

Zoning Ordinance Update: Early Look at Progress on Articles V - IX Leesburg, VA

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Agenda

- Project Overview
- Quick Refresher on Articles I – IV
- Introduction to Articles V – IX
 - *Article V: Review and Decision-Making Bodies*
 - *Article VI: Review and Approval Procedures*
 - *Article VII: Nonconformities*
 - *Article VIII: Enforcement, Violations, and Penalties*
 - *Article IX: Word Usage*
- Next Steps
- Recap and Discussion



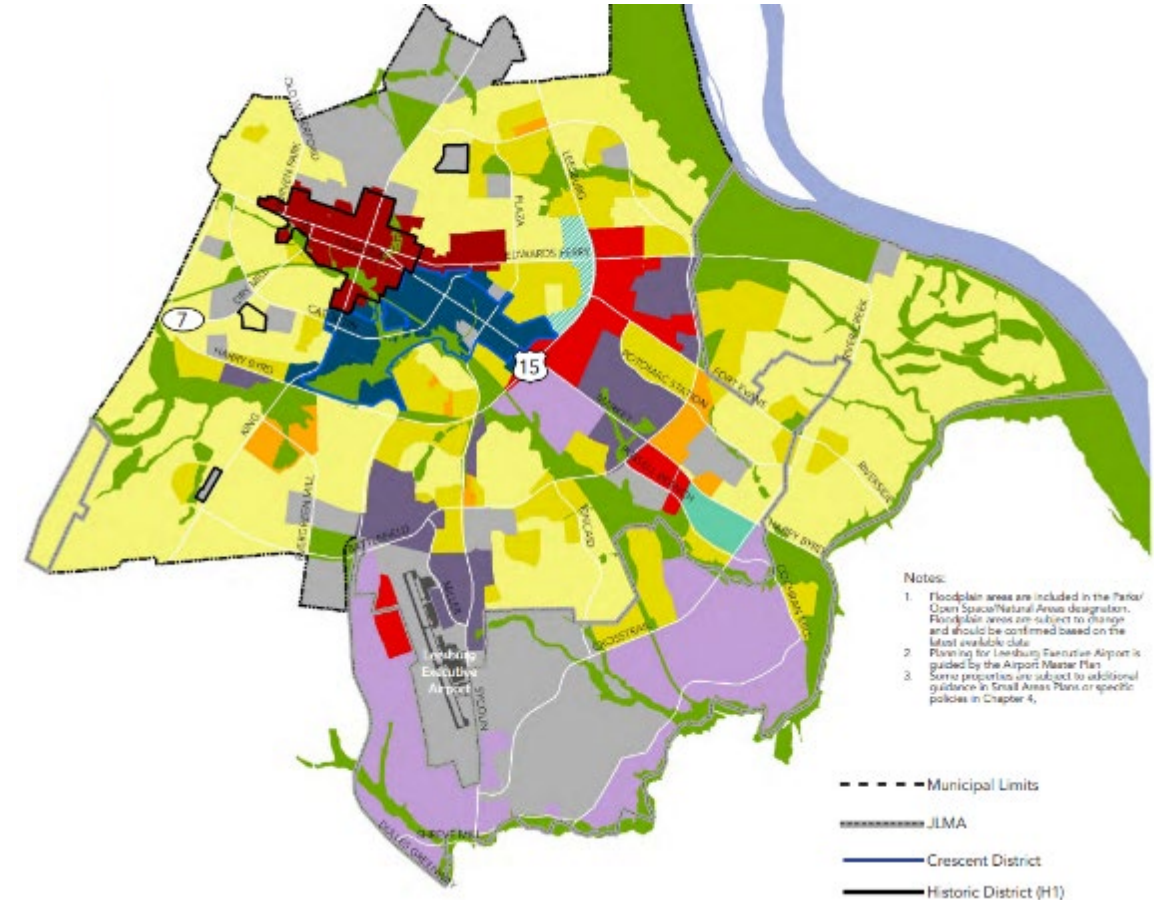


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Project Overview

Project Goals

- Implement relevant policies of the *Legacy Leesburg Town Plan*.
- Revise the Crescent Design District (Getting Started).
- Incorporate a Staff “punch list” of changes.
- Engage the public throughout the project.



Project Goals

- Perform a Code Audit with an eye toward internal consistency, zoning best practices, changes to parking regulation, and legal soundness.
- Improve the structure and format, including graphics, of the Zoning Ordinance.

Sec. 10.1 Residential Zoning Districts

The following table provides a summary of the Density Intensity and Dimensional Standards that apply within residential zoning districts. In the event of conflict between the various district standards listed in Article 5, the standards listed in Article 5 shall control.

	R-0	R-1	R-2	R-3	R-4	R-5	R-6	R-7	R-8	R-9	R-20
Minimum Lot Width (ft)											
Single-Family Detached	30	30	30	30	30	30	30	30	30	30	30
Single-Family Attached, Corner and Penetration	30	30	30	30	30	30	30	30	30	30	30
duplex Vertical	30	30	30	30	30	30	30	30	30	30	30
duplex Horizontal	30	30	30	30	30	30	30	30	30	30	30
Multi-Family	30	30	30	30	30	30	30	30	30	30	30
Corner Lot	45	45	45	45	45	45	45	45	45	45	45
Minimum Density (per acre)											
Single-Family	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0
Minimum Front Setback (feet)											
Front (Residential)	20	20	20	20	20	20	20	20	20	20	20
Front (Commercial)	20	20	20	20	20	20	20	20	20	20	20
Side	5	5	5	5	5	5	5	5	5	5	5
Rear	5	5	5	5	5	5	5	5	5	5	5

