

# Town of Lovettsville

## Town Council Minutes of the November 17, 2016 Regular Meeting

### Call to Order/Pledge of Allegiance

Mayor Zoldos called the meeting to order at 7:00 p.m. The meeting was held at the Lovettsville Elementary School, 49 S. Loudoun Street, Lovettsville, VA.

### Council Members Present

- Mayor Robert Zoldos II
- Vice Mayor Tiffany Carder
- Council Member Jennifer Jones
- Council Member James McIntyre
- Council Member Mike Senate (arrived at 7:05 p.m.)
- Council Member Rob Gentile

### Council Member Absent

- Council Member Kimberly Allar

### Staff Present

- Town Manager Laszlo Palko
- Zoning Administrator Joshua Bateman
- Utilities Director Stephen Gates
- Town Attorney Elizabeth Whiting
- Town Clerk Harriet West

Mayor Zoldos recognized Planning Commissioners Nate Fontaine, Joe Mueller, and Tom Ciolkosz.

### Pledge of Allegiance

Mayor Zoldos led those assembled in the Pledge of Allegiance.

### Special Program

Under the direction of Ms. Sarah Stillman, the Lovettsville Elementary Chorus performed several songs.

### Presentations

#### A. American Education Week Proclamation

The Council Members read the American Education Week Proclamation aloud (Attachment 1).

Councilman Senate made the following motion:

- Motion:** I move to accept this proclamation.  
**Second:** McIntyre  
**Aye:** McIntyre, Gentile, Senate, Carder, and Jones  
**Nay:** None  
**Abstain:** None  
**Absent:** Allar

The Mayor and Council presented the Proclamation to Principal Racke. Council Member McIntyre presented Oktoberfest donations to Ms. Stillman and Principal Racke.

#### B. Proclamation to Support the Achievements of the "Lovettsville Punishers" Soccer Team

The Council Members read the Proclamation aloud and presented it to coaches Michael Bannish and David Steadman (Attachment 2).

- Motion:** I move to adopt this proclamation.  
**By:** Gentile  
**Second:** Carder

**Aye:** McIntyre, Gentile, Senate, Carder, and Jones  
**Nay:** None  
**Abstain:** None  
**Absent:** Allar

The Council took a brief recess at 7:25 p.m. Mayor Zoldos resumed the meeting at 7:30 p.m.

### **Comments from the Public**

Mayor Zoldos called for comments from the public.

**Jim Morgan** said he and Ed Spannaus spoke to the Council two years ago to request a third Civil War Trail marker in the Town of Lovettsville. The Loudoun County Civil War Sesquicentennial Committee subsequently put this request on the back burner because there are other towns with no trail markers and Lovettsville has two. He is here today to ask the Council to revisit this again. He is asking the Council to consider committing \$1,300 and the Lovettsville Historical Society committed for the other half. He further stated that there is an additional maintenance fee of \$200 annually, but he is not asking the Council to consider this additional cost.

### **Community Presentations**

#### **A. Loudoun County Sheriff's Office**

There was no report.

#### **B. Lovettsville Volunteer Fire and Rescue Company**

Vice Mayor Carder reported on Toys for Tots and Santa's breakfast.

#### **C. Lovettsville Community Center**

There was no report.

#### **D. Lovettsville Library**

Vice Mayor Carder reported on upcoming events and noted that the Library won an American Star Library award.

### **Town Commission and Committee Reports**

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

Vice Chair Fontaine reported on the Comprehensive Plan and upcoming land use training for Commissioner Wolf, Schilling, and Hornbaker. He said the next item the Planning Commission will be addressing is the sign ordinance.

#### **Events Committee**

Councilman McIntyre gave updates on the proposed year-round sponsorship packet and the next committee meeting.

- a. Love America – No report.
- b. Love Spring – Vice Mayor Carder reported that The Immortals will be playing at MayFest.
- c. Love Summer – Councilwomen Jones reported on the next meeting and noted that the movies and concerts will be every Saturday next summer.
- d. Love Fall – Treasurer Tom Ciolkosz gave the financial report for Oktoberfest.
- e. Love Winter – Mayor Zoldos gave updates on the holiday season schedule and decorating the streets and trees.
- f. Community Events Council – No report.

#### **B. Business & Tourism Committee**

Councilwoman Jones reported on the Brunswick Business Expo.

#### **C. Parks & Beautification Committee**

Councilman Senate gave updates on holiday decorations.

D. Infrastructure, Environment & Utilities Committee

Councilman Gentile reported on the street renaming, well head protection, and the need for a boom lift or fork lift.

E. Information Flow Committee – No report.

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

There were none.

**Minutes**

A. January 21, 2016 Special Meeting

**Motion:** I move to accept the minutes of the January 21, 2016 Special Meeting as presented.

**By:** Jones

**Second:** Carder

**Aye:** McIntyre, Senate, Carder, and Jones

**Nay:** None

**Abstain:** Gentile

**Absent:** Allar

B. January 28, 2016 Regular Meeting and Public Hearing

**Motion:** I move to approve the minutes of the January 28, 2016 Regular Meeting and Public Hearing as amended.

**By:** Jones

**Second:** Carder

**Aye:** McIntyre, Jones, and Carder

**Nay:** None

**Abstain:** Gentile and Senate

**Absent:** Allar

**Staff Reports**

A. Report from the Town Treasurer

Treasurer Gladstone presented the FY 2017 Q1 Financial Report.

B. Report from the Town Engineer

Town Engineer Fellers submitted a written report.

C. Report from the Utility Director

Utility Director Gates gave his report.

D. Report from the Town Attorney

There was no report.

E. Report from the Town Manager

Town Manager Palko reported on the Action Plan for FY16 and FY17.

**Action/Discussion Items**

A. Civil War Trail Sign

Town Manager Palko presented this item. He noted that there is \$650 available to put towards funding the sign. Following discussion, the Council decided to bring this item to the Business & Tourism Committee for further consideration.

B. LVSA 2016-0001 Omnibus Subdivision Ordinance Amendment

Zoning Administrator Bateman presented this item. The Council is being asked to approve the omnibus subdivision ordinance amendment initiated by the Planning Commission. Following a discussion of several changes from the Town Attorney, Councilman Senate made the following motion:

**Motion:** I move to adopt Ordinance No. 2016-11-0001 [Attachment 3] approving Case No.

LVSA 2016-0001 as amended through November 17, 2016 with the following additional modifications:

1. In Section 30-3, insert the phrase "and non-residential developments" after the word "neighborhoods."
2. In Section 30-33(c), change the word "commission" to "Council."
3. All references to "an exception" in the opening paragraph of Sec. 30-65 shall be amended to read "a waiver."
4. Section 30-64: Add "Subject to the provisions of Va. Code section 15.2-2209.1, as applicable" at the start of subsection (g).
5. The approval block in Sec. 30-65(4)(q.) required for preliminary subdivision plats shall not be amended but rather shall continue to read "Chair, Planning Commission."
6. In Section 30-66(5) (c.), delete the word "public" before the phrase "storm drainage improvements."
7. Section 30-67(5): Make the first sentence subject to Va. Code 15.2-2241 A 8, as applicable.
8. In Section 30-68, make the last two sentences subject to Va. Code section 15.2-2209.1 and 15.2-2241 A 8, as applicable".
9. In Section 30-121, add to the section title "and site" after "Subdivision."
10. In Section 30-122(k), change the word "change" to "chain."
11. In Section 30-124(b), change the word "solely" to "necessary."
12. In Section 30-125(c) (10), delete everything after the second use of "court."

**Second:** McIntyre  
**Aye:** McIntyre, Gentile, Senate, Carder, and Jones  
**Nay:** None  
**Abstain:** None  
**Absent:** Allar

**C. Town Ownership of Street Lights on Town Square and E. Broadway**

Town Engineer Fellers presented this item. The Council is being asked to direct staff and the Town Attorney to conduct appropriate negotiations with developers that have agreed to install Town Standard Street lights, develop the necessary paperwork, and authorize the Mayor or Town Manager to sign the easements once they are in an acceptable form to the Town Attorney. This approach will give staff and the Town Attorney the ability to approach developers and, if they agree, generate the paperwork needed so that the Mayor can review and sign once it is complete, eliminating the need to bring each easement back to Town Council for approval. Following discussion Councilman McIntyre made the following motion:

**Motion:** I move that Town Council direct staff and the Town Attorney to conduct appropriate negotiations with developers, and if they agree to install Town Standard Street lights and turn over the ownership of the street lights to the Town while still supplying electricity to the lights, authorize staff and the Town Attorney to develop the necessary paperwork and authorize the Mayor or Town Manager to sign the easements once they are in an acceptable form to the Town Attorney.

**Second:** Jones  
**Aye:** McIntyre, Gentile, Senate, Carder, and Jones  
**Nay:** None  
**Abstain:** None  
**Absent:** Allar

**D. Investment Options for Town Cash Reserves**

Town Manager Palko presented this item. The Council is being asked to allow the Town to Invest its long-term reserves with Access National's four-year CD (1.80% rate) yielding a total return of \$74K, and its short-term money market investments with Access National's Money Market (1.10% rate) yielding an annual return over year one of \$14K. However, if the rates have dropped since the last quote, the Town Manager recommends going with the higher updated quote between access National and VML

Investment Pool. The Town Treasurer will provide an account summary for these investments in reports to the Town Council going forward and the Town Manager will continue to delineate reserves in the budget. Following discussion, Vice Mayor Carder made the following motion:

- Motion:** I move that the Town invest its long-term cash of \$1M with the institution with the highest yielding CD, currently Access National Bank, and its short-term cash of \$1.2M with the institution with the highest yielding Money Market Account. I further move that the Town Treasurer provide the account summary on the Council financial report and the Town Manager continue to delineate reserve status in the budget.
- Second:** McIntyre  
**Aye:** McIntyre, Gentile, Senate, Carder, and Jones  
**Nay:** None  
**Abstain:** None  
**Absent:** Allar

E. Audit of Oktoberfest and MayFest

Town Manager Palko presented this item. The Council is being asked to determine a way to move forward with audit oversight of Town Events Committees. Oktoberfest Treasurer, Tom Ciolkosz, suggested checking different options to include other jurisdictions. Following discussion, Councilman McIntyre made the following motion:

- Motion:** I move that the Council adopt Option #1 to present Oktoberfest and MayFest accounts in the Town audit as fiduciary funds for the Town included in the Town's financial statements where the auditors will note that they have not been audited and auditors will have no opinion.
- Second:** Senate  
**Aye:** McIntyre, Gentile, Jones, Carder, and Jones  
**Nay:** None  
**Abstain:** None  
**Absent:** Allar

F. Council and Comprehensive Plan Scheduling

Town Manager Palko presented this item. He recommended scheduling meetings on December 8, 2016; December 15, 2016; and February 6, 2017.

