

Town of Lovettsville

Town Council Minutes of the April 6, 2017 Regular Meeting and Public Hearing

Call to Order/Pledge of Allegiance

Mayor Zoldos called the meeting to order at 7:30 p.m. The meeting was held at the Lovettsville Town Hall, 6 East Pennsylvania Avenue, Lovettsville, VA.

Council Members Present

- Mayor Robert Zoldos II
- Council Member Jim McIntyre
- Council Member Mike Senate
- Vice Mayor Tiffany Carder
- Council Member Kimberly Allar
- Council Member Jennifer Jones

Council Members Absent

- Council Member Rob Gentile

Staff Present

- Town Clerk Harriet West
- Town Manager Laszlo Palko
- Project Manager Karin Fellers
- Zoning Administrator Joshua Bateman
- Town Attorney Elizabeth Whiting

Mayor Zoldos recognized Deputy Sheriff Moats who was in the audience.

Pledge of Allegiance

Mayor Zoldos led those assembled in the Pledge of Allegiance.

Closed Session

Mayor Zoldos announced that there was no scheduled closed session.

Presentations

Mayor Zoldos introduced a proclamation in recognition of Beryl Reed's 100th Birthday. The Mayor and Council read the proclamation aloud. Mayor Zoldos called for a motion to accept the Resolution. Vice Mayor Carder made a motion to accept the Resolution (Attachment 1).

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

Comments from the Public

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

Stacy Evan, 16 S. Loudoun Street, asked about the status of fence issue that has been ongoing for more than a year. She asked that this be put on the agenda until the situation is resolved. She said the system is inept and it's no one's priority. Town Attorney Whiting gave an update and noted that the process is moving forward and that she hopes to meet with a judge to review the process so that the Town has a sound package before appearing in court. A lengthy discussion ensued regarding the enforcement

process for this case. Zoning Administrator Bateman said he has been working closely with the Town Attorney on developing the process to help ensure zoning violations are abated through the court system. A discussion ensued regarding the enforceability of the Town's ordinances and the ability to abate violations.

Community Presentations

A. Loudoun County Sheriff's Office

Deputy Moats reported on recent vandalism in Town and asked residents to report suspicious activity to the Sheriff's Office. He said that the Loudoun County Sheriff's Office will hold a prescription drug take back at the Lovettsville Fire Hall on April 29.

B. Lovettsville Library

Vice Mayor Carder reported on upcoming events and programs at the library. Councilman McIntyre said the Friends of the Lovettsville Library received a \$5,000 gift from a Lovettsville area resident who passed away.

Town Commission and Committee

A. Lovettsville Planning Commission

Commissioner Hornbaker gave an update on the sign ordinance, zoning permits and certificates, and adoption of amendments to the home day care ordinance. Mayor Zoldos said Commissioner Mueller will be stepping down from the Planning Commission in May and the Council will seek to fill his position.

B. Events Committee

Councilman McIntyre said they had received the documentation from the events coordinator and will be redistributing it to the committees.

- Love America – Councilwoman Allar gave an update on Memorial Day Ceremony.
- Love Spring – Vice Mayor Carder gave updates on the MayFest website, vendors, and a promotional opportunity at the Purcellville Music and Arts Festival on May 20.
- Love Summer – Councilwoman Jones reported on sponsors, volunteers, and movie selection.
- Love Fall – There was no report.
- Love Winter – There was no report.

C. Business & Tourism Committee

Councilwoman Jones reported on the small business networking meeting she attended.

D. Parks & Beautification Committee

Councilman Senate gave an update on the clock faces and the potential to apply for a state tourism grant for a "LOVE" sign.

E. Information Flow Committee

Town Clerk West reported that the Information Flow Committee will meet on April 10 to discuss the social media policy and updates to the Welcome Packet procedures.

Additions/Deletions/Modifications to the Agenda

There were none.

Minutes

A. June 16, 2016 Regular Meeting

Motion: I move to approve the Town Council minutes of the June 16, 2016 regular meeting.