	R-0	R-1	R-2	R-3	R-4	R-5	R-6	R-7	R-8	R-9	R-20
Maximum Building Height (feet)											
Residential	45	45	45	45	45	45	45	45	45	45	45
Commercial	45	45	45	45	45	45	45	45	45	45	45
Side Yard Setback	5	5	5	5	5	5	5	5	5	5	5
Rear Yard Setback	5	5	5	5	5	5	5	5	5	5	5
Minimum Lot Area (sq. ft.)											
Corner Lot	45	45	45	45	45	45	45	45	45	45	45

(1) Single-Family Detached

	Minimum Setback	Maximum Setback
Front Yard	20	20
Corner Lot	45	45

(2) Minimum Lot Width (feet)

	Minimum Lot Width	Corner Lot Width
Single-Family Detached	30	45
duplex Vertical	30	30
duplex Horizontal	30	30
Multi-Family	30	30

(3) Minimum Front Setback (feet)

	Minimum Front Setback	Corner Lot Front Setback
Single-Family Detached	20	20
Single-Family Attached	20	20
duplex Vertical	20	20
duplex Horizontal	20	20

(4) Minimum lot area for single-family detached: 13,500 sq. ft. for corner lots, 20,000 sq. ft. for other corner lots.
 (5) Maximum lot area for single-family attached: 12,000 sq. ft. for other lots, 20,000 sq. ft. for corner lots.
 (6) Adjustments to any minimum setbacks or other dimensional standards shall be made in accordance with the provisions of Sec. 24.04 Special Conditions.
 (7) Maximum height for a detached garage may exceed 20 feet when allowed by special exception approved by the Town Council in accordance with the provisions of Sec. 24.04 Special Conditions.
 (8) Maximum height for a detached garage may exceed 20 feet when allowed by special exception approved by the Town Council in accordance with the provisions of Sec. 24.04 Special Conditions.

Table 4-3.3-1, 8: Lot and Building Standards

Lot Standards	Conventional	Conservation
Minimum Lot Width (ft.)	30	30
Minimum Lot Area (sq. ft.)	1,000	1,000
Average Lot Area per Acre	1.0	1.0
Average Lot Width	200 ft.	200 ft.

Primary Building Placement and Height	Conventional	Conservation
C Front Setback (minimum)	20 ft.	20 ft.
D Side Setback (minimum)	20 ft.	20 ft.
E Rear Setback (minimum)	20 ft.	20 ft.
F Side Setback (maximum)	35 ft.	35 ft.

Accessory Building Placement and Height	Conventional	Conservation
H Front and Rear Side Setback (minimum)	Not permitted in the front yard area forward of the principal building or in the rear yard area rearward of the principal building.	Not permitted in the front yard area forward of the principal building or in the rear yard area rearward of the principal building.
I Side Setback (minimum)	20 ft.	20 ft.
J Rear Setback (minimum)	20 ft.	20 ft.
K Fence or Enclosure Height (Maximum)	42 in./3.5 ft.	42 in./3.5 ft.
Side Yard	7 ft.	7 ft.
Front Yard	42 in./3.5 ft.	42 in./3.5 ft.
Rear Yard	7 ft.	7 ft.

enCodePlus Site: Front End/Public Facing



- “Native” to the internet
- Tabs to be populated once draft is publicly available

New User-Friendly Features

The screenshot shows a web browser displaying a zoning ordinance document. The interface includes a navigation menu on the left, a main content area with a table and illustrations, and a top navigation bar. Callouts A through E highlight specific features:

- A**: Points to the top navigation bar with links like Home, View, Search, Archives, Maps, Quick Links, and Quick Tables.
- B**: Points to the 'Table of Contents' section in the left sidebar.
- C**: Points to a table titled 'Table 23-3-1, Permanent Sign Types Allowed by Zoning District'.
- D**: Points to a section titled 'Figure 23-3-1 Illustrated Sign Types' which contains four illustrations: Awning Sign, Canopy Sign, and Electronic Message Center Area.
- E**: Points to a pop-up definition box for 'Monument Sign' that appears over the table.

Sign Types	Residential Districts	Commercial and Industrial Districts	Special Use and Overlay Districts
Monument Sign	IM, RU, PRC, PRN	CN, CS, IR, MU, IC, CD	MC, GC, A-3, FP, DT, H-1, R-HD, GW
Monument	P, C	P	P
Neon	—	—	P
Projecting	—	P	P
Wall	—	P	P
Wall - Secondary [Note: Could be broadened to include: Accessory Residential Use signs, Incidental, and Secondary Wall.]	P, C	P, C	P
Window	—	—	P

A – “Native” to the internet

B – Table of Contents always visible

C – Tables consolidate information

D – Graphics clarify meaning and intent

E – Pop-up definitions



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Quick Refresher on Articles I - IV

Quick Refresher on Articles I - IV

KEY COMPONENTS OF ZONING DISTRICTS

- Establishes zoning districts covering the entire town
 - Residential Districts
 - Commercial Districts
 - Mixed-Use Districts
 - Downtown District
 - Industrial and Research Districts
 - Special Purpose Districts
 - Overlay Districts
 - Planned Development Districts
- Provides dimensional standards for each zoning district addressing
 - Setbacks
 - Density
 - Lot Width
 - Building Height
 - Fences
 - Open and Community Amenity Space
- Includes tables and graphics for each zoning district



