

# Town of Lovettsville

## Town Council Minutes of the May 14, 2015 Regular Meeting and Public Hearing

### Call to Order/Pledge of Allegiance

Mayor Robert Zoldos II called the Regular Meeting of the Lovettsville Town Council to order at 7:31 p.m. on May 14, 2015 at the Lovettsville Town Hall, 6 East Pennsylvania Avenue, Lovettsville, VA.

### Council Members Present

- Mayor Robert Zoldos II
- Vice Mayor Michael Senate
- Council Member Kimberly Allar
- Council Member Tiffany Carder
- Council Member James McIntyre

### Council Members Absent

- Council Member Rodney Gray
- Council Member Jennifer Jones

### Staff Present

- Town Manager Laszlo Palko
- Town Attorney Elizabeth Whiting
- Project Manager Karin Fellers
- Treasurer Lance Gladstone
- Zoning Administrator Josh Bateman

Mayor Zoldos announced that there would be no closed session.

### Pledge of Allegiance

Mayor Zoldos led those assembled in the Pledge of Allegiance.

### Comments from the Public

Mayor Zoldos called for comments from the public. Vice Mayor Senate read the rules for public comment.

**Tom Ciolkosz**, 14 Spring Farm Drive, came forward to speak about the budget. Mr. Ciolkosz commended the Town Manager for his detailed budget presentation. He said that as a commercial banker and someone who has lived in Loudoun for the past six years, he wanted to express his caution as the Town Council moves forward. He noted the decline in federal procurement dollars in the State of Virginia between 2010 and 2014. As a small community in proximity to Washington, D.C., the Town will be affected by that. He made the following points:

- 1) The water bills need to be fiscally responsible; however, the increases should be done over a couple of years.
- 2) Establishing reserves is a huge requirement and is very much needed.
- 3) Be cautious about adding new expenses like the Events Manager, economic development studies, and an Economic Development person. Review the events for the next year using existing staff and look at hiring a consultant for the economic study.
- 4) Wait and see what happens with the commercial center.
- 5) Review the residential tax base. His tax bill went up 17% but the Town Manager's budget presentation only shows an increase of 4%. Everyone he has talked to in Town Center has seen at least a 15% increase, which may be due to the assessment.

He urged the Council to use caution before making decisions about cuts or increasing taxes.

**Christopher Hornbaker**, 15 Black Forest Lane, came forward to speak about the budget. He recalled asking former Mayor Walker about the services that his tax dollars provide and she indicated three things: trash, beautification of common spaces, and great Town events such as Oktoberfest. He commended the Town Manager for the presentation but noted that the past administration called trash service a service; whereas, this administration calls it a subsidy. He was told his taxes pay for that service. If the Town needs money, there are other ways to raise the revenue but don't call something a subsidy that's not. If the Town cannot afford the service, then give the money back to the private citizens and have them go to the private market and get the service themselves. He said they are already paying \$150 as part of their taxes to get this service. If they need to generate revenue, either cut the core service or raise the property tax rate. Manager Palko clarified that the Council is no longer considering an increase in real estate property taxes as one of the budget options.

**Andy Koch**, 18 Black Forest Lane, came forward to speak about the budget. He said no one he knows likes tax increases. He said he does not know all of the information about the three budgets that were put forward but he had heard of a potential increase in taxes or decrease in subsidy for trash pickup, which would increase costs to residents. He would prefer to go to a private company. He has done this before in another community where he lived. Manager Palko said the breakdown is about \$150 per household annually, or \$12 per month per household. Mayor Zoldos said the Town joined with four other towns to get the best possible rate. Mr. Koch said no one likes an increase in taxes.

### **Community Presentations**

#### **A. Lovettsville Library**

Councilman McIntyre gave an update on staffing and events at the library.

### **Town Commissions and Committee Reports**

#### **A. Lovettsville Planning Commission**

Chairman Mueller gave an update on the kickoff meeting for the Comprehensive Plan review process. He noted that there will be four committees – economic development, housing, transportation, and public facilities and utilities. The committees will meet individually and successively.

