

# Article 8 | Planned Development Districts

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## Contents of Article

- Sec. 8.1 General ..... 8-2
  - 8.1.1 Purpose ..... 8-2
  - 8.1.2 Applicability ..... 8-3
- Sec. 8.2 Procedures ..... 8-3
  - 8.2.1 Concept Plan ..... 8-3
  - 8.2.2 Planned Development (PD) Rezoning Plans ..... 8-3
  - 8.2.3 Planned Development Zoning Map Amendment ..... 8-8
  - 8.2.4 Minor Modifications ..... 8-10
- Sec. 8.3 General Development Standards ..... 8-10
  - 8.3.1 Minimum Area of Planned Development Districts ..... 8-10
  - 8.3.2 Lot Size ..... 8-11
  - 8.3.3 Residential Density and Nonresidential Intensity in General ..... 8-11
  - 8.3.4 Planned Development Residential Density Limits ..... 8-11
  - 8.3.5 Planned Development Nonresidential Intensity Limits ..... 8-13
  - 8.3.6 Management of Common Open Space and Improvements ..... 8-14
  - 8.3.7 Requirements for Landscaping in All Planned Developments ..... 8-15
  - 8.3.8 Improvement of Common and Public Open Space ..... 8-16
- Sec. 8.4 PRN, Planned Residential Neighborhood District ..... 8-16
  - 8.4.1 Purpose ..... 8-16
  - 8.4.2 Permitted Uses ..... 8-16
  - 8.4.3 Special Exception Uses ..... 8-17
  - 8.4.4 Residential Density ..... 8-17
  - 8.4.5 Timing of Commercial and Employment Uses ..... 8-17
  - 8.4.6 Density, Intensity and Dimensional Standards ..... 8-17
  - 8.4.7 Open Space ..... 8-18
  - 8.4.8 Open Space Requirement for “Infill” PRN ..... 8-18
- Sec. 8.5 PRC, Planned Residential Community District ..... 8-18
  - 8.5.1 Purpose ..... 8-18
  - 8.5.2 Permitted Uses ..... 8-18
  - 8.5.3 Special Exception Uses ..... 8-19
  - 8.5.4 Residential Density ..... 8-20
  - 8.5.5 Density, Intensity and Dimensional Standards ..... 8-20
  - 8.5.6 Open Space ..... 8-20
- Sec. 8.6 PEC, Planned Employment Center District ..... 8-20
  - 8.6.1 Purpose ..... 8-20
  - 8.6.2 Permitted Uses ..... 8-20
  - 8.6.3 Support Uses ..... 8-21
  - 8.6.4 Special Exception Uses ..... 8-22
  - 8.6.5 Use Limitations ..... 8-22
  - 8.6.6 Density, Intensity and Dimensional Standards ..... 8-23
  - 8.6.7 Floor Area Ratio ..... 8-23
  - 8.6.8 Open Space ..... 8-23
- Sec. 8.7 PD-CC-SC, Planned Development-Commercial Center-Small Regional Center ..... 8-23
  - 8.7.1 Purpose ..... 8-23
  - 8.7.2 Use Regulations ..... 8-24
  - 8.7.3 Continued Use ..... 8-25
  - 8.7.4 Special Exceptions ..... 8-25

8.7.5 Density, Intensity and Dimensional Standards.....	8-26
8.7.6 Parking .....	8-27
8.7.7 Design .....	8-27
8.7.8 Lighting.....	8-27
8.7.9 Signage.....	8-27
8.7.10 Application to the County Development Approvals .....	8-28
8.7.11 Use Standards .....	8-28
Sec. 8.8 PD-IP, Planned Development-Industrial Park.....	8-29
8.8.1 Purpose.....	8-29
8.8.2 Use Regulations.....	8-30
8.8.3 Continued Use .....	8-32
8.8.4 Special Exceptions.....	8-32
8.8.5 Substantial Conformance.....	8-32
8.8.6 Density, Intensity and Dimensional Standards.....	8-32
8.8.7 Parking.....	8-33
8.8.8 Access.....	8-33
8.8.9 Lighting.....	8-33
8.8.10 Signage .....	8-33
8.8.11 Application to the County Development Approvals .....	8-33

