



Date of Meeting: April 17, 2025

**TOWN OF LEESBURG**  
**PLANNING COMMISSION WORK SESSION**

**Subject:** Zoning Ordinance Rewrite

**Staff Contact:** Michael Watkins, Zoning Administrator  
Brian Boucher, Deputy Director  
James David, Director

**Purpose:** Review of Zoning Ordinance Rewrite Article II: Zoning Districts and Dimensional Standards (Divisions 6 thru 8) and Article III: Use Regulations

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**Background:** At their July 20, 2023 Public Meeting, the Planning Commission received an introductory presentation on the Zoning Ordinance Rewrite project. In October 2023, representatives from Kendig Keast Collaborative (Consultant) presented their code audit of the Town's current Zoning Ordinance and broad recommendations for changes at a joint meeting of the Planning Commission and Town Council. In February and September 2024, the consultants delivered their first draft of the new Ordinance via the Town's enCodePlus online zoning platform and provided an overview of concepts in each Article to the Planning Commission. The first draft of the Zoning Ordinance Rewrite was released on March 6, 2025 for public review. All Planning Commission and public presentations and the code audit are available on the Zoning Ordinance Rewrite project page at: [leesburgva.gov/zoningordinancerewrite](https://leesburgva.gov/zoningordinancerewrite).

**Issues:** At the Planning Commission meeting on April 17, 2025, staff will present draft Zoning Ordinance Rewrite Article III for the Planning Commission's review. The following sections summarize the content of those articles as well as key areas for the Commission to consider (see yellow highlights). Commission discussion will continue on Article II focusing on Divisions 6 thru 8, and then proceed to Article III. The summary of Article II is contained in the [April 3, 2025 Planning Commission Staff Report](#).

### Article III: Use Regulations

Article III establishes uses via categories and lists and organizes them in comprehensive use tables. The use tables indicate which uses are allowed in each zoning district and the level of permissibility; permitted, limited, minor special exception, or special exception. In most cases there are use standards that regulate aspects of how the use operates and for some use categories there is a Division devoted to the use (e.g. accessory, temporary, and telecom uses).

#### *Use Categories*

Division 9 outlines how land uses are categorized and regulated within the Zoning Ordinance Rewrite. It provides a new framework for organizing land uses into **Use Categories**, ensuring consistency in how different uses are evaluated and applied to zoning districts. Uses are grouped based on common characteristics, which may include type and intensity of activity, method of delivering goods or services, and anticipated impact on the surrounding environment. The Use

Categories approach allows for consistent application of regulations, logical assignment of land uses to appropriate zoning districts, and standardized evaluation for parking, dimensional, and operational requirements.

Each Use Category includes a "Characteristics" section which provides a descriptive overview of the typical traits and behaviors of the uses it includes. These traits assist in identifying and comparing land uses, especially when evaluating unlisted or proposed uses. The "Primary Uses" section in each category lists common examples of uses associated with that category. "Accessory Uses" (those that are incidental and subordinate) are generally allowed by right provided the intent is to support the primary use. The following Use Categories are proposed in the Zoning Ordinance Rewrite:

- **Agriculture.** Land uses primarily related to agriculture, animal husbandry, and natural resource extraction for commercial purposes. Emphasizes functional agricultural activity and its economic role as well as some allowances for community gardens.
- **Residential.** Two main residential use categories are defined: *Group Living* and *Household Living*. These categories differentiate residential uses based on how the space is occupied, the configuration of the units, and the services provided to residents.
- **Public, Institutional, and Civic.** A broad range of land uses such as community services, education, healthcare, government operations, parks, religious assembly, and transportation facilities.
- **Industrial.** Land uses that involve manufacturing, research, assembly, processing, warehousing, and servicing of various goods and materials. Due to the nature of these activities, industrial uses are generally incompatible with residential areas because of noise, traffic, emissions, or other operational impacts.
- **Commercial.** A variety of commercial land use types such as animal-related, parking facilities, day care, food and other service uses, entertainment and recreation, office, retail repair and sales, hospitality, and vehicles sales and service.
- **Utility and Communications.** Utilities are categorized into *Minor* and *Major*. Minor utilities serve a limited area, are typically unmanned, and are smaller in scale and impact. Major utilities serve the general public or larger areas, may involve on-site personnel, may be regulated by public or municipal authorities, and often involve larger physical infrastructure.
- **Telecommunications.** Facilities and structures associated with the wireless transmission of voice and data, which includes various forms of wireless infrastructure.

