

# Article 10 | Density/Intensity + Dimensional Standards

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## Sec. 10.1 Residential Zoning Districts

The following table provides a summary of the Density/Intensity and Dimensional Standards that apply within residential (base) zoning districts. In the event of conflict between this table and the district-by-district listings in Article 5, the standards listed in Article 5 shall control.

	R-E	R-1	R-2	R-4	R-6	R-HD	R-8	R-16	R-22
<b>Minimum Lot Area (sq ft)</b>									
Single-Family Detached	3 ac	1 ac	20,000	10,000	6,500	4,000	6,500	NA	NA
Single-Family Attached, Interior Lot	NA	NA	NA	NA	NA	NA	2,000	1,400	NA
Single-Family Attached, Corner and End Lots	NA	NA	NA	NA	NA	NA	2,000	1,400	NA
Duplex, Vertical	NA	NA	NA	NA	10,000	6,000	10,000	NA	NA
Duplex, Horizontal	NA	NA	NA	NA	5,000	3,000	5,000	NA	NA
Multi-Family	NA	NA	NA	NA	NA	NA	NA	10,000	None
Other	3 ac	1 ac	20,000	10,000	8,000	8,000	8,000	8,000	8,000
<b>Minimum Lot Width (ft)</b>									
Interior Lot	200	100	90	75	75 [1]	[2]	[4]	100 [5]	100
Corner Lot	225	125	110	90	90 [1]			100 [5]	100
<b>Maximum Density (units per acre)</b>									
Multi-Family	NA	NA	NA	NA	NA	NA	NA	16 [6]	22
<b>Minimum Yards/Setbacks (feet)</b>									
Front (Principal Building)	30	30	25	15	15	[3]	15	30 [7]	30
Front (Garage Entrance)	30	30	25	20	20	[3]	20	30	30
Side	20	20	15	10	10	5	10[10]	30 [7]	30
Rear	30	30	25	20	20	30	20	30 [7]	30

	R-E	R-1	R-2	R-4	R-6	R-HD	R-8	R-16	R-22
<b>Maximum Building Height (feet)</b>									
Residential	35	35	35	35	35	35	35	35	35/45 [8]
Nonresidential	35[9]	35[9]	35[9]	35[9]	35[9]	35	35[9]	35[9]	35/45 [8]
<b>Min. Open Space</b>									
	NA	NA	NA	NA	NA	NA	25%	30%	30%
<b>Min. Zoning District Area (acres)</b>									
	None	None	None	None	None	None	None	5	None

[1] Duplex Lot Width (feet):

	Vertical Structure	Horizontal Structure
Interior Lot	37.5	75
Corner Lot	45	90

[2] Minimum Lot Width (feet):

	Interior Lots	Corner/End Lots
Single-Family Detached	40	40
Duplex, Vertical	60	60
Duplex, Horizontal	30	30
Nonresidential	20	20

[3] Minimum Front Setback: 1 foot; Maximum: 20 feet, Actual setback determined in accordance with Sec. 10.4.5D.

[4] Minimum Lot Width (feet):

	Interior Lots	Corner/End Lots
Single-Family Detached	75	75
Single-Family Attached	20	30
Duplex, Vertical	37.5	45
Nonresidential	90	90
Duplex, Horizontal	75	90

[5] Minimum lot width for single-family attached: 18-foot interior lots, 28-foot corner/end lots.

[6] Maximum density: 16 units per acre multi-family; 10 units per acre single-family attached if mixed; 12 units per acre overall.

[7] Minimum setbacks for single-family attached: 10-foot front, 10-foot side (for end units), and 20-foot rear.

[8] Adjacent to any residential use other than multifamily, the maximum building height shall be 35 feet.

[9] Maximum height for a place of worship may exceed 35 feet when allowed by a special exception approved by the Town Council in accordance with the procedures of Sec. 3.4 Special Exceptions.

[10] Side yard setback shall be 0 feet for an interior townhouse lot.

## Sec. 10.2 Nonresidential Zoning Districts

The following table provides a summary of the Density/Intensity and Dimensional Standards that apply within nonresidential (base) zoning districts. In the event of conflict between this table and the district-by-district listings in Article 6, the standards listed in Article 6 shall control.

Article 10 | Density/Intensity + Dimensional Standards  
 Sec. 10.2 | Nonresidential Zoning Districts

	O-1		B-1	B-2	B-3	B-4	I-1		
<b>Minimum Lot Area (square feet)</b>									
Single-Family Detached	NA		4,000	NA	NA	6,000	NA		
Single-Family Attached, Interior Lot	NA		2,000	NA	NA	2,400	NA		
Single-Family Attached, Corner and End Lots	NA		3,000	NA	NA	3,000	NA		
Duplex, Vertical	NA		6,000	NA	NA	3,000	NA		
Duplex, Horizontal	NA		3,000	NA	NA	6,000	NA		
Multi-Family	NA		10,000	20,000	NA	10,000	NA		
Other	20,000		None	20,000	20,000	80,000	40,000		
<b>Minimum Lot Width (feet)</b>									
Interior Lot	100		[1]	100	200	[6]	200		
Corner Lot	100			100	200		200		
<b>Maximum Nonresidential FAR</b>									
	None		None	None	0.35	0.50[8]	None		
<b>Min. Yards/Setbacks (feet)</b>									
Front [2]	20		[3]	20 [4]	40	20	50		
Side	20		5 [5]	10	25	10	20		
Rear	20		20	20	25	20	20		
<b>Minimum Common Open Space (pct)</b>									
	NA		NA	NA	NA	20	NA		
<b>Max. Building Height (feet)</b>									
Residential	NA		35	35	NA	45	NA		
Nonresidential (Mixed-Use [Res-Nonres])	45[7]		45	45[7]	45[7]	65[7][8]	45[7]		
<b>Min. Zoning District Area (acres)</b>									
	None		None	5	5[8]	None	5		

[1] Minimum Lot Width (feet):

	Interior Lots	Corner/End Lots
Single-Family Detached	40	40
Single-Family Attached	20	30
Multi-Family	100	100
Duplex, Vertical	30	30
Duplex, Horizontal	60	60
Nonresidential	20	20