Lot Standards		Conventional	Conservation
	Community Amenities (minimum)	10%	30%
	Permitted Community Amenities ^[1]	Enhanced Parking Lot Landscaping, Enhanced Foundation Plantings, Enhanced Stormwater Management, Natural Areas, Greenways and Linear Parks, Community Gardens, Parks, Playgrounds, and Pocket Parks, Greens, Recreation Areas, School Sites, Community Centers or Other Public Facilities	
	Maximum Density (du/ac)		
	-Within 600' of a community amenity	5.0	7.8
	-Outside of 600' of a community amenity	3.8	6.2
A	Average Lot Area per Unit		
	-Single-Family Detached	6,500 sq. ft.	5,500 sq. ft.
	-Single-Family Attached / Townhouse	3,250 sq. ft.	2,750 sq. ft.
	-Duplex, Vertical	5,000 sq. ft.	4,000 sq. ft.
	-Duplex, Horizontal	10,000 sq. ft.	8,000 sq. ft.
B	Average Lot Width		
	-Single-Family Detached	65 ft.	55 ft.
	-Single-Family Attached / Townhouse	35 ft.	27.5 ft.
	-Duplex, Vertical	40 ft.	40 ft.
	-Duplex, Horizontal	75 ft.	75 ft.

Quick Refresher on Articles I - IV

KEY COMPONENTS OF LAND USES

- Establishes what land uses are permitted in each zoning district
- Distinguishes between a range of uses:
 - Permitted
 - Limited
 - Minor Special Exception
 - Special Exception
 - Prohibited
- Introduces “Use Categories” that group uses with similar characteristics and impacts in order for consistency and brevity of Use Table
- Provides associated standards for Limited and Special Exception Uses
- Also includes standards for:
 - Accessory uses and structures
 - Temporary uses and structures
 - Telecommunication facilities
- New uses or those not included in the Use Table

Table 11-2-1, Use Table

Key: P = Permitted by Right | L = Limited Use | M = Minor Special Exception | S = Special Exception -- = Prohibited

Use Category	Specific Uses	Current Districts (Remove Upon Adoption)																	Use-Specific Standards	
		RE	R1	R2	R4	R6	RHD	R8	R16	R22	O1	B1	B2	B3	B4	I1	New	CD		Special Purpose
		Proposed New Districts																		
		RS	RM	RHD	RM	RU	CN	DT	CS	RU	IR	MU	IC	CD	MC	GC [4]				
AGRICULTURAL USES																				
Agricultural	Natural Spring Water Extraction and Bottling Plant		--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	Sec. 12.3.A.1	
	Community Garden		P	P	P	P	P	P	P	--	P	--	P	P	P	--	--			
	All Agricultural Uses Not Listed Above		--	--	--	--	--	--	--	--	--	P	--	--	--	--	--			
RESIDENTIAL USES																				
Household Living	Multifamily Dwelling				P		P	P	--	L		L	--	P	M	P	--	--	Sec. 12.2.A.1	
	Single-Family Detached Dwelling			P	P	P	P	--	--	--	--	--	--	--	--	--	--	--		
	Single-Family Attached Dwelling				P	M	P	P	--	--	--	P	--	P	M	P	--	--	Sec. 12.2.A.1	
	Live-Work Units		--	M	--	M	L	--	--	--	L	--	L	L	L	--	--			
	Manufactured Home		--	L	--	L	--	--	--	--	--	--	--	--	--	[1]	--	--		
Group Living	Continuing Care Facility		--	S	--	S	S	S	--	L	S	--	L	L	L	L	--	--	Sec. 13-2.B.2	
	Group Home		P	P	P	P	--	--	--	--	--	--	--	--	--	--	--	--		
	Congregate Housing Facility		--	--	--	--	--	--	--	--	--	--	M	--	M	--	--			

Quick Refresher on Articles I - IV

KEY COMPONENTS OF DEVELOPMENT STANDARDS

Includes requirements in addition to the dimensional standards and permitted land uses

Building Design

Includes building material options and specifications, design requirements (orientation, entrance features, rooflines, etc) for different use types and in different districts (Topic still under discussion with Town staff)



Parking

Includes vehicle and bicycle parking requirements, shared parking factors, design of parking spaces and lots, vehicle stacking requirements, and pedestrian access.



Landscaping

Includes requirements for bufferyards between adjacent properties with different uses, parking lot landscaping, and options to increase sustainability



Lighting

Includes requirements for lighting including cut-off fixtures to prevent light spill and glare, height of different lighting types, and lighting standards for specific uses



Signs

Includes permitted sign types by district, along with illustrations and standards for each sign type