#### *Use Tables*

Division 10 provides the **Use Tables** in the proposed Zoning Ordinance Rewrite that list land uses in rows, organized by use type. There are two use tables, Table 10-2-1: *Residential Districts Use Table* and Table 10-2-2: *Nonresidential and Mixed Use Districts Use Table*, with the specific zoning districts presented in columns. The intersection of a row and a column contains a symbol that tells whether the use is permitted, restricted, or prohibited in that district:

- **"P" – Permitted Use.** The use is allowed without additional review, provided it complies with all relevant regulations of the zoning ordinance.

- **"L" – Limited Use.** Use is allowed with specific conditions, outlined in Division 11. If the Zoning Administrator cannot approve, the request can proceed as a Minor Special Exception.
- **"M" – Minor Special Exception.** Allowed only if reviewed and approved under Minor Special Exception procedures and standards, including a public hearing. Application goes straight to Council.
- **"S" – Special Exception.** Requires a more thorough Special Exception review and approval process, including a public hearing. Application goes through Planning Commission review before Council.
- **"—" – Prohibited Use.** The use is not allowed in that zoning district unless explicitly permitted elsewhere in the ordinance.

The "Standards" column provides cross-references to specific standards applicable to limited uses, minor special exceptions, and special exceptions. If a use category is not listed in the tables, and a use cannot be interpreted as functionally similar to a permitted use, it is prohibited. Regardless of zoning district, the following uses are always prohibited: slaughterhouses, abattoirs, rendering plants, vehicle auctions, automobile graveyards, and solid waste landfills.

Residential zones are strict, allowing mostly household living and institutional uses. Notable use categories and highlights in Table 10-2-1: *Residential Districts Use Table* include:

- In the *Agricultural Uses* category, community gardens are permitted in all residential districts. Natural spring water plants are only by special exception and with specific standards. Most other agricultural uses are not permitted.
- For *Residential Uses*, group homes are generally permitted in many residential zoning districts. Single-family detached homes are a core permitted use in Residential Suburban (RS), Residential Historic District (RHD), and Residential Mixed (RM). Multifamily and attached dwellings are permitted mostly in higher density or multifamily zones like Residential Mixed (RM) or Residential Urban (RU). Accessory uses including home occupations, accessory dwellings, short-term rentals, and family day homes are usually limited uses with additional standards.
- In the *Public, Institutional, and Civic Uses* category, libraries and parks are typically permitted or limited. Places of worship/public assembly, cemeteries, and education uses usually need a special exception.
- *Commercial/Industrial Uses* are very limited in residential zones. Some light commercial uses may be allowed with conditions, e.g., live-work buildings or private parking structures in RU.
- In the *Utilities & Communications Use* category, small cells/antennae systems are limited uses in select residential zones, major public utilities requires a special exception, and minor public utilities are often permitted by right.

Nonresidential and mixed-use zones allow for broader economic and civic activity. Notable use categories and highlights in Table 10-2-2: *Nonresidential and Mixed-Use Districts Use Table* include:

- In the *Agricultural Uses* category, community gardens are allowed in several commercial and civic districts. General agriculture is allowed only in industrial or specific special purpose zones.
- *Residential Uses* are rare in nonresidential zoning districts, but there are some limited opportunities for continuing care facilities and caretaker’s residence. Mixed-use districts permit group living and some household living uses at varying levels of permissibility.
- In the *Public, Institutional, and Civic Uses* category, many uses like schools, libraries, community centers, and public safety facilities are permitted or conditionally allowed in Innovation Center (IC), Crescent District (CD), and Mixed Use (MU) zones.
- *Commercial Uses* such as retail and restaurants are generally permitted in Commercial Neighborhood (CN), Commercial Suburban (CS), MU, Government Center (GC), and Downtown (DT) zoning districts. Drive-through facilities often require special exceptions. Personal Services (e.g., Grooming, Daycare) are typically allowed with conditions.
- The *Industrial Uses* category is mostly confined to the Industrial Research (IR) district. Contractor yards, flex space, and warehouses are permitted or limited in IR and CS. Research and Development land uses are permitted in several commercial and industrial areas.
- *Utilities & Communications Uses* are permitted or conditionally allowed in several nonresidential zones, subject to standards in Division 15 and other code provisions.