Mayor Zoldos said he had heard there were members on the committees who do not live in Town, do not own property in Town, or do not have a licensed business in Town. He was concerned by this because these are standards they have used for membership on other Town committees. Chairman Mueller said he would look into this.

#### **B. Parks Committee**

Vice Mayor Senate gave an update on the clock tower.

#### **C. We're In Committee**

Councilwoman Carder gave an update on the small business breakfast and upcoming meetings.

#### **D. Volunteer Fest**

Councilwoman Jones was not present. There was no report.

#### **E. Mayfest Committee**

Councilwoman Carder gave an update on sponsors, vendors, and final preparations for the event.

#### **F. Memorial Day Ceremony**

Councilwoman Allar gave an update of final preparations for the Memorial Day Ceremony. She noted that the guest speaker is Hugh "Bugs" Forsythe, a retired, Two-Star General from Leesburg.

#### **G. Oktoberfest Committee**

Councilman McIntyre gave an update on the first committee meeting and plans for this year's Oktoberfest.

### **Additions/Deletions/Modifications to the Agenda**

There were none.

**Minutes**

There were none.

**Monthly Financial Report**

Manager Palko explained that the 4% increase in real estate assessments came from the County and is equalized across the Town, so some assessments may be higher than others. He also noted that sewer tap fees are down significantly compared to previous years. He then presented the March 2015 Financial Report.

**Motion:** I move to accept the Financial Report for March 2015.  
**By:** Vice Mayor Senate  
**Second:** Council Member McIntyre  
**Aye:** Council Members Allar, Carder, McIntyre, and Senate  
**Nay:** None  
**Abstain:** None  
**Absent:** Council Members Gray and Jones

**Staff Reports**

A. Report from the Project Manager

Project Manager Fellers reported that the VDOT Bike Path Project will be re-bid on May 26.

B. Report from the Zoning Administrator

Zoning Administrator Bateman gave an update on the NVR commercial project. He received numerous staff and agency comments, all of which have been submitted to the applicant.

C. Report from the Utility Supervisor

There was no report.

D. Report from the Town Attorney

There was no report.

E. Report from the Town Manager

Manager Palko gave an update on refinancing of third module loan for the wastewater treatment plant.

**Action/Discussion Items**

A. FY 2014 Financial Report Presentation

Matt McClearen, representing Robinson, Farmer, Cox Associates gave a presentation on the Town's FY 2014 audit. He reviewed the audit results and recommendations and noted the following:

- There were no difficulties in completing the audit.
- There were no significant findings.
- The Town should increase its internal controls for posting to accounting systems balance sheet, writing checks more efficiently, reconciling and reviewing water/sewer deposits for accuracy before the audit period, providing better documentation of credit card charges, and improving the segregation of duties.

B. Tree Conservation Ordinance Amendment

Zoning Administrator Bateman presented this item. The Council is being asked to consider amending Article II. Tree Conservation of the Town Code. Zoning Administrator Bateman stated he had received interest from a number of qualified individuals interested in serving on the Tree Advisory Board.

**Motion:** I move to adopt Ordinance 2015-05-0001 in order to amend Article II, Tree Conservation, of Chapter 10 of the Town Code as presented. (Attachment 1)  
**By:** Vice Mayor Senate  
**Second:** Council Member Allar  
**Aye:** Council Members Allar, Carder, McIntyre, and Senate  
**Nay:** None

**Abstain:** None  
**Absent:** Council Members Gray and Jones

C. LVZA 2015-0001: Adoption of the Official Zoning Map

Mayor Zoldos recessed the regular meeting at 8:23 and opened the public hearing for LVZA 2015-0001: Adoption of the Official Zoning Map.

Zoning Administrator Bateman presented this item. The Council is being asked to amend Article XIV of the Zoning Ordinance and to adopt an Official Zoning Map of the Town of Lovettsville. Mr. Bateman noted minor corrections to the Resolution and the draft Ordinance and the Zoning Map.

Robert Gentile, Vice Chair of the Planning Commission, said this updates the Town's Zoning Map.

Mayor Zoldos called for comments from the public. Vice Mayor Senate read the rules for public comment.

**Elaine Walker**, 40 S. Berlin Pike, said she wanted to make sure the boundary line adjustment up by the town houses is included. Zoning Administrator Bateman confirmed that it is.