- [2] Properties within the H-1 Overlay District shall be eligible for reduced front yards (setback) in accordance with Sec. 10.4.5D.
- [3] Minimum Front Setback: 1 foot; Maximum: 20 feet, Actual setback determined in accordance with Sec. 10.4.5D.
- [4] New or expanded developments within the B-2 District may have up to a minimum front yard setback requirement of 5 feet if the development of the lot or a development of a combination of abutting lots has at least 400 feet of front yard road frontage. The 5-foot setback is also subject to the following provisions:
  - a. Parking or loading areas for motor vehicles or storage of materials or equipment shall not be located within the reduced front yard setback.
  - b. The total square footage of all structures shall not exceed the maximum allowable square footage permissible within the required setbacks.
  - c. The Director of Plan Review shall determine that such development will not interfere with necessary public improvements or required landscaping.
  - d. The front facade of a building shall have as its primary orientation the adjacent roadway from which the front yard setback reduction is requested.
  - e. Fencing or wall located within the front yard setback shall not exceed 42 inches above grade.
- [5] No side-yard setback requirements for lots fronting on Market Street, Loudoun Street, King Street, Wirt Street and Liberty Street.
- [6] Minimum Lot Width (feet):

	Interior Lots	Corner/End Lots
Single-Family Detached	50	50
Single-Family Attached	24	30
Multi-Family	100	100
Duplex, Vertical	30	30
Duplex, Horizontal	60	60
Nonresidential	200	200

- [7] The front, side and rear yard minimum setback shall be increased to be equal to the height of the building where the building height exceeds the required minimum yard setback adjacent to residential district only. For example, the B-2 District allows a commercial building to be a maximum of 45 feet in height. If the rear yard of the building is to be located adjacent to a residential use (such as townhouses), the building must be at least 45 feet from the property line with the residential use, even though the rear setback for the B-2 District is only 20 feet.
- [8] Where a lot is proposed to be rezoned to the B-3 District consistent with the Town Plan, and the lot (a) does not contain 5 acres in area, and (b) is not contiguous to an existing B-3 District, the minimum district size shall not apply.

**Sec. 10.3 Alternative Residential Development Options**

**10.3.1 Residential Cluster Development**

Residential cluster developments shall be allowed in accordance with the Use Table of Sec. 9.2, subject to the following standards.

**A. Development Standards.** The development standards that apply to residential cluster developments shall be the same as those established in the zoning district in which the residential cluster development is located, except as expressly modified by the regulations of this subsection.

- 1. Minimum Lot Size (for single-family dwelling types permitted by the underlying zoning district:
  - a. R-2 District – 9,600 square feet
  - b. R-4 District - 5,000 square feet
  - c. R-6 District - 4,000 square feet
  - d. R-8 District – 4,000 square feet

2. Minimum Lot Width (for single-family dwelling types permitted by the underlying zoning district:
  - a. R-2 District – 80 feet
  - b. R-4 District – 50 feet
  - c. R-6 District – 35 feet
  - d. R-8 District – 35 feet
3. Minimum Yard Regulations
  - a. Front Yard (Principal Dwelling) - 15 feet
  - b. Front yard (Garage Entrance) – 20 feet
  - c. Side Yard - 5 feet
  - d. Rear Yard - 10 feet

**B. Structure Location Requirements**

1. The minimum distance between any two buildings or structures in a cluster development shall be 10 feet.
2. The minimum distance between any buildings or structures and public street edge of right-of-way shall be 15 feet, provided that the minimum setback for any garage opening shall be 20 feet.
3. A buffer area of at least 50 feet in width shall be provided along the perimeter of a residential cluster development boundary. No new building, structure, driveway, parking or loading areas shall be located within the buffer.

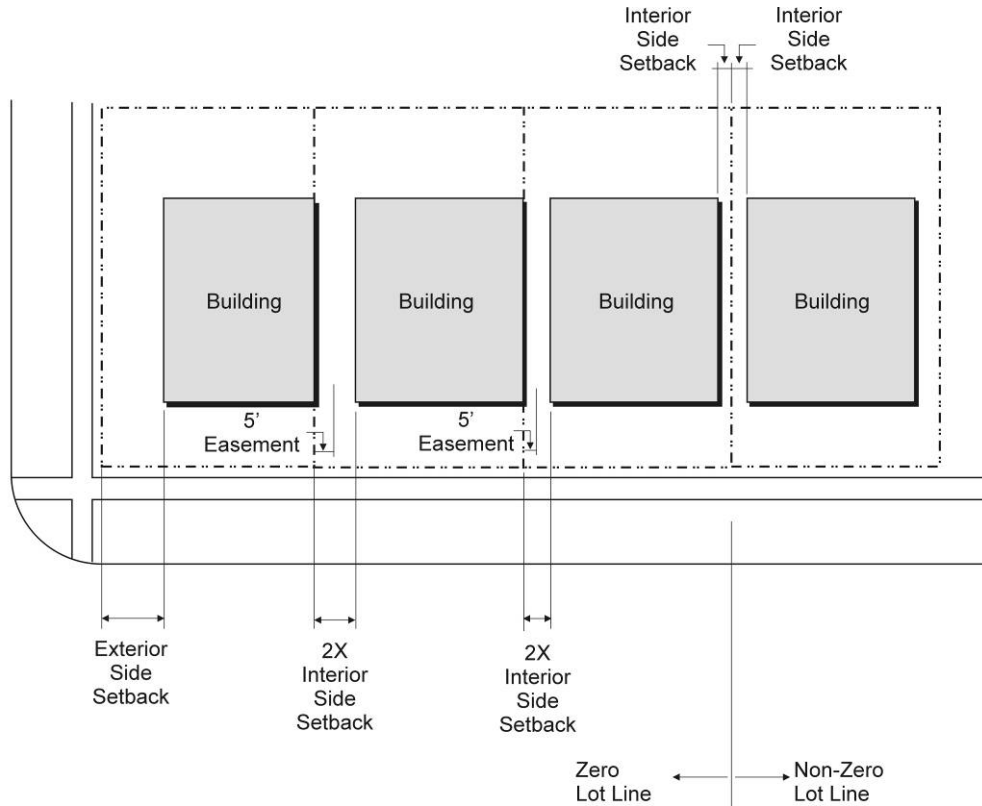
**C. Open Space**

1. Minimum Requirement. Within every approved residential cluster development, a minimum of 40 percent of the gross acreage shall be planned and reserved permanently for common open space, to be maintained exclusively for recreation and/or conservation purposes.
2. Use of Open Space; Features to be Included
  - a. All non-developable area consisting of all streambeds, all FEMA floodplain and any wetlands and areas with slopes exceeding a 25 percent gradient shall be permanently maintained as open space. For purposes of this section these areas may be counted towards meeting minimum open space requirements, provided that floodplains, wetlands or water areas shall not account for more than 50 percent of the required open space.
  - b. The use of open space areas shall be restricted to those activities that permit the use and enjoyment of the open space without compromising designated purpose of the open space area.
  - c. Only those stormwater detention basins that are designed as wetlands or wet bottom basins with vegetation along side slopes may be counted toward meeting minimum open space requirement.
3. Prohibited Areas. No land lying within the following areas shall be counted toward meeting minimum open space requirements:

- a. Residential lots
  - b. Public or private roads or drives
  - c. Sidewalks and parking areas, excluding pathways in open space.
4. **General**
- a. Land designated as open space shall be used and maintained as open space and may not be separately subdivided or developed except as provided herein. The Zoning Administrator shall be authorized to allow development within designated open space areas for the maintenance or enhancement of the protected open space. The Zoning Administrator shall specifically be authorized to allow fences, walls, signs and other structures within open space areas if necessary to protect or enhance the function of such open space areas or when the Zoning Administrator determines that such improvements or structures will not be detrimental to the function of the open space area being preserved. When open space areas are designated for specific uses that require the construction of improvements, such improvements shall be appropriately sized and designed to meet the needs of the development.
  - b. In designing subdivisions and laying out developments, efforts shall be taken to maximize the use and enjoyment of open spaces for the purposes designated. Small strips or spots of open space shall be avoided; they may be used only when no other practical means exists for providing required open space.
  - c. Landscaping within open space areas shall be designed so that open space areas are aesthetically pleasing and functionally usable for the purpose specified.
5. **Management Plan**. A management plan covering a minimum period of 5 years shall be prepared and submitted for all required open space areas.
6. **Connections**. The required open space shall be connected to the residential dwellings within the development by pedestrian ways (sidewalks or trails) and roads. The open space areas must be usable and accessible for recreational activities.
7. **Ownership**. Within any residential cluster development approved under this Zoning Ordinance on which a tract is designated to be used in common for recreational or other public or semi-public purposes, no lot shall be approved, recorded, sold, or used within the development until the following appropriate documents in a form approved by the Town Attorney have been executed:
- a. The nature of the permanent organization under which common ownership is to be established, including its purpose; how it shall be governed and administered; the provisions made for permanent care and maintenance of the common property including necessary bonds when required by the town; and the method for assessing the individual property owners for their share of the cost of administering and maintaining such common property; and
  - b. The extent of common interest held by the owner of each individual parcel in the tract held in common with others.

### 10.3.2 Zero Lot Line Development

- A. Description.** A zero lot line development is one in which houses in the development on a common street frontage are shifted to one side of their lot. This provides for greater usable yard space on each lot. These developments require that planning for all of the house locations be done at the same (subdivision) platting. Because the exact location of each house is predetermined, greater flexibility in site development standards is possible while assuring that single-dwelling character is maintained.
- B. Applicability.** Zero lot line developments are allowed for houses in the RHD, R-6, and R-8 Districts and all Planned Development Districts.
- C. Procedure.** Zero lot line developments are allowed by-right. Review for compliance with the standards of this section shall occur during the subdivision platting process. Restrictions that assure the minimum distance between houses and any required easements must be recorded on the plats of the applicable lots. Proof of such recordation must be submitted as part of the building permit application.
- D. Setbacks.** Notwithstanding any other requirements of this Zoning Ordinance, the side building setback on one side of a house in an approved zero lot line development may be reduced to zero (0) feet. This reduction does not apply to the street side setback or to the interior side setback adjacent to lots that are not part of the zero lot line project.
- E. Additional Standards**
1. Distance Between Houses. The minimum distance between all buildings in the development must be equal to two times the required side setback required by the underlying zoning district. A deed restriction must be recorded on the deed of each applicable lot to ensure continued compliance with this setback.
  2. Eaves. The eaves on the side of a house with a reduced setback may project a maximum of 18 inches over the adjacent property line. In this case, an easement for the eave projection must be recorded on the deed for the lot where the projection occurs.
  3. Maintenance Easement. An easement between the two property owners to allow for maintenance or repair of the house is required when the eaves or side wall of the house are within 4 feet of the adjacent property line. The easement on the adjacent property must provide at least 10 feet of unobstructed space between the furthestmost project of the structure and the edge of the easement.
  4. Privacy. If the side wall of the house is on the property line, or within three (3) feet of the property line, windows or other openings that allow for visibility into the side yard of the adjacent lot are not allowed. Windows that do not allow visibility into the side yard of the adjacent lot, such as a clerestory window or a translucent window, are allowed.



### 10.3.3 Traditional Design Option

**A. Description.** The purpose of this section is to allow the option for development and redevelopment of land, consistent with the design principles of traditional neighborhoods. A traditional neighborhood:

1. Is compact, fostering walk ability
2. Is designed to a human scale; provides a pedestrian-scale streetscape featuring narrow street profiles, on-street parking, building-forward orientation, short block lengths, and decorative street lighting
3. Provides a mix of single-family detached housing styles to accommodate household diversity in terms of age, size and income
4. Includes a grid-like street and alley system that allows for maximum connectivity to adjacent neighborhoods as well as non-residential activity centers
5. Either includes as part of the development, or is in close proximity to, planned retail/office centers
6. Includes pedestrian/bicycle connection to any nearby community facilities
7. Retains existing buildings with historical or architectural features that enhance the visual character of the community
8. Incorporates significant community focal points into the design
9. Is consistent with the Leesburg Town Plan

- B. Applicability.** The Traditional Design Option is an alternative set of standards for new single-family detached residential development of 50 acres or more in the R-1 zoning district, with frontage on at least one major arterial road (existing or planned). When in conflict with other Town regulations, including the Zoning Ordinance, the Design and Construction Standards Manual, The Subdivision and Land Development Regulations, etc. the Traditional Design Option shall take precedence.
- C. Procedure.** The Traditional Design Option is allowed by right. Review for compliance with the standards of this section shall occur during the subdivision review process. Proof of such recordation must be submitted as part of the Zoning Permit application. Individual building elevations required by Section 10.3.3.J.4 shall be submitted as part of the Zoning Permit application.
- D. Density.** The base density shall be commensurate with R-1 zoning. A density bonus allowing up to 1.6 units per gross acre may be attained as specified in Section 10.3.3.M.
- E. Access Requirements.** Traditional Design Option development must have multiple access points to roads adjacent to the development.
- F. Street Design.**
1. Streets shall be arranged primarily in a grid-like pattern. Cul-de-sacs are discouraged, and if included in the design should be kept to a minimum.
  2. All streets shall consist of two lanes.
  3. All streets shall include sidewalks on both sides.
  4. Sidewalks shall have a minimum unobstructed width of five feet.
  5. A minimum of 20 percent of all house lots shall have rear frontage on a private alley.
  6. On-street parking shall be provided.
  7. Crosswalks shall be provided at all controlled intersections to alert motorists to the presence of pedestrians and to allow pedestrians safe crossing points.
  8. Crosswalks shall be clearly marked and shall incorporate traffic calming devices such as contrasting surface color and/or texture, or bump-outs.
  9. Applicants shall provide a typical street section with the application.
  10. Street cross-sections shall indicate the location of proposed street trees.
- G. Open Space.**
1. The Open Space regulations of this section require the establishment and maintenance of improved open space to provide adequate light, air and space to residents or occupants of all developments. These regulations require the establishment of a property owner association to be responsible for the maintenance of common improvements, as detailed in Section 8.3.6 of the Zoning Ordinance.
  2. At least 25 percent of the gross acreage of the Traditional Neighborhood Development must be open space.