**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.** Changes to applicable zoning regulations shall be subject to the following conditions:
  - 1. The request for zoning modifications shall be processed concurrently with the PD Rezoning or PD Rezoning Amendment.
  - 2. The request for zoning modifications shall include a written justification, supported by scaled graphic illustrations, of how the goals of the Town Plan and applicable sections of the Zoning Ordinance can be better achieved by stating how the modification to the regulation will:
    - a. achieve an innovative design, and
    - b. improve upon the existing regulations;
    - c. exceed the public purpose of the existing regulation.
  - 3. Zoning Modifications shall be subject to the following approval criteria:
    - a. No modification will be granted for the primary purpose of achieving the maximum density on a site.
    - b. No modification shall be granted unless an innovative design or more compatible arrangement of uses is achieved.
    - c. No modifications shall be permitted which include the addition of uses not identified in the applicable PD permitted use table.
    - d. A modification of required use ratios may be approved, where:
      - i. Occupancy permits have been issued for at least 75% of the permitted nonresidential density in the Town Rezoning Ordinance approving the PRC District, as set forth on the approved rezoning concept plan, may occur as a result of the modification.
      - ii. No more than a 10% decrease in the nonresidential density in the Town Rezoning Ordinance approving the PRC District and any other concurrently approved Zoning District, as set forth on the approved rezoning concept plan, may occur as a result of the modification.
      - iii. No more than a 15% increase in the residential density in the Town Rezoning Ordinance approving the PRC District as set forth on the approved rezoning concept plan may occur as a result of the modification.
- 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 February 14, 2017, based on the *Flood Insurance Study for Loudoun County, Virginia and Incorporated Areas*, published by the Federal Emergency Management Agency (FEMA), effective date February 17, 2017,

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: siting 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
<b>Commercial Uses</b>		
Government Office		
Neighborhood Retail Convenience Center	Sec. 9.3.16	Sec. 18.1.113
<b>Institutional and Community Service Uses</b>		
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
Continuing Care Facility	Sec. 9.3.6.1.1	Sec. 18.1.38.1
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
<b>Commercial Uses</b>		
Government office		
Neighborhood retail convenience center	Sec. 9.3.16	Sec. 18.1.113
Mixed Use Center		
<b>Institutional and Community Service Uses</b>		
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
Continuing Care Facility	Sec. 9.3.6.1.1	Sec. 18.1.38.1
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.
- D. Power Mount Facilities on Existing Electric Transmission Towers subject to minimum use standards provided in Sec.9.3.26.A Standards Applicable to all Telecommunications Facilities & C. Monopoles and Power Mount Facilities.

#### **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
<b>Commercial Uses</b>		
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
<b>Research &amp; Development, Production and Warehousing Uses</b>		
Industrial, Flex	Sec. 9.3.11.2	Sec. 18.1.84
Production	Sec. 9.3.22	Sec. 18.1.150.1
Research & Development	Sec. 9.3.22	Sec. 18.1.157
<b>Institutional and Community Service Uses</b>		
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
<b>Residential Uses</b>		
None		
<b>Utility Uses</b>		
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
<b>Commercial Uses</b>		
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
Repair service establishments		
Eating Establishment; Eating Establishment, fast food		Sec. 18.1.54, Sec. 18.1.55

PEC Support Uses		
Use	Use Standards	Definition
<b>Residential Uses</b>		
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. Data Center
- D. Data Center Electrical Utility Substation
- E. 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.** Data Centers, 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, except for data center uses, 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.

### **Sec. 8.7 PD-CC-SC, Planned Development-Commercial Center-Small Regional Center**

#### **8.7.1 Purpose**

The Planned Development-Commercial Center-Small Regional Center (PD-CC-SC) District is established to preserve and continue development rights granted by previous development approvals by Loudoun County. The district is intended to serve as a zoning district whereby by-right development may continue under certain prior approvals. This district shall be limited to only those developments incorporated into the Town of Leesburg and designated as PD-CC-SC by the Town Council.

### 8.7.2 Use Regulations

Uses are allowed in the PD-CC-SC in accordance with the following table. A “P” indicates that the use is permitted by-right, subject to compliance with any applicable use standards of this ordinance. An “S” or “M” indicates the use may be permitted if reviewed and approved in accordance with the appropriate Special Exception or Minor Special Exception procedures of Sec. 3.4 of this Ordinance.

