

## Part 7: IMPLEMENTATION STRATEGIES: ORDINANCES, PLANS, POLICIES

**TOWN COUNCIL CHARGE.** In Resolution No. 99-323, the Town Council included among the assignments given to the Task Force that it should identify town plans, ordinances and policies which promote or impede achieving residential traffic network goals and analyze need to develop additional implementation strategies. (*See* Resolution No. 99-323, 10/12/99, included in *Appendix A.*)

Because of time limits set for development of task force report, our review focused on the 1997 Town Plan Land Use, Historic Preservation and Urban Design, and Transportation elements. (In the course of our investigation, we've learned of a number of plans and studies that have previously been prepared for the Council and concluded that there is no way we can identify, much less review, all adopted plans, ordinances and policies which may affect residential traffic management goals and strategies.) Core opportunities for promoting the goals and strategies set forth in this report lie in the standards embraced in the Town zoning and subdivision ordinances and Design and Construction Standards Manual, some of which have been amended in the interim since adoption of the Town Plan.

An inventory of positions and policies adopted in the *Town Plan* supporting the initiatives set out in the body of this report is found in *Appendix D.*

**IMPLEMENTATION STRATEGIES: Zoning ordinance, subdivision ordinance, DCSM revisions; revisiting Town Plan; legislative initiatives.** A final piece of an integrated program for achieving a balanced network of transportation choices to protect and enhance Leesburg's residential neighborhoods requires that the Town's land use regulatory standards make appropriate accommodation of pre-existing patterns of development in order to fit infill and redevelopment harmoniously into their surrounding neighborhoods.<sup>4</sup> Historic district review standards primarily regulate the appearance of proposed structures, without addressing standards such as setbacks, offstreet parking requirements, street design standards, etc., which may operate to impose a suburban model at odds with the neighborhood where the use is proposed.

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<sup>4</sup> "The first and most important step toward building a transportation policy that offers choices is to recognize that the way we zone and design our communities either opens up or forecloses transportation alternatives. We must get rid of provisions in our land-use policies that mandate auto-oriented sprawl and doom efforts to provide cost-effective public transit. These policies have wiped out walkable older communities while preventing the creation of new ones. By mandating inordinate amounts of parking and unreasonable setback requirements and by prohibiting mixed uses, many current zoning laws make it impossible--even illegal--to create new development with the sort of compact walkable environment that attracts us to older neighborhoods and historic communities all over the world. In addition, municipalities should promote downtown housing and mixed-use zoning that reduces the distances people must travel between home and work. The goal should be an integrated system of planning decisions and regulations that knit communities together instead of tearing them apart." From "*Transportation and the Livable City*" An Address to the Boston 400 by Richard Moe, National Trust for Historic Preservation President (1997).

**ZONING, SUBDIVISION, DCSM ORDINANCES.** The ongoing review and revision of the Town Zoning Ordinance should be viewed as an opportunity to implement goals of 1997 comprehensive plan and of this report. Fewer opportunities present themselves with regard to the Design and Construction Standards Manual (DCSM) for the reason that it generally addresses *how* things are to be constructed not *whether* they are to be constructed. Nevertheless, appropriate construction standards for such things as public transportation stops and signage, bicycle parking, and, indeed, traffic management devices should be incorporated into the DCSM, either directly or by reference to authoritative manuals.

Every instance in which amendments are proposed to the zoning or subdivision ordinance or DCSM should include a review regarding whether the goals set out in this report can be furthered.

**Infill standards.** The Town should devise standards that promote *infill and redevelopment* consistent with defined neighborhoods rather than permitting such accommodation only through exception.<sup>5</sup> The Council should acknowledge that the model reflected in the zoning and subdivision ordinance performance standards -- setbacks, offstreet parking requirements, etc.-- and the DCSM reflect the suburbanizing model at Leesburg's fringes, rather than the compact model of the Town's older neighborhoods. Accommodating the latter only upon special application unfairly burdens property owners with the need to seek exceptions from standards that don't fit the circumstance of their property and which are resisted by staff because the standard is not being followed.

Zoning regulations *in the downtown historic district* should promote grid development; should allow reduced or opt-out of offstreet parking requirements with an in-lieu payment program for funding municipal parking improvements; should permit zero front and allow minimal side yard setback requirements, consistent with fire safety needs; encourage deep back yards; and should permit reduced street right of ways, consistent with the downtown development pattern, without requiring them to exist as a private road network; and, wherever possible, should promote the extension of the alley network for access by property occupants, to free up public parking for visitors.

In *older neighborhoods* as identified in plan, zoning regulations should reduce right of way requirements to match existing neighborhood standards, as part of the public street network; reduce setbacks to existing patterns of development.<sup>6</sup>

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<sup>5</sup> The recommendation in the Town Plan that waiver procedures should be devised to ameliorate the impact of late 20<sup>th</sup> century development standards upon construction or reconstruction within the town's earlier neighborhoods shifts the burden to the property owner to obtain discretionary approvals from the town apparatus to yield a result the town desires. Drafting by-right standards appropriate to the circumstances works a more equitable allocation of burdens and promotes the town's goals in a way that the waiver process, which may discourage applications because of uncertain outcomes, cannot.