#### *Limited Use Standards*

Division 11 includes the required standards associated with limited uses listed in Section 10-2: *Use Tables*. While some land uses are generally allowed within certain zoning districts, “Limited Uses” are subject to additional regulation because they may have greater impacts on nearby properties or the community (e.g., noise, traffic, intensity of use), pose potential hazards or inconsistencies with surrounding development, or create challenges even when they meet the base zoning and site development requirements.

The intent of the limited use standards is to mitigate adverse impacts, address compatibility with adjacent uses, and align with the Town Plan and broader community goals. Examples of limited use standards are occupancy, use mix, amenities, outdoor storage, density, parking and loading, floorplan, building and site design, access, screening, fencing, and lighting.

Limited use standards apply when a new limited use is proposed, or when an existing limited use is being expanded (physically or operationally). Even if there’s no structural change, these standards apply when a use becomes more intense, including increase in size, scale, hours of operation, or volume of activity, and expansion of an outdoor component of the use. Limited Use standards are not standalone – they must be applied in conjunction with other parts of the zoning ordinance, especially development standards (e.g., setbacks, buffering, signage), and review and approval procedures.

### *Special Exception Standards*

Division 12 establishes the special exception processes within the Zoning Ordinance Rewrite. It emphasizes the need for additional review by the Planning Commission or Council for certain uses that may impact surrounding properties, ensuring consistency with the Town Plan and broader zoning objectives. The Town Council can impose conditions on special exception uses to reduce or eliminate potential negative impacts.

The special exception use standards in this section aim to mitigate potential hazards or conflicts. The regulations focus on operational limitations, environmental impact mitigation, traffic flow, and community integration to ensure compatibility with surrounding areas. Examples of special exception use standards are operating hours, use mix, noise control, storage limitations, housing density, lot size, building layout and design, setbacks, parking, loading, lighting, landscaping, and screening.

### *Accessory Uses and Structures*

Division 13 outlines general standards that apply to all accessory uses and structures in all zoning districts. These rules ensure that accessory uses remain secondary and incidental in nature, support the primary use, and maintain compatibility with surrounding uses. These apply unless explicitly modified elsewhere in the ordinance. Some key takeaways include:

- Accessory structures on residential property cannot be used for commercial purposes, with the exception of home occupations.
- Accessory uses must be located on the same lot as the associated principal use.
- No standalone accessory structures are allowed without a principal structure.
- Accessory structures may not be taller than the principal structure on the same lot unless otherwise specified.
- Accessory uses cannot have their own curb cuts or separate driveways.

Other rules for residential accessory uses and structures – including sheds, workshops, accessory dwellings, and guest houses – build on general accessory use provisions and emphasize compatibility, design standards, site layout, occupancy restrictions, and safety. Home-based businesses and short-term rentals are allowed provided they maintain residential character and minimize neighborhood impact.

Examples of additional standards for nonresidential accessory uses are traffic management, noise control, storage limitations, building layout and design, signage, parking, lighting, landscaping, and screening.

### *Temporary Uses and Structures*

Division 14 outlines the regulations and requirements for temporary uses in the Zoning Ordinance Rewrite. It establishes the application and approval process, permit requirements, duration limits, and other standards for temporary uses and structures. Temporary uses must serve the public interest, be of limited duration, and meet specific zoning performance criteria. Base zoning districts determine the permitted or prohibited temporary uses for a property.

Table 14-2-1: *Temporary Uses* outlines various temporary commercial activities, their maximum durations, and the zoning districts where they are permitted, restricted, or prohibited. Examples of temporary uses include farmer’s market, outdoor sales, and special events. Food-related uses (farmers markets, outdoor dining, food trucks) have more extensive health, access, and noise/waste management requirements.