Mayor Zoldos recessed the meeting at the Lovettsville Elementary School at 9:10 p.m. and reconvened the meeting at the Town Hall at 9:29 p.m. Vice Mayor Carder made the following motion:

- Motion:** I move that the Lovettsville Town Council convene in closed session pursuant to VA. Code section 2.2-3711(a)(7) for consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation of briefing in open meeting would adversely affect the negotiating or litigating posture of the public body with regard to performance by R.J.Crowley of construction improvements required in connection with development of the Post Office on North Church Street; and thereafter reconvene in open session for action as appropriate.
- Second:** McIntyre  
**Aye:** McIntyre, Gentile, Senate, Carder, and Jones  
**Nay:** None  
**Abstain:** None  
**Absent:** Allar

The Mayor and Council came out of closed session and reconvened in open session at 9:42 p.m. Council Member Senate made the following motion:

- Motion:** I move for approval of the Town Manager's strategy for negotiating a settlement with R. J. Crowley for completion and acceptance of North Church Street improvements

associated with construction of the Lovettsville Post Office. I further move that the Town Manager be authorized to execute the settlement agreement on the Town's behalf after approval for form and for consistency with this authority by the Town Attorney/return proposal settlement agreement for final approval by the Town Council

**Second:** Jones  
**Aye:** McIntyre, Gentile, Senate, Carder, and Jones  
**Nay:** None  
**Abstain:** None  
**Absent:** Allar

#### **Information Items**

There were none.

#### **Comments from the Mayor and Town Council**

Councilwoman Jones said she went to the CHAT tour.

Councilwoman Carder said she attended the Lovettsville Fire and Rescue banquet, Brunswick Business Expo, and Veterans Day Ceremony.

Councilman McIntyre reported on the Lovettsville Co-op's wreath making workshop, Keep Loudoun Beautiful, and the Cub Scouts meeting.

Mayor Zoldos reported on the following – Comprehensive Plan, Lovettsville Fire and Rescue Banquet, VML legislative update, Veterans Day Ceremony, Town Associations of Northern Virginia meeting, Brunswick Business Expo, the Town's new mascot, and holiday decorations.

#### **Adjournment**

There being no further business before the Council, the meeting was adjourned at 9:58 p.m.

Respectfully submitted,



Harriet West, Town Clerk

Date Approved: August 24, 2017

#### Attachments:

1. American Education Week Proclamation
2. Lovettsville Punishers Proclamation
3. Ordinance 2016-11-0001: Omnibus Amendment to the Subdivision Ordinance

## **PROCLAMATION**

### **AMERICAN EDUCATION WEEK NOVEMBER 14-18, 2016**

**WHEREAS**, during the week of November 14-18, 2016, citizens throughout the United States are celebrating the observance of American Education Week in appreciation of the important contributions of America's public and private educational systems to the strength of our Communities and our Nation; and

**WHEREAS**, speaking on behalf of the citizens of the Town of Lovettsville, the Mayor and Members of the Town Council are especially proud of our own Lovettsville Elementary School, the Students, the Principal, Teachers and Staff, and are pleased with the exceptional relationship between our School and our Town; and

**WHEREAS**, every citizen of Loudoun County can be justifiably proud of the outstanding accomplishments of the students in Loudoun County Public Schools whose average achievement test scores consistently rank high among the 133 School Divisions of the Commonwealth of Virginia; and

**WHEREAS**, the quality of instructional programs and services in the 89 public schools in Loudoun County that serve more than 79,001 students in Kindergarten through High School, and enhances not only the growth and potential of the individual student, but also helps to ensure the strength and viability of the Loudoun Community as a whole; and

**WHEREAS**, informed community support for all of Loudoun's educational programs is essential to continue to provide Loudoun students with the best education possible, which will enable these students to lead productive and useful lives as contributing citizens of this Town, this County, this Nation, and the World.

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and Members of the Town Council of the Town of Lovettsville encourage all Loudoun citizens to visit their schools during American Education Week, and at other times throughout the school year, to see for themselves the superior quality of teaching and learning in the fastest growing public school district in the Commonwealth of Virginia.

Adopted this 17th day of November 2016.

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ROBERT ZOLDOS II, MAYOR

**Proclamation to Support the Achievements of the “Lovettsville Punishers,”  
a U-8 Level Soccer Team**

**WHEREAS**, the “Lovettsville Punishers” is a U-8 Level soccer team representing the Town of Lovettsville; and

**WHEREAS**, the “Lovettsville Punishers” participated in the fall 2016 season of a 4 versus 4 soccer format with 4 10-minute quarters; and

**WHEREAS**, Joseph Banish, James Creighton, Lucas Powell, Jacob Pratt, Zachary Steadman, Bryce Vannoy, and Ryan Vannoy were all members of the 2016 “Lovettsville Punishers”; and

**WHEREAS**, the team was coached by fellow Lovettsvillians Michael Banish and David Steadman; and

**WHEREAS**, the “Lovettsville Punishers” scored 51 goals during their season and allowed only 10 goals against; and

**WHEREAS**, during the fall season, the “Lovettsville Punishers” recorded three shutout wins; and

**WHEREAS**, the “Lovettsville Punishers” just completed their second consecutive undefeated season.

**NOW, THEREFORE, BE IT RESOLVED**, that the Mayor and Town Council adopt this proclamation to recognize the achievements of the U-8 “Lovettsville Punishers.”

**AND BE IT FURTHER RESOLVED**, that all citizens are encouraged to recognize the achievements of this incredibly talented and hard-working soccer team.

Adopted this 17<sup>th</sup> day of November 2016

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**ROBERT ZOLDOS II, MAYOR**

# Town of Lovettsville

## Ordinance No. 2016-11-0001: OMNIBUS AMENDMENT TO THE SUBDIVISION ORDINANCE

**MOTION:** Senate  
**SECOND:** McIntyre

**WHEREAS**, Chapter 30, Subdivisions, of the Town Code contains the regulations and requirements applicable to subdividing, developing and altering the boundaries of land within the Town of Lovettsville; and

**WHEREAS**, §15.2-2240 of the Code of Virginia requires every local governing body to adopt an ordinance to assure the orderly subdivision and development of land within its jurisdiction; and

**WHEREAS**, the Planning Commission on January 6, 2016, pursuant to authority conferred in Section 30-32 of the Town Code, initiated an amendment to the Subdivision Ordinance of the Town of Lovettsville, Virginia in order to address deficiencies with respect to organization, consistency, and compliance with the state code, and directed staff to draft said amendment; and

**WHEREAS**, the Planning Commission conducted a public hearing on the proposed amendment on September 28, 2016, pursuant to notice given in accordance with Va. Code Section 15.2-2204, and subsequently recommended approval of the amendment to the Town Council; and

**WHEREAS**, the Town Council conducted a public hearing on the proposed amendment on November 3, 2016 and has determined that adoption of the proposed amendment will promote the health, safety and welfare of the citizens of the Town and is consistent with the public necessity, convenience, general welfare, and good zoning and subdivision practices generally.

**NOW, THEREFORE, BE IT ORDAINED** that Chapter 30, Subdivisions, of the Code of the Town of Lovettsville be amended as set forth in the attachment hereto.

**BE IT FURTHER ORDAINED** that the Zoning Administrator and Town Attorney are hereby authorized to make corrections of misnumberings or misspellings found in the said attachment without further action by the Council.

**VOTE:**

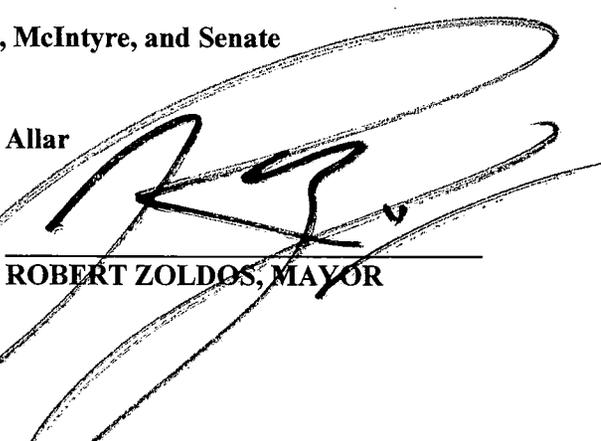
**Ayes:** Carder, Jones, Gentile, McIntyre, and Senate

**Nays:** None

**Abstentions:** None

**Absent for Vote:** Allar

Approved: November 17, 2016

  
ROBERT ZOLDOS, MAYOR

  
HARRIET WEST, TOWN CLERK

*The German Settlement*

## Chapter 30 - SUBDIVISIONS

### ARTICLE I. - IN GENERAL

#### **Sec. 30-1. Title.**

This chapter is known and may be cited as the "Subdivision Ordinance of Lovettsville, Virginia (2000)."

(Ord. of 3-2-2000, § 1.7)

#### **Sec. 30-2. Definitions.**

(a) This chapter shall be used in conjunction with chapter 42, "Zoning" of the Town Code in order to determine the requirements and regulations applicable to various types of development plans, including applications to subdivide or otherwise alter the boundaries of recorded parcels within the Town of Lovettsville.

(b) References to the "town council," "planning commission," "boards," "officers", and "officials" shall be to those of the Town of Lovettsville, unless the context dictates otherwise.

(c) The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

*Alley* means a private travel way which affords only secondary access to abutting property.

*Arterials* means those highways that are functionally classified as principal or minor arterials by the Virginia Department of Transportation.

*Developer, applicant or subdivider* means any person holding an interest in land, the subdivision or development of which requires one or more reviews or approvals under the provisions of this chapter, or any person legally authorized to represent any such person with respect to applying to subdivide or develop of property under this chapter, within the Town of Lovettsville.

*Engineer* means a professional engineer licensed by the Commonwealth of Virginia.

*Owner*, as applied to a building or land, includes the person who is part owner, joint owner, tenant in common, joint tenant or tenant by entirety of the whole or part of any such building or land.

*Person* means any individual, firm, partnership, corporation, association or any other group acting as a unit having an interest, whether legal or equitable, sole or partial, in any land which may be subdivided or developed under the provisions of this chapter.

*Public utilities* means a company, government agency or other entity that is regularly engaged in providing electricity, water, sanitary sewer, storm sewer, gas, telephone, fiber optic, cable or similar communications and the facilities and appurtenances thereto, under federal, state or local laws and regulations.

*Required specifications* means any one or combination of the following, as applicable:

- (1) Loudoun County Facility Standards Manual, latest edition.
- (2) Loudoun Water Engineering Design Manual, latest edition.
- (3) The comprehensive plan of the Town of Lovettsville, as adopted and amended.
- (4) Maps published by the Federal Emergency Management Agency (FEMA) Flood Map Service Center, as adopted and amended.
- (5) Commonwealth of Virginia "Sewage Collection and Treatment (SCAT) Regulations," as amended.
- (6) Commonwealth of Virginia "Virginia Administrative Code for Waterworks Regulations," as amended.
- (7) Commonwealth of Virginia Erosion and Sediment Control Law and Regulations as contained in the Loudoun County Erosion and Sediment Control Ordinance, and the Virginia Erosion and Sedimentation Control Handbook, as adopted and amended.
- (8) Commonwealth of Virginia Stormwater Management Law and Regulations, as adopted and amended.
- (9) Virginia Department of Transportation "Road and Bridge Specifications," "Subdivision Street Acceptance Requirements," "Drainage Manual", and any other such standards and specifications contained in official manuals and guidelines published by the department.