Hearing no other public comments, Mayor Zoldos closed the public hearing at 8:29 p.m. and reopened the regular meeting.

**Motion:** I move that the Town Council adopt Ordinance No. 2015-05-0002 to amend Article 14 of the Zoning Ordinance as set forth in the attached zoning text amendment (LVZA 2015-0001), as amended, and adopt the attached zoning district map, as amended, as the Official Zoning Map of the Town of Lovettsville. (Attachment 2)

**By:** Council Member McIntyre

**Second:** Council Member Allar

**Aye:** Council Members Allar, Carder, McIntyre, and Senate

**Nay:** None

**Abstain:** None

**Absent:** Council Members Gray and Jones

D. Budget Workshop - FY 2016 Rates and Fees Approval to Advertise Not to Exceed Limits

Mayor Zoldos called for a brief recess at 8:31 p.m. so staff could set up for the budget workshop. The Mayor resumed the meeting at 8:39 p.m.

Town Manager Palko noted this will be the third budget working session. He said he would be reporting on the following:

- Town Hall Options
- Staffing Levels
- Three Budget Options

Mr. Palko reviewed the locations for the new Town Hall under consider based on the consultant's report: the current location, the well site behind BB&T Bank, Town Center, and Phase 2 of the Town Center Commercial. The projected costs range from \$2.4 million and \$2.8 million. He said the focus should be whether or not they should build a new Town Hall and, if so, when. He said the Council will need to look at the CIP and prioritize the Town's three major projects over the next 15 years including completion of Phase 2 of East Broad Way, S. Loudoun Street, and a new Town Hall. He said they could probably fund two out of the three projects, but not all three. Manager Palko reviewed the pros and cons of each location. Project Manager Fellers said the Council needs to decide where they want to locate the new Town Office because the land that is available now may not be available when they are ready to build the new facility.

Manager Palko reviewed the Town's staffing levels and noted that his approach is to meet the Town's needs in the most cost-effective manner. He said the Town currently has 8.24 FTE's (Full Time Equivalent). He reminded the Council that in 2014, 0.50 FTE was shifted from Events Coordination to

Planning and Zoning. The 0.24 FTE for the Events Coordinator should not be considered an increase in FTE, rather it's bring the staffing level for events back to what it was previously. He then compared the Town's staffing levels with other towns in Loudoun County and said, on average, 1 FTE serves 160 residents. In Leesburg, 1 FTE serves 76 resident. In Lovettsville, 1 FTE serves 218 residents. The proposed FY 2016 staffing plan will drop this to 186 residents. If Lovettsville were to equalize staffing levels with other jurisdictions, then the Town would need 18.7 FTEs.

Manager Palko then summarized the following Budget Options:

- Option 1: Balance the Utility Fund by raising rates 30%, using the General Fund surplus to build up reserves, and eliminating the Events Coordinator position and trash fees.
- Option 2: Use the General Fund subsidy to support the Utility Fund, raise the Utility rates by 16%, eliminate the Events Coordinator position, and no trash fee.
- Option 3: Prioritize funding service capacity and being able to fund future Capital Fund projects. This option uses a portion of the General Fund subsidy to fund the Events Coordinator for 12 hours per week instead of 24 hours per week. It would also use the General Fund remaining subsidy, plus a 1/3 trash fee (approximately \$52 annually) to reduce the burden on water/sewer rate increases (12% instead of 16% or 30%). After the Utility Fund is balanced in several years, the trash fee revenue would then be allocated for Capital Projects.

Mayor Zoldos said the goal for this meeting is to set the Not-to-Exceed limits so the rates and fees can be advertised for public hearing. Council and staff discussed the financial impact on each option - Option 1 is \$271 annually per household for the average consumer; Option 2 would be \$144 annually; and Option 3 would be \$160 annually (including the trash fee). Mayor Zoldos noted that all three options will balance the Utility Fund over time. Manager Palko said that even with the proposed increases, the Town's utility rates will still be below the costs for most other local Towns.

