



Date of Meeting: October 16, 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:** Further discussion on “Dive List” items and Placeholder sections

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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 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](https://leesburgva.gov/zoningordinancerewrite).

**Issues:** The Planning Commission has identified topics for a deeper dive and further discussion during their review of the first draft Zoning Ordinance Rewrite. These “Dive List” items have been documented and included as Attachment 2. At the meeting on October 16, 2025, discussion will focus on all of the remaining Dive List items except for Telecommunications. The Telecommunications section will be ready for review on November 6, 2025.

The first draft of the Zoning Ordinance Rewrite released on March 6, 2025 had a few placeholders for sections that were not quite ready for public review. Those placeholder sections included attainable housing, signs, tree preservation, and Crescent District. After concluding the Dive List, discussion will begin on draft attainable housing regulations as well as draft sign regulations at the October 16, 2025 regular meeting. Draft tree preservation standards and draft Crescent District zoning will be reviewed at the November 6, 2025 regular meeting.

**Dive List**

*Public Utilities*

The Commission wished to revisit when public utilities must be allowed in zoning districts, per State Code. There is nothing in the State Code that requires a locality to allow water and sewer infrastructure in every zone. The analysis of whether and to what extent it should be allowed depends more on the locality's requirements for private properties to connect to the water and sewer systems. If the Town requires property within a certain zone to hook up to the Town's water and sewer, then the zoning regulation must allow for the facilities necessary for the property to make such connection. If there are facilities, such as pump stations, that are more

impactful than a special exception for such use can be required. This basically comes down to a reasonableness standard like other provisions in zoning ordinances. A locality generally cannot zone in a way that would cut off a property from access to available utilities.

Staff's research focused on water and sewer facilities that are maintained at the local level. There is a whole body of law regarding public services such as cell service, and gas and electric services that includes a number of state and federal preemptions that may prohibit a locality from prohibiting these uses in a zone. Under these federal and state preemptions, localities have some ability to regulate but very little if no ability to prohibit. Some of that analysis is the same reasonableness analysis discussed above.

The Zoning Ordinance Rewrite includes the following general definitions for utilities:

- **Public Utility, Major.** Electric substations and other distribution centers, electrical generating plants and facilities, sewerage treatment and disposal facilities, storage facilities for natural gas, oil and other petroleum products, supply yards for any public utility, dial centers, repeater stations, water purification facilities, microwave facilities, satellite earth stations, water storage facilities and maintenance facilities incidental to any use set forth above.
- **Public Utility, Minor.** Electric transformer, natural gas, water and sewer transmission, collection, distribution and metering devices, and water and sewerage pumping stations.

Public Utility, Major is allowed by special exception in all residential zoning districts except the R-HD, and by special exception in all nonresidential and mixed-use zoning districts except DT. Public Utility, Minor is allowed by-right in all residential zoning districts except the R-HD, and by-right in all nonresidential and mixed-use zoning districts.

#### *Division 13.2.G: Short-Term Residential Rental*

The Commission asked for revisions to short term residential rental use standards to be brought back for additional discussion (see Attachment 3). The revised draft reflects the following Commission direction:

- Simplify definition of "Operator"
- Add examples of "proof of residency"
- Change duration to 180 or 90 calendar days
  - *Commission was split on this and needs to make a decision.*
- Clarify the "Number" text (Sec. G.1.g.)
- Add an "owner authorization form" or "owner must authorize" language

In addition, staff has come up with a better approach to the registration requirement for short-term residential rentals through proposed additions to the Town Code. Staff will go over this new approach at the October 16, 2025 meeting.

#### *Waivers and Modifications*

The Commission wanted to revisit when waivers may be granted for application submittal requirements (see Sec. 26-4.E). As proposed, the Zoning Administrator may waive any submittal

requirements (other than the applicable fee) that accompany an application at the applicant's written request filed with the initial application. The Commission also wanted to revisit when minor modifications to approved rezoning concept plans and special exception plats can be approved administratively (See Sec. 27-5). As proposed, the Zoning Administrator may approve a minor modification subject to criteria that ensures there are no negative impacts on surrounding properties, the modification is minor, and there is no increase in intensity of use.