Table 8.7.2, PD-CC-SC Uses			
Use		Use Standards	Definition
<b>Commercial Uses</b>			
Adult Day Care	P		Sec. 18.1.5.1
Arts Center	P		Sec. 18.11
Bank without drive-in facility	P		Sec. 18.1.14
Bowling Alley	P		Sec. 18.1.20
Brewpub	P	Sec. 9.3.2.1	Sec. 18.1.20.1
Car wash	P	Sec.9.3.3	Sec. 18.1.27
Child care center	P	Sec.9.3.4	Sec. 18.1.29
Commuter parking lot	P	Sec. 9.3.5.1	Sec. 18.1.132
Convenience food store, no gas pumps	P	Sec.9.3.8	
Convenience food store, with service station	S	Sec. 9.3.8 and Sec.9.3.24	
Eating establishment without drive-in facility	P	Sec. 9.3.9	Sec. 18.1.54
Eating establishment with drive-in facility	P		
Emergency care facility	P		Sec. 18.1.58
Exercise studio	P		Sec. 18.1.59.2
Dance studio	P		Sec. 18.1.40.1
Farming	P	Sec. 9.3.21	Sec. 18.1.156
Funeral home	S		Sec. 18.1.69
Funeral home with crematorium	S	Sec. 9.3.6.1	
Kennel	S	Sec. 9.3.12	Sec. 18.1.88
Hotel	P		Sec. 18.1.83
Mailing services	P		Sec. 18.1.102
Media studio	P		Sec. 18.1.104
Microbrewery	P	Sec. 9.3.13.1	Sec. 18.1.104.1
Motel	P		Sec. 18.1.109
Nursery	P		Sec. 18.1.119
Office	P		Sec. 18.1.121
Outdoor storage	P/S	Sec. 9.3.17.2	
Pharmacy	P		
Printing and/or publication	P		
Recreation facility	P	Sec. 9.3.21	Sec. 18.1.156
Retail uses	P		Sec. 18.1.159
Services, personal	P	Sec. 9.3.19	Sec. 18.1.168
Service station	S	Sec. 9.3.24	Sec. 18.1.169
School, special instruction	P	Sec. 9.3.23	Sec. 18.1.164
School, technical	P		Sec. 18.1.165

Table 8.7.2, PD-CC-SC Uses			
Use		Use Standards	Definition
Theater, indoor	P		Sec. 18.1.190
Trade contractor	P		Sec. 18.1.192.1
Vehicle rental facility	S		
Vehicle sales facility	P	Sec. 9.3.28	
Vehicle and/or service facility	P	Sec. 9.3.29	Sec. 18.1.198
Veterinary Hospital	S	Sec. 9.3.30	Sec. 18.1.199
<b>Institutional and Community Service Uses</b>			
Club	P		Sec. 18.1.30
College or University	P		Sec. 18.1.33
Fire and/or rescue facility	S		Sec. 18.1.64
Library	P		Sec. 18.1.89
Museum	P		Sec. 18.1.111
Park, public	P		
Police station	S		
Recreation facility	P	Sec. 9.3.21	Sec. 18.1.156
School, general education	M		Sec. 18.1.162
School, public	M		Sec. 18.1.
U.S. Postal Service	P		Sec. 18.1.146
<b>Telecommunications Facilities</b>			
Antenna	P	Sec. 9.3.26.B	Sec. 18.1.7
Small Cells and/or Distributed Antenna System (DAS)	P	Sec. 9.3.26.F	Sec. 18.1.43.1
Monopole/Power mount facilities	S	Sec. 9.3.26.C	Sec. 18.1.108
<b>Utility Uses</b>			
Public utility, major	S	Sec. 9.3.31	Sec. 18.1.153
Public utility, minor	P	Sec. 9.3.31	Sec. 18.1.154

### 8.7.3 Continued Use

Any permitted use constructed under an approved and permitted plan by Loudoun County, prior to the effective date of an annexation or boundary line adjustment, shall continue as a lawfully conforming use until such time as modified by a subsequent rezoning application, or as modified by a Zoning Permit as required per Section 3.7 of this ordinance.

### 8.7.4 Special Exceptions

- A. Prior to the Effective Date.** A parcel may be developed and used as authorized by a PD-CC-SC special exception application approved by the Loudoun County Board of Supervisors prior to the effective date of a boundary line adjustment or annexation affecting that parcel. Any such approval of a special exception shall lapse and be of no further effect unless a site plan has been officially accepted for review before January 1, 2023 and the applicant diligently pursues approval of the site plan application.

- B. After the Effective Date.** Special exception applications submitted after the effective date of a boundary line adjustment or annexation shall be subject to the review and approval criteria in Sec. 3.4 of this ordinance.