None of the Council Members supported Option 1. Manager Palko said Councilwoman Jones indicated she is in favor of Option 3, but with a 1.3 cent increase (per \$100 of assessed value) in the real estate tax, rather than a trash fee. The Council and staff discussed the budget options at length, as well as the timeframe for advertising the Not-to-Exceed Rates and Fees.

**Motion:** I move to advertise the Town's Fiscal Year 2016 Not-to-Exceed Rates at either 16% increase in sewer and water or 12% increase in sewer and water and a 1.3 cent increase in property tax.

**By:** Council Member McIntyre

**Second:** Vice Mayor Senate

**Aye:** Council Members Allar, Carder, McIntyre, and Senate

**Nay:** None

**Abstain:** None

**Absent:** Council Members Gray and Jones

#### Closed Session

There was no closed session.

#### Information Items

There were none.

#### Comments from the Mayor and Council

Councilman McIntyre reported on the Lovettsville Co-op's trash clean up along Rt. 287.

Vice Mayor Senate said this is EMS Fire & Rescue week. He encouraged everyone to attend one of the open houses.

Councilwoman Carder said she cannot express how proud she is of her Mayfest Committee and noted that the event has been self-sustaining since its second year.

Councilwoman Allar said her time has been divided between Mayfest, Memorial Day, and the Small Business Breakfast. She said she recently visited the new farm store. She added that the "Lovettsville Little Wonders" team raised \$1,480 through the March of Dimes walk and she networked with a surprising number of parents of premature babies in the area.

Mayor Zoldos reported on the following:

- Lovettsville Elementary School PTO Bingo on May 15.
- He thanked the volunteers for Movies on the Green.

Mayor Zoldos discussed how he would present the two budget options in the Friday email. Manager Palko stated that the property tax increase would actually be 1.5 cents, raising the rate from \$0.21 to \$0.225. Town Attorney Whiting said they would need a new motion.

**Motion:** I move that the Council rescind its previous authorization to the Town Manager and authorize the Town Manager to advertise the Town's Fiscal Year 2016 Not-to-Exceed Rates at either 16% increase in sewer and water or a 12% increase in sewer and water and a 1.5 cent increase in property tax.

**By:** Council Member McIntyre

**Second:** Vice Mayor Senate

**Aye:** Council Members Allar, Carder, McIntyre, and Senate

**Nay:** None

**Abstain:** None

**Absent:** Council Members Gray and Jones

#### **Adjournment**

There being no further business before the Council, the meeting was adjourned at 9:51 p.m.

Respectfully submitted,



Harriet West, Town Clerk

Date Approved: March 31, 2016

Attachments:

1. Ordinance 2015-05-0001: Amend Article II ("Tree Conservation") of Chapter 10 of the Town Code
2. Ordinance 2015-05-0002: Adoption of Official Zoning Map

# Town of Lovettsville

ORDINANCE NO. 2015-05-0001: AMEND ARTICLE II ("TREE CONSERVATION") OF CHAPTER 10 OF THE TOWN CODE

MOTION: Senate  
SECOND: Allar

WHEREAS, Section 10.1-1127.1 of the Code of Virginia authorizes the governing body of any county, city or town to adopt a tree conservation ordinance regulating the preservation and removal of heritage, specimen, memorial and street trees as defined therein; and

WHEREAS, Chapter 10 ("Environment and Natural Resources") of the Town Code was added to the Town Code through the adoption of Ordinance No. 2012-12-0002 on December 8, 2012 in part to meet the requirements for Tree City USA designation by the National Arbor Day Foundation; and

WHEREAS, Article II ("Tree Conservation") of Chapter 10 of the Town Code provides for the protection, care and maintenance of trees planted on Town property, and establishes the Town Parks and Environment Board to study, develop, and administer a written plan for the care, preservation, pruning, plating, replanting, removal or disposition of trees in parks, along streets and in other public areas; and

WHEREAS, the Town Council deems it necessary to amend Article II in order to (i) bring the current tree conservation ordinance into compliance with §10.1-1127.1 of the Code of Virginia by authorizing the Town Council to protect specific trees as memorial, heritage, specimen or street trees, and by adding definitions and provisions for exceptions and takings that are consistent with the state code; (ii) set forth the procedure for the designation of such trees and establish the rights and responsibilities of the Town and private property owners once a tree has been designated; and (iii) reconstitute the Town Parks and Environment Board as the Tree Advisory Board, and change the roles and responsibilities of the Board in order to relax the requirements for membership and reestablish the Board as an advisory group on tree issues within the Town; and

WHEREAS, following a public hearing on the proposed amendment by the Town Council on May 14, 2015; and

WHEREAS, the Town Council has concluded that approval of the attached amendment promotes the health, safety and welfare of the citizens of the Town.