- a. Open space may include undevelopable areas such as steep slopes and wetlands, and storm water management (SWM) facilities. Allowances for Stormwater Management Facilities shall be as follows:
  - i. Only those storm water detention basins that are designed as wetlands or wet bottom basins with vegetation along side slopes may be counted toward meeting the minimum open space requirement.
  - ii. A maximum of 50 percent of the acreage of storm water management facilities may be counted as open space.
  - iii. 100 percent of (wet or dry) regional storm water management facility acreage within the development may be counted as open space.
  - iv. 100% of (wet or dry) ponds that incorporate significant Best Management Practice components may be counted as open space.
  - v. 100% of (wet or dry) ponds that have been or are to be constructed entirely for or in part for a Town capital improvement project may be counted as open space.
- b. At least 30 percent of the open space provided must be for active and/or passive recreation.
- c. All residential lots shall be within a ¼ mile walk of open space.
- d. At least 10% of the total open space provided must be comprised in a single contiguous parcel of significant length, width and grade to be suitable for pick-up games and other unorganized field sports.

## H. Development Standards.

### 1. Lot Size

- a. Lots shall be a minimum of 5,000 square feet in area.
- b. No lot shall exceed one acre in area.
- c. Lots 10,000 square feet or more in area shall comprise no more than 50 percent of the total number of lots.

### 2. Building Location

- a. Garages shall be recessed a minimum of six feet from the front façade of the principal structure
- b. Lots with rear frontage on an alley shall have rear-loaded garages, and shall have no off-street parking to the front
- c. Air conditioning equipment, heat pumps and similar mechanical equipment may not project more than three feet into any required side or rear yard.
- d. Porches and bay windows may project up to three feet into a required yard.
- e. Accessory structures shall meet all requirements contained in Section 10.4.5.C.1 of the Zoning Ordinance.
- f. On lots of 6,000 square feet or less no house shall exceed 3,500 square feet in area, including basements. This maximum shall not include

garages. In no case shall the area of a garage exceed 25% of the floor area of the primary structure.

g. Additional development standards are presented in the table below:

<b>Table 10.3.3.G Additional Development Standards</b>		
<b>Criterion</b>	<b>Lot Size/Standard</b>	
	<b>5,000 – 10,000 sf in area</b>	<b>10,000+ sf in area</b>
1. Front setback	25' maximum	20' minimum
2. Front garage setback	31' minimum	N/A
3. Side setback	6' minimum	10' minimum
4. Rear setback	25' minimum	30' minimum
5. Rear garage setback	5' minimum	N/A
6. Minimum width (interior lots)	45	70
7. Minimum width (corner lots)	70	70

**I. Landscaping and Buffering.**

1. A 50-foot landscape buffer shall be implemented on the perimeter of the development where adjacent to major arterial streets.
2. A 35-foot landscape buffer shall be implemented on the perimeter of the development where adjacent to streets of a classification other than major arterial.
3. An S-2 type buffer shall be provided between perimeter streets and dwelling units when front facades face the perimeter street.
4. An S-3 type buffer shall be provided between perimeter streets and dwelling units when rear facades face the perimeter street.

**J. Architectural Design.** The following are key elements of traditional neighborhoods, and shall be incorporated into the design:

1. A minimum of 75 percent of all residential lots less than 8,000 square feet in area shall include porches, porticoes or other covered entry features.
2. Housing units on corner lots shall include a porch, portico or other covered entry feature on each street facade. Such features may be separate or contiguous.
3. Building height shall not exceed 35 feet.
4. No adjacent units shall have identical elevations; adjacent units shall vary with regard to color and/or materials and/or fenestration.
5. Applicant shall provide detailed exterior architectural designs. Individual building elevations shall include at least two of the following elements:
  - a. dormer(s)
  - b. front porch(es), portico(es) or other covered entry feature(s)
  - c. bay window(s)
  - d. balcony(ies)
  - e. brick or stone façade(s)



- b. Provide open space comprising at least 30 percent of the gross acreage; or,
- c. Provide more than 50 percent of residential lots of 9,000 square feet or less; or,
- d. Provide a community recreation site (such as pool, community center, amphitheatre); or,
- e. Provide at least one 'boulevard' entrance (divided roadway with a treed median), at least 500 feet in length, from each major arterial road adjacent to the development; or,
- f. Provide at least 15 percent of the total required open space for 'active' recreation; or provide pedestrian/bicycle connections to on-site recreation facilities and adjacent public facilities such as schools, roads and existing trail systems.
- g. Provide pedestrian/bicycle connections to on-site recreation facilities and adjacent public facilities such as schools, roads and existing trail systems.

## Sec. 10.4 Measurements, Computations and Exceptions

### 10.4.1 Size and Dimension Standards, Generally

- A. Establishment of Standards.** In order to carry out the purpose and intent of this Zoning Ordinance, size and dimension standards for particular zoning districts are hereby established.
- B. Application of Standards.** The size and dimensions established by this Zoning Ordinance within particular zoning districts shall be minimum or maximum limitations, as appropriate to the case, and shall apply uniformly to each class or kind of structure or parcel of land, except as specifically provided herein. Where this Zoning Ordinance imposes greater restrictions upon the use of a structure or parcel of land than are imposed on such uses by any other town regulation or ordinance, the provisions of this Zoning Ordinance shall prevail.
- C. Use, Occupancy and Construction.** No building, structure or parcel of land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be constructed, except in conformance with all size and dimension standards for the district in which it is located.
- D. Requirements for One Use Not to be Used for Another.** No part of a yard, open space area, or lot area required in connection with any building or use for the purpose of complying with this Zoning Ordinance shall be included as a part of a yard, open space or lot area similarly required for any other building or use, unless so authorized by this Zoning Ordinance.
- E. Variances.** Variances from these standards, excluding the maximum density and floor area ratio (FAR) limitations and as authorized by Sec. 13.2, may be granted by the Board of Zoning Appeals in accordance with the procedures of Sec. 3.13.

#### 10.4.2 Minimum District Size

- A. Generally.** Where a minimum district size is specified for a given zoning district, no parcel of lesser size shall be so classified in any location in the town except by the Town Council acting on a rezoning application of its own initiation. Additional contiguous land may be rezoned to such classification if such an addition complies with any minimum standards established for enlarging the zoning district.
- B. If No Minimum District Size.** Where no minimum district size is specified, the minimum lot area and lot width requirements shall define the minimum district size.