### **8.7.5 Density, Intensity and Dimensional Standards**

- A. Lot Requirements.** Lot standards shall be those established with the ordinance approving the Concept Development Plan (CDP) or as depicted on the approved CDP at the time of rezoning. There are no minimum lot standards if not established in the ordinance or depicted on the CDP.

- B. Required Yards.** Required yards shall be those established with the ordinance approving the Concept Development Plan or as depicted on the approved CDP at the time of rezoning. In the even a dimensional standard was not specifically notated, the following standards shall apply:

1. From Route 267
  - a. Buildings and appurtenances, 150 feet
  - b. Parking, storage, loading facilities, and refuse collection, 100 feet
2. From Collector Roads
  - a. Buildings and appurtenances, 75 feet
  - b. Parking, storage, loading facilities, and refuse collection, 100 feet.
3. Other Nonresidential Districts
  - a. Buildings and appurtenances, parking, storage, loading facilities, and refuse collection, 100 feet.

#### **C. Floor Area Ratio (FAR)**

1. **Maximum FAR.** Individual lots in the commercial center shall be limited to a maximum FAR of 2.0. The maximum overall FAR shall be limited as notated on the approved Concept Development Plan.
2. **Accounting.** The cumulative approved building square footage shall be tabulated on each successive site plan for development of property subject to the approved Concept Development Plan's maximum FAR.

- D. Building Height.** Building height in a planned commercial center shall not exceed fifty (50) feet, unless specifically notated on the approved Concept Development Plan, or as further restricted by height limitations in Sec. 7.7 Airport Overlay District.

**Open Space.** At least twenty percent (20%) of the buildable area identified on the Concept Development Plan shall be established for public and common open space. Open spaces shall be designated to be in substantial conformance with the respective Concept Development Plan. Amenities to be counted towards open space shall include, but not limited to: greens, squares, plazas, and pocket or linear parks.

### 8.7.6 Parking

Parking shall be provided as required in Article 11 of this ordinance.

### 8.7.7 Design

- A. Guidelines.** Planned Development Districts shall be characterized by superior architectural treatment and site planning pursuant to any guidelines referenced in the approved proffers, if applicable.
- B. Substantial Conformance.** Development of any PD-CC-SC zoned property shall be in substantial compliance with the layout depicted on the approved Concept Development Plan.
- C. Access.** Vehicular access shall be provided via coordinated access points meeting VDOT standards from collector roads, and coordinated inter-parcel access.
- D. Pedestrian Circulation.** A planned commercial center shall provide a pedestrian circulation plan identifying improvements that accomplish the following:
  - 1. Minimizes conflict between pedestrians and moving vehicles
  - 2. Channelizes pedestrian flows to easily identifiable crossing areas.
  - 3. Connects internal pedestrian walkways to existing or proposed pedestrian facilities.
- E. Building Orientation.** Commercial buildings shall be so grouped in relation to parking areas that after customers arriving by automobile enter the center, establishments can be visited with a minimum of internal automotive movement. Facilities and access routes for shopping center deliveries, servicing and maintenance shall, so far as reasonably practicable, be separated from customer access routes and parking areas. Areas where delivers to customers in automobiles are to be made or where services are to be provided for automobiles, shall be so located and arranged as to minimize interference with pedestrian traffic within the center.
- F. Landscaping.** Landscaping must increase the visual quality of building design, open spaces, vehicular and pedestrian areas and screen areas of low visual interest (such as storage and delivery areas) from public view.
- G. Free Standing Buildings.** Permitted uses may be located in free-standing buildings; provided, however, that such buildings shall be architecturally compatible with adjacent buildings and shall not have direct access to a public street.

### 8.7.8 Lighting

On-site lighting shall be subject to the standards in Sec. 12.11 Outdoor Lighting.

### 8.7.9 Signage

Signage shall be subject to Article 15 of this ordinance, unless superseded by SIDP-2015-0002, incorporated by reference herein. Any subsequent amendments to the SIDP may be administratively approved in conformance with Article 15.12 of this ordinance. An appeal of

the administrative approval shall be forwarded to the Town Council for consideration and action.