*Setback* means the minimum or maximum distance by which any structure must be separated from any property line.

*Street* means a public thoroughfare, except an alley or privately-owned driveway, for the passage and circulation of vehicles and pedestrians, and which affords principal means of access to abutting property. The term "street" includes road, lane, drive, trail, court, place, terrace, avenue, highway, boulevard, circle, square or any other such public thoroughfare for a similar purpose. For the purposes of this chapter, an "existing public street" or "existing public road" means a street maintained by the Virginia Department of Transportation as part of the state highway system or secondary system of state highways.

*Subdivide* means to divide any tract, parcel or lot of land into two or more parts for the purpose(s) set forth in the definition of "subdivision" below.

*Subdivision* means the division of any tract of land into two or more lots for the purpose, either immediate or future, of transferring ownership or recordation. For the purposes of this chapter, the term "subdivision" includes condominium development whether or not a division of land is affected. Division of land for the purpose of lease, transfer of (partial) undivided interest, granting or extinguishment of easements, creation of or extinguishment of dower or curtesy rights, subordinating or otherwise affecting the priority of liens, plats of conformation and related transfers of interests in land not directed at the creation of lots or parcels for sale, transfer or recordation, shall not be considered an act of subdivision.

*Town plan* means the comprehensive plan of the Town of Lovettsville, as adopted by the Town Council.

*Zoning administrator* means the zoning administrator or other agent duly appointed by the town council to perform the duties of the zoning administrator as enumerated in this chapter and Chapter 42, Zoning of the Town Code.

(Ord. of 3-2-2000, art. VII; Ord. of 11-20-2008; Ord. of 4-12-2012)

**Sec. 30-3. Purpose.**

The purpose of this chapter is to establish subdivision standards and procedures in order to ensure the appropriate division of land with adequate public facilities within the town, in a manner consistent with the town plan. It is further the intent of these regulations to encourage the development of safe and attractive residential neighborhoods and non-residential developments, and ensure the provision of appropriate public street access between and among adjacent properties. The regulations contained herein are intended to implement the Town plan in order to guide and facilitate the orderly subdivision of land and its development, and to promote the public health, safety, convenience, comfort, prosperity and general welfare. This chapter is enacted pursuant to the authority conferred in chapter 22 of title 15.2, Code of Virginia, (Code of Virginia, § 15.2-2200 et seq.).

(Ord. of 3-2-2000, § 1.1)

**Sec. 30-4. Compliance required; penalty.**

(a) No person shall subdivide or develop land without fully complying with the provisions of this chapter.

(b) No subdivision or boundary line adjustment plat shall be recorded unless and until the same has been submitted to and approved by the zoning administrator, planning commission and any other appropriate authority in accordance with this chapter.

(c) No person shall sell or transfer any land of a subdivision before such plat has been approved and recorded as provided herein, unless the subdivision was lawfully created prior to the adoption of an applicable subdivision ordinance. Nothing herein shall be construed as preventing the recordation of the instrument by which such land is transferred or the passage of title as between the parties of the instrument.

(d) Any person violating the provisions of this chapter applicable to subdivisions shall be subject to a fine of not more than \$500.00 for each lot or parcel of land subdivided or transferred or sold. The description of such lot or parcel by metes and bounds in the instrument of transfer or other documents used in the process of selling or transferring shall not exempt the transaction from such penalties or from the remedies provided herein.

(e) No zoning permit shall be issued for any use of land or the placement of any structure on any land unless such land is subdivided or developed in compliance with this chapter or was lawfully created or developed prior to the adoption of this chapter.

(f) No clerk of any court shall file or record a plat of subdivision required by this chapter to be recorded until the plat has been approved as required herein.

(g) It shall be unlawful for any person to violate any other provisions of this chapter.

(Ord. of 3-2-2000, § 1.2; Ord. of 4-12-2012)

**Sec. 30-5. Condominium development.**

The provisions of this chapter shall apply to condominium development in the same manner as they would apply to a physically similar project under a different form of ownership.

(Ord. of 3-2-2000, § 1.5)

**Sec. 30-6. Amendment.**

Amendments to this chapter, in whole or in part, may be prepared and recommended by the planning commission on its own initiative or at the request of the town council in accordance with the provisions and requirements of Code of Virginia, § 15.2-2253. The procedure for amendments shall be the same as for the preparation and recommendation and approval and adoption of the original ordinance; provided that no amendment shall be adopted by the town council without a referral of the proposed amendment to the commission for its recommendation, nor until 60 days after such referral if no recommendation is made by the commission.

(Ord. of 3-2-2000, § 1.4)

**Secs. 30-7—30-30. Reserved.**

**ARTICLE II. ADMINISTRATION AND ENFORCEMENT**

**Sec. 30-31. Zoning Administrator.**

This chapter shall be administered by the zoning administrator of the town who shall be appointed by the town council to perform the following duties:

- (1) Ensure that all requirements of this chapter are fully met by a subdivider or developer.
- (2) Provide for the inspection of improvements required by this chapter.
- (3) Distribute copies of plans and plats to appropriate officials and agencies for their review.
- (4) Make recommendations in writing to the town council for action on all preliminary plats and preliminary and final site plans involving a request for an exception in accordance with Section 30-34.
- (5) Interpret and apply this chapter, giving due regard to comments by reviewing officials and agencies.
- (6) Receive, review and maintain records of all submissions made under this chapter.
- (7) Issue orders for compliance to subdividers and developers, including orders to discontinue work in the event of noncompliance with this chapter and institute such action as may be necessary to secure compliance with this chapter.
- (8) Evaluate exception requests in accordance with the standards in this chapter.

(Ord. of 3-2-2000, § 6.1; Ord. of 4-12-2012)

### **Sec. 30-32. Planning Commission.**

The planning commission shall perform the following duties with respect to this chapter:

- (1) Evaluate the recommendations of the zoning administrator with regard to any application for approval of a preliminary plat as provided in this chapter.
- (2) Review and act on any preliminary plat submitted by a subdivider or developer as provided in this chapter. The Planning Commission shall act to either approve, conditionally approve or disapprove of a preliminary plat.
- (3) Prepare and recommend to the town council amendments to this chapter.

(Ord. of 3-2-2000, § 6.2)

### **Sec. 30-33. Exceptions.**

(a) Upon application by a subdivider or developer, the Town Council may authorize an exception to the design and construction standards and requirements contained in articles V and VI of this chapter, not including any standards, specifications and/or regulations promulgated by a local, state or federal agency or department other than the Town of Lovettsville, when it finds that such exception is warranted due to an unusual situation or when strict adherence to the standards would result in substantial injustice or hardship to the property owner or applicant. The Town Council shall be responsible for reviewing all subdivision and development applications that request exceptions under this section, provided that no such exception shall be deemed necessary or required for any features which were the subject of a rezoning concept plan, proffer or proffer amendment lawfully approved as part of a conditional zoning request in accordance with Section 42-34 of the Town Code.

(b) In making application for an exception, the applicant must demonstrate in writing that:

- (1) The requested exception is in keeping with the purpose and intent of this chapter;
- (2) The granting of the exception would not be of substantial detriment to adjacent property;
- (3) The granting of the exception would not be contrary to the public health, safety and general welfare of the community;
- (4) The situation is not of a general or recurring nature for similarly situated properties within the town.
- (5) Any exception to the requirements regarding the location, design or construction of public streets is reasonable in relation to ultimate projected traffic generation and effects on traffic circulation, level of service, and safety within the Town, and provided that granting of the exception will result in street sections that satisfy minimum standards of the Virginia Department of Transportation for said street(s);
- (6) Any exception to the requirements regarding the location, design or construction of sidewalks and pedestrian facilities is compensated through an alternative provision for pedestrian travel that meets or exceeds the standards prescribed in articles V and VI of this chapter for such pedestrian facilities.

(c) In deciding an application for an exception, the Town Council shall be guided by its findings with regard to the criteria outlined in paragraph (b) above, together with any other such pertinent information that may be necessary for the Council to make its findings. (d) No

exception granted pursuant to this section shall relieve the obligations of the subdivider or developer to comply with any other applicable local, state or federal regulations.

(d) Applications for an exception may be made by any subdivider or developer applying for approval a preliminary subdivision plat or preliminary or final site plan. Once the application has been reviewed and determined to be complete by the zoning administrator, the application and accompanying maps, plans or other information pertaining to the request shall be transmitted to the Town Council for consideration and action.

(e) Upon receipt of an application for an exception, the Town Council shall consider the request and take action to approve or deny the application within 30 days of the date of official submission of the application for an exception.

(Ord. of 3-2-2000, § 6.2; Ord. of 4-12-2012)

**[SECTIONS 30-34 & 30-35]**

**[NO CHANGES ARE PROPOSED TO THE BONDING REQUIREMENTS]**

**Sec. 30-36. Reserved.**

**Sec. 30-37. Fees.**

(a) *Authorized.* A schedule of fees applicable to such reviews, may be adopted in accordance with the provisions of Code of Virginia, § 15.2-107, as amended. Applicants may be charged fees sufficient to recover incurred costs for the review of applications for:

- (1) A preliminary subdivision plat;
- (2) A final subdivision plan;
- (3) A boundary line adjustment;
- (4) A minor subdivision;
- (5) A preliminary site plan;
- (6) A final site plan;
- (7) A preliminary/final site plan;
- (8) A set of construction drawings;
- (9) An inspection;
- (10) A phasing plan;
- (11) A bond reduction;
- (12) A bond release; and
- (13) An exception.

(b) *Engineering, legal and planning consultant fees.* Unless specifically waived, reasonable fees equal to the actual costs incurred by the town for engineering, legal and planning consultant services rendered in connection with the review of rezoning concept plans and proffers, subdivision plats, site plans, construction drawings including specifications for water, wastewater and/or stormwater systems, and any amendments thereto, shall be charged to an applicant. Such consultant costs shall include those incurred by the Town for:

- (1) Reviewing performance bonds and documentation, bond reductions and bond releases as required and set forth in Section 30-34 and Section 30-35 of this chapter;
- (2) Reviewing agreements and guarantees for the construction or/ maintenance of improvements for which a performance bond is required as set forth in Section 30-34 and Section 30-35;
- (3) Conducting inspections of improvements for which a performance bond is required as set forth in Section 30-34 and Section 30-35; and
- (4) Reviewing revisions made by the applicant and related correspondence intended to address specific comments or questions issued, or revisions requested, by consultants of the Town.

At the time an application is made for any of the foregoing plats, plans, drawings or approvals, a deposit shall be made with the Town in an amount prescribed in the Town's adopted fee schedule. Upon approval of the plat, plan or drawings and, in the case of inspections, during and/or upon completion of construction of bonded improvements, the actual consultant costs incurred by the Town for reviewing plans and conducting inspections shall be determined and, if in excess of the amount deposited, such excess shall be paid by the applicant to the Town. If the actual consultant costs incurred by the Town for services rendered pursuant to this section are determined to be less than the amount deposited, the difference shall be refunded to the applicant. No zoning permit shall be issued by the Town for any use or structure to be established in connection with any subdivision plat, site plan, or construction drawings until such fees have been paid by the applicant.