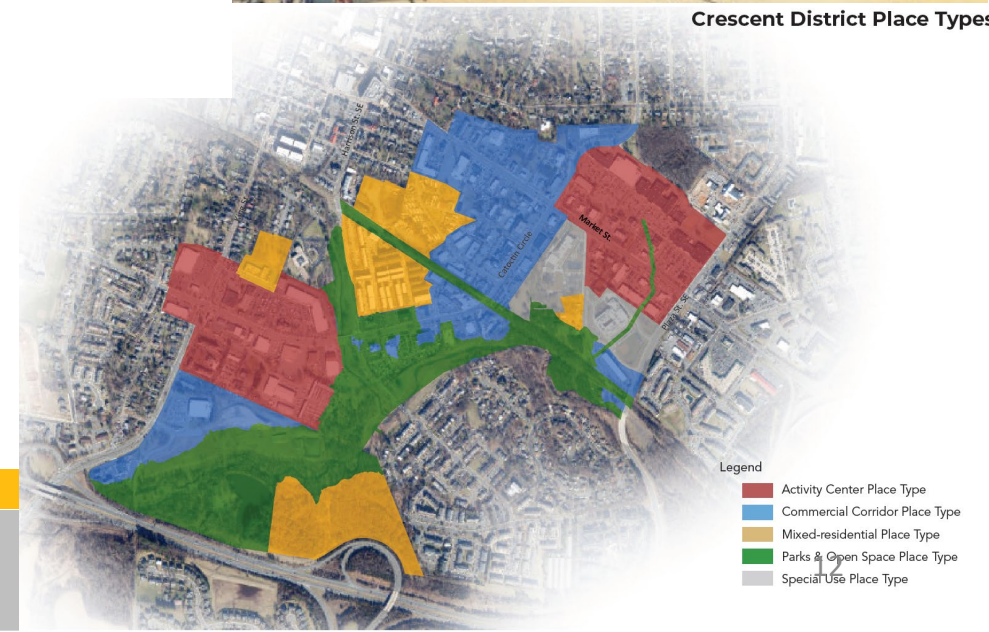


Quick Refresher on Articles I - IV

- Old and Historic District
 - Procedures and standards are work in progress with subconsultants
 - Significant input from Town staff on what is working and what needs improving
- Crescent District
 - Draft Crescent Plan will be implemented by Zoning Ordinance
 - Form-based code envisioned for Activity Areas



Crescent District Place Types



Quick Refresher on Articles I - IV

- What the Crescent District regulations may look like
 - Frontage Types

Table 2.24-2-1, Permitted Building Frontage Types by Form District Sub-Area

Frontage Type	Districts				
	Downtown Arts		San Jacinto		
	DTA-MS	DTA-Flex	SJ-MS	SJ-Flex	SJ-3
Shopfront	R	♦	R	♦	--
Gallery	♦	♦	♦	♦	--
Dooryard/Terrace	C	♦	C	♦	♦
Stoop	--	♦	--	♦	♦
Forecourt	--	♦	C	♦	♦
Porch	--	♦	--	♦	♦

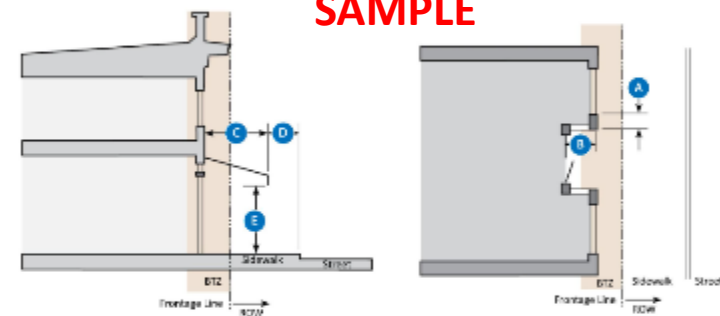
TABLE NOTES:
 R = required
 ♦ = permitted
 -- = prohibited
 C = a Terrace frontage may be permitted where specific conditions exist that prevent at-grade ground floor, such as need to elevate above floodplain; a Forecourt may be permitted in San Jacinto-MS if all forecourt ground floor elevations meet the Shopfront transparency and entrance requirements

SAMPLE



Table 2.24-2-2, Shopfront Frontage Standards
 Description: In the Shopfront frontage, the front facade of the building is at or near the frontage line with large windows and an at-grade entrance along the public sidewalk. The Shopfront frontage may include a canopy or awnings that project over the sidewalk along the frontage. They may be continuous or in alignment with the entrance and shopfront windows. A canopy is a structural cantilevered shed roof, and an awning is canvas or similar material and is often retractable. A Shopfront may be used in conjunction with other frontage types.

SAMPLE



Dimensional Standards

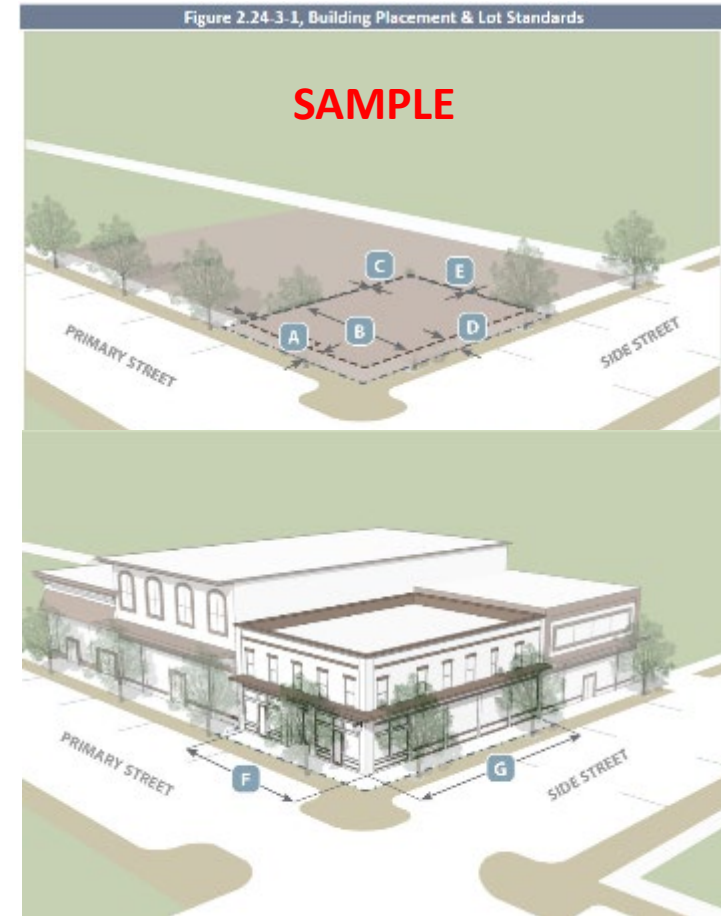
A Distance between glazing	2 ft. max.
Transparency: Ground Floor, measured from 2 ft to 10 ft; should allow a view of at least 5 ft. of interior space	Min: 70% Max: 90%
Transparency: Upper Floors, measured per floor	Min: 30% Max: 70%
B Recessed Entries (permitted)	5 ft. max. depth
C Canopy or Awning (permitted)	4 ft. min. depth
D Awning Maximum Projection	to street tree lawn or 2 ft. from back of curb
E Awning Height, Clear	8 ft. min.