### **8.7.10 Application to the County Development Approvals**

- A.** Prior development approvals apply to the properties listed below.
  - 1. MCPI#s 235-39-5696-000/Leesburg Commercial LC. Parcel No. 235-39-5696-000 was subdivided into five tracts or parcels of land by Deed of Subdivision recorded on July 2, 2019, as Instrument No. 20190102-0036520. The subdivided parcels include: PIN 234-38-2768 (Leesburg Commercial, L.C.); PIN 234-29-4515 (Leesburg Commercial, L.C.); PIN 234-29-0522 (Leesburg Commercial, L.C.); PIN 234-29-9964 (Leesburg Commercial, L.C.); PIN 233-17-6768 (Leesburg Commercial, L.C.).
  - 2. Parcel No. 235-20-1426-000 & 001/Wal-Mart Real Estate Business Trust.
  - 3. Parcel No. 234-27-8457-001/Toll Road Investors Partnership II.
  - 4. Parcel No. 234-29-4515/Leesburg Commercial L.C. (At Home).
- B.** Each of the parcels listed in Section 8.7.10.A may be developed and used in accordance with the County Development Approvals.
  - 1. The provisions, terms, and conditions are stated in each of the County Development Approvals: ZMAP-2012-0021, SPEX-2012-0047, SPEX-2019-0048,
  - 2. SPEX 2012-0049, SPMI 2013-0008, ZMOD 2012-0021, and ZMOD 2013-0002. These approvals include proffers, Concept Development Plan, Design Guidelines, and Modifications.
  - 3. Unless specifically provided for in the County Development Approvals, the BLA parcels shall be subject to all other applicable regulations in the Town of Leesburg Zoning Ordinance.

### **8.7.11 Use Standards**

- 1. Accessory Fueling Station with Convenience Store
  - a. Definition: Accessory buildings and premises to large footprint retailers in which the primary use is the dispensing of motor fuels as retail sales; and, may include buildings which are primarily used for the retail sale of food or other convenience items generally purchased in small quantities.
  - b. Location: Accessory Fueling Station with Convenience Store is only permitted in the PD-CC-SC District.
  - c. Fueling Stations: Up to eight (8) fueling stations are permitted by-right. Up to a maximum of twelve (12) fueling stations may be permitted by special exception.
  - d. Canopy Height: The height of the fueling station canopy shall be the same height as permitted by Loudoun County.
  - e. Convenience Store: The size of the convenience store shall be limited to a single building with a gross floor area of no more than 1,500 square feet.

- f. **Architecture:** The convenience store building shall conform to the building design requirements in Sec. 7.12.24.B Building Design.
  - i. Building elevations shall be provided with the initial site plan submission. The Land Development Official shall approve or deny building elevations. Said approval or denial shall be provided in writing after the second submission of the revised site plan and building elevations.
  - ii. An appeal of the Land Development Official’s approval or denial of building elevations shall be reviewed and approved by the Board of Architectural Review.
- g. **Parking:** Parking shall be provided at a ratio of five (5) spaces per 1,000 square feet of gross floor area.
- h. **Air Compressors:** Air compressors for use by patrons are permitted.
- i. **Outdoor Storage:** Outdoor storage and display of goods sold on premises is not permitted.
- j. **Lighting:** Lighting shall conform to the requirements of Sec. 12.11.5.A [Lighting] Standards for Certain Uses.
- k. **Signage:**
  - i. **Canopy Signage:** One (1) sign no larger than 50 square feet comprised of a single reference to the name of the business and/or identification logo.
  - ii. **Wall Signage:** One (1) sign, with its size defined by a ratio of one (1) square foot per linear foot of building to which the sign is attached.
  - iii. **Monument Sign:** One (1) sign no larger than 40 square feet, with a maximum height of six (6) feet.
  - iv. **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.
- l. **Electric Vehicle Charging Station:** Per Section 9.4.5 Electric Vehicle Charging Stations are permitted as an accessory use to a parking facility.

## **Sec. 8.8 PD-IP, Planned Development-Industrial Park**

### **8.8.1 Purpose**

The Planned Development-Industrial Park (PD-IP) District is established to preserve and continue development rights granted by previous development approvals by Loudoun County. The district is intended to serve as a zoning district whereby by-right development may continue under certain prior approvals. The district shall be limited to only those developments incorporated into the Town of Leesburg and designed as PD-IP by the Town Council.

### 8.8.2 Use Regulations

Uses are allowed in the PD-IP in accordance with the following table. A “P” indicates that the use is permitted by-right, subject to compliance with any applicable use standards of this ordinance. An “S” or “M” indicates the use may be permitted by-right, subject to compliance with any applicable use standards of this ordinance. An “S” or “M” indicates the use may be permitted if reviewed and approved in accordance with the appropriate Special Exception or Minor Special Exception procedures of Sec. 3.4 of this ordinance.

