



Date of Meeting: July 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 V: Review and Decision-Making Bodies and Article VI: Review and Approval Procedures

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 a 60-day public review period. All Planning Commission and public presentations and the code audit are available on the Zoning Ordinance Rewrite project page at: leesburgva.gov/zoningordinancerewrite.

Issues: At the Planning Commission meeting on July 17, 2025, discussion will focus on Article V: Review and Decision-Making Bodies and Article VI Review and Approval Procedures.

Article V: Review and Decision-Making Bodies

Article V establishes the roles, responsibilities, and authorities of the bodies involved in reviewing, recommending, and deciding zoning and land use applications. It ensures a clear framework for zoning governance and outlines how various public officials and boards contribute to the zoning process. It is split into two divisions: Elected and Appointed Officials and Administrative Officials.

Division 24 – Elected and Appointed Officials

There are four key decision-making bodies in Leesburg's zoning process: Town Council, Planning Commission, Board of Architectural Review, and Board of Zoning Appeals. Each body plays a distinct role in reviewing applications, adopting policies, and ensuring consistent, lawful implementation of the Town's Zoning Ordinance.

The **Town Council** acts as the final decision-making authority on key zoning matters. They can initiate, consider, and make final decisions on proposed amendments to the Zoning Ordinance and Zoning Map. This includes rezonings, proffer amendments, and appeals of proffer

interpretations made by the Zoning Administrator. Council also has final authority to approve or deny special exception applications. Other Council duties related to the Zoning Ordinance include establishing fees and appointing members to commissions and boards.

The **Planning Commission** serves as an advisory body to the Town Council on issues related to growth, development, and zoning. They review and make recommendations on proposed amendments to the Zoning Ordinance, consistent with Virginia State Code. The Commission also reviews and makes recommendations on rezoning and special exception applications. One application type where the Planning Commission has approval authority is a Commission Permit, which is a permit for public projects (e.g. utilities) that are not identified in the Town Plan. Other Commission duties include reviewing the amendments to the Town Plan, and reviewing the annual Capital Improvement Plan to ensure consistency with the Town Plan.

The **Board of Architectural Review (BAR)** administers provisions related to historic and corridor overlay districts and advises the Town Council on preservation of historic and architectural resources. The BAR has decision-making authority on exterior alterations, proposed demolitions, new construction, relocation, and comprehensive sign plans in the Town's H-1 (Old and Historic), H-2 (Historic Corridor), and Gateway Overlay Districts. Other BAR duties include maintaining and updating an inventory of historic and architecturally significant properties in the H-1 district, and recommending new historic sites or districts for designation by the Town Council.

The **Board of Zoning Appeals (BZA)** serves as a quasi-judicial body that hears zoning appeals and grants variances. It consists of five Town residents appointed by the Loudoun County Circuit Court. While the BZA can hear appeals involving zoning district boundaries, they do not have the power to rezone or move district boundaries.

Division 25 – Elected and Appointed Officials

The Zoning Administrator and Floodplain Administrator are key officials responsible for administering, interpreting, and enforcing various aspects of the Town's Zoning Ordinance and related development regulations.

The **Zoning Administrator** reviews all zoning-related applications, including zoning permits, certificates of occupancy, variance applications, landscape bonds, and any other documents required by the Zoning Ordinance. They issue permits, zoning interpretations (within 90 days of an inquiry), and maintain the Zoning Ordinance and Map. Other duties of the Zoning Administrator or their designee are recordkeeping, property inspections, and ordinance enforcement.

The **Floodplain Administrator** administers the Floodplain Overlay District (Zoning Ordinance Sec. 7-3), and ensures compliance with federal and state floodplain requirements. They interpret boundaries, and review and approve proposed development within the floodplain area. Other Floodplain Administrator duties include recordkeeping, Federal and State coordination, and ensuring compliance with the National Flood Insurance Program (NFIP).

Article VI: Review and Approval Procedures

Article VI outlines the step-by-step procedures and standards for the review, approval, and appeal of all land use and zoning applications. It ensures consistency, transparency, and legal compliance in decision-making for development activity. This article outlines procedures common to all zoning applications, including administrative, legislative, and quasi-judicial decisions. Specific application types have additional procedures outlined in Divisions 27–29. Article VI also outlines procedures for pre-application conferences, neighborhood meetings, application submittals and review, public notice, public meetings and hearings, post-decision provisions, and appeals.