Shopfront Examples



Quick Refresher on Articles I - IV

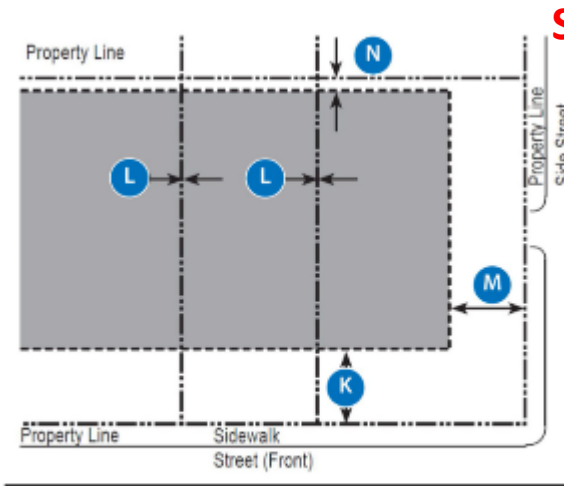
- What the Crescent District regulations may look like
 - Frontage Types
 - Building Placement



Quick Refresher on Articles I - IV

- What the Crescent District regulations may look like
 - Frontage Types
 - Building Placement
 - Parking Location

Figure 2.24-3-4, Parking



SAMPLE

4. DTA Parking ¹			
Figure Label	Parking Placement	DTA-MS	DTA-FLX
	General Location	Behind	Behind, Side
K	Front Street Parking Setback ²	30' minimum	30' min from block corner 10' min in other locations ⁴
L	Interior Side Setback (mid-block lot)		0' min
M	Side Street Parking Setback (corner lot)	30' min from block corner 10' min in other locations ⁴	
Rear Setback:			
N	from a separate lot ³ from an alley	5' minimum 0' minimum	
	Required Parking Spaces	There is no minimum number of parking spaces for development within the DTA district.	

Quick Refresher on Articles I - IV

SAMPLE (Not Leesburg)

- What the Crescent District regulations may look like
 - Frontage Types
 - Building Placement
 - Parking Location
 - Land Use

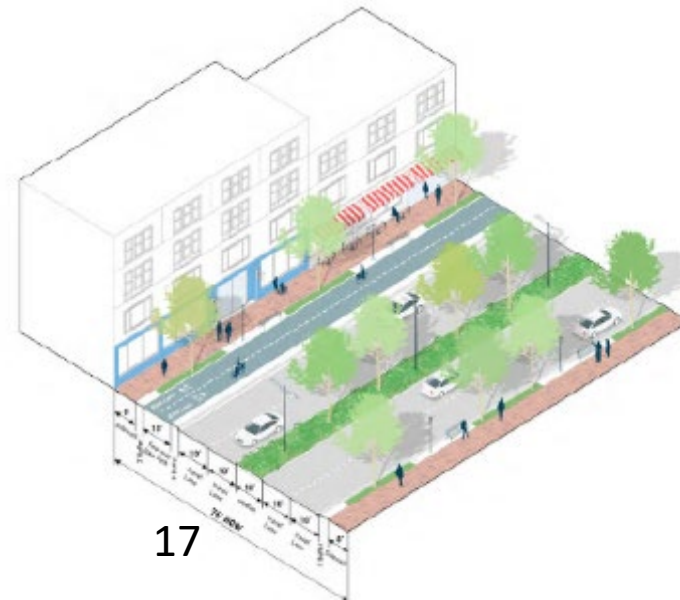
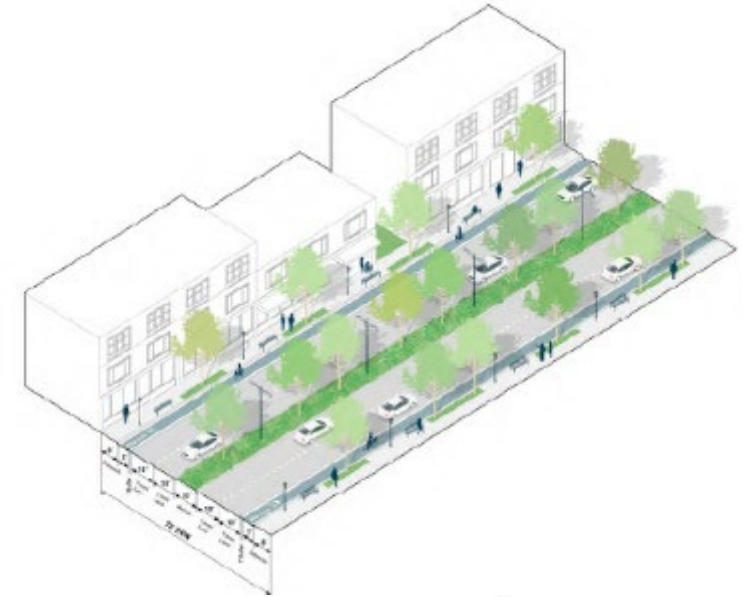
Table 2.31-1, Land Use Table