Table 14-2-2: *Temporary Structures* lists maximum duration and permit requirements based on zoning district. Examples of temporary structures include mobile food unit, seasonal weather enclosure, and wayside stand. Some temporary structures (tents, shade enclosures) must be removed and stored off-season and may require building permits or Certificates of Appropriateness based on district location.

#### *Telecommunications Facilities*

Division 15 establishes regulations to manage telecommunications infrastructure within the community. The primary goal is to balance the need for reliable telecommunications services with the preservation of public health, safety, and aesthetics. The Town encourages visually unobtrusive solutions, shared infrastructure, and efficient deployment, while minimizing negative visual or physical impacts on the community. Key goals include:

- Undergrounding or minimizing visibility of telecom facilities
- Encouraging co-location of telecom equipment on existing towers
- Locating towers in areas with minimal community impact
- Minimizing the visual impact of towers and antennas
- Ensuring rapid and efficient deployment of telecom services.

Visual minimization is a core principle – stealth, camouflage, and integration with surroundings are consistently emphasized. Height and setback limits vary by structure type (antennas, monopoles, transmission towers) and must protect nearby residential uses and public areas. No new monopoles/towers are permitted within half-mile of the H-1 Overlay District.

#### *New and Unlisted Uses*

Division 16 acknowledges that land use patterns and development types will evolve over time, particularly in response to technological advancements and societal changes. Because some new land uses may not have been anticipated at the time the Zoning Ordinance Rewrite is adopted, this section provides guidance for the Zoning Administrator to determine how to handle such emerging or unlisted uses in the future:

- If an unlisted use is functionally similar to a specific listed use it will follow the same zoning permissions (e.g., permitted, limited, special exception, or prohibited) as the comparable listed use.
- If the unlisted use fits within a broader Use Category (even if not identical to any listed use) it can be allowed under the “Uses Not Listed Above” row for that category in the Use Tables.

**Next Steps**

Tentative PC Zoning Ordinance Rewrite Work Plan

#	Topic	Commission Meeting Date
1	ZO Rewrite Work Plan	January 16, 2025
2	Zoning Map	February 6, 2025
3	Release of Draft Text	March 6, 2025
4	Article 1 General Provisions Article 2 Zoning Districts and Dimensional Standards	April 3, 2025
5	Article 3 Use Regulations	April 17, 2025
6	Article 4 Development Standards	May 1, 2025
7	Article 5 Review and Decision-Making Bodies	May 15, 2025
8	Article 6 Review and Approval Procedures	June 5, 2025
9	Article 7 Nonconformities Public Comment Report	July 10, 2025
10	Article 8 Enforcement, Violations, and Penalties Article 9 Word Usage	July 17, 2025
11	Loose Ends	August 7, 2025
12	Public Hearing on PC Draft	September 4, 2025

Online Zoning Platform (enCodePlus)

The draft Zoning Ordinance Rewrite is available until May 5, 2025 via enCodePlus at the following website address: <https://online.encodeplus.com/regis/leesburg-va/>.

Planning Commissioners and public are strongly encouraged to review and make comments on the Zoning Ordinance Rewrite via this online platform. It will enable staff to receive questions and comments in real time, respond quickly to questions via the platform, and create reports of all public and Planning Commission comments received.

The April 17, 2025 Planning Commission Meeting is another of many opportunities throughout the Zoning Ordinance Rewrite project for members of the Planning Commission and the public to provide input. The tentative Zoning Ordinance Rewrite project schedule is detailed below:

Feb/Mar 2025	Draft ordinance text released for PC, BAR, BZA and public review via online platform (enCodePlus)
Spring 2025	Planning Commission Work Sessions BAR Public Meeting
Summer/Fall 2025	Planning Commission Public Hearing on Final Draft
Fall/Winter 2025	Town Council Public Hearing and Work Sessions
Winter 2025	Adoption of New Ordinance

**Attachments**

1. Zoning Ordinance Rewrite Article II (Division 6-8), and III
2. Public Comment Report (03/26/25 thru 04/09/25)