Table 26-1-1, Procedural Elements for Legislative Decisions	
Element	Description
Purpose	Describes the rationale for the process.
Applicability	The type of development or situation that is subject to the process.
Initiation	This is how the applicant begins the process by submitting all information required for a complete application (including required fee payments).
Completeness	This is how the Town determines that the application has sufficient information to be processed.
Staff Review	Review of the application by appropriate staff and preparation of a staff report for legislative processes.
Public Notice	This describes the type of notice, and how it is provided.
Public Hearing	Where applicable, public hearings are held on applications.
Decision	Action by the Planning Commission or Council (as applicable) to approve, approve with conditions, or deny the application.
Approval Criteria	These are any specific standards that apply to the application. All applications are subject to this Ordinance, zoning district regulations, and any conditions of a currently effective preceding permit or action (such as a rezoning or subdivision plat) for that property.
Waiting Period for Re-Filing.	If an application is denied, some processes have a waiting period before that type of application can be re-filed for the property.
Appeals	A procedure by which an aggrieved person may challenge the approval or denial of an application, or a notice of violation, or any other decision,

Table 26-1-2, Procedural Elements for Administrative Decisions	
Element	Description
Purpose	Describes the rationale for the process.
Applicability	The type of development or situation that is subject to the process.
Initiation	This is how the applicant begins the process by submitting all information required for a complete application (including required fee payments).
Completeness	This is how the Town determines that the application has sufficient information to be processed.
Staff Review	Review of the application by appropriate staff and preparation of a staff report for legislative processes.
Decision	Action by staff to approve, approve with conditions, or deny the application.
Approval Criteria	These are any specific standards that apply to the application. All applications are subject to this Ordinance, zoning district regulations, and any conditions of a currently effective preceding permit or action (such as a rezoning or subdivision plat) for that property.
Waiting Period for Re-Filing.	If an application is denied, some processes have a waiting period before that type of application can be re-filed for the property.
Appeals	A procedure by which an aggrieved person may challenge the approval or denial of an application, or a notice of violation, or any other decision,

Summary of Application Types by Decision Level

Administrative Decisions (decided by staff with limited or no public notice):

- Zoning Permit, Sign Permit, Occupancy Permit, Floodplain Development Permit, etc.
- Appeals (where allowed) typically go to the BZA or BAR.
- Most require written and placard notice only on appeal.

Legislative Decisions (involve commissions, boards, and Council, and public hearings):

- BAR Certificate of Appropriateness, Commission Permits, Proffer Amendments, Special Exceptions (including Minor), Zoning Map and Text Amendments (e.g. rezonings).
- Require multiple types of notice (written, placard, newspaper).
- Final decision usually rests with Town Council, after recommendation from Planning Commission or BAR.

Quasi-Judicial Decisions (legal determinations often requiring formal hearings):

- Appeals of administrative decisions or proffer interpretations, and variance requests.
- Decided primarily by the Board of Zoning Appeals (BZA).
- Require all three notice types and public hearings.

A more detailed summary for each application type is included in the ZO Rewrite as [Table 26-1-3 Development Review Summary Table](#).

Next Steps

Tentative PC Zoning Ordinance Rewrite Work Plan

Topic	Commission Meeting Date
ZO Rewrite Work Plan	January 16, 2025
Zoning Map	February 6, 2025
Release of Draft Text	March 6, 2025
Article 1 General Provisions	
Article 2 Zoning Districts and Dimensional Standards	April 3, 2025
Article 3 Use Regulations	April 17, 2025
Article 3 Use Regulations (continued)	May 1, 2025
Article 3 Use Regulations (continued)	May 15, 2025
None	June 5, 2025
Recap Articles 1-3, Article 4 Development Standards	July 10, 2025
Article 5 Review Bodies, Article 6 Review Procedures	July 17, 2025
Article 7 Nonconformities, Article 8 Enforcement	August 7, 2025
Recap Articles 4-8, Article 9 Word Usage	September 4, 2025
Public Hearing on PC Draft	September 18, 2025

Online Zoning Platform (enCodePlus)

The draft Zoning Ordinance Rewrite was available until May 5, 2025 via enCodePlus at the following website address: <https://online.encodeplus.com/regs/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 July 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.

Attachments

1. Public Comment Report
2. Future Discussion Items (Dive List)