<sup>6</sup> In discussing alternatives to historic district designation, the Town Plan acknowledges that identifiable attributes of areas proposed for potential conservation districts can be lost through alterations due to

**Home occupations.** The zoning ordinance should promote home occupation/business opportunities as means of reducing transportation demands, while taking care to require home businesses to fit into the pattern of residential neighborhood. Standards set out in the ordinance should mediate potential conflicts in favor of residence as the primary use, home business as the accessory use, by restricting signage, the number of nonresident employees, the number and times of deliveries, etc.

**Mixed uses.** In the central downtown district, the zoning ordinance should promote appropriate mixing of uses within single buildings, to encourage ground floor retail and office uses, with upstairs office and residential uses. The ongoing need for office space should be carefully monitored to assure that offices do not displace retail uses to an extent that would imperil the downtown as a retail destination.

**Office encroachment.** Established residential neighborhoods, especially in the vicinity of the courthouse and county offices, should be protected from encroachment by office uses. Instead, the need for downtown office space should be accommodated in areas suitable for redevelopment. Care should be taken to locate office parking to minimize the impact on the streetscape, encouraging placement of parking lots in the rear yard wherever possible and providing adequate landscaping, and designing ingress and egress away from residential neighborhoods.

**Requiring facilities for other transportation modes.** The zoning ordinance also needs to require inclusion of measures facilitating pedestrian and bicycle traffic and public transportation links in appropriate developments. For example, standards for developing commercial or office uses (or mixed uses) beyond a certain square footage should incorporate requirements for establishing a public transportation stop, bicycle parking facilities, etc., just as they address predicted automobile traffic demands.

**Rezoning applications.** Individual rezoning applications should be scrutinized to assure that (1) pedestrian and bicycle traffic that is likely to be attracted to the proposed uses is safely accommodated, as well as that motor vehicle traffic is accommodated; (2) uses likely to generate pedestrian and bicycle traffic are not isolated or separated by dangerous conditions from destinations for walkers and bicyclists; and (3) public transportation needs and opportunities are addressed.

**TOWN PLAN.** Because subdivision and site plans must incorporate public improvements required by the Town Plan, it is essential that appropriate amendments be made to the Town Plan to implement the goals set out in this report. As noted above, the zoning ordinance should incorporate standards for providing pedestrian and bicycle circulation to and throughout proposed uses, just as automobile traffic must be accommodated. Similarly, the Town Plan should require that these improvements be

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inappropriate or incompatible public improvements reflecting present-day engineering standards. *Plan* at 7-3, 7-5.

constructed as a matter of course. Waiver of the requirement of sidewalk construction should continue to be a very rare occurrence.

In a similar vein, one of the major goals of this report is to urge connectivity among all transportation modes, allowing pedestrians and bicyclists to be recognized as equal partners in the town's transportation network, and public transportation in and around town to be promoted in pragmatic ways. *But the street system, itself, needs to promote the goal of connectivity:* The grid network of streets not only permits the fair dispersal of the transportation burden among interconnected streets, it also promotes participation in the civic life of the town. Cul de sac and private street development should be discouraged except where necessary to respond to significant site restraints: While Leesburg flourishes as a collection of strong neighborhoods, it will become fragmented if neighborhoods become virtually-gated communities at the end of cul de sacs.

**THROUGH TRUCK INITIATIVE.** Police Chief Price suggested a possible method of linking enforcement of through truck restrictions by tying them to land use permits which prescribed individualized delivery routes for development projects. This is a welcome example of thinking "outside the box"; however, this approach would potentially reach only a portion of problem trips by trucks and would require enabling legislation, as well. Instead, we propose that a generic flyer be created which describes the restrictions and includes a map of the street sections the Council has placed under restriction. The flyer would be distributed to hauling companies working locally under cover of a form letter or memorandum from the Town. Once the form letter and flyers have been created, the police department would also be able to respond to complaints of through trucks by providing the driver with a copy of these materials when circumstances suggest that criminal charges would not be appropriate.

**LEGISLATIVE INITIATIVES.** VDOT policies regarding minimum right-of-way for new or reconstructed streets act as disincentives to achieving infill construction consistent with the existing fabric of the old and historic district and older residential neighborhoods which surround it. Consequently, in order to match the existing street network in these neighborhoods, the Town either must be prepared to allow private street construction on reduced right-of-way or forego VDOT maintenance dollars for public streets which do not meet VDOT right-of-way standards.

Middleburg's recently adopted comprehensive plan identifies changing VDOT standards to accommodate the pattern of older town development precisely to allow appropriate infill development and redevelopment in downtown areas without being required to introduce jarring, oversized street infrastructure. The Task Force recommends that Leesburg also pursue such changes so that it can encourage infill and redevelopment as described in this report without financial penalty.<sup>7</sup>

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<sup>7</sup> Although tenuously related to the Task Force mission, we have endorsed the recommendation that sign pollution be combated via legislation be pursued permitting designation of "no parking" areas by distinctive pavement markings, such as color-coding pavement lines, as an alternative to the intrusive, repetitive signage presently required.