NOW, THEREFORE, BE IT ORDAINED by the Lovettsville Town Council that Article II ("Tree Conservation") of Chapter 10 of the Town is hereby amended as set forth in the ordinance attached hereto.

**VOTE:**

Ayes: Allar, Carder, McIntyre, and Senate

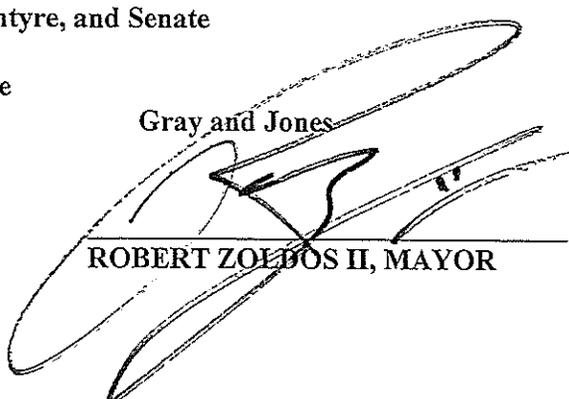
Nays: None

Abstentions: None

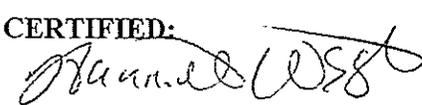
Absent for vote:

Gray and Jones

APPROVED: May 14, 2015

  
ROBERT ZOLDOS II, MAYOR

CERTIFIED:

  
HARRIET WEST, TOWN CLERK

*The German Settlement*

ARTICLE I. - IN GENERAL

Secs. 10-1—10-14. - Reserved.

ARTICLE II. - TREE CONSERVATION

FOOTNOTE(S):

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State Law reference— Tree conservation ordinances, Code of Virginia, § 10.1-1127.1.

Sec. 10-15. Definitions.

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

*ANSI 300 standards* means the generally accepted industry standards for tree care practices. ANSI 300 standards are voluntary industry consensus standards developed by the Tree Care Industry Association and written by a committee called the Accredited Standards Committee (ASC) A300, whose mission is to develop consensus performance standards based on current research and sound practice for writing specifications to manage trees, shrubs and other woody plants.

*Heritage tree* means any tree that has been individually designated by the town to have notable historic, botanical or cultural interest.

*Memorial tree* means any tree that has been individually designated by the town to be a special commemorating memorial.

*Park tree* means trees, shrubs, bushes and all other woody vegetation located in parks owned by the Town and all other parcels owned by the Town, but not located within the public street right-of-way.

*Public tree* means any tree located entirely within the public street right-of-way or on Town-owned property within the Town of Lovettsville, and any tree located on any other public property which has been designated as a heritage, memorial, specimen or street tree pursuant to the this Article.

*Specimen tree* means any tree that has been individually designated by the local governing body to be notable by virtue of its outstanding size and quality for its particular species.

*Street tree* means any tree that has been individually designated by the local governing body and which grows in the street right-of-way or on private property as authorized by the owner and has been placed or planted there by the local government.

(Ord. No. 2012-12-0002, § 1, 12-8-2012)

Sec. 10-16. Designation.

(a) Application.

- (i) *By Written Request.* Any person may submit a written request to the Town Council seeking designation by ordinance of a tree located on private property as a heritage, memorial, specimen or street tree. The request must describe the tree in question, its location, and the factors which support its designation as a heritage, memorial, specimen or street tree. Any submission for designation of a tree by a person who is not the property owner must include written consent of the property owner for the submission. The Town Council, upon receipt of such a request, may forward a copy to the Tree Advisory Board for its review and recommendation.
- (ii) *By Tree Advisory Board.* The Tree Advisory Board may submit a written recommendation to the Town Council seeking designation by ordinance of a tree located on public property or on private property if the owner of such property consents, as a heritage, memorial, specimen or street tree. The recommendation must describe the tree in question, its location, and the factors which support its designation as a heritage, memorial, specimen or street tree.