#### 10.4.3 Calculation of Density

- A. Generally.** In no instance shall the maximum residential density specified for a given zoning district be exceeded in the approval of any development, except as specifically authorized in this Zoning Ordinance. For residential districts maximum density shall be expressed as the number of dwelling units divided by the net area of the subject parcel.
- B. Residential Density Calculation.** For the purpose of calculating density, net area shall be calculated by subtracting all of the following from the gross land area of the subject parcel: (1) all lands within existing public rights-of-way (2) area within the 100-year floodplain and wetlands; (3) any area devoted to nonresidential uses, unless otherwise authorized by the Zoning Ordinance or Planned Development Ordinance and provided all other applicable town regulations are met; and (4) area classified as steep slopes.
- C. Fractions.** The maximum density figures of this Zoning Ordinance shall not be interpreted as a guarantee of density; other standards may work to limit density to figures lower than the stated maximum density of the underlying zoning district. In the determination of the maximum number of units to be allowed, the permitted number shall be made proportional to any fraction of an acre that is part of the development. Any fraction of a number shall be rounded down to the next whole number.
- D. Mixed Residential.** In mixed developments having both multi-family and single-family attached (townhouse) sections, density and any resulting active recreation facility requirements may be calculated separately for each respective dwelling category. See Article 9.

#### 10.4.4 Lot Size

- A. Generally.** Except as may be specifically permitted by the provisions of this Zoning Ordinance, no structure or part thereof shall hereafter be constructed or moved on a lot which does not meet all of the minimum lot area and dimension requirements established for the zoning district in which the structure is or is to be located.
- B. Applicability to All Uses.** Unless otherwise expressly permitted by this Zoning Ordinance, all permitted uses and all special exception uses shall be subject to the lot size requirements specified for a given district.

- C. Continuing Compliance.** Unless otherwise expressly permitted under this Zoning Ordinance, no lot existing on February 25, 2003, shall thereafter be reduced in size, dimension, or area below the minimum requirements set out herein, except by reason of a portion being acquired for public use in any manner, including dedication, condemnation, purchase, and the like.
- D. Exemptions from Lot Area and other Dimensional Standards.** Lots created after February 25, 2003, shall meet the minimum standards established herein except that the following shall be exempt from minimum lot area and other zoning dimensional standards:
1. Lots created for use by the Town of Leesburg, municipal utilities, public utilities as defined in Section 56-232 of the Code of Virginia, or public service corporations as defined in Section 56-1 of the Code of Virginia and meets the requirements of Section 5-621 of the Code of Virginia; and
  2. An "outlot" designated on a plat as open space, provided that no habitable structures shall be built upon such an outlot.
- E. Boundary Line Adjustments.** Boundary line adjustments may be permitted between nonconforming lots (or between a conforming and a nonconforming lot); provided the Zoning Administrator finds that the degree of nonconformity for any lot resulting from such boundary line adjustment is not increased due to such adjustment.
- F. Structure Built on Two Lots.**
1. Any person wishing to construct an addition to an existing structure on more than one lot shall provide legal assurance, approved by the Zoning Administrator, which demonstrates unity of title for all lots. Prior to issuance of a zoning permit, the property owner shall submit for signature and recordation a plat of vacation or boundary line adjustment plat which locates the structure on a single lot. (Per Sec. 15.2-2275 of the Code of Virginia, 1950, as amended.)
  2. Exempt from this consolidation requirement is the construction of a deck, patio, or accessory structure to an existing structure built across multiple lot lines. Setbacks for decks, patios, and accessory structures, per Section 10.4.5.C, shall be measured from the perimeter lot or parcel lines of all related lots or parcels to the existing structure.
- G. Pipestem and Irregular Lots**
1. Additional Use Limitations and Standards. Principal and accessory structures on pipe stem lots which have been created as authorized by this Zoning Ordinance the Subdivision and Land Development Regulations shall be located within the building restriction lines shown on the final plat of the subdivision in which the lot is located, or the yard requirements of this Zoning Ordinance, whichever is more restrictive. Required off-street parking for uses located on a pipe stem lot shall not be located on the stem portion of the lot or common driveway serving more than one lot. Any pipe stem lot created after April 26, 2011, shall have a minimum of 20 feet of frontage on a public street or approved private access way. No portion of the pipe stem lot shall measure less than 20 feet between the street property line and the buildable area of the lot. Required off-street parking on pipe stem lots shall be

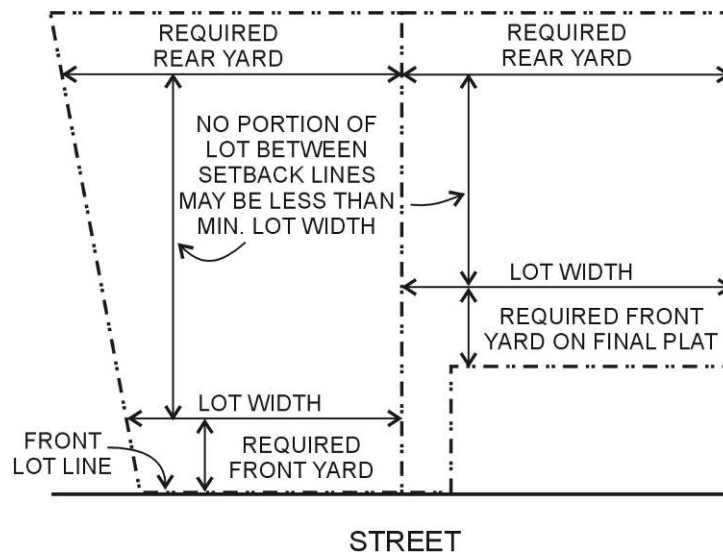
connected to a public street by a driveway with a minimum pavement width of 14 feet for driveways serving 1 or 2 lots, and 18 feet for those serving 3 or more lots, and shall be paved in compliance with the standards within the Leesburg Design and Construction Standards Manual

2. **Pipe stem and Irregular Lots.** Main buildings and accessory structures on pipestem or irregular lots subdivided under Sections 13-75 or 13-91 of the Town Code shall be located within the building lines shown on the final plat of the subdivision in which the lot is located. Required off-street parking on pipestem lots shall not be located on the stem portion of the lot or common driveway serving more than one pipestem lot. Required off-street parking on pipestem lots shall be connected to a street by a driveway with a minimum pavement width of 14 feet which shall be paved as required by the Leesburg Design and Construction Standards Manual.