By: Jones

Second: Member Carder

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

Nay: None

Abstain: None

Absent: Gentile

B. June 23, 2016 Special Meeting

Motion: I move to accept the minutes of the June 23, 2016 special meeting.
By: McIntyre
Second: Senate
Aye: McIntyre, Senate, Carder, Allar, and Jones
Nay: None
Abstain: None
Absent: Gentile

Action/Discussion Items:

A. LVZA 2016-0005: Amendment to Zoning Ordinance Related to Future Boundary Line Adjustment of the LVFRC

Zoning Administrator Bateman presented this item. The Council is being asked to conduct a public hearing on the proposed amendment to the zoning ordinance outlining the zoning designation and related requirements applicable to property annexed by the Town. The specific purpose of the amendment is to establish the zoning of the three (3) properties to be incorporated by the Town as part of the future boundary line adjustment of the Lovettsville Volunteer Fire and Rescue Company (LVFRC).

Mr. Bateman reviewed the changes requested by the Loudoun County Department of Fire, Recue, and Emergency Management related to the maximum setback in the CRA-1 District and the maximum building height. He explained that the Planning Commission exempted fire and rescue and police stations from the maximum setback requirement and increased the minimum setback from 20 to 25 feet.

Mayor Zoldos opened the public hearing at 8:21 p.m. Vice Mayor Carder read the notice of public hearing. Mayor Zoldos called for comments from the public. There were none. Mayor Zoldos closed the public hearing at 8:22 p.m.

Motion: I move to adopt Ordinance No. 2017-04-0001 approving LVZA 2016-0005.
By: McIntyre
Second: Jones

A discussion ensued regarding the setback requirements, provisions for private commuter parking lots versus public commuter lots, and allowing microbreweries and microdistilleries by conditional use, rather than by-right. Mr. Bateman suggested deleting "private" from the provisions for commuter parking.

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

B. Approval of FOIA Policy

Town Clerk West presented this item. The Council is being asked to approve the Freedom of Information Act Policy and Request Form. Following discussion, Council Member Jones made the following motion:

Motion: I move to approve the Town of Lovettsville Freedom of Information Act Policy and Request Form as amended.
Second: Senate
Aye: McIntyre, Senate, Carder, Allar, and Jones
Nay: None
Abstain: None
Absent: Gentile

Additional Items

Mayor Zoldos said he had received a letter from the Lovettsville Game Club requesting a waiver for the annual carnival. Mr. Palko said he would research this to see if the Council recommended administrative approval last year.

Zoning Administrator Bateman gave an update on the Lennar Heritage Highland's project and said he has reviewed the 2007 plans and proffers in anticipation of the project restarting.

The Council took a brief recess from 9:05 p.m. to 9:13 p.m. Attorney Whiting left the meeting at this time.

C. Budget Work Session on Capital Improvement Program and Utility Operating Budget

Staff presented recommendations for the Capital Improvement Plan and Utility Fund Operating Budget and responded to questions from the Council. Manager Palko then presented information on equalizing the real estate tax rate and responded to questions from the Council. Mayor Zoldos asked the Council Members to review the information and come prepared to discuss it at a later date.

Information Items

There were none.

Comments from the Mayor and Town Council

Councilman McIntyre reminded everyone about Keep Lovettsville Beautiful Day.

Councilman Senate noted the increasing number of homes for sale.

Mayor Zoldos reported on upcoming events and the two new businesses that are opening, Rasco's and MT Nails.

Adjournment

There being no further business before the Council, the meeting was adjourned at 10:42 p.m.