(b) Hearing and Action.

- (i) Notice of the scheduled public hearing shall be sent, by certified mail, to any owner of property upon which a tree is being considered for designation, at least ten (10) days prior to the hearing.
  - (ii) The Town Council, after consideration of the report and recommendation of the Tree Advisory Board and any additional information that it deems relevant, and after conducting a public hearing, may designate by ordinance the subject tree as a heritage, memorial, specimen or street tree.
- (c) Designation of a tree under this ordinance does not impose any additional obligation upon the Town to inspect, maintain or take any other action with regard to such tree. The Town is not required under this ordinance to cut and/or remove weeds, brush, plants, grass or other vegetation growing in the public alleys, unimproved streets and other unimproved rights-of-way.

Sec. 10-17. Conservation.

- (a) A property owner shall undertake reasonable efforts to preserve and protect any trees designated pursuant to this ordinance. No heritage, memorial, specimen or street tree located entirely on public property may be removed or intentionally damaged in a way that could destroy the tree unless authorized by Town Council. Town Council may authorize the removal of any such public tree upon making a determination that: (i) there is an overriding need for public improvements which necessitate removal of the tree; or (ii) not removing the tree will cause severe hardship to the Town or a private property owner.
- (b) The Town Council may permit the removal of a heritage, memorial, specimen or street tree located entirely on public property, following consultation with the Tree Advisory Board, if it determines that the tree is dead, has become irreversibly diseased or damaged by natural causes, or that the tree endangers the health, safety and/or welfare

of the public that cannot be mitigated in accordance with accepted industry standards of tree risk assessment and management.

- (c) A request to remove the designation of any tree designated previously by the Council shall be submitted and acted upon in the same manner as a request for designation in Section 10-16.

Sec. 10-18. Offenses; penalty.

- (a) Only Town staff persons shall authorize the pruning, treatment or removal of trees located entirely in the public right-of-way or on public property. It shall be unlawful for any other person to destroy or tamper with any such public tree unless specifically authorized by the Town Manager. No person shall intentionally damage, cut, carve, transplant or remove any tree on public property; nor attach any rope, wire, nails, advertising posters or other contrivance to any public tree; nor allow any substance which is harmful to such trees to come in contact with them; nor set fire or permit any fire to burn when such fire or the heat thereof will injure any portion of any such public tree.
- (b) The punishment for committing any of the foregoing offenses shall be a civil penalty of up to \$2,500.00.

(Ord. No. 2012-12-0002, § 13, 12-8-2012)

**State law reference**— Civil penalty authorized, Code of Virginia, § 10.1-1127.1.

Sec. 10-19. Exceptions.

The provisions of this ordinance shall not apply to:

- (1) Work conducted on federal or state property;
- (2) Emergency work to protect life, limb or property;
- (3) Routine installation, maintenance and repair of cable and wires used to provide cable television, electric, gas or telephone service;
- (4) Activities with minor effects on trees, including but not limited to, home gardening and landscaping of individual homes; and
- (5) Commercial, silvicultural or horticultural activities, including but not limited to planting, managing, or harvesting forest or tree crops.

Sec. 10-20. Takings.

In the event that the application of this ordinance regulating the removal of heritage, memorial, specimen or street trees results in any taking of private property for a public purpose or use, the Town shall compensate by fee or other consideration the property owner for such taking, to the extent that such claim is recognized and compensable under state or federal law, and in accordance with the provisions of Chapter 2 of Title 25.1 of the Code of Virginia.

Sec. 10-21. Tree Advisory Board.

