

**TOWN OF LEESBURG  
NOTICE OF PUBLIC HEARINGS**

**TO CONSIDER AMENDMENTS TO THE TOWN CODE OF LEESBURG  
CHAPTER 32 (TRAFFIC AND VEHICLES), ARTICLE V (STOPPING,  
STANDING AND PARKING), DIVISION 4 (PERMIT PARKING ZONES)**

Pursuant to Sections 46.2-1230 and 15.2-1427 of the Code of Virginia, 1950, as amended, the **LEESBURG TOWN COUNCIL** will hold a public hearing on **Tuesday, August 28, 2012 at 7:30 p.m.** in the Town Council Chambers, 25 West Market Street, Leesburg, Virginia to consider the following amendments to Chapter 32 (Traffic and Vehicles), Article V (Stopping, Standing and Parking), Division 4 (Permit Parking Zones) of the Town Code of Leesburg:

**Sec. 32-239. Definitions.** Amending the definition of permit parking zone to include a mixed residential zone which contains residential, non-business property and business property.

**Sec. 32-240. Designation of permit parking zone.** Amendments to include a mixed residential zone when designating permit parking zones.

**Sec. 32-242. Posting of residential or mixed residential permit parking signs.** Amending the section to include signs for mixed residential areas where a sign will be posted with time limits imposed for vehicles not displaying a parking permit.

**Sec. 32-243. Notice to residents of designation of residential permit parking zone.** Amending the section to include mixed residential zones and the giving of notices to residences and businesses in these zones.

**Sec. 32-244. Permit fee; issuance of permit.** Amending the section to include mixed residential parking permit application.

**Sec. 32-247. Effect of permit.** Amending the section to include mixed residential permit parking zone.

**Sec. 32-248. Permit required.** Amending the section to include mixed residential permit parking zone.

**Sec. 32-250. Withdrawal of designation of residential permit parking zone.** Amending the section to include mixed residential permit parking zone.

**Sec. 32-251. Regulations.** Amending the section to include mixed residential permit parking zone.

**Sec. 32-252. Violations; penalty.** Amending the section to include mixed residential permit parking zone.

A copy of additional information regarding these proposed amendments is available in the office of the Town Clerk located at 25 West Market Street, Leesburg, Virginia during normal business hours (Monday-Friday, 8:30 a.m. to 5:00 p.m.) or by calling (703) 771-2733 and asking for Lee Ann Green.

At this hearing all persons desiring to express their views regarding these matters will be heard. Persons requiring special accommodations should contact the Clerk of Council at 703-771-2733, three day in advance. For TTY/TDD service, use the Virginia Relay Center by dialing 711.

8/8/12

8/15/12

8/22/12



**Date of Council Meeting:** August 28, 2012

**TOWN OF LEESBURG  
TOWN COUNCIL MEETING**

**Subject:** To Amend and Reordain Chapter 32 (Traffic and Vehicles), Article V (Stopping, Standing And Parking), Division 4 (Permit Parking Zones) to add a Mixed Residential Zone as a Permit Parking Zone

**Staff Contact:** Calvin K. Grow, P.E., Transportation Engineer  
Barbara Notar, Deputy Town Attorney

**Recommendation:** Public Works recommends that a public hearing be held to amend the Town Code to add additional criteria to Town Code, Chapter 32, so that permit parking zones can be permitted in areas which contain a mix of residential and commercial uses.

**Issue:** Should the Town Code be amended to permit a “mixed residential” permit parking zone in areas of the town which contain a mix of residential and commercial uses?

**Fiscal Impact:** This item does not impact the Department of Public Works operating budget. There is no cost to the Town of Leesburg, although additional revenue may be collected from new parking enforcement on this block.

**Background:** Residents on Royal Street S.E. (between South King Street and Church Street) have requested residential permit parking. However, the land use along this roadway does not qualify for residential permit parking under the Town Code because the majority of the block is not residential and contains commercial uses. The Town Code currently provides for residential permit parking only when the majority of the area contains residential units. An amendment to the Town Code is necessary to allow permit parking for residents when commercial uses exist in the area. This “mixed residential” zone will only be available in non-metered areas within the Old and Historic district.