#### H. Measurement of Lot Width

1. Except as otherwise expressly stated in this Zoning Ordinance, lot width shall be measured parallel to the front lot line at the point of the minimum required front yard setback. No portion of the lot between the front and required rear yard (setback) lines shall be less than the minimum lot width required for the zoning district. (See Sec.10.4.4G for pipe stem lot exceptions)
2. For pipestem lots approved by the town, the minimum lot width shall be measured at the minimum front yard line approved on the final plat.

#### Measurement of Lot Width



#### 10.4.5 Minimum Yard Requirements

- A. **Generally.** Except as may be qualified by the provisions of this Zoning Ordinance, no structure or part thereof, shall hereafter be built or moved on a lot which does not meet all of the minimum yard requirements established for the zoning district in which the structure is located. Nothing within these regulations shall prohibit the establishment of building restriction lines which exceed the requirements of these zoning regulations.

- B. Required Yards for Corner Lots.** Corner lots shall maintain a front yard, as established for the respective zoning district, on each street frontage; and no accessory building shall be permitted within any front yard. On a narrow lot of record which existed prior to the adoption of this Zoning Ordinance, the front yard for the longest lot line abutting a street may be reduced as provided herein.
- C. Extensions into Required Yards.** The following uses and structures shall be permitted to be located within required yards, subject to the limitations established herein. No structure may be erected over a public right-of-way or easement, except as permitted in the Town Code.
1. Accessory Structures. May be erected within a required side or rear yard, provided such accessory structures:
    - a. are separated from the principal structure by a minimum of ten feet (10') in the case of residential sheds, separation from the principal structure shall be a minimum of five feet (5'); and
    - b. are located a minimum of two feet (2') from a side or rear property line; and
    - c. are located no closer than five feet (5') to any structure on an adjacent lot; and
    - d. within residential zoning districts shall not exceed twenty feet (20') in height; and
    - e. within residential zoning districts shall not exceed 900 gross square feet in area, or no more than fifty percent (50%) of the principal structure's footprint, whichever is less; and
    - f. within multi-family and non-residential uses shall not exceed fifty percent (50%) of the principal structure's footprint and shall adhere to the district regulations for side and rear yard requirements.
  2. Air Conditioners and Similar Equipment. On lots containing single-family detached dwellings, duplex dwellings, multi-family dwellings, and end-unit single-family attached dwellings, heating, ventilation, and air conditioning (HVAC) equipment and similar mechanical equipment may not project more than three (3) feet into any required side or rear yard but no closer than five (5) feet to any lot line. Notwithstanding, window air conditioning units may not project more than eighteen (18) inches into a required yard.

On interior single-family attached dwelling unit lots only, HVAC and similar mechanical equipment may be located no less than eighteen (18) inches (or, 1 ½ feet) from the property boundary.

On lots containing single-family detached dwellings, duplex dwellings, multi-family dwellings, and end-unit single-family attached dwellings, in which the required side or rear yard setback is five (5) feet or less, (HVAC) equipment and other similar equipment may be located no closer than (2) feet from the side or rear lot line if the following standards are met:

- a. A solid fence, wall or other screening is installed around any such HVAC unit or equipment to appropriately screen the unit or equipment from adjacent properties and public rights-of-way to the satisfaction of the

Zoning Administrator and in accordance with all other applicable regulations.

3. Architectural Features and Structural Overhangs. Cornices, awnings, eaves, gutters or other similar structural overhangs at least eight (8) feet above grade may extend up to three feet into any required yard. This section shall not be construed to allow increased square footage for a second story or higher floor overhang.
4. Balconies, Chimneys, Porches, and Bay Windows.  
Balconies, chimneys, porches, and bay windows, may project up to three feet into a required yard, but no closer than five (5) feet to any lot line. (2022-O-025)
5. Uncovered Decks, Steps and Landings, and Patios.
  - a. Uncovered decks, which are attached to the principal structure and are not more than three (3) feet above grade on the lot may extend into a required side or rear yard within five (5) feet of the property line for single-family detached residences. Enclosed-Roofed Decks are not permitted within required yards.
  - b. Uncovered decks, which are attached to the principal structure and are more than three (3) feet above grade on the lot, may extend into a required rear yard to within ten (10) feet of the property line, however, side yard requirements shall apply. Enclosed-Roofed Decks are not permitted within required yards.
  - c. Steps and landings, which are attached to a single-family detached dwelling's uncovered deck, may project up to three feet into a required yard, but no closer than five feet (5) to any lot line. (2022-O-025)
  - d. Steps and landings, which are attached to an end unit single-family attached dwelling's uncovered deck, shall be located no closer than five (5) feet to any perimeter side or rear lot line. (2022-O-025)
  - e. Steps and landings, which are attached to an interior single-family attached dwelling's uncovered deck shall not be located closer than five (5) feet to any rear lot line. A setback from an interior side lot line is not required. (2022-O-025)
  - f. A patio, with or without steps and landings, adjoining the principal structure may extend into a required side or rear yard within two (2) feet of the property line for all residential uses subject to buffer guidelines. (2022-O-025)
  - g. Patios located within the Old and Historic Overlay District (H-1), may encroach into any required yard without restriction. Patios shall be designed to accommodate any necessary overland drainage. (2022-O-025)
6. Fences, Walls and Hedges. Fences, walls and hedges may be located within required yards subject to the following limitations.
  - a. **Front Yard**. Fences, walls and hedges not exceeding 42 inches in height may be erected in the front yard of any lot. For residential uses,

- b. landscaping and decorative wooden or iron or masonry fences which exceed 42 inches in height may be located within a required front yard provided such fences and landscaping do not obstruct visibility at street or driveway intersections. In no case shall a fence in the front yard of a residential district exceed six (6) feet in height.
  - c. **Side and Rear Yard.** Fences in residential districts shall be limited to a maximum height of seven (7) feet when located in a side or rear yard; except when abutting a nonresidential district or use, in which case such fences may be eight (8) feet in height. Fences in nonresidential districts, when located inside or rear yards shall be limited to eight (8) feet in height.
  - d. **Prohibited Walls and Fences; Residential Districts.** No barbed wire, electrical elements, or other hazardous materials shall be maintained as a fence or part of a fence or wall in a residential district.
7. Fire Escapes and Outside Stairways. Unenclosed stairways and fire escapes may extend up to four and one-half feet (54 inches) into a required yard but shall be no closer than five (5) feet to the property line.
8. Satellite Dish Antennae.
- a. **Residential Districts.** Satellite dish antennae with a diameter of up to one meter shall be allowed within all residential zoning districts. There are no restrictions on where such antenna may be located on residential lots, provided that (1) they shall not create a safety hazard and (2) the Board of Architectural Review shall be authorized to regulate the location and appearance of such antenna within H-1, H-2 and Gateway Overlay Districts. Satellite dish antenna with a diameter of more than one meter in diameter shall be prohibited within all Residential Districts.
  - b. **Nonresidential Zoning Districts.** Satellite dish antennae with a diameter of up to two meters shall be allowed within all nonresidential zoning districts. Such antennas shall be ground mounted and located within the rear yard unless it is determined that a useable signal cannot be obtained from a rear yard location. Such antennae shall be screened from view at ground level from any public street or residential use, and they may not exceed the height limitations of the zoning district. No portion of any such antennae shall be located within ten (10) feet of any property line or the height of the proposed dish antennae, whichever distance is greater. Satellite dish antennae with a diameter of more than two meters shall be allowed within nonresidential zoning districts only when approved as a Special Exception use in accordance with Sec. 3.4.
9. Swimming Pools and Hot Tubs.
- a. **General Conformance.** Swimming pools and hot tubs shall be required to comply with Virginia Uniform Statewide Building Code, as amended.
  - b. **Location, Swimming Pool.** Swimming pools shall not be permitted in front yards. A private swimming pool, not exceeding three (3) feet above grade, is permitted in a required minimum side or rear yard to