- (a) *Creation and establishment.* There is hereby created and established a Tree Advisory Board for the Town of Lovettsville.
- (b) *Organization.*
- (1) The Tree Advisory Board shall consist of not less than three and not more than seven members who have expressed interest or demonstrated expertise in the care and conservation of the Town's trees, urban forests, and/or tree canopy. Appointments to the Board shall be made by the Mayor subject to confirmation by the Town Council. Town residency shall not be considered a prerequisite for appointment to the Board.
  - (2) All of the members of the Board shall serve without compensation, but all necessary expenses of the Board shall be paid by the Town pursuant to appropriate action by the Town Council.
- (c) *Duties and responsibilities.* It shall be the responsibility of the Board to advise the Town Council and committees, Planning Commission, and Town staff in the care, preservation, pruning, planting, replanting, removal or disposition of trees in parks, along streets and in other public areas. The Board, when requested by the Town Council, shall consider, investigate, issue findings, report and make recommendations on any matter or question falling within the scope of the Board's responsibilities.
- (d) *Operation.*
- (1) The Board may elect a chairperson and vice-chairperson, and may provide for the adoption of rules and procedures for holding public meetings.
  - (2) The meetings of the Tree Advisory Board shall provide a forum in which interested persons shall have the opportunity to submit for discussion their questions and issues regarding the care and management of the street trees, park trees, heritage trees, monument trees, and specimen trees, and requirements and standards of the Town Code with respect to tree care and landscaping.
  - (3) The Town Council may approve an annual budget for the Tree Advisory Board. This budget shall be used to support the operations and annual activities of the Board.
- (e) *Actions taken by the Board.* Any actions taken by the Board shall be deemed to be advisory only, and shall not constitute an official determination or final decision of the Town on any matter or question considered by the Board.
- (Ord. No. 2012-12-0002, §§ 2—5, 14, 12-8-2012)

Sec. 10-22. Street tree species to be planted.

Please see chapter 42, zoning, specifically section 42-367, for the list of recommended tree species for use by the Town. No species other than those included in this list may be planted on Town property without written authorization from the Town Manager.

(Ord. No. 2012-12-0002, § 6, 12-8-2012)

Sec. 10-23. Tree planting requirements.

Please see sections 42-365 through 42-370 of the zoning ordinance and chapter 30, subdivisions, for tree planting requirements.

(Ord. No. 2012-12-0002, § 7, 12-8-2012)

Sec. 10-24. Public tree care.

- (a) The Town shall have the right to plant, prune, maintain and remove trees, plants and shrubs located on Town-owned property as may be necessary to ensure public safety or preserve or enhance the beauty and function of such public spaces.
- (b) The Town Manager may remove or cause or order to be removed any tree located on Town property or part thereof which is in an unsafe condition or which, by reason of its nature, is injurious to sewers, electric power lines, gas lines, water lines or other public improvements, or is affected with any injurious fungus, insect or other pest.

(Ord. No. 2012-12-0002, § 8, 12-8-2012)

Sec. 10-25. Tree topping.

It shall be unlawful as a normal practice for any person, firm, or property owner to top any public tree. The term "topping" means the severe cutting back of limbs to stubs larger than three inches in diameter within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree. Trees severely damaged by storms or other causes or certain trees under utility wires or other obstructions where other pruning practices are impractical may be exempted from this article at the determination of the Town Council, but shall be pruned according to the ANSI 300 standards.

(Ord. No. 2012-12-0002, § 9, 12-8-2012)

Sec. 10-26. Pruning.

Every owner of any tree overhanging any street right-of-way within the Town may be compelled in writing by the Town Manager to prune the branches so that there shall be a clear space of nine feet above the surface of the street or sidewalk. Said owners shall remove all dead, diseased or dangerous trees, or broken or decayed limbs which constitute a menace to the safety of the public.

(Ord. No. 2012-12-0002, § 10, 12-8-2012)

Sec. 10-27. Removal of stumps.

All stumps of public trees shall be removed below the surface of the ground so that the top of the stump shall not project above the surface of the ground.