### Placeholder Sections

#### *Attainable Housing*

The Attainable Housing section outlines updated regulations for implementing the Town's Affordable Dwelling Unit (ADU) and new Affordable Housing Unit (AHU) programs (see Attachment 4). The ADU Program applies to developments of 24 or more units, requiring at least 15% of units to be affordable. Developers may opt for a 20% density bonus if they meet ADU requirements and can also receive a building height increase if they exceed them. ADUs must be proportionally distributed among housing types (single-family detached, attached, and multifamily) and must be indistinguishable from market-rate units in terms of design, materials, and placement within the development. Loudoun County administers the Town's ADU program.

The ordinance also allows developers to substitute AHUs for required ADUs, provided the number of AHUs meets or exceeds the ADU requirement. AHUs must comply with state and federal funding program guidelines and be indistinguishable from market-rate units. The ordinance includes detailed requirements for timing of construction, architectural compatibility, and interspersing of affordable units. It also outlines enforcement mechanisms, including penalties for non-compliance, and provides a process for modifications through minor special exceptions, subject to Town Council approval. AHUs are administered by state and federal entities, such as the Department of Housing and Urban Development.

Overall, this section aims to ensure a framework that is consistent with Loudoun County's approach to integrating affordable housing into new developments while maintaining neighborhood character and housing diversity. It emphasizes accountability, design standards, and flexibility through incentives and modification pathways, aligning with broader goals of housing attainability and community integration.

#### *Signs*

The draft Sign Regulations provide a comprehensive update to the Town's zoning ordinance regarding signage (see Attachment 5). The section outlines general provisions ensuring compliance with the First Amendment, applicability to new and modified signs, and procedures for sign permits. It introduces flexibility through comprehensive sign plans and minor special exceptions for unique site constraints. The regulations also define exemptions for certain sign types (e.g., address numbers, public interest signs, flags, and menu boards) and establish maintenance, safety, and removal standards. Signs in historic districts require additional approvals, and nonconforming signs are addressed under separate provisions.

The ordinance categorizes signs by type – attached, freestanding, or temporary – and assigns regulations based on zoning "Sign Groups" (e.g., Residential, Suburban Commercial, Urban Mixed-Use Industrial/Employment, and Special Purpose). Each sign type has detailed

dimensional, placement, and illumination standards. For example, wall signs are limited in size based on building frontage, while freestanding signs must meet setback and height requirements. Temporary signs are allowed with or without permits depending on their type and duration, and electronic message boards are tightly regulated, including brightness limits and hold times.

Finally, the draft Sign Regulations include supplemental standards for specific uses such as fuel sales, vehicle service stations, vehicle dealerships, banks, and places of assembly. These standards define the number, size, and placement of signs tailored to each use, ensuring consistency and minimizing visual clutter. The regulations aim to balance effective communication for businesses with aesthetic quality, safety, and community character.

## **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	April 3, 2025
5	Article 2 Zoning Districts and Dimensional Standards	April 17, 2025
6	Article 3 Use Regulations	May 1, 2025
7	Article 3 Use Regulations (continued)	May 15, 2025
8	Article 3 Use Regulations (continued)	June 5, 2025
9	None	July 10, 2025
10	Recap Articles 1-3, Article 4 Development Standards	July 17, 2025
11	Article 5 Review Bodies, Article 6 Review Procedures	August 7, 2025
12	Article 7 Nonconformities, Article 8 Enforcement, Article 9 Word Usage	August 21, 2025
13	No Meeting	September 4, 2025
14	Recap Articles 4-9, Deep Dive List	September 18, 2025
15	Deep Dive List (continued)	October 2, 2025
16	Deep Dive List (continued)	October 16, 2025
17	Deep Dive List (continued), Public Comment Report	November 6, 2025
18	Loose Ends	January 15, 2026
	Public Hearing	

### 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.

The October 9, 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)
3. Draft Short-term Residential Rental Use Standards
4. Draft Attainable Housing Regulations
5. Draft Sign Regulations