(Ord. of 3-2-2000, §§ 6.4.11, 6.4.12; Ord. of 5-3-2010; Ord. of 4-12-2012)

**Secs. 30-38—30-58. - Reserved.**

### **ARTICLE III. APPROVAL PROCEDURES AND CRITERIA**

#### **Sec. 30-59. Preparation of a preliminary plat.**

An owner of property proposed for subdivision may, or in the case of subdivision involving the creation of more than fifty (50) lots, shall prepare and submit a preliminary subdivision plat to the Town in accordance with the requirements of this article. Any subdivision involving a request for an exception in accordance with Section 30-33 shall likewise include the preparation and submittal of a preliminary plat to the Town in accordance with the requirements of this article.

#### **Sec. 30-60. General criteria for review and approval.**

The town's zoning administrator or planning commission shall review and have the authority to approve subdivisions of land within the town limits in accordance with the provisions of this chapter, and the Town Council shall have the authority to grant exceptions in accordance with Section 30-33. In approving such subdivisions, the zoning administrator or planning commission shall, in accordance with Code of Virginia, title 15.2, be supplied with suitable information in order to make a determination that the proposed plat provides:

- (1) For the minimum graphic and information requirements of this chapter;

- (2) For the coordination of streets within and contiguous to the subdivision with other existing or planned streets within the general area as to location, width, grades and drainage;
- (3) For adequate provisions for drainage and flood control and other public purposes, and for light and air and identifying soil characteristics;
- (4) For the extent to which and the manner in which streets shall be improved and water and storm and sanitary sewer and other public utilities or other community facilities are to be installed;
- (5) For the acceptance of dedication for public use of any right-of-way located within any subdivision which has constructed or proposed to be constructed within the subdivision any street, curb, gutter, sidewalk, bicycle trail, drainage or sewerage system, waterline as part of a public system or other public improvement, and for the provision of other required improvements for vehicular ingress and egress, including traffic signalization and control, structures necessary to ensure stability of critical slopes, and stormwater management facilities, financed or to be financed in whole or in part by private funds only if the owner or developer provides a guarantee for said improvements in compliance with sections 30-34 and 30-35;
- (6) For monuments of specific types to be installed establishing street and property lines.

(Ord. of 3-2-2000, § 2.2; Ord. of 4-12-2012)

**Sec. 30-61. Boundary line adjustments.**

Boundary lines between two or more contiguous lots or parcels may be adjusted in accordance with the following provisions:

- (1) The relocation or alteration of the boundary of any lot or parcel of land, which was established as part of an otherwise valid and properly recorded plat of subdivision or resubdivision and properly executed by the owners of such land and approved as provided in this chapter, or properly recorded prior to the applicability of a subdivision ordinance, shall be submitted, reviewed and approved as a boundary line adjustment plat in accordance with this section, provided such relocation or alteration does not create any additional lots or involve the relocation or alteration of streets, alleys, easements for public passage or other public areas; and provided further, that no easements or utility rights-of-way shall be relocated without the express consent of all persons holding interest therein
- (2) The boundary line adjustment shall result in lots which conform to the requirements of chapter 42, zoning, or in the case of existing nonconforming lots, or a lot or lots containing an existing nonconforming building or structure, does not increase the extent of the nonconformance of any such lot or structure in accordance with Division 2 of Article II of the zoning ordinance.
- (3) Five copies of the plat and deed clearly delineating the existing and proposed lots shall be submitted to the administrator. The plat and/or deed shall be executed by the owner or owners of such land as provided in Code of Virginia, § 15.2-2264. The plat shall bear the seal and signature of a certified land surveyor. An approval block shall be included on the plat as follows:



- (a) Application for preliminary plats shall include the following:
  - (1) An application for preliminary plat.
  - (2) Five copies of the preliminary plat. Additional copies of the plat may be required by the zoning administrator for review purposes.
  - (3) The application fee required for filing the preliminary plat.
- (b) The zoning administrator shall conduct an initial review of the application and preliminary plat of the proposed subdivision for completeness within ten working days and shall notify the applicant in writing as to whether the application has been accepted for review or rejected based on omissions or deficiencies in the documentation submitted relative to the required contents set forth in Section 30-65. Applications that have been rejected pursuant to this section shall not be accepted for review until the omissions and deficiencies have been properly addressed and all required information has been submitted. The date of the zoning administrator's written notification to the applicant of acceptance shall be deemed the date the plat was officially submitted for purposes of calculating time periods pursuant to this chapter.
- (c) Upon acceptance of a complete application, the administrator may request additional copies of the complete application and, upon receipt, shall forward the plat and related information to the appropriate review agencies, including but not limited to the following:
  - (1) The Virginia Department of Transportation.
  - (2) The Loudoun County Department of Fire, Rescue and Emergency Management.
  - (3) The Loudoun County Department of Building and Development
  - (4) The town attorney.
  - (5) The town engineer, including engineering and planning consultants of the Town.
  - (6) Any other federal, state or county agency which may have cause to review the application.
- (d) The zoning administrator shall coordinate the review by referral agencies and compile their comments. All referral comments shall be reported in writing to the applicant.
- (e) The planning commission shall act on the preliminary plat within 60 days of the official submission of the application and acceptance of the plat as complete, unless approval of a feature or features of the plat by a state agency or public authority authorized by state law is necessary, in which case the time for action by the local planning commission shall be extended in accordance with the requirements of §15.2-2259 of the Code of Virginia. The planning commission shall act to approve or disapprove the plat, or may conditionally approve the plat if only minor revisions are necessary and such revisions have been agreed to in writing by the applicant. If the preliminary plat is disapproved for any reason, the zoning administrator shall notify the applicant of such disapproval and shall set forth in writing the reasons for the planning commission's disapproval and shall further specify what corrections or modifications would permit approval by the planning commission. This time period for action may be extended by mutual agreement of both the zoning administrator and the applicant, provided such agreement shall be signified in writing.
- (f) Approval of a preliminary subdivision plat shall be certified by the planning commission chairperson upon no fewer than two (2) duplicate copies of the plat which shall be forwarded to the applicant. Approval of the preliminary plat shall not be made until all outstanding fees associated with the review of the application have been paid to the town. For any preliminary plat requiring approval of an exception by the Town Council, the Mayor shall also sign and date the plats indicating approval of the exception(s) depicted thereon.
- (g) Subject to the provisions of Virginia Code Section 15.2-2209.1, as applicable, approval of a preliminary plat shall be valid for a period of five (5) years in accordance with §15.2-2260 of the Code of Virginia, provided the subdivider (i) submits a final subdivision plat for all or a portion of the property within one year of such approval, and (ii) thereafter diligently pursues

approval of the final subdivision plat. Two one-year extensions of preliminary plat approval may be requested as follows:

- (1) A written request for an extension must be submitted at least 45 days prior to the expiration date of a preliminary plat. An extension request will not be considered after the expiration of the plat; and
  - (2) There have been no significant amendments to this chapter which, in the written opinion of the zoning administrator, would affect the approved plat.
- (h) Preliminary plat applications which have been disapproved may be revised and resubmitted in accordance with this section, and shall be reviewed and processed in accordance with the procedures used for initial preliminary plat submission.

(Ord. of 3-2-2000, §§ 2.7.1—2.7.8; Ord. of 4-12-2012)

**Sec. 30-65. Required contents of preliminary subdivision plats.**

This section shall apply to preliminary subdivision plats submitted for approval in accordance with this chapter. The zoning administrator shall have the authority to waive one or more requirements of this section if the zoning administrator determines that such information is not necessary for the review and approval of the plat, and that failure to provide such information will in no way affect any public improvements, adversely affect adjoining properties or conflict with any other requirements of this chapter and chapter 42, zoning. Requests for a waiver to the requirements of this section shall be made to the zoning administrator in writing, and written approval shall be granted prior to official submission of the plat. Unless a waiver is approved in writing, all applications for preliminary plat approval shall be accompanied by the following information:

- (1) *General information.*
  - a. Name of the proposed subdivision, town, county and state.
  - b. Proposed use of the property being subdivided.
  - c. Names and addresses of owners of record, and applicant or subdivider, if different.
  - d. Names of any holders of easements or liens affecting the property.
  - e. Name, address, signature, and seal of licensed professional surveyor and/or engineer who prepared the plat.
  - f. Deed reference, tax map number and Loudoun County parcel identification (PARID) number.
  - g. Date plat was drawn and date of any revision.
  - h. Vicinity map at a scale of not less than one inch equals 1,000 feet, indicating thereon roads and their names, town limits, subdivisions and other landmarks.
  - i. Existing zoning, including any proffers associated with the property.
  - j. Evidence that all real estate taxes which have been assessed against the property to be subdivided or developed and all other town charges due and owing from such developer, subdivider or person under this chapter have been paid.
  - k. Names and addresses of all adjoining property owners, including proof that all such property owners have been notified in writing by the applicant that application has been made for subdivision of the subject property. Notice sent by certified mail to the last known address of such owners as shown on the

current real estate tax assessment books shall be deemed adequate compliance with this requirement.

- l. Proof of any approved variances or exceptions necessary for the subdivision.
- m. Include the following note on the plat:  
"This preliminary plat approval is valid for a period of five years. One-year extensions of this approval after the original expiration date may be considered annually. No more than two extensions will be considered in cases where an applicant has not recorded a final plat for any section of the preliminary plat. The applicant will not receive any notification from the Town of Lovettsville of this plat's expiration. The applicant is responsible for filing an extension request in accordance with the Town of Lovettsville's subdivision ordinance in effect on the date of application."

(2) *Project tabulations.*

- a. Gross acreage of the subdivision, to the nearest one-tenth of an acre.
- b. Number of lots.
- c. Minimum lot area.
- d. Average lot size.
- e. Minimum lot width.
- f. Area in lots.
- g. Area in common open space.
- h. Common open space as percentage of the subdivision.

(3) *Existing site conditions.* The preliminary plat shall illustrate the following conditions:

- a. Boundary lines of the proposed subdivision.
- b. Existing topography with a maximum of five-foot contour interval.
- c. Location and full width of existing rights-of-way within 200 feet of site.
- d. Location and width of existing roadways within 200 feet of site.
- e. Boundaries, purposes and widths of existing easements. f. Location of existing driveways and access points on the subject property and within 200 feet of the site.
- f. Location of 100-year floodplain as shown on the most recent Federal Emergency Management Agency (FEMA) maps.
- g. All overland watercourses and drainage structures within the subdivision or within 100 feet of the subdivision.
- h. Names of all abutting subdivisions or names or owners of record of abutting properties.
- i. Existing uses and zoning of all adjoining properties.
- j. Indication of areas of tree cover on the property.
- k. Identification of all existing slopes greater than or equal to 15 percent, and further delineation of slopes greater than or equal to 25 percent.

(4) *Graphic requirements.* The following graphic elements shall be provided:

- a. All sheets shall be clearly and legibly drawn at a scale not less than 100 feet to the inch with a north arrow, on numbered sheets 24 inches by 36 inches in size, which shall be clearly labeled "Preliminary Plat." If more than one sheet is necessary, a match line and corresponding sheet numbering system must be provided.
- b. A north arrow.
- c. Location, right-of-way width and typical pavement section of all proposed streets, driveways and parking courts along with proposed street names.