Table 8.8.2, PD-IP Uses			
Use		Use Standards	Definition
<b>Agricultural Uses</b>			
Farming	P		Sec. 18.1.63
Nursery	P		Sec. 18.1.119
Stable	P		Sec. 18.1.176
<b>Commercial Uses</b>			
Arts center, in existing building only	P		Sec. 18.1.11
Child care center, ancillary	S		Sec. 18.1.29
Brewpub	M	Sec. 9.3.2.1	Sec. 18.1.20.1
Car wash	S	Sec. 9.3.3	Sec. 18.1.27
Conference center	P		Sec. 18.1.37
Convenience food store	S	Sec. 9.3.8	Sec. 9.3.8
Dance Studio	P		Sec. 18.1.40.1
Diagnostic laboratory	P		Sec. 18.1.42
Eating establishment without drive-in facility	S		Sec. 18.1.54
Electric and/or plumbing supply	S	Sec. 9.3.10	
Electronic Data Storage Center	P		Sec. 18.1.57
Emergency care facility	P		Sec. 18.1.58
Exercise Studio	P		Sec. 18.1.59.2
Flex Industrial/Business Park	S	Sec. 9.8	Sec. 18.1.64.1
Funeral home with or without crematorium	P		Sec. 18.1.69
Golf course	S		Sec. 18.1.72
Hospital	S		Sec. 18.1.82
Hotel/motel	S		Sec. 18.1.83
Indoor firearm range	S		
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
Media studio	P		Sec. 18.1.104
Microbrewery	M	Sec. 9.3.13.1	Sec. 18.1.104.1
Mini-warehouse facility	M	Sec 9.3.14	Sec. 18.1.105
Museum	P		Sec. 18.1.111
Office	P		Sec. 18.1.121
Outdoor storage	P/S	Sec. 9.3.17.2	Sec. 18.1.127
Parking structure, private	M		Sec. 18.1.135
Printing and/or publication	P		Sec. 18.1.148

Article 8 | | Planned Development Districts  
 Sec. 8.8 | PD-IP, Planned Development-Industrial Park

<b>Table 8.8.2, PD-IP Uses</b>			
<b>Use</b>		<b>Use Standards</b>	<b>Definition</b>
Recreation Facility	P/S	Sec. 9.3.2.1	Sec. 18.1.156
School, General Education	S		Sec. 18.1.162
School, Special Instruction	P	Sec. 9.3.23	Sec. 18.1.164
Services, personal	S	Sec. 9.3.13	Sec. 18.1.168
Service station	S	Sec. 9.3.24	Sec. 18.1.169
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: Small Cells and/or Distributed Antenna Systems (DAS)	P/S	Sec. 9.3.26.F	Sec. 18.1.39.3
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	
Trade contractor	P		Sec. 18.1.192.2
Vehicle repair facility, light	P		
Vehicle rental facility	S		
Veterinary hospital	P	Sec. 9.3.30	Sec. 18.1.198
<b>Research &amp; Development, Production and Warehousing Uses</b>			
Industrial, Flex	P	Sec. 9.3.11.2	Sec. 18.1.84
Production	P	Sec. 9.3.22	Sec. 18.1.150.1
Research & Development	P	Sec. 9.3.22	Sec. 18.1.157
Warehouse/Distribution	P	Sec. 9.3.32	Sec. 18.1.199, 18.1.43
<b>Institutional and Community Service Uses</b>			
Club	P		Sec. 18.1.30
Commuter Parking Lot	P/S	Sec. 9.3.5.1	Sec. 18.1.32
Fire and/or rescue facility	S		Sec. 18.1.64
Fleet Storage, Public	S	Sec. 9.3.11.1	Sec. 18.1.66.1
Park, public	P		
Place of worship	P		Sec. 18.1.141
Police station	S		
School, general education	M		Sec. 18.1.162
School, public	M		Sec. 18.1.163
School, technical	S		Sec. 18.1.165
U.S. Postal Service	P		Sec. 18.1.146
<b>Utility Uses</b>			
Public utility, major	S	Sec. 9.3.31	Sec. 18.1.153
Public utility, minor	P	Sec. 9.3.31	Sec. 18.1.154

### **8.8.3 Continued Use**

Any permitted use constructed under an approved plan by Loudoun County, prior to the effective date of an annexation or boundary line adjustment, shall continue as a lawfully conforming use until such time as modified by a subsequent rezoning application, or as modified by a Zoning Permit as required per Section 3.7 of this ordinance.