- within six (6) feet of a property line, as measured perpendicular from said property line to the outermost edge of the pool coping.
- c. Location, Hot Tub. Hot tubs shall not encroach into any required yard.
  - d. Apron. Any associated walkway or deck, not exceeding three (3) feet above grade, is permitted in a required minimum side or rear yard to within three (3) feet of a property line. Any associated walkway or deck, exceeding three (3) feet above grade, shall not be permitted in a required minimum yard.
  - e. Enclosure or Cover, Swimming Pool. Swimming pools shall either be:
    - i. Enclosed by a fence with a minimum height of four (4) feet, or
    - ii. Covered by a powered safety cover that complies with ASTM-F-1346. The owner shall secure all necessary permits from Loudoun County, and provide an inspection report to the Zoning Administrator, or their designee, no later than 14 days after inspection.
  - f. Cover, Hot Tub. Hot tubs shall be covered by a lockable safety cover that complies with ASTM-F-1346
- 10. Utility Equipment and Public Safety.** Fire hydrants, transformers and related utility and public safety equipment may be located within any required yard, as authorized by this Zoning Ordinance and the Subdivision and Land Development Regulations.
- 11. Other Structures.** Trellises and trelliswork, play equipment, wires, outdoor furniture, mailboxes, ornamental entry columns and gates are allowed within required yards, so long as not deemed a sight distance or safety hazards by the Zoning Administrator.
- 12. Platform Decks.** An at grade platform deck not exceeding ten (10) inches in height, may extend into a required side or rear yard within two (2) feet of the property line, cannot exceed two hundred (200) square feet in area, and shall be permitted in the rear yard only. A platform deck cannot have footers for support and must be supported by the ground only. Platform decks are exempt from Zoning Permit requirements and will not require review by the Board of Architectural Review or a Certificate of Appropriateness when not visible from the street as determined by the Zoning Administrator.
- 13. Shade Structures:** No portion of a shade structure in the Community (Downtown) Business District (B-1) shall be located closer than five feet (5') to any side or rear property line.
- 14. Tents:** No portion of a tent in the Community (Downtown) Business District (B-1) shall be located closer than five feet (5') to any side or rear property line.
- 15. Accessory Structures, Portable:** (Examples provided in Figures 10.4.5.C.1.a and b) within residential districts, may be erected within a required side or rear yard, provided such structures:
- a. are rectangular in shape, where the structure is greater in its width than its depth; and
  - b. are less than fifty (50) square feet in area; and

- c. are located a minimum of five feet (5') from a side or rear property line; and
- d. shall not exceed twelve feet (12') in height; and
- e. shall not be attached to the principal dwelling



16. Donation boxes. Donation boxes may extend up to five feet (5') into a required rear yard.

**D. Reduction of Front Yard Requirements in Historic District.** New or expanded developments within the H-1 Overlay District may be located closer to the street frontage than otherwise authorized by the underlying zoning district, up to the average setback of existing buildings (including any covered or enclosed portions of such structures) which abut the property along the street frontage. In circumstances where there will not be an adverse impact to adjoining properties, an existing principal structure may be expanded along an established nonconforming perimeter yard setback. In both situations, the applicant must demonstrate to the satisfaction of the Board of Architectural Review and the Zoning Administrator that the proposed structure will be compatible with the surrounding properties and will not interfere with the light, air, convenience of access, public improvements, and safety from fire, flood and other dangers.

**E. Additional Setback Requirements from Certain Streets.** In addition to those yard requirements established for zoning districts, the building setback requirements established herein for certain public streets within the Town of Leesburg shall also be applicable. In case of conflict with other provisions of this Zoning Ordinance, the greater setback requirement shall prevail.

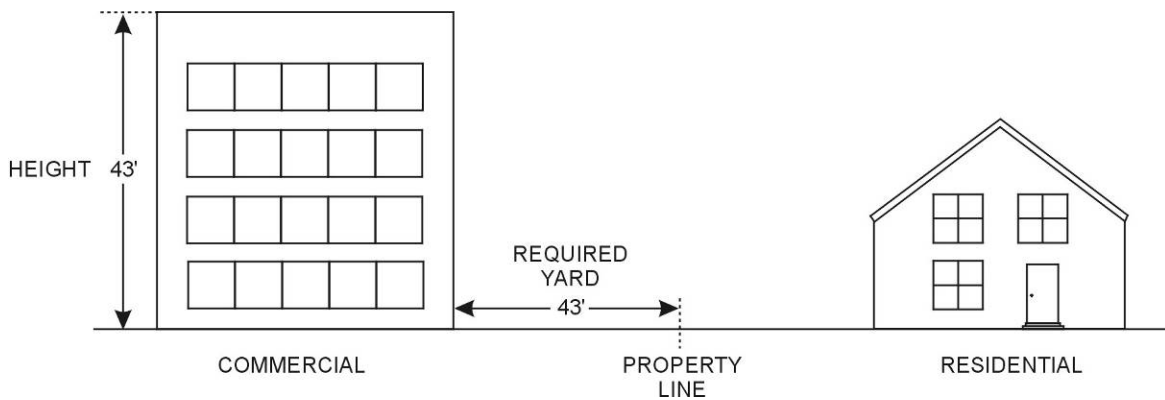
1. Route 7, East of the Route 7/15 Bypass: 100 feet from the right-of-way line.
2. Route 15, South of the Route 7/15 Bypass: 100 feet from the right-of-way line.
3. West Market Street, north side only, between Ayr Street and the western corporate limits: 100 feet from the centerline of the right-of-way.
4. Dulles Greenway Private Toll Road: 120 feet from the right-of-way line.

Figure 10.4.5.C.15.a

Figure 10.4.5.C.15.