- d. The proposed lot and yard requirements with approximate dimensions lot areas and tentative lot numbers.
- e. Preliminary plans for water, storm and sanitary sewer systems for the subdivision, including any off-site improvements.
- f. All proposed connections to existing water lines, sewer lines and storm drainage structures.
- g. Preliminary layout of provisions or facilities for collection and discharge of surface drainage.
- h. Preliminary plans for erosion and sedimentation control measures.
- i. Proposed phases or sections within the subdivision and the order of development.
- j. A soil overlay map at a scale of not less than one inch to 200 feet with accompanying narrative.
- k. Location and size of existing and proposed public open spaces within and adjacent to the subdivision.
- l. Location and size of all parcels of land and easements proposed to be dedicated for public use and the conditions of each dedication, including temporary dedications.
- m. Location and size of required buffer yards.
- n. Proposed modifications to 100-year floodplains.
- o. Identification of tree protection areas within the subdivision.
- p. Location of proposed fire hydrants and/or distance to existing fire hydrants.
- q. Location of proposed streetlights.
- r. Approval block on first sheet as follows:

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APPROVED

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Chair, Planning Commission

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Date

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(Ord. of 3-2-2000, § 2.7.9; Ord. of 4-12-2012)

**Sec. 30-66. Construction drawings.**

Subsequent to approval of a preliminary subdivision plat and prior to the submission of the final or record plat, the applicant shall submit construction drawings for all or part of the subdivision that was the subject of the preliminary plat as approved or, in the case of subdivision which does not require the submission of a preliminary plat, for the entire property or all properties proposed for subdivision. The construction drawings shall depict all improvements required under this chapter and Chapter 42 of the Town Code. Plats and construction drawings may be submitted for either the entire property that received preliminary plat approval or for individual sections within the subdivision, provided that a phasing plan was submitted to and approved as part of the preliminary subdivision plat. If submitted in sections, the sections shall be in substantial compliance with the development phases shown on the approved preliminary plat and phasing plan.

(1) Application for construction drawings shall include the following:

- a. An application for construction drawings.
- b. Five copies of the construction drawings, provided additional copies of the construction drawings may be required by the zoning administrator for review purposes. Construction drawings shall include but not be limited to the

following information: street plans and profiles, water line plans and profiles including service lines, sewer line plans and profiles including lateral lines, an erosion and sediment control plan and narrative; a stormwater management plan including profiles and computations, a landscaping plan, and typical details.

- c. The application fee required for filing the construction drawings.
  - d. Include the following note on the cover sheet:  
"Approval of this Plan is Not a Commitment on the Part of the Town to Provide Public Sanitary Sewer or Water to the Subject Parcel(s). Issuance of Zoning Permits Shall be Subject to the Availability of Water and Sanitary Sewer Connections."
- (2) The zoning administrator shall conduct an initial review of the application and construction drawings for completeness within ten (10) working days and shall notify the applicant in writing as to whether the application has been accepted for review or rejected based on omissions and deficiencies in the application submitted relative to the required contents set forth in this section. Applications that have been rejected pursuant to this section shall not be accepted for review until the omissions and deficiencies have been properly addressed and all required information has been submitted. The date of the zoning administrator's written notification to the applicant of acceptance shall be deemed the date the application and drawings were officially submitted for review for purposes of calculating time periods pursuant to this chapter.
  - (3) Upon acceptance of a complete application, the zoning administrator shall request additional copies of the complete application and, upon receipt, shall forward the plat and related information to the appropriate review agencies including but not limited to the following:
    - a. The Virginia Department of Transportation.
    - b. The Loudoun County Department of Fire, Rescue and Emergency Management.
    - c. The Loudoun County Department of Building and Development
    - d. The town attorney.
    - e. The town engineer, including engineering and planning consultants of the Town.
    - f. Any other federal, state or county agency which may have cause to review the application.
  - (4) The zoning administrator shall coordinate the review by referral agencies and compile their comments. All referral comments shall be reported in writing to the applicant.
  - (5) Construction drawings shall consider the following general criteria and shall include sufficient information necessary to determine compliance with the following:
    - a. Water systems. Public water systems shall be designed and constructed in compliance with the standards and specifications of Loudoun Water, the Town of Lovettsville, and/or the Virginia Department of Health, as applicable.
    - b. Sanitary sewer systems. Public sanitary sewer systems shall be designed and constructed in compliance with the standards and specifications of Loudoun Water, the Town of Lovettsville, and/or the Virginia Department of Health, as applicable.
    - c. Storm drainage systems. Provisions shall be made for storm drainage improvements, and stormwater management facilities shall be designed and



drawing shall not be made until any agreements and surety guaranteeing the installation of public improvements required by sections 30-34 and 30-35 of this chapter, as shown on the approved construction drawings, have been approved by the Town Council and signed by the applicant and Town.

- (9) If the construction drawings are disapproved for any reason, the applicant may resubmit revised plans in accordance with subsection (1) of this section indicating how all deficiencies have been addressed. The plans shall be reviewed in accordance with the provisions for review of construction drawings set forth in this section and §15.2-2259 of the Code of Virginia.

(Ord. of 3-2-2000, § 2.8; Ord. of 4-12-2012)

### **Sec. 30-67. Final subdivision plats.**

Following approval of the preliminary subdivision plat, the applicant may submit the final subdivision plat for either the entire property which received preliminary plat approval or for individual sections within the subdivision. If submitted in sections, the sections shall be in substantial compliance with the development phases shown on the approved preliminary plat, unless a modification in the phasing is approved by the zoning administrator.

- (1) The final subdivision plat shall be in substantial compliance with the approved preliminary plat for the property, provided that the final location and alignment of required public improvements as shown in the approved construction drawings may result in minor alterations to the subdivision layout as shown on the approved preliminary plat.
- (2) An application for approval of a final subdivision plat shall include the following:
  - a. An application for final subdivision plat.
  - b. Five copies of the final subdivision plat. Additional copies of the plat may be required by the administrator for review purposes.
  - c. The application fee required for filing the final plat.
- (3) The zoning administrator shall conduct an initial review of the application and final subdivision plat of the proposed subdivision for completeness. Within ten working days, the administrator shall notify the applicant in writing as to whether the application has been accepted for review or rejected based on omissions and deficiencies in the application submitted relative to the required contents set forth in this section. Applications that have been rejected pursuant to this section shall not be accepted for review until the omissions and deficiencies have been properly addressed and all required information has been submitted. The date of the zoning administrator's written notification to the applicant of acceptance shall be deemed the date of official submission for the purposes of calculating time periods pursuant to this chapter.
- (4) The following approvals shall precede approval of the final plat and shall be necessary for its approval by the zoning administrator:
  - a. Approval of the construction drawings in accordance with 30-66 of this chapter;
  - b. Approval of the performance bond by the Town Council in accordance with Section 30-34 and Section 30-35 of this chapter; and
  - c. Review and approval of the final plat by the Town Attorney as to form.

Once all required approval have been issued, the zoning administrator shall review the plat for compliance with the approved preliminary plat, approved construction

drawings, the zoning ordinance and all applicable provisions of this chapter. If a final plat is submitted prior to or at the time the construction drawings are submitted for approval, the final plat shall be reviewed concurrently with the review of the construction drawings and the zoning administrator shall take action to approve or disapprove the final plat within fifteen (15) days of the date on which the construction drawings are approved, provided all other requirements of this section have been met. If a final plat is submitted subsequent to approval of the construction drawings, the zoning administrator shall take action within thirty (30) days of acceptance of the final plat. If the final plat is disapproved for any reason, the zoning administrator shall notify the applicant of such disapproval and shall set forth in writing the reasons for the disapproval and shall further specify what corrections or modifications would permit approval. This time period for action may be extended by mutual agreement of both the town and the applicant, provided that the agreement shall be signified in writing. The applicant may resubmit the final plat, indicating how the deficiencies have been corrected. If a disapproved final plat is resubmitted with modifications and corrections, the zoning administrator shall act on the plat within thirty (30) days after the resubmitted plat has been accepted. Approval of the final plat shall not be made until all outstanding fees associated with the review of the subdivision have been paid to the town, nor shall the final plat be signed by the zoning administrator unless and until the Town Council has approved the performance bond for the subdivision in accordance with sections 30-34 and 30-35 of this chapter.

- (5) The applicant shall record the approved final plat with the clerk of the county circuit court within six (6) months of the date of final approval and shall furnish the zoning administrator with proof of recordation of the final plat, including one print and one reproducible copy of the executed final plat. The applicant shall also submit one copy of the final plat to the county commissioner of revenue. If the applicant fails to file or record the final plat and furnish proof thereof as required by this subsection, final plat approval shall be withdrawn by the zoning administrator and the final plat shall, after written notification provided to the applicant, be marked "VOID" and returned to the applicant, provided that the timeframe for recording final plats set forth in this subsection shall be subject to Virginia Code Section 15.2-2241 A 8, as applicable.
- (6) Approval of a final subdivision plat which has been recorded shall be valid for a period of five (5) years in accordance with §15.2-2261 of the Code of Virginia.

(Ord. of 3-2-2000, §§ 2.9.1—2.9.7; Ord. of 4-12-2012)

### **Sec. 30-68. Easement plats/deeds**

Prior to approval of the final subdivision plat or final site plan, the applicant shall submit for approval any deed(s) of dedication, deed(s) of subdivision and/or deed(s) of easement, in a form acceptable to the town attorney, for all rights-of-way, easements, or other conveyances of property associated with the applicant's application, including temporary easements and any property to be conveyed to the town as a result of the development. Such deeds and plats shall include those for all conveyances, dedications, and declarations of property as required by the construction drawings or site plan associated therewith, including all rights-of-way and easements proposed to be vacated, that have not otherwise been included on the final subdivision plat. The applicant shall file or record the approved deeds and plats with the Clerk of Circuit Court of Loudoun County within six (6) months of the date of final approval by the

zoning administrator and town attorney and furnish proof of recordation of the plat to the zoning administrator, subject to Virginia Code Section 15.2-2209.1 and Section 15.2-2241 A 8, as applicable. If the applicant fails to record the plat and furnish proof thereof as required in by this subsection, approval shall be withdrawn by the zoning administrator and the plat shall be marked "VOID" and returned to the applicant.