### **8.8.4 Special Exceptions**

- A. Prior to the Effective Date.** A parcel may be developed and used as authorized by a PD-IP special exception application approved by the Loudoun County Board of Supervisors prior to the effective date of a boundary line adjustment or annexation affecting that parcel. Any such approval of a special exception shall lapse and be of no further effect unless a site plan has been officially accepted for review before January 1, 2023 and the applicant diligently pursues approval of the site plan application.
- B. After the Effective Date.** Special exception approvals submitted after the effective date of a boundary line adjustment or annexation shall be subject to the review and approval criteria in Sec. 3.4 of this ordinance.

### **8.8.5 Substantial Conformance**

Development shall be in substantial compliance with the layout depicted on the approved Concept Development Plan and/or Special Exception Plat.

### **8.8.6 Density, Intensity and Dimensional Standards**

- A. Lot Requirements.** Lot standards shall be those established with the ordinance approving the Concept Development Plan (CDP) or as depicted on the approved CDP at the time of rezoning. There are no minimum lot standards if not established in the ordinance or depicted on the CDP.
- B. Required Yards.** Required yards shall be those established with the ordinance approving Concept Development Plan or as depicted on the approved CDP at the time of rezoning. In the event a dimensional standard was not specifically notated, the following standards shall apply:
  - 1. From Route 267
    - a. Buildings and appurtenances, 150 feet
    - b. Parking, storage, loading facilities, and refuse collection, 100 feet
  - 2. From Collector Roads
    - a. Buildings and appurtenances, 75 feet
    - b. Parking, storage, loading facilities, and refuse collection, 100 feet
  - 3. Other Nonresidential Districts
    - a. Buildings and appurtenances, Parking, storage, loading facilities, and refuse collection, fifty feet (50').
  - 4. Building Sites
    - a. The minimum required yards between buildings on adjacent lots or building sites with the development shall be thirty feet (30').

**C. Floor Area Ratio (FAR)**

- 1. Maximum FAR.** The maximum overall FAR shall be limited as notated on the approved Concept Development Plan.
- 2. Accounting.** The cumulative approved building square footage shall be tabulated on each successive site plan for development of property subject to the approved Concept Development Plan's maximum FAR.

**D. Building Height.** Building height is limited to sixty feet (60'), provided that a building may be erected to a maximum height of one hundred feet (100') if it is set back from streets and lot lines a distance of one foot (1') for each one foot (1') of building height above sixty feet (60'), unless specifically notated on the approved Concept Development Plan, or as further restricted by height limitations in Sec 7.7 Airport Overlay District.

**E. Open Space.** Landscaped open space on any individual lot shall not be less than twenty percent (20%) of the buildable area of the lot. Amenities to be counted toward open space shall include, but are not limited to: greens, squares, plazas, and pocket or linear parks.

**8.8.7 Parking**

Parking shall be provided as required in Article 11 of this ordinance.

**8.8.8 Access**

Vehicular access shall be provided via coordinated access points meeting VDOT standards from collector roads, and coordinated inter-parcel access.

**8.8.9 Lighting**

On-site lighting shall be subject to the standards in Sec. 12.11 Outdoor Lighting.

**8.8.10 Signage**

Signage shall be subject to Article 15 of this ordinance, unless superseded by SIDP-2015-0002, incorporated by reference herein. Any subsequent amendments to the SIDP may be administratively approved in conformance with Article 15.12 of this ordinance. An appeal of the administrative approval shall be forwarded to the Town Council for consideration and action.

**8.8.11 Application to the County Development Approvals**

- A.** Prior development approvals apply to the properties as listed: MCPI#s 234-48-3058-001 (ION CC Skating, LLC) and 235-29-7431 (Microsoft Corporation).
- B.** Each of the parcels listed in Section 8.8.6.A. may be developed and used in accordance with the County Development Approvals.
  - 1.** The provisions, terms, and conditions stated in each of the County Development Approvals: ZMAP-2008-0009. These approvals include Proffers and Concept Development Plan.
  - 2.** Unless specifically provided for in the County Development Approvals, the Boundary Line Adjustment Parcels shall be subject to all other applicable regulations in the Town of Leesburg Zoning Ordinance.