Key: P = Permitted Use | S = Special Use | L = Limited Use | -- = Prohibited
 CV = Conventional Development Type | CS = Cluster Development Type | IF = Infill Development Type | MS = Main Street | FLX = Flex

Use Category	Specific Uses	Zoning Districts															Use Standards				
		Residential								Mixed-Use				Non-Residential							
		ER	SR	MR	UR	AR		MUN	DTA	SJ	Non-Residential										
		CV	CV	CS	CV & IF	CV	IF	MS	FLX	MS	FLX	SJ-3	NC	GC	FC	LI		HI	OR		
AGRICULTURE AND ANIMAL USE SERVICES																					
Agriculture and Animal Uses	Agricultural Sales and Service	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	--	--	--	--	--
	Community Garden	P	P	P	P	P	P	P	P	--	P	--	P	P	P	P	--	P	P	P	P
	Kennel	--	--	--	--	--	--	--	--	--	--	--	--	--	--	L	--	P	--	--	--
	Greenhouse or Nursery	L	L	L	--	--	--	--	--	--	--	--	--	--	--	P	P	P	--	--	--
	Veterinary Clinic or Veterinary Hospital	--	--	--	--	--	--	--	L	--	L	--	L	L	--	L	L	P	--	--	--
	All Agricultural and Animal Uses Not Listed Above	L	L	--	L	--	--	--	L	--	--	--	--	--	--	L	--	L	L	L	L
RESIDENTIAL USES																					
Agriculture and Animal Uses	Cottage Court	--	--	--	--	--	--	L	L	--	--	--	--	--	--	--	--	--	--	--	--
	Community Dwelling, Single-Unit Detached	P	P	P	P	P	P	--	P	--	--	--	--	--	--	--	--	--	--	--	--
	Dwelling, Single-Unit Attached	--	L	L	P	P	P	--	P	--	P	--	P	--	--	--	--	--	--	--	--
	Dwelling, Townhouse	--	--	--	P	P	P	--	P	--	P	--	P	--	--	--	--	--	--	--	--

Quick Refresher on Articles I - IV

- What the Crescent District regulations may look like
 - Frontage Types
 - Building Placement
 - Parking Location
 - Land Use
 - Street Types



Quick Refresher on Articles I - IV

- What the Crescent District regulations may look like
 - Frontage Types
 - Building Placement
 - Parking Location
 - Land Use
 - Street Types
 - Place Types
 - Activity Center
 - Commercial Corridor
 - Mixed Residential



3

Introduction to Articles V - IX

Article V: Development Review Bodies

High Points and Key Changes

- Relocated to back of Ordinance
- Remove “legalese” and update statutory references
- Clarification of BZA membership
 - Reappointment and Succession
 - No other public office except for Planning Commission
- Posters list review and decision making authority of various review bodies

- Zoning Administrator
- Land Development Official
- Floodplain Administrator

ADMINISTRATIVE OFFICIALS



- Town Council
- Planning Commission
- Board of Architectural Review
- Board of Zoning Appeals

ELECTED AND APPOINTED



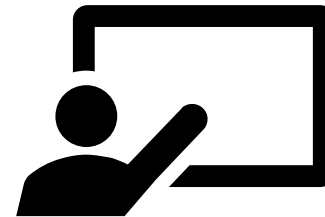
Article VI: Review and Approval Procedures - Common Review Procedures

Highlights and Key Changes

- Relocated to the back of the Ordinance
- Incorporation of Common Review steps arranged in the general order that they occur
 - Pre-Application Conference
 - Neighborhood Meeting
 - Application Submittal and Completeness
 - Application Review and Distribution
 - Common Decision Criteria
 - Public Notice
 - Public Meetings and Hearings
 - Decision and Post-Decision Provisions
 - Appeals
 - Inactive, Withdrawn, and Expired Applications
- Clarification on waiting period for resubmittals

Improving Citizen Engagement

- Strategy 3.1.5 of Legacy Leesburg: Create Additional Opportunities for Public Input
- Explore whether neighborhood meetings can be required by State law
- Potential applicant has to notify: the ZA, recipients of notice for the formal application, and organized neighborhood associations



Article VI: Review and Approval Procedures - Common Review Procedures

Common Decision Criteria

Highlights and Key Changes

- Relocated to the back of the Ordinance
- Incorporation of Common Review Procedures, arranged in the general order that they occur
 - Pre-Application Conference
 - Neighborhood Meeting
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 - Inactive, Withdrawn, and Expired Applications
- Clarification on waiting period for resubmittals

Table 27-6-1, Decision Criteria Applicability

◆ = Decision criteria applies

Decision Criteria	Administrative Applications	Legislative Applications	Quasi-Judicial Applications
The request complies with the applicable standards of this Ordinance, the Design and Construction Standards Manual , and any applicable county, state, or federal requirements.	◆	◆	◆
The request conforms to any prior approval for the development, such as a Zoning Map Amendment , Special Exception , or Variance .	◆		◆
The request is consistent with the Town Plan , including the Preservation & Change Map , applicable master or small area plans (such as the Crescent District Master Plan , Eastern Gateway District Small Area Plan , and Airport Master Plan), applicable utility plans, the current Transportation Improvement Plan , and capital improvements plans. If the application addresses a topic that is not contained or not fully developed in these documents, it shall not impair their implementation. Inconsistency with the Town Plan may be one reason for denial of an application.	Commission Permits only	◆	
The request promotes the purposes of this Ordinance as established in Sec. 1-2 (Purposes) and in other applicable purpose statements in this Ordinance.		◆	◆
Adequate facilities, including public or private utilities, solid waste service, roads, drainage, and other improvements are present or are planned to be provided.		◆	◆
The request demonstrates compatibility with surrounding conforming and permitted land uses and structures and with the general character of the area.		◆	◆