**Secs. 30-69—30-90. Reserved.**

**ARTICLE IV. DEVELOPMENT SITE PLANS**

**Sec. 30-91. Applicability.**

- (a) This article shall apply to certain development proposals and projects as identified herein. Public improvements and right-of-way and easement dedications associated therewith as required by this article shall be prepared by the applicant or developer and submitted for review a part of the application for site plan approval. The zoning administrator shall not issue any zoning permit and the Town shall not authorize any water or sewer connection for any development for which a site plan is required unless the requirements of this article are met. No final site plan shall be signed by the zoning administrator unless and until the Town Council has approved the performance bond for the development in accordance with sections 30-34 and 30-35 of this chapter.
- (b) The following types of uses and developments involving the construction of a new building, structure or use having a footprint area of 750 square feet or more, or expansion of an existing building, structure or use by more than 750 square feet of footprint area, shall be governed by this article unless specifically exempted by subsection (c) below:
  - (1) All uses permitted in the commercial and industrial districts;
  - (2) All permitted uses in residential districts, except single-family detached dwellings, townhouse dwellings and semi-detached dwellings (duplexes); or
  - (3) Developments in which automobile parking spaces are to be used by more than one establishment.
- (c) Notwithstanding the requirements of subsection (b) above, the following types of developments shall not be governed by this article:
  - (1) Uses or activities that are the subject of a valid site plan previously approved by the Town, unless the applicant is requesting an amendment to the previously approved plan;
  - (2) Uses or activities involving modifications to the interior of an existing structure only which do not generate additional off-street parking or necessitate modifications to the site pursuant to this chapter or Chapter 42, Zoning, or for which a building permit is not required;
  - (3) Construction, reconstruction or expansion of structures or facilities for which no public facilities are required or proposed; or
  - (4) Construction, reconstruction or expansion of structures or facilities for which public facilities are required, but for which the bonded value of the proposed public facilities is less than \$5,000.00.

(Ord. of 3-2-2000, § 3.1; Ord. of 4-12-2012)

**Sec. 30-92. Pre-application conference.**

- (a) Prior to submission of a final site plan, the applicant may request a meeting or conference with the zoning administrator to present a concept plan or preliminary site plan of the proposed development and for the zoning administrator and the developer and/or engineer to discuss the project before the design has been completed so that any issues may be addressed prior to final engineering and submission of the final site plan. The zoning administrator may, at the pre-application conference, review a plan for completeness, request additional information required by this article and/or offer suggested changes. The meeting may be attended by the Town Engineer, consultant engineer, and any other Town staff persons or representatives of review agencies that the zoning administrator may deem necessary or beneficial.
- (b) The zoning administrator may and, at the request of the applicant, shall prepare a brief written summary of the conference and provide a copy of the summary to the applicant within ten days of the meeting.
- (c) The applicant shall not be bound by the determination of the preapplication conference, nor shall the zoning administrator or other review agency be bound by such review.

(Ord. of 3-2-2000, § 3.2; Ord. of 4-12-2012)

**Secs. 30-93—30-94. - Reserved.**

**Sec. 30-95. Preliminary site plans.**

- (a) A preliminary site plan may be submitted to the zoning administrator for any development for which a final site plan is required prior to submission of a complete final site plan and/or prior to a pre-application conference held pursuant to Section 30-92. All physical improvements depicted on a preliminary site plan shall be designed in accordance with the provisions of this chapter and shall contain all required details as specified for a final site plan. The zoning administrator may accept the plan as complete in accordance with Section 30-96(b) if the plan contains all information required by Section 30-97 except for the accompanying information required by Section 30-97(5), paragraphs a. and b. The zoning administrator's determination of completeness regarding the preliminary site plan shall not be binding as to any such determination regarding the final site plan.
- (b) If determined to be complete and accepted for review in accordance with this section, the plan may be forwarded to review agencies for comment in accordance with Section 30-96(c).

(Ord. of 3-2-2000, § 3.4)

**Sec. 30-96. Final site plans.**

- (a) Final site plan applications shall include the following:
  - (1) An application for final site plan.
  - (2) Five copies of the final site plan. Additional copies of the plan may be required for review purposes.
  - (3) Application fee for filing the final site plan.
- (b) The zoning administrator shall conduct an initial review of the application and site plan for completeness within ten (10) working days and shall notify the applicant in writing as to whether the application has been accepted for review or rejected based on omissions and deficiencies in the application submitted relative to the required contents set forth in Section

30-97. Applications that have been rejected pursuant to this section shall not be accepted for review until the omissions and deficiencies have been properly addressed and all required information has been submitted. The date of the zoning administrator's notification of acceptance to the applicant shall be deemed the date the application and site plan were officially submitted for review for purposes of calculating time periods pursuant to this chapter.

- (c) Upon acceptance of a complete application, the zoning administrator shall request additional copies of the complete application and, upon receipt, shall forward the plan and related information to the appropriate review agencies including:
  - (1) The Virginia Department of Transportation.
  - (2) The Loudoun County Department of Fire, Rescue and Emergency Management.
  - (3) The Loudoun County Department of Building and Development
  - (4) The town attorney.
  - (5) The town engineer, including engineering and planning consultants of the Town.
  - (6) Any other federal, state or county agency which may have cause to review the application.
- (d) The zoning administrator shall coordinate the review by referral agencies and compile their comments. All referral comments shall be reported in writing to the applicant.
- (e) The zoning administrator shall act on the site plan within 60 days of the date of official submission of the application and acceptance of the plans as complete, unless approval of a feature or features of the plan by a state agency or public authority authorized by state law is necessary, in which case the time for action by the local planning commission or zoning administrator shall be extended in accordance with the requirements of §15.2-2259 of the Code of Virginia. The zoning administrator shall act to approve or disapprove the site plan, or may conditionally approve the plan if only minor revisions are necessary and such revisions have been agreed to in writing by the applicant. If the plan is disapproved for any reason, the zoning administrator shall notify the applicant of such disapproval and shall set forth in writing the reasons for the disapproval and shall further specify what corrections or modifications would permit approval by the zoning administrator. The time period for action may be extended by mutual agreement of both the zoning administrator and the applicant, provided such agreement shall be signified in writing.
- (f) Approval of final site plans shall be certified by the zoning administrator upon no fewer than two (2) duplicate copies of the plan which shall be forwarded to the applicant. Approval of the final site plan shall not be made until all outstanding fees associated with the review of the application have been paid to the town.
- (g) Approval of a final site plan shall be valid for a period of five (5) years in accordance with §15.2-2261 of the Code of Virginia. Two one-year extensions of final site plan approval may be requested as follows:
  - (1) A written request an extension must be submitted at least 45 days prior to the expiration date of the final site plan. An extension request will not be considered after the expiration of the plat; and
  - (2) There have been no significant amendments to this chapter which, in the written opinion of the zoning administrator, would affect the approved plan.
- (h) Final site plan applications which have been disapproved may be revised and resubmitted in accordance with this section. Any amendment to a final site plan which has been previously approved will be reviewed and processed in accordance with the procedures used for initial final site plan submissions.

**Sec. 30-97. Required contents of final site plans.**

All final site plans shall be prepared showing compliance with these regulations, the zoning ordinance and all applicable federal, state and local regulations. The zoning administrator shall have the authority to waive one or more submittal requirements, if it is determined such information is not necessary for the review and approval of the plan and that failure to provide the information will in no way affect any public improvements, adversely affect adjoining properties or conflict with any other requirements of this chapter and chapter 42, zoning. Waiver requests shall be made to the zoning administrator in writing and written approval granted prior to submission of the plan. All final site plans shall include the following minimum information unless waived:

(1) *General requirements.*

- a. Name of the proposed development, town, county and state.
- b. Proposed uses of the property or properties which are the subject of the development.
- c. Names and addresses of owners of record and of the applicant or developer, if different.
- d. Names of any holders of easements or liens affecting the property.
- e. Name, address, signature and registration of licensed professionals who prepared the plan.
- f. Deed reference, tax map number and parcel identification (PARID) number.
- g. Date plan was prepared and date of any revisions.
- h. Vicinity map at a scale of not less than one inch equals 1,000 feet, indicating thereon roads and their names, town limits, subdivisions and other landmarks.
- i. Boundary survey, with an error of closure within the limit of one in 10,000, related to the true meridian or the state grid with a minimum of three coordinated grid marks.
- j. Existing zoning, including any proffers associated with the property.
- k. All covenants and restrictions which run with the property.
- l. Evidence that all real estate taxes which have been assessed against the property to be subdivided or developed and all other town charges due and owing from such developer, subdivider or person under this chapter have been paid.
- m. Names and addresses of all adjoining property owners, including proof that all such property owners have been informed in writing that the final site plan has been filed with the town. Such notification sent by certified mail to the last known address of such owners as shown on the current real estate tax assessment books shall be deemed adequate compliance with this requirement.
- n. Proof of any approved variances or exceptions associated with the development.
- o. The accurate outlines, dimensions and purposes of all property which is to be reserved by deed covenant for the common use of all the property owners.
- p. Outlines of various parcels and identification of individual parcels which may comprise the proposed development.
- q. The accurate outline, dimensions and purposes of all property which is offered for dedication or is to be reserved for public use.

- r. Include the following note on the cover sheet:  
"Approval of this Plan is Not a Commitment to Provide Public Water or Sanitary Sewer. Issuance of Zoning Permits Shall be Subject to the Availability of Town Water and Sanitary Sewer Connections."
- (2) *Project tabulations.*
- a. Gross acreage of the development to the nearest one-tenth of an acre.
  - b. Number of lots.
  - c. Number of parking spaces required and provided.
  - d. Proposed permitted uses by square footage and total square footage of proposed buildings.
  - e. Landscaping area tabulations for all landscaped areas required by Article X of the Zoning Ordinance.
  - f. Height of building(s) and number of floors.
  - g. Minimum yard requirements on each boundary line.
  - h. Provided yard requirements on each boundary line.
  - i. Minimum buffer yard required on each boundary line.
  - j. Provided buffer yard on each boundary line.
  - k. Percentage of lot covered by:
    - 1. Buildings.
    - 2. Impervious surfaces, including parking and loading areas, drive aisles, and sidewalks.
    - 3. Landscaping and landscape areas required by Article X of the Zoning Ordinance.
  - l. Proposed floor area ratio (FAR).
- (3) *Existing site conditions.* The final site plan shall illustrate the following conditions:
- a. Survey of the proposed property boundary certified by a land surveyor with all existing property lines and dimensions of the area which is the subject of the final site plan, if different from the boundary survey.
  - b. Existing topography with maximum of two-foot contour intervals.
  - c. Location and full width of existing rights-of-way within 200 feet of site.
  - d. Location and full width of existing roadways within 200 feet of the site.
  - e. Boundaries, purposes and widths of all easements; boundaries, purposes and widths of all easements or other rights-of-way proposed to be vacated.
  - f. Location and dimensions of existing driveways and access points on the property and within 200 feet of the site.
  - g. All survey monuments, lot corners, block markers and bench marks together with their descriptions.
  - h. Location of 100-year floodplain as shown on the most recent Federal Emergency Management Agency (FEMA) maps.
  - i. All overland watercourses and drainage structures within the development or within 100 feet of the development.
  - j. Names of all owners of record of abutting properties.
  - k. Existing uses and zoning of abutting properties.
  - l. Identification of areas of tree cover on the property, including areas where tree protection or preservation measures are to be taken. All trees with a diameter of eight inches or greater shall be individually located and identified on the plan.
  - m. Identification of all existing slopes greater than or equal to 15 percent and further delineation of slopes greater than or equal to 25 percent.
- (4) *Graphic requirements.* The following graphic elements shall be provided:

- a. All sheets shall be clearly and legibly drawn at a scale no more than 50 feet to the inch on numbered sheets 24 inches by 36 inches in size which shall be clearly marked "Final Site Plan."
- b. A north arrow.
- c. Location, right-of-way widths, typical pavement section of all proposed entrances, parking lots, parking spaces, drive aisles, sidewalks and trails.
- d. The building footprints and geometric plan of all site improvements with dimensions tied to the boundary survey.
- e. Proposed grading shall be shown along with proposed elevations of the finished grade at all building corners, high points, low points and all other appropriate locations necessary to define the finish grade.
- f. Storm drainage pipes and structures shall be shown with sizes and elevations indicated.
- g. Plans and profiles shall be provided for all proposed water, sanitary and storm sewer facilities.
- h. Location, type size and height of all fencing, screening and retaining walls shall be included with all necessary details for construction.
- i. The location of all building entrances and exits shall be indicated.
- j. All off street parking areas and spaces, indicating the type of surfacing, size and angle of stalls, widths of aisles and a specific schedule showing the required number of parking spaces and the number of spaces proposed.
- k. A landscape plan in accordance with Article X of the Zoning Ordinance showing the location and type of all existing trees, identifying trees to be saved and those to be removed. The location, type number and size of all proposed landscaping material shall be indicated.
- l. A soil overlay map at a scale of not less than one inch equals 200 feet with accompanying narrative.
- m. Location and size of existing and proposed public open spaces within and adjacent to the development.
- n. Location and size of all parcels of land and easements proposed to be dedicated for public use and the conditions of each dedication, including temporary dedications.
- o. Two benchmarks which will not be disturbed by proposed construction shall be shown with elevations.
- p. The type and location of each buffer yard proposed with a listing of proposed and required plantings.
- q. Location of proposed fire hydrants and/or distance to existing fire hydrants.
- r. Location and details of proposed site lighting and streetlights.

(5) *Other information.*

- a. Plats and deeds shall be submitted in accordance with Sec. 30-68.
- b. A type II geotechnical report shall be submitted with all final site plans. The report shall be prepared under the direction of and certified by a professional engineer licensed in the commonwealth with experience in geotechnical engineering. The report shall meet all requirements for a type II report as specified in the Loudoun County Facility Standards Manual, latest edition.
- c. Final site plans shall consider the following general criteria and shall include sufficient information necessary to determine compliance with the following:
  1. *Water systems.* Public water systems shall be designed and constructed in compliance with the standards and specifications of Loudoun Water,

- the Town of Lovettsville, and/or the Virginia Department of Health, as applicable.
2. *Sanitary sewer systems.* Public sanitary sewer systems shall be designed and constructed in compliance with the standards and specifications of Loudoun Water, the Town of Lovettsville, and/or the Virginia Department of Health, as applicable.
  3. *Storm drainage systems.* Provisions shall be made for public storm drainage improvements, and stormwater management facilities shall be designed and installed in accordance with the standards and specifications of the Virginia Department of Transportation and the Loudoun County Facilities Standards Manual, latest edition. Appropriate documentation and calculations demonstrating compliance with these standards and with the Virginia Stormwater Management Act and Regulations, as applicable, shall be submitted as part of the site plan for the development.
  4. *Erosion control, floodplain management and environmental protection.* The final site plans shall include appropriate provisions the protection of soil and water, including but not limited to an erosion and sediment control plan, tree preservation and protection plan, a plan for the protection of jurisdiction wetlands and watercourses against the effects of construction and development, a plan for mitigating against the effects of inundation of land by flood waters in accordance with applicable Town and County ordinances and the Loudoun County Facilities Standards Manual, latest edition.
  5. *Transportation system and circulation network.* Final site plans shall include plans, specifications and details necessary for the review and approval of public streets, parking lots and courts, including entrances, drive aisles and loading areas, public sidewalks, bikeways and pedestrian trails in accordance with the Loudoun County Facilities Standards Manual, latest edition, and the standards and specifications of the Virginia Department of Transportation, as applicable.

(Ord. of 3-2-2000, § 3.5.10; Ord. of 4-12-2012)

**Secs. 30-99—30-118. - Reserved.**

**ARTICLE V. - DESIGN AND CONSTRUCTION STANDARDS**

**Sec. 30-119. Compliance.**

In designing subdivisions and developments, the design standards and requirements in this article shall be observed and complied with in full, except where otherwise provided herein.

(Ord. of 3-2-2000, art. IV)

**Sec. 30-120. Site analysis.**

An analysis shall be made of the characteristics of the development site such as geology and soils, topography, climate, existing vegetation, structures, road networks and visual features.

(Ord. of 3-2-2000, § 4.1)

**Sec. 30-121. Subdivision and site design.**

- (a) Design of the subdivision shall take into consideration all town and county plans for the site and adjacent properties.
- (b) Subdivision and development of a site shall be based upon a preliminary site analysis of the site's opportunities and constraints. Development shall be located to preserve the natural features of the site, to avoid adverse effects to environmental features as identified for protection in the site analysis and town comprehensive plan, and to minimize the negative effects and alteration of natural features to the extent feasible.
- (c) The following area shall be preserved as undeveloped open space to the extent consistent with the reasonable use of the land and in accordance with applicable local, state, and federal laws and regulations:
  - (1) Wetlands, as defined in section 404, Federal Water Pollution Control Act amendments of 1972, as amended, and as field verified by on-site inspection and delineation;
  - (2) Floodplains as defined by the Federal Emergency Management Agency (FEMA) National Flood Insurance Program and the Flood Insurance Rate Maps of Loudoun County;
  - (3) Slopes in excess of 25 percent as measured over a ten-foot interval unless appropriate engineering measures are taken concerning slope stability and erosion.
- (d) All development shall be designed to reduce cut and fill, avoid unnecessary impervious surfaces, prevent flooding, provide adequate access to lots and mitigate the adverse effects of noise, traffic, drainage and utilities on neighboring properties.

(Ord. of 3-2-2000, § 4.2)

**Sec. 30-122. Streets.**

- (a) Streets shall conform to the comprehensive plan of the town and shall be coordinated so as to provide adequate circulation and access for vehicles and pedestrians. Street patterns shall discourage through traffic in the interior of a residential subdivision. Where a street connection is appropriate for the anticipated development of adjoining land, the arrangement or extension of streets shall include the extension of the subdivision street to the edge of the subdivision. The street layout shall provide access from existing public roads to all lots and parcels of land within the subdivision.
- (b) The design and construction of streets and appurtenant facilities within public street rights-of-way, including areas to be dedicated as public streets and accepted by VDOT for maintenance purposes, shall meet the standards and specifications of the Virginia Department of Transportation (VDOT).
- (c) Streets shall intersect at right angles to the extent feasible. The distance between the centerline of offset intersections shall not be less than 225 feet.
- (d) Streets shall generally conform to natural contours and shall provide for positive drainage. Centerline grades shall not be less than one-half of one percent and not more than five percent.
- (e) Streets shall be graded and improved with pavement, street signs, sidewalks, driveway approaches, drainage facilities, street lights and other public improvements required by this chapter. Curb and gutter shall be provided on all public streets.

- (f) Streets shall have a minimum right-of-way width of 50 feet unless otherwise set forth in the standards and specifications of the Virginia Department of Transportation or otherwise authorized by the department, in which case streets shall be built for the full width prescribed by the Virginia Department of Transportation. When a subdivision or development abuts one side of any existing public street, the subdivider or developer shall be required to construct street improvements, including but not limited to storm drainage facilities, pavement, curb and gutter and sidewalk on the subdivider's or developer's portion of the existing street(s).
- (g) Dead-end streets, including stub streets, ending in temporary turnarounds are to be no more than 600 feet long. All dead-end streets shall be provided with a turn-around at the end, having a radius at the property line of at least 50 feet for a maximum length of 650 feet from the flow-line of gutter at the entrance to the property line at the radius of the cul-de-sac.
- (h) Where feasible, subdivisions with 20 or more lots shall provide a minimum of two points of access to existing public streets. Subdivisions with 30 or more lots shall provide points of access onto two or more existing public streets. Access points to an existing public street located within 300 feet to any other such access point shall be treated as a single point for purposes of meeting the requirements of this section.
- (i) There shall be no private streets created in any subdivision or development except for common parking courts in townhouse developments as provided in section 30-125 and private access easements as provided in section 30-123.
- (j) Street name signs shall be provided at all street intersections in accordance with standards adopted by the Town. Street names shall not duplicate nor be similar to the names of existing streets in the county unless they are extensions of such streets. All street names shall be subject to approval by the Planning Commission at the time of preliminary plat approval or zoning administrator if no preliminary plat is submitted for approval.
- (k) Alleys shall be permitted in residential areas to provide access for parking at the rear of lots. Alleys shall be permitted in commercial areas where appropriate. Rights-of-way for alleys shall be a minimum of 30 feet with a 16-foot paved travel way. An agreement, in a form approved by the town attorney, shall be recorded in the land records of the county and reflected in the chain of title of all lots adjoining any such alley in order to set forth that the construction, repair and maintenance of the alley is not the responsibility of the town nor VDOT, and to set forth legally binding responsibilities for all parties responsible for construction, repair, maintenance, snow removal and all pertinent details, including for utilities located within such alleyways, as applicable.
- (l) Sidewalks shall be built on both sides of each public street. Sidewalks shall be composed of concrete or brick pavers and shall be designed and installed in accordance with town and Virginia Department of Transportation specifications. If the subdivision lies only on one side of an existing public street, sidewalks shall be required only on the side of such street where the subdivision is located.
- (m) Streetlights shall be installed in accordance with any adopted or approved plans, town specifications and the standards and specifications of the Virginia Department of Transportation, Dominion Virginia Power and any other appropriate public utility or agency. Street lights within residential subdivisions shall be installed at street intersections and at the end of dead-end streets, at a minimum.

(Ord. of 3-2-2000, § 4.3; Ord. of 7-25-2002; Ord. of 4-12-2012)

**Sec. 30-123. Private access easements.**

- (a) Private access easements designated and constructed in accordance with the following standards may serve as frontage in lieu of a public street for a maximum of one lot in any subdivision or resubdivision.
- (b) Private access easements shall conform to the following requirements:
  - (1) The minimum width of any such easement shall be 24 feet. Additional easement width may be required at specific locations to accommodate slope maintenance, drainage, sight distance or other features.
  - (2) No structure of any kind shall be erected closer than ten feet to any private access easement line.
  - (3) Private access easement travel ways shall have a minimum width of 12 feet, which shall be constructed of a minimum of six inches of crushed stone or gravel.
- (c) For any subdivision or development of a tract of land involving a private access easement, or other designated right-of-way which is to be privately maintained, the plats, plans and deeds recorded for the subdivision or development and for the lot served by such easement shall contain the following statement:

"The access serving this lot is private and its maintenance, including snow removal, is NOT a public responsibility. It shall not be eligible for acceptance into State secondary system for maintenance until such time as it is constructed to and otherwise complies with all requirements of the Virginia Department of Transportation for the addition of subdivision streets current at the time of such request. Any costs required to cause this street to become eligible for addition to the State system shall be provided from funds other than those administered by the Virginia Department of Transportation and by the Town of Lovettsville."
- (d) An agreement, in a form approved by the town attorney, shall be recorded in the county land records and reflected in the chain of title of such lot in order to set forth that the construction, repair and maintenance of the roadway connecting such lot to the public road system is not the responsibility of the town nor the state and to set forth legally binding responsibilities for the parties who are responsible for construction, repair, maintenance, snow removal and all pertinent details, including for utilities located within such alleyways, as applicable. The agreement shall be between the owner of the lot, the contract purchaser and other parties, if pertinent to the purpose of the agreement.