Respectfully submitted,



Harriet West, Town Clerk

Date Approved: October 26, 2017

Attachments:

1. Resolution No. 2017-04-0001
2. Ordinance No. 2017-04-0001

Town of Lovettsville

Resolution No. 2017-04-0001: Proclamation in Honor of Beryl Graham Reed's 100th Birthday

MOTION: Carder

SECOND: Jones

WHEREAS, Beryl Graham Reed was born near Lovettsville on April 12, 1917; and

WHEREAS, she attended Milltown School, then Lovettsville High School where she graduated in 1936; and

WHEREAS, she helped with farming duties on the family farm after graduation;

WHEREAS, in 1941 she married George Reed and they began building a home on East Broad Way in 1946 after he returned from the military. They moved into their new home in 1949 and raised their daughter there and Mrs. Reed continues to reside in this home today; and

WHEREAS, she is a long time member of Rehobeth Methodist Church and served as Secretary of the Women's Group. She also helped at New Jerusalem Lutheran Church; and

WHEREAS, she also enjoyed reading and gardening and through the years she attended the luncheons and activities at the Lovettsville Community Center; and

WHEREAS, Mrs. Reed loves to show pictures of her two grandchildren, three great-grandchildren, and her great-great-grandchild.

THEREFORE, NOW BE IT RESOLVED that the Mayor and Town Council of the Town of Lovettsville adopt this resolution in honor of Beryl Graham Reed.

BE IT FURTHER RESOLVED that the Town shall recognize Mrs. Reed's 100th Birthday by proclaiming that Wednesday, April 12, 2017 will also be known as "Beryl Reed Day" throughout the Town of Lovettsville.

VOTE:

AYES: McIntyre, Senate, Carder, Allar, and Jones

NAYS: None

ABSTENTIONS: None

ABSENT FOR VOTE: Gentile

APPROVED: April 6, 2017


Robert Zoldas II, Mayor

CERTIFIED:



Harriet West, Town Clerk

The German Settlement

Town of Lovettsville

ORDINANCE NO. 2017-04-0001:

AMENDMENT TO THE ZONING ORDINANCE TO CLARIFY THE ZONING REQUIREMENTS APPLICABLE TO PROPERTY ANNEXED BY THE TOWN

MOTION: McIntyre

SECOND: Jones

WHEREAS, Section 42-150 of Chapter 42, Zoning, of the Town Code establishes the zoning classification of properties annexed into the Town as CR-1 Residential District until otherwise classified; and

WHEREAS, the Town Council on January 14, 2016 adopted Ordinance No. 2016-01-0001 approving the Town of Lovettsville Annexation Policy which has, as a guiding principle, a statement that the Town “will seek opportunities to annex properties to allow for further commercial, light-industrial, and office developments in support of economic growth and revenue expansion” and which states further that “It is not the intent of this Annexation Policy, neither through boundary line adjustments or annexation, to exceed the maximum limits of buildout that has been calculated and incorporated as a Policy in the other chapters of the Town’s Comprehensive Plan”; and

WHEREAS, the Comprehensive Plan as amended on February 9, 2017 contains a policy which states that the Town will seek to “adopt planning policies that facilitate development and redevelopment of parcels of land located, wholly or partially, within the Town’s existing corporate limits before any additional territory for future residential growth is incorporated through annexation or boundary line adjustment” as well as a policy which states that the Town will seek to “limit future residential development such that the Town’s total population will remain under the population threshold established by the Code of Virginia for towns eligible to receive payments from the Commissioner of Highways for maintenance, construction, and reconstruction of urban highways within the municipality”; and

WHEREAS, consistent with the Annexation Policy and Comprehensive Plan, the Town Council desires that properties incorporated into the Town by boundary adjustment or annexation not be automatically zoned CR-1 Residential District whereon no residential use exists or residential use or development is anticipated or desired in the future; and

WHEREAS on December 8, 2016 the Town Council adopted Resolution 2016-12-001 initiating an amendment to the zoning ordinance to clarify the zoning of properties annexed by the Town for such non-residential purposes, including the definitions and other zoning requirements applicable to potential future uses of the parcels of land owned by the Lovettsville Volunteer Fire and Rescue Company on South Berlin Turnpike which are anticipated to be the subject of a future application for simple boundary line adjustment, and formally referred the amendment to the Planning Commission for its recommendation; and

WHEREAS, the Planning Commission on January 18, 2017 conducted a public hearing on LVZA 2016-0005 as referred by the Town Council, and on March 1, 2017 conducted an additional public hearing on and voted to recommended approval of the amendment as modified by the Planning Commission on February 1 and March 1, 2017; and

The German Settlement

WHEREAS, the Town Council at their work session on March 16, 2017 voted to schedule a public hearing on LVZA 2016-0005 as recommended by the Planning Commission, and subsequently held a public hearing on LVZA 2016-0005 on April 6, 2017, such public hearing having been duly advertised as required by Section 42-34 of the Zoning Ordinance and §15.2-2204 of the Code of Virginia.