(Ord. No. 2012-12-0002, § 11, 12-8-2012)

# Town of Lovettsville

## Ordinance No. 2015-05-0002: AMEND ARTICLE XIV OF THE ZONING ORDINANCE AND ADOPT THE OFFICIAL ZONING MAP

**MOTION:** McIntyre  
**SECOND:** Allar

**WHEREAS**, Article V of the Zoning Ordinance contains provisions establishing an official zoning map which is to be found in Article 14 of the Zoning Ordinance and is adopted by reference as part of the Ordinance; and

**WHEREAS**, the Zoning Ordinance does not currently include Article 14 as referenced in Section 42-148 of Article V; and

**WHEREAS**, the zoning district map currently displayed in the Town Office is considered out-of-date and does not reflect zoning map amendments approved by the Town Council since the date of its publication; and

**WHEREAS**, the Town Council at their meeting on February 26, 2014 initiated an amendment to the Zoning Ordinance in order to correct these deficiencies and begin the process of formally adopting a corrected and updated version of the zoning district map as the Official Zoning Map of the Town of Lovettsville; and

**WHEREAS**, following public hearing on April 15, 2014, pursuant to public notice given in accordance with Va. Code section 15.2-2204, the Planning Commission unanimously recommended an amendment to Article XIV of the Zoning Ordinance, Case No. LVZA 2015-0001, which would adopt the corrected and updated zoning district map as the Official Zoning Map, incorporate the map into Article XIV of the Ordinance, and post a signed version of the map in the Town Office for public display; and

**WHEREAS**, the Lovettsville Town Council conducted a public hearing on the proposed zoning ordinance amendment, Case No. LVZA 2015-0001, on May 14, 2015, pursuant to notice given in accordance with section 15.2-2204, and has determined that adoption of the amendment will promote the health, safety and welfare of the citizens of the Town.

**NOW, THEREFORE, BE IT ORDAINED** that Article XIV of the Zoning Ordinance and the Official Zoning Map be added to Chapter 42 of the Town Code as set forth in the ordinance attached hereto, and that the attached zoning district map be adopted as the Official Zoning Map of the Town of Lovettsville, Virginia.

**VOTE:**

**Ayes:** Allar, Carder, McIntyre, and Senate

**Nays:** None

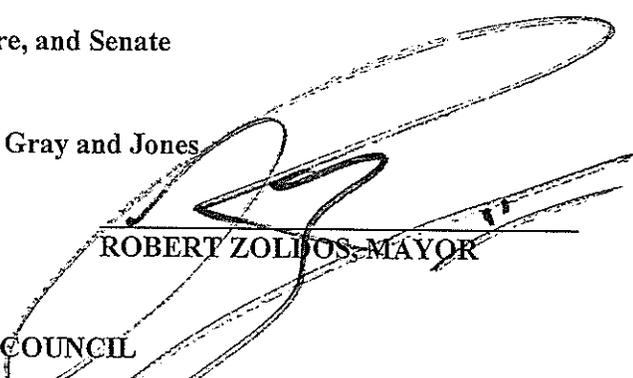
**Abstentions:** None

**Absent for Vote:** Gray and Jones

**Approved:** May 14, 2015



HARRIET WEST, CLERK TO THE COUNCIL



ROBERT ZOLIOS, MAYOR

*The German Settlement*

### **ARTICLE XIII. RESERVED**

**Secs. 42-489—42-550. Reserved.**

### **ARTICLE XIV. OFFICIAL ZONING MAP**

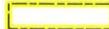
**Sec. 42-551. Zoning Map of the Town of Lovettsville, Virginia, adopted.**

The map which follows on the next page shall be considered the Official Zoning Map of the Town of Lovettsville, Virginia, a version of which shall include the signature (or attested signature) of the mayor together with the date of adoption for display in the Town office. The Official Zoning Map may be updated from time to time by adoption of a resolution or ordinance by the Town Council. The Zoning Administrator shall be authorized to maintain an up-to-date version or copy of the Official Zoning Map for the use and benefit of the public in accordance with Section 42-148 of this Chapter.

**Secs. 42-552—42-560. Reserved.**



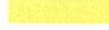
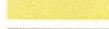
### Legend

-  TOWN LIMITS
-  STREETS
-  PARCELS

### PROFFERED CONDITIONS

-  YES

### ZONING

-  CR-1 Countryside Residential
-  R-1 Residential
-  R-2 Residential
-  R-3 Residential
-  R-C Retirement Community
-  Planned Infill Development District
-  T-C Town Center
-  C-1 Community Commercial
-  C-2 Mixed Use Business
-  I-1 Light Industrial