Additionally, by amending the Town Code to permit a “mixed residential” zone, residents with a parking permit will be permitted to park for unlimited time, but nonresidents of the block will be allowed to park for a period of up to three (3) hours. Signs will be posted informing the public of the time limits permitted. The sign (a picture of which is attached) will also inform residents that they may park for an unlimited amount of time so long as they have obtained a residential parking permit.

**Attachments:** (1) Proposed Ordinance Changes  
(2) Picture of a Proposed Sign

**3**

**HR  
PARKING**

**9 AM - 5 PM**

**MON. - SAT.**

**RESIDENTIAL PERMITS  
EXEMPT**

PRESENTED: August 28, 2012

ORDINANCE NO. \_\_\_\_\_

ADOPTED: \_\_\_\_\_

AN ORDINANCE: TO AMEND AND REORDAIN CHAPTER 32 (TRAFFIC AND VEHICLES), ARTICLE V (STOPPING, STANDING AND PARKING), DIVISION 4 (PERMIT PARKING ZONES) TO ADD A MIXED RESIDENTIAL ZONE AS A PERMIT PARKING ZONE

WHEREAS, the Town Code permits permit parking in zones which are primarily abutted by residential and non-business uses such as schools, parks and churches; and

WHEREAS, residents in the Old and Historic District (H-1 Overlay) have experienced an inability to park their vehicles near their homes; however, the area includes an equal number of businesses as well as residences and therefore is not primarily abutted by residential and non-business uses; and

WHEREAS, in order to accommodate both residents and businesses in mixed residential areas, a parking sign is available which will limit the time customers for businesses may park while also permitting residents who possess a permit to park for an unlimited time; and

WHEREAS, in order to accomplish a mixed residential zone, the Town Code must be amended to include this type of zone.

THEREFORE, ORDAINED by the Council of the Town of Leesburg in Virginia as follows:

**SECTION I.** That Chapter 32, Article V, Division 4, be and the same is hereby amended to read as follows:

Sec. 32-239. - Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Curbside parking space* means 20 linear feet of curb, exclusive of those portions of the curb where parking.

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Mixed residential zone means a contiguous or nearly contiguous area containing public highways or streets or parts thereof primarily abutted by residential property or residential and non-business property (such as schools, parks and churches) and business property. A mixed residential zone may not contain parking meters and must be located within the Old and Historic (H-1 Overlay) District.

Permit parking zone means: i) a residential zone where curbside parking on public highways or streets is prohibited, unless the vehicle properly displays a parking permit authorized pursuant to this division; or ii) a mixed residential zone where curbside parking on public highways or street is prohibited unless the vehicle properly displays a parking permit authorized pursuant to this division or is parked within the time limit imposed on the parking sign.

*Residence* means a place of abode meeting town zoning regulations located within a zone established pursuant to this division.

*Resident* means a person who customarily resides or maintains a place of abode within a zone established pursuant to this division, or who owns realty abutting a street or highway in such a zone and upon which a place of human habitation is located.

*Residential zone* means a contiguous or nearly contiguous area containing public highways or streets or parts thereof primarily abutted by residential property or residential and non-business property (such as schools, parks and churches).

Sec. 32-240. - Designation of residential permit parking zone.

(a) Upon his own initiative or upon a petition signed by a majority of the residents in an area proposed to be designated as a ~~residential~~ permit parking zone, the town manager may designate a residential zone or mixed residential zone or portion thereof as a residential permit parking zone or mixed residential zone pursuant to the procedures established herein, provided that such area meets the standards of this section.

(b) Prior to designating any residential zone or mixed residential zone as a ~~residential~~ permit parking zone, the town manager shall have a study conducted and shall hold a public hearing after due notice of such hearing has been published in a newspaper of general circulation in the town. Such notice shall be published at least 12 days prior to such public hearing and shall clearly state the purpose, time and location of the public hearing, and the location and boundaries of the proposed ~~residential~~ permit parking zone. During such public hearing, any interested person shall be entitled to appear, to be heard and to submit a written statement for the record. A record of all oral and written statements by all interested persons shall be made by the town clerk and maintained in the town clerk's office.