Reduces repetition • Removes similar but conflicting language for each procedure • Consolidates frequently used criteria in 1 location

Article VI: Review and Approval Procedures - Common Review Procedures

Highlights and Key Changes

- Relocated to the back of the Ordinance
- Incorporation of Common Review Procedures, arranged in the general order that they occur
 - Pre-Application Conference
 - Neighborhood Meeting
 - Application Submittal and Completeness
 - Application Review and Distribution
 - Common Decision Criteria
 - Public Notice
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 - Decision and Post-Decision Provisions
 - Appeals
 - Inactive, Withdrawn, and Expired Applications
- Clarification on waiting period for resubmittals



Appeals

- Consolidates references in 11 Sections from existing Zoning Ordinance
- This type of consolidation applies to many of the other Common Review Procedures
- New references to Code of Virginia

Article VI: Review and Approval Procedures - Common Review Procedures

Highlights and Key Changes

- Clarification on existing Development Review Summary Table
- Shows who makes recommendations and decisions, what kind of notice is required, and if a hearing is required.

Table 27-1-2, Development Review Summary Table

Procedure	Section / Division	Review and Decision-Making Authority					Notices (Written, Placard, Newspaper)
		Staff	PC	BZA	BAR	Council	
Legislative Decisions							
Town Plan Amendment	Sec. 29-1	R	<R>	—	—	<D>	W, P, N
Zoning Ordinance Text Amendments	Sec. 29-2	R	<R>	—	—	<D>	N
Zoning Map Amendments	Sec. 29-3	R	<R>	—	—	<D>	W, P, N
Planned Development Districts	Sec. 29-4	R	<R>	—	—	<D>	W, P, N
BAR Certificate of Appropriateness	Sec. 29-5	R	—	—	<D>	A	W, P
Historic District Demolition Permit	Sec. 29-6	R	—	—	<D>	A	W, P
Special Exceptions	Sec. 29-7	R	<R>	—	—	<D>	W, P, N
Minor Special Exceptions	Sec. 29-7	R	—	—	—	<D>	W, P, N
Quasi-Judicial Decisions							
Variance	Sec. 30-1	R	—	<D>	—	—	W, P, N
Variance, Floodplain	Sec. 30-2	R	—	<D>	—	—	W, P, N
Interim Waiver	Sec. 30-3	R	—	—	—	<D>	W, P, N
Appeal of Administrative Decision	Sec. 30-4	—	—	<D>	—	—	W, P, N
Appeal of Proffer Interpretations	Sec. 30-5	D	—	—	—	<A>	N

PC = Planning Commission; BZA = Board of Zoning Appeals; BAR = Board of Architectural Review; Council = Town Council

R = Review Body (Responsible for review and recommendation)

D = 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

M = written notice; P = placard notice; N = newspaper notice; * = notice only on appeal to BZA

Article VI: Review and Approval Procedures - Common Review Procedures

Highlights and Key Changes

- Create structural rigor by establishing procedural common elements
- Each individual development review application follows the pattern in the table.

Table 27-1-1, Procedural Elements

Element	Description
Applicability	The type of development or situation that is subject to the process.
Initiation	This is how the applicant begins the process by submitting all information required for a complete application (including required fee payments).
Completeness	This is how the Town determines that the application has sufficient information to be processed.
Staff Review	Review of the application by appropriate staff and preparation of a staff report for legislative processes.
Notice	This describes the type of notice, and how it is provided.
Public Hearing	Where applicable, public hearings are held on applications.
Decision	Action by staff for an administrative process or action by public body for a legislative process to approve, approve with conditions, or deny the application.
Approval Criteria	These are any specific standards that apply to the application. All applications are subject to this Ordinance, zoning district regulations, and any conditions of a currently effective preceding permit or action (such as a rezoning or subdivision plat) for that property.
Waiting Period	If an application is denied, some processes have a waiting period before that type of application can be re-filed for the property.
Appeals	A procedure by which an aggrieved person may challenge the approval or denial of an application, or a notice of violation, or any other decision,
Scope	Actions authorized by the permit and the time period for exercising rights under the order or permit.

Article VI: Review and Approval Procedures - Administrative Decisions

Highlights and Key Changes

- Create Limited Use Review, tied to Use Table, with Administrative review and approval of certain land uses. For example, short term rentals.
- Elaboration / clarification in terms of approval criteria, waiting periods to appeal, public notice / hearings.
- Each application has similar structure to one another

- Zoning Permit
- Limited Use Review
- Affordable Dwelling Unit Development
- COA (Admin)
- Floodplain Dev Permit
- Demo Permit
- Occupancy Permit
- Written Interpretation
- Minor Modification
- Site Plan
- Wall Check
- Sign Permit
- Temporary Sign permit
- Comprehensive Sign Plan
- Commission Permit
- Temporary Use Permit

Division 28, Administrative Decisions – Applications that Town staff makes decisions on. Minimal discretion is involved (unlike Legislative or Quasi-Judicial).



Article VI: Review and Approval Procedures - Legislative Decisions

Highlights and Key Changes

- Clarifications of:
 - The purposes of the procedures.
 - The “scope” of approval (for example, approval of a rezoning does not automatically allow development).
 - Reworking of BAR-approved Certificate of Appropriateness (In progress)
 - Merging of Historic District Demo Permit with BAR-approved Certificate of Appropriateness (in progress)

- Town Plan Amendment
- ZO Text Amendment
- Zoning Map Amendment
- Planned Development
- COA (BAR)
- Historic District Demolition (BAR)
- Special Exception

Division 29, Legislative Decisions – Applications that Town Council or BAR makes decisions on. Discretion is involved with latitude to make decisions based on a variety of factors (unlike Administrative).