5. Increased Setbacks Based on Road Classification Outside of the Bypass. No building shall be located closer than 100 feet from the right-of-way of any limited access highway, 80 feet from a major arterial road, 50 feet from a minor arterial road, and 35 feet from the right-of-way of a through collector road located outside of the Route 7/15 Bypass in the area to the east side and/or south side of the Route 7/15 Bypass as indicated in the Transportation Element of the Town Plan.
  6. Pursuant to the process outlined in Section 3.18, the setbacks may be waived or modified by the Town Council
- F. Increased Setback Adjacent to Residential Districts.** In nonresidential districts the front, side and rear yard minimum setback shall be increased to be equal to the height of the building where the building height exceeds the required minimum yard setback adjacent to residential districts only. For example, the B-2 District allows a commercial building to be a maximum of 45 feet in height. If the rear yard of the building is to be located adjacent to a residential district (such as R-6), the building must be at least 45 feet from the property line with the residential district, even though the rear setback for the B-2 District is only 20 feet.

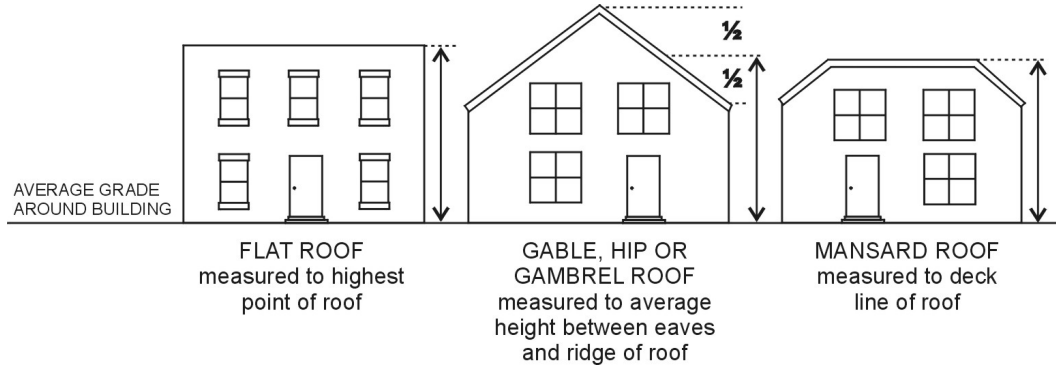
#### Increased Setback Adjacent To Residential Districts



#### 10.4.6 Maximum Height

- A. Maximum Height, Generally.** Except as may be specifically provided by this Zoning Ordinance the maximum height specified for the individual zoning districts shall apply to all structures located within the district.

#### Measurement of Height



**B. Measurement of Height.** Building height shall be measured as the vertical distance to the highest point of the roof for flat roofs, to the deck line of mansard roofs, and to the average height between eaves and the ridge of the gable, hip and gambrel roofs measured from the average grade around the entire building.

**C. Structures Excluded from Maximum Height Limitations.** The maximum height limitations established within this Zoning Ordinance shall not apply to the following structures:

1. Barns, silos, windmills and related agricultural structures;
2. Water towers, fire and observation towers, aircraft control towers, and navigational aids;
3. Chimneys, church spires, belfries, and governmental monuments;
4. Elevator towers, air-conditioning units and all rooftop HVAC and mechanical equipment shall be hidden from the view of public rights-of-way and adjoining properties. This shall be accomplished for pitched roofs by placing the equipment on the back half of the building or concealing the equipment within the roof structure in a mechanical penthouse. This shall be accomplished for flat roofs by limiting the cumulative area of the screened area or mechanical penthouse(s) to no more than 25% of the roof surface and setting the penthouse or screened area from the front and back facades of the building such that the top of the mechanical penthouse or screen is below a 45-degree line drawn from the bottom of the parapet. In addition, the mechanical penthouse or screen wall shall be compatible with the design of the building and for properties located in the H-1 or H-2 overlay districts, comply with the applicable design guidelines as determined appropriate by the Board of Architectural Review.
5. Parapet walls extending no more than four feet above the maximum height limit;
6. Residential antennae attached to the principal structure, not including satellite dish antennae, up to a maximum height of ten (10) feet above the height of the structure; and
7. Radio, television and utility transmission and receiving antennae, when authorized by the Town Council under Sec. 10.4.6E.
8. Rooftop Uses in Mechanical Penthouses: Pursuant to Minor Special Exception approval, accessory uses may be permitted in mechanical penthouses subject to the following criteria:

- a. The property shall be zoned B-1 (Community (Downtown) Business) and not adjacent to a residential zoning district.
- b. The property shall have frontage to King, Loudoun, or Market Streets.
- c. Accessory uses may include bathrooms and small food and/or beverage preparation areas, but not a commercial kitchen.
- d. The enclosed area shall be set back from the perimeter of the roof surface a minimum of twelve feet.
- e. The enclosed area shall not exceed twelve feet in height.
- f. Nonmechanical uses are limited to 35% of the maximum size of the mechanical penthouse(s).
- g. To prevent glare and light trespass upon neighboring property, wall mounted light fixtures shall be fully shielded and installed no higher than ten feet above the roof surface, and bollard lighting shall be full cut-off fixtures limited to four feet in height.

**D. Aviation Hazards; Additional Height Limitations.** No structure shall be permitted within the vicinity of the Leesburg Executive Airport or any other airfield which would encroach into any airport approach or departure path, established in accordance with Federal Aviation Administration criteria.

**E. Height Increases by Special Exception.** When specifically authorized by this Zoning Ordinance, the Town Council may allow by special exception height increases for certain structures which exceed the limits established for the Zoning District. The Town Council shall review such requests in compliance with the procedures and criteria of this Zoning Ordinance.

#### **10.4.7 Maximum Lot Coverage**

Except as otherwise specifically provided in this Zoning Ordinance, maximum lot coverage standards, where specified for certain zoning districts, shall be construed to include that portion of a lot occupied by buildings or structures which are roofed or otherwise not open to the sky, and which are greater than three (3) feet in height.

#### **10.4.8 Minimum Open Space**

Except as otherwise specifically provided in this Zoning Ordinance, the open space requirements for a given zoning district shall be considered as a minimum and shall be located on the same lot as the principal use of the property. In mixed developments having both multi-family and single-family attached (townhouse) sections, density and any resulting active recreation facility requirements may be calculated separately for each respective dwelling category.

#### **10.4.9 Minimum Public Street Frontage Requirement**

All dwelling units, except for farm dwellings and employee's quarters, shall be located on a lot with frontage on a public street or approved private accessway.

#### **10.4.10 Maximum Floor Area Ratio**

No new buildings shall be permitted to be erected which, either individually or in combination with other buildings, exceed the maximum floor area ratio (FAR) for the lot upon which such buildings are to be located.