(Ord. of 3-2-2000, § 4.4; Ord. of 4-12-2012)

**Sec. 30-124. Blocks and lots.**

- (a) Residential blocks shall not exceed 1,200 feet in length.
- (b) The lot area, width, depth, shape and orientation shall be appropriate for the location of the subdivision and for the type of development and use contemplated and in accordance with chapter 42, zoning of the Town Code. Lots shall be regularly shaped and shall not contain peculiarly shaped elongations or other distortions of lot configuration necessary to provide the required minimum lot area. Lot dimensions shall comply with the minimum requirements of the zoning ordinance.
- (c) Side lot lines shall be generally at right angles or radial to street rights-of-way.
- (d) Lots may have double frontage on streets or private roadways provided that where the rear property line abuts an arterial or highway, an additional ten-foot buffer strip will be provided along the main street or highway without the right of access across such buffer strip.
- (e) Every lot shall front on an approved public street except as otherwise provided herein.

(Ord. of 3-2-2000, § 4.5)

**Sec. 30-125. Dwellings abutting common parking courts.**

- (a) *Generally.* Single-family attached (townhouse) dwelling lots may abut a common parking court if the criteria of this section are met. All other residential lots are required to have access to streets intended for acceptance by the Virginia Department of Transportation for maintenance.
- (b) *Approval criteria.* The planning commission may approve subdivision and land development applications for common parking courts, provided that the commission determines that:
- (1) The development layout will provide a greater amount of usable open space than if a public street was utilized for access;
  - (2) Perpetual maintenance of the common parking court by a property owners' association or other entity is guaranteed through appropriate legal documents;
  - (3) The common parking court will provide adequate and convenient parking for all residents and their guests in accordance with the requirements of the zoning ordinance;
  - (4) The development layout will not conflict with any future road extensions identified in the transportation section of the town's comprehensive plan;
  - (5) Use of common parking courts will not conflict with providing an adequate network of through streets in the surrounding area.
- (c) *Standards.*
- (1) A minimum of two acres shall be required for any development proposing the use of common parking courts.
  - (2) Each common parking court shall serve no more than 30 dwelling units per entrance.
  - (3) A minimum travel way width of 25 feet shall be provided, exclusive of parking spaces, except when parallel parking is provided widths may be reduced to 22 feet, exclusive of any parking spaces.
  - (4) No common parking court shall be located closer than 25 feet to any abutting residential zoning district or the lot line of any residential property which is not directly served by the common parking court.
  - (5) The minimum centerline radius of common parking court travel ways is 50 feet.
  - (6) No common parking court may extend more than 600 feet from a public right-of-way, as measured along the travel way centerline.
  - (7) The maximum grade for common parking courts shall be nine percent.
  - (8) All parking spaces in common parking courts shall have adequate angle of approach and angle of departure.
  - (9) A minimum separation of 100 feet shall be provided between internal intersections along the travel way, as measured centerline to centerline.
  - (10) Each common parking court shall be clearly identified as a private roadway. A single sign, not to exceed two square feet in area, shall be posted at the entrance of such parking court.
  - (11) Common parking courts shall be adequately landscaped to ensure the residential character of the development.

(Ord. of 3-2-2000, § 4.6)

**Sec. 30-126. Location and creation of easements.**

- (a) Easements shall be provided where necessary for sanitary sewer, water mains, electric lines, telephone lines, cable television lines and other necessary services. The location of existing easements of record and easements created in conjunction with the subdivision or development shall be indicated on the final subdivision plat. Construction drawings for subdivisions or site plans shall show existing easements of record and easements being created and shall also indicate the proposed location of electric, telephone and cable television easements in order to avoid conflicts with other utilities and rights-of-way.
- (b) When a subdivision or development is traversed by any stream or natural drainage way, an easement shall be provided for drainage along the stream or drainage way or for the construction of storm water drainage structures.

(Ord. of 3-2-2000, § 4.7)

**Sec. 30-127. Tree preservation and landscaping.**

- (a) Existing tree cover within any proposed subdivision or development shall be preserved to the fullest extent practicable and taken into account in the design of improvements and grading of the property.
- (b) Every subdivision or development shall retain all existing, healthy trees measuring eight inches or more in diameter measured at three feet above the ground.
- (c) No excavation, embankment, subsurface disturbance or construction activity shall take place within an area equal to one foot of horizontal distance for each inch of trunk diameter of any tree to be retained. No impervious surface may be located within 12.5 feet of any such tree. Adequate tree protection measures shall be taken during construction.
- (d) If the preservation of trees required in subsections (b) and (c) above involves an area that would otherwise be devoted to required parking and as a result the provision of required parking cannot be complied with, the number of parking spaces required may be reduced by the number of spaces lost up to a maximum of 15 percent of the required parking spaces, upon approval of an exception in accordance with Sec. 30-33.

(Ord. of 3-2-2000, § 4.8)

**Sec. 30-128. Drainage and stormwater management.**

Facilities for the conveyance, management and discharge of stormwater and surface runoff from a development site or subdivision shall be designed and constructed as follows:

- (a) Each subdivision and development shall provide for drainage facilities for stormwater which shall be designed to convey onsite and offsite stormwater to a permanent receiving channel. Stormwater runoff discharged from a subdivision or development shall be discharged directly into a well-defined, natural or manmade receiving channel or pipe.
- (b) Existing drainageways shall be utilized for conveying stormwater on, through and from the site to the extent feasible. Best management practices (BMPs) shall be selected, designed and installed for subdivisions and developments in accordance with the standards, criteria and requirements of the Virginia Stormwater Management Act and Regulations, as amended, and the Loudoun County Facilities Standards Manual, latest edition.
- (c) On-site and off-site improvements shall be made so that downstream properties are not damaged by pollution, flooding, erosion or sedimentation resulting from the subdivision or

development. The design and construction of drainage facilities shall be such that all watercourses traversing the subdivision or development, and stormwater originating from outside and within the subdivision or development shall be carried through and off the subdivision or development without creating an adverse drainage condition to roadways or residential sites within the tract and without damage to roadways, residential sites or other properties abutting or lying upstream or downstream of the tract.

- (d) Culverts and bridges shall be required where overland streams intersect any street right-of-way.
- (e) Existing watercourses entering the subdivision or development shall be received and discharged as nearly as possible in the manner as existed prior to the subdivision or development. If stormwater runoff from the subdivision or development cannot be accommodated without damage to downstream properties, the subdivider or developer shall provide appropriate retention/detention and controlled release of stormwater entering or generated from within the site.

(Ord. of 3-2-2000, § 4.9; Ord. of 4-12-2012)

**Secs. 30-129—30-154. Reserved.**

**ARTICLE VI. INSTALLATION OF PUBLIC IMPROVEMENTS**

**Sec. 30-155. Floodplains, installation of improvements.**

- (a) All utilities, including electrical, telephone and cable television systems, being placed in floodways and flood zones shall be installed to minimize the risk of damage to such facilities during a flooding event.
- (b) All water and sewer facilities and systems shall be designed and constructed to prevent infiltration of floodwaters into, as well as exfiltration of water or sewage out of, such systems.
- (c) All drainage facilities and site grading shall be designed and constructed to convey the flow of surface waters without causing flooding or damage from flooding to persons or property. Drainage systems and site grading shall be designed and constructed to drain surface and subsurface waters away from buildings and structures. Buildings within subdivisions and developments shall not be located within flood zones except as permitted by article XII of the zoning ordinance.
- (d) Streets and sidewalks shall be designed to minimize their potential for aggravating flooding and causing injury to persons or damage to property from flooding events.

(Ord. of 3-2-2000, § 5.1)

**Sec. 30-156. Payment in lieu of constructing off-site road improvements.**

Whenever the need for reasonable and necessary road improvements on roads located outside the limits of property owned or controlled by a subdivider or developer is substantially generated or reasonably required by construction or improvements of the subdivider's or developer's project, the developer may elect to provide the funds for such off-site road improvements to the Town, in lieu of directly constructing such improvements. In the event a developer provides funding for off-site road improvements, the town council may agree to reimburse the developer in accordance with and pursuant to the provisions Code of Virginia, § 15.2-2242(A)(4).

(Ord. of 3-2-2000, § 5.2; Ord. of 4-12-2012)

**Sec. 30-157. Public utilities installation standards.**

- (a) Water supply and distribution facilities and wastewater collection and treatment facilities shall be designed and constructed in accordance with all applicable standards and specifications, including those of the town and Loudoun Water. Fire hydrants shall be provided in accordance with Loudoun Water standards and specifications and those established by Loudoun County Department of Fire, Rescue and Emergency Management, as applicable.
- (b) Whenever the need for reasonable and necessary sanitary sewer, storm sewer, water and other stormwater management or drainage facilities located outside the limits of the property owned or controlled by a subdivider or developer is substantially generated or reasonably required by construction or improvements of the subdivider's or developer's project, the town council may require the developer to pay a pro rata share of the cost of constructing such facilities, pursuant to and in accordance with the provisions of Code of Virginia, § 15.2-2243.
- (c) All public utilities, as defined in this chapter, shall be installed underground in accordance with applicable Town ordinances, the Loudoun County Facilities Standards Manual, latest edition, and any applicable state or federal regulations.
- (d) All underground installation of utilities shall be based upon proposed finished grade as shown on approved construction plans. No utility shall be at a depth less than required by the state or county regulations subsequent to final grading.
- (e) Equipment, such as electric distribution transformers, switchgear and meter pedestals, which normally are installed above ground, may be so installed.
- (f) Meters, service connections and similar equipment, normally attached to the outside wall of the premises they serve, may be so installed.
- (g) Temporary overhead facilities required for construction purposes shall be permitted.

(Ord. of 3-2-2000, § 5.3; Ord. of 11-20-2008)

**Sec. 30-158. Erosion and sediment control measures.**

- (a) Temporary and permanent measures and practices for controlling erosion and sediment during all phases of clearing, grading and land disturbance shall be designed and installed in accordance with Loudoun County standards and specifications, including the Loudoun County Erosion and Sediment Control Ordinance.
- (b) Erosion and sedimentation controls shall be installed in accordance with an approved erosion and sediment control plan prior to the commencement of land disturbance activities on the site.

(Ord. of 3-2-2000, § 5.4)

**Sec. 30-159. Monuments.**

- (a) Permanent monuments shall be installed at all corners, angles and points of curvature within the boundaries of the subdivision, within the right-of-way lines of all streets and other public areas located within the subdivision, and in at least two points on each block.
- (b) Permanent monuments shall be four inches in diameter and two feet in length, set in concrete with the top not less than one inch nor more than four inches above finished grade. Iron pipes shall be set at the corners of each lot.

(Ord. of 3-2-2000. § 5.5)