e. Overall height of any roof-top or building mounted Small Cell or DAS antennas with supports shall not exceed 10 feet in height above the top of parapet for flat-roofed buildings or the roof line of pitched roof buildings unless an acceptable stealth solution is used, and approved by the Zoning Administrator and/or the BAR, when applicable, that is architecturally suitable and effectively camouflages the facility from adjacent properties. Examples include, but are not limited to, the following types of stealth solutions:





4. **Maximum Number:** There shall be a maximum of three (3) omnidirectional/whip antennas, or panel antennas, or any number of antennas within a single canister enclosure on any single utility pole or light standard.
5. **Maximum Extension:** Antennas shall be mounted so that the antenna with supporting mount does not extend more than eight and one-half (8 ½) feet above the existing utility pole or light standard or one (1) foot from the utility pole or light standard.
6. **Maximum Replacement Pole Height/Diameter:** The height of a replacement utility distribution pole or light standard, including antennas, shall not exceed sixty-four (64) feet in height. The diameter of a replacement utility distribution pole or light standard shall not exceed eighteen (18) inches. The height of the light fixture shall not be higher than the height of the fixture prior to the replacement of the light standard.
7. **Ground-Mounted Equipment:** When appurtenant equipment cabinets are located on the ground in any yard or street right-of-way, the following minimum standards shall apply:
 - c. No ground-mounted equipment associated with any antenna nodes shall be permitted on the property of, or in the right-of-way in front of, a residential use;
 - d. Ground-mounted equipment may be permitted inside of the Route 7/15 Bypass when an acceptable stealth solution is used, and approved by the Zoning Administrator and/or the BAR, when applicable, that is architecturally suitable and effectively camouflages the facility from adjacent properties. Examples include, but are not limited to, the following types of stealth solutions:



Ground-mounted equipment appurtenant to power-mount facilities on existing electric transmission poles shall be permitted when in accordance with Sec. 9.3.26.A.3 Standards Applicable to all Telecommunications Facilities;

- e. Any ground-mounted equipment cabinet shall not exceed five (5) feet in height or a total of seventy (70) cubic feet in volume, except within the H-1 Overlay where a maximum volume shall be limited to twenty (20) cubic feet;
- f. Any ground-mounted equipment cabinet shall be located a minimum of ten (10) feet from all lot lines when located outside of a street right-of-way;
- g. Any ground-mounted equipment cabinet shall be located so as not to obstruct any applicable sight distance and/or visibility standards required by the Town or the Virginia Department of Transportation;
- h. Any ground-mounted equipment installed within a public right-of-way shall be located so as to provide a minimum of four (4) feet of clearance along the sidewalk in order to maintain adequate pedestrian circulation;



- i. Any Small Cell and/or DAS equipment installed at ground level internal to a light pole as part of a stealth solution will be considered to be ground-mounted.
8. **Maximum Roof Area:** Roof-mounted antennas or equipment related to DAS/Small Cells shall not occupy more than 25% of the area of the roof.
9. **Lighting Prohibited:** Unless otherwise required by the Federal Communications Commission or the Federal Aviation Administration, no artificial lighting shall be permitted.
10. **Advertising Prohibited:** No advertising of any type may be placed on the facility.
11. **H-1 and H-2 Review Required:** Any Small Cell and/or DAS application proposed in the H-1 or H-2 Overlays shall require a Certificate of Appropriateness from the Board of Architectural Review.
12. **Removal of Abandoned Equipment:** All antennas and related unmanned equipment shall be removed within ninety (90) days after such antenna or related unmanned equipment are no longer in use.

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.

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Article 18 Definitions

18.1.7 Antenna

Any structure or device used to collect or radiate electromagnetic waves, including both directional antennas, such as panels, microwave dishes and satellite dishes, and omnidirectional antennas, such as whips but not including satellite earth stations. [Back to top](#)

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. [Back to top](#)

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. [Back to top](#)

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. [Back to top](#)

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." [Back to top](#)

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. [Back to top](#)

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. [Back to top](#)



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. [Back to top](#)

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. [Back to top](#)

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. [Back to top](#)

18.1.86 Inn

A commercial facility for housing and feeding of transient guests 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. [Back to top](#)

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. [Back to top](#)

18.1.102 Mailing Service

Retail sales or business service establishment to facilitate the transmittal and receipt of letter, bulk and packaging mail. [Back to top](#)

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. [Back to top](#)

18.1.121 Office

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

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. [Back to top](#)



18.1.139 Pharmacy

An establishment offering medical appliances or prescription medicines to the public; may include retail sales of non-medical goods. [Back to top](#)

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. [Back to top](#)

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. [Back to top](#)

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. [Back to top](#)

18.1.150.1 Production

The manufacturing, compounding, processing, packaging, storage, assembly, and/or treatment of finished or semifinished products from previously prepared materials; and accessory offices associated with such uses. Examples of such activities include, but are not limited to: the assembly of furniture, toys, prosthetics, pharmaceuticals, electronic components, and computer software. [Back to top](#)

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 devices; and water and sewerage pumping stations. [Back to top](#)

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. [Back to top](#)

18.1.157 Research & Development

Basic and applied scientific investigations directed toward the discovery, invention, design, or establishment of new products and services and accessory offices associated with such uses. [Back to top](#)

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.

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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.

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18.1.165 School, Technical

A school which primarily provides instruction to adults in vocational skills. [Back to top](#)

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. [Back to top](#)

18.1.169 Service Station

Buildings and premises in which the primary use is the supply and dispensing at retail sales of motor fuels and lubricants. Other vehicle-oriented goods, such as but not limited to, batteries, tires, and other motor vehicle accessories may be sold, and wherein additional mechanical services may be rendered and sales made, but only as accessory and incidental to the primary occupation of dispensing fuels. Uses permissible at a service station shall not include vehicle restoration, 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. The sale of prepared foods such as sandwiches and cooked foods is permitted as an accessory use to the extent permitted by the special exception or proffered rezoning approved for the service station. Such prepared foods may be consumed by service customers on or off of the premises. Any service station existing prior to April 26, 2016 may add on-site dining as an accessory use provided there is no building expansion for the use and parking requirements are satisfied.. [Back to top](#)

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. [Back to top](#)

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.
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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. [Back to top](#)