(c) Within 20 days of the public hearing, the town manager shall cause to be conducted, a block-by-block survey of the proposed ~~residential~~ permit parking zone. The survey shall be conducted for a 12-hour period on a day of the week and time of the day representative of the general parking conditions of the study area.

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(d) After completion of the public hearing and survey as set forth herein, the town manager may designate a residential zone or mixed residential zone or portion thereof provided that:

(1) As a result of such survey it is found that:

a. The total number of curbside parking spaces occupied by vehicles equals or exceeds 75 percent of the number of curbside parking spaces on the public highways and streets of the proposed, or existing, residential or mixed residential permit parking zone; or equals or exceeds 50 percent of the number of curbside parking spaces on the public highways and streets of the proposed residential or mixed residential permit zone if within the zone the average width of pavement between curbs or pavement edges is 25 feet or less; and

b. The total number of curbside parking spaces occupied by vehicles whose operators do not reside within the proposed, or existing, residential or mixed residential permit parking zone equals or exceeds 25 percent of the total number of curbside parking spaces occupied by vehicles.

(2) The residents of the proposed residential or mixed residential permit parking zone or portion thereof have experienced difficulty or inability to obtain adequate curbside parking adjacent to or near their residences because of widespread use of available curbside parking spaces by nonresident motorists.

(3) There is a likelihood of alleviating, by use of the residential or mixed residential permit parking system established by this division, the problem of unavailability of parking spaces for the resident motorists of the proposed residential or mixed residential permit parking zone.

Sec. 32-242. - Posting of residential or mixed residential permit parking signs.

Parking signs shall be erected in each designated residential or mixed residential permit parking zone so as to inform an ordinarily observant person that curbside parking on public highways and streets in such zone is prohibited, unless the vehicle properly displays a current parking permit issued pursuant to this division-or is parked within the time limit imposed on the parking sign.

Sec. 32-243. - Notice ~~to residents~~ of designation of residential or mixed residential permit parking zone.

Upon the town manager's designation of a residential or mixed residential zone, or portion thereof, as a residential or mixed residential permit parking zone, the town manager shall cause to be mailed to every residence and business if a mixed residential zone within such designated ~~residential~~ permit parking zone, the following documents:

(1) Notice of designation which shall inform the residents and business owners if a mixed residential zone in the designated zone of the following:

a. The existence, exact location and designation of the residential or mixed residential permit parking zone;

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- b. The parking restrictions applicable to all vehicles in curbside parking spaces along the public highways and streets in such zone; and
  - c. The procedures to obtain a residential, visitor, business or guest parking permit.
- (2) Application for residential parking permit on which the applicant is to provide the following information for each vehicle to receive a residential parking permit:
- a. The name and residential address of the owner of the vehicle;
  - b. The name, residential address, and driver's license number of the principal operator of the vehicle;
  - c. The make model, license plate number and registration number of the vehicle; and
  - d. The signature of the applicant for such residential parking permit.

Sec. 32-244. - Permit fee; issuance of permit.

(a) There is a fee in the amount established by the town council for each parking permit, payable at the time of issuance of such permit.

(b) Upon the submission of a completed and validated residential parking permit application and fulfillment of all applicable provisions of this division the applicant shall receive one residential parking permit for the vehicle described in the application. Such permit shall be securely affixed to the vehicle pursuant to regulations promulgated by the town manager.

(c) No residential parking permit shall be issued for a vehicle, the owner or principal operator of which is not a resident of the designated residential or mixed residential permit parking zone.

(d) The applicant for, and holder of, the residential parking permit shall be the owner or principal operator of the vehicle for which the parking permit is issued.

(e) A residential parking permit shall be issued only for a vehicle displaying valid state license plates and a valid town motor vehicle decal, unless such vehicle is exempted by law from obtaining such plates or decals.

Sec. 32-247. - Effect of permit.