Article VI: Review and Approval Procedures - Judicial Decisions

Highlights

- Variances provide relief from strict adherence to standards of the Zoning Ordinance under limited circumstances.
- Provides route for persons aggrieved by a decision of Staff, even if they were not the applicant.

- Variance
- Floodplain Variance
- Interim Waiver
- Appeal of Admin Decision
- Appeal of Proffer Interp

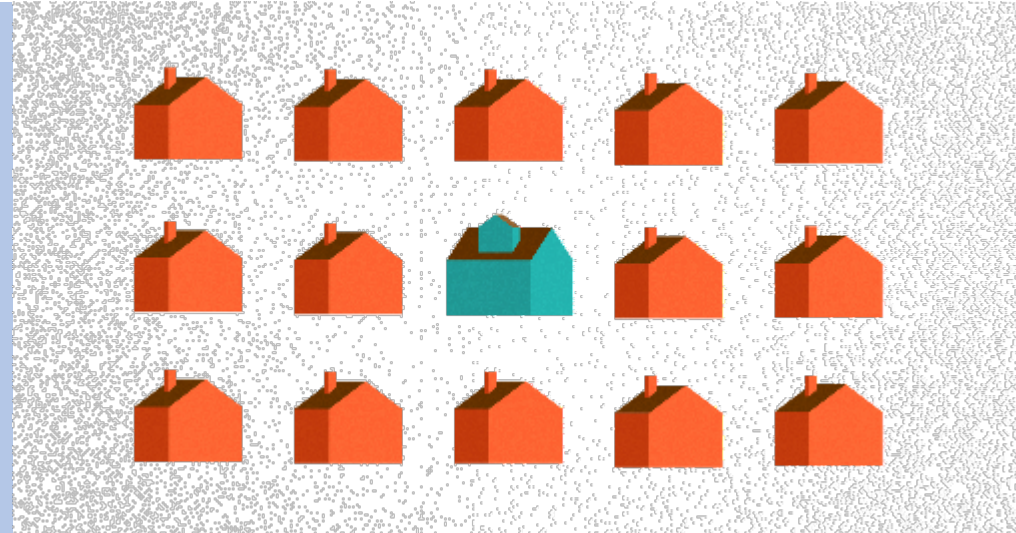
Division 30, Quasi-Judicial Decisions – Applications that generally require final decisions of the BZA that establish the way design or development will occur on specific sites in manners that either vary from the standards of the Zoning Ordinance or that are contested by an aggrieved party.



Article VII: Nonconformities

Highlights and Key Changes

- Addition of Nonconforming Site Elements (such as landscaping, lighting, or parking) along with uses, structures, lots of record, and signs.
- Conversion of “minor nonconforming use” to a conforming use through a Special Exception. May assist with financing or insuring and therefore encourage re-investment in a property.
- Zoning Administrator may determine a minor nonconforming use based on: lack of nuisances, no material history of complaints about the use, maintained in good condition, and other criteria.



Article VIII: Enforcement, Violations, and Penalties

Highlights and Key Changes

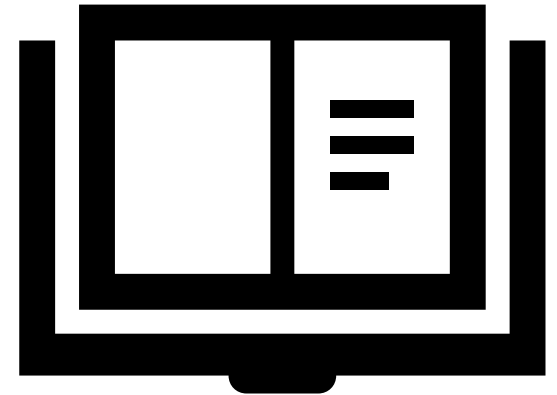
- Judicial and Non-Judicial Remedies: Court versus tools such as stop work orders or withholding permits
- Language clarification
- Clarify when a judicial remedy can be sought (Town Council; Town Manager; Zoning Administrator; Citizen)



Article IX: Word Usage

Highlights and Key Changes

- Rules of Construction – How days are calculated, rounding, shall versus must, delegation of authority.
- Review of definitions for duplications and inconsistencies.
- Added new definitions for: Bar, tavern, or night club, Business park, Legacy district, Mixed use center, and others.





4

Next Steps

Schedule





5

Recap and Discussion

Questions from Agenda

- 1. Process.** Are there any elements of the legislative or administrative processes that need refinement?
 - 1. Administrative decisions* include Zoning Permit, Demolition Permit, Floodplain Development Permit, Occupancy Permit, Minor Modification, Site Plan, Sign Permit, Comprehensive Sign Plan, Commission Permit, and Temporary Use Permit.
 - 2. Legislative decisions* include Town Plan Amendment, Zoning Ordinance Amendment, Rezoning, and Special Exception.
- 2. Enforcement, Violations, and Penalties.** Does the Planning Commission have any input on the Town's adopted procedures for correcting Zoning violations?
- 3. Word Usage.** Are there any existing "rules of construction" that need attention? Are there any existing land use definitions that need to be updated or are there key terms that need to be added to the Definitions section of the Zoning Ordinance?
- 4. Other.** Are there improvements needed elsewhere in the existing Zoning Ordinance? What feedback does the Planning Commission have on proposed concepts in the Consultant presentation?

Zoning Ordinance Update: Early Look at Progress on Articles V - IX Leesburg, VA

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