A permit issued under this division shall be valid only in the residential or mixed residential permit parking zone specified therein and only for the specifically described vehicle listed on the application for said permit. Proper display of such permit will permit the parking of said vehicle in the specified residential or mixed residential permit parking zone in accordance with the regulations promulgated by the town manager. A permit issued under this division shall be valid only in the residential or mixed residential permit parking zone for which it is issued.

Sec. 32-248. - Permit required.

No vehicle shall be parked upon any public highway or street within any residential or mixed residential permit parking zone established pursuant to this division, unless there is displayed on such vehicle a current valid parking permit issued pursuant to this division.

AN ORDINANCE: TO AMEND AND REORDAIN CHAPTER 32 (TRAFFIC AND VEHICLES), ARTICLE V (STOPPING, STANDING AND PARKING), DIVISION 4 (PERMIT PARKING ZONES) TO ADD A MIXED RESIDENTIAL ZONE AS A PERMIT PARKING ZONE

Sec. 32-250. - Withdrawal of designation of ~~residential~~ permit parking zone.

(a) Upon his own initiative or upon a petition signed by a majority of the residents in a ~~residential~~ permit parking zone requesting the withdrawal of the designation of such areas as a ~~residential~~ permit parking zone, the town manager shall hold a public hearing on such matter after notice and hearing as set forth in section 32-240.

(b) Within 15 days following the completion of the public hearing, the town manager shall cause a block-by-block survey to be conducted of the existing ~~residential~~ permit parking zone in accord with the provisions of section 32-240(c).

(c) After the public hearing and survey as set forth herein, the town manager may decide to withdraw the designation of ~~residential~~ permit parking zone from such residential zone or mixed residential zone or portion thereof, if such zone or portion thereof fails to meet the requirements of section 32-240(d).

(d) Upon the town manager's decision to withdraw the designation of an existing ~~residential~~ permit parking zone or portion thereof, he shall cause to be mailed to every residence within the existing residential permit parking zone, or residence and business if a mixed residential zone, a notice of the withdrawal of said designation. Said notice shall specify the effective date of the withdrawal of the designation which date shall be not less than 14 days after the date of mailing of such notice.

Sec. 32-251. - Regulations.

(a) The town manager is hereby authorized and directed to promulgate rules and regulations, not inconsistent with the provisions of this division for the efficient administration and control of parking within the ~~residential~~ permit parking zones established pursuant to this division, which rules and regulations may include, but need not be limited to, the following matters:

(1) The content and form of all applications for residential, visitor, guest and business parking permits.

(2) The format, display and method of issuance of permits to be issued pursuant to this division.

(3) The notification to be given to residents of the zones, before implementation of the permit requirements and the standards for posting of signs or notices to indicate to the public the areas and times for which permits are required.

(4) The procedures to be utilized during the public hearings set forth in sections 32-240(b) and 32-250(a).

(5) The format and procedures to be utilized in the block-by-block surveys to be conducted pursuant to sections 32-240(c) and 32-250(c).

(6) The hours during which parking in such residential permit parking zones shall be permitted only by vehicles displaying permits pursuant to this division.

(7) The hours or number of hours during which parking in mixed residential permit parking zones shall be permitted by vehicles that do not display residential parking permits.

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(b) All rules and regulations promulgated under subsection (a) of this section shall be filed in the office of the town clerk.

Sec. 32-252. - Violations; penalty.

It shall be unlawful for any person to violate sections ~~32-244~~ through 32-249. Any person violating the foregoing provisions of this division shall be subject to a fine of not more than \$50.00 for each such violation; provided, however, that any person who unlawfully parks in a ~~residential~~ permit parking zone shall be subject to the penalty as set forth in section 1-13.

**SECTION II.** All prior ordinances in conflict herewith are hereby repealed.

**SECTION III.** Severability. If a court of competent jurisdiction declares any provision of this ordinance invalid, the decision shall not affect the validity of the ordinance as a whole or any remaining provisions of the Leesburg Town Code.

**SECTION IV.** This ordinance shall be effective upon its adoption.

PASSED this 28<sup>th</sup> day of August, 2012.

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Kristen C. Umstattd, Mayor  
Town of Leesburg

ATTEST:

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Clerk of Council