NOW, THEREFORE, BE IT ORDAINED that Chapter 42, Zoning, 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, grammatical errors or misspellings found in the said attachment, and the Zoning Administrator is likewise authorized to amend any references to the CR-1 Residential District on the Official Zoning District Map to reflect the change in the title of the district effectuated by the adoption of this ordinance and enclosed zoning ordinance amendment, without further action by the Council.

VOTE:

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

Nays: None

Abstentions: None

Absent for Vote: Gentile

Approved: April 6, 2017



HARRIET WEST, TOWN CLERK



ROBERT ZOLDOS, MAYOR

Sec. 42-2. Definitions and rules of construction.

(b) *Definitions.* 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:

Farm and garden shop or store means an establishment selling or renting equipment, but excluding heavy machinery, or supplies for use in soil preparation and maintenance, the planting and harvesting of plants and crops, and/or other operations pertaining to farming, ranching or gardening, or an establishment specializing in the retail sale of locally- or regionally-grown foods, agricultural and/or horticultural products, provided that a farm store owned, operated and organized as a community food or grocery cooperative shall be considered a farm store, and not a food store, for the purposes of administering this chapter.

Farmers' market means a building, stalls, stands or place which is open to the general public for the sale of horticultural or agricultural products.

Sec. 42-150. Annexed territory.

Any properties which may be hereafter annexed to the town or incorporated by boundary line adjustment shall be automatically zoned CRA-1 Commercial and Residential Annexation District without any further action. This zoning designation shall be effective upon the date the boundary line adjustment or annexation is finally approved by a court of competent jurisdiction, and shall continue until otherwise classified by the Town Council in accordance with Section 42-34 of this chapter.

(Ord. of 9-21-2006, § 2-4)

Sec. 42-233. CRA-1 Commercial and Residential Annexation District.

(a) *Purpose.* This district is established and intended for use in regulating and administering land which may hereafter be incorporated into the town limits by annexation or boundary line adjustment. It is intended to be compatible with the Loudoun County zoning ordinance so that territory brought into the corporate limits of the town possesses the development rights similar to the rights it possessed as unincorporated land located outside the limits of the town. This district is the town's lowest-density zoning district and is intended for commercial, institutional, low-density residential and other such uses as may be compatible with the low-density character of properties located outside the limits of the town.

(b) *Permitted uses.*

(1) Agriculture, including crop farms, horse farms, livestock farms, but excluding hog and poultry farms, commercial stockyards and feed lots; horticulture, including the growing of fruits, vegetables, flowers, or ornamental plants; forestry and viticulture.

(2) Bed and breakfast homestay, subject to section 42-196.

(3) Child care home, subject to section 42-197.

- (4) Nature preserve, such as, but not limited to, wildlife sanctuary, conservation area, and game preserve.
- (5) Dwelling, single-family detached.
- (6) Home occupation, pursuant to section 42-199.
- (7) Public or private playground or neighborhood park.
- (8) Wayside stand, when located on a parcel ten acres or greater, pursuant to section 42-200.
- (9) School, private for fewer than 15 pupils.
- (10) Bus shelter.
- (11) Commuter parking lot with fewer than 50 spaces.
- (12) Construction and/or sales trailer, during a period of construction activity on the site upon which such use is located, pursuant to section 42-201.
- (13) Retail and/or production nurseries and greenhouses, pursuant to the provisions of section 42-198.
- (14) Sewer pumping station.
- (15) Water pumping station.
- (16) Stable, private.
- (17) Schools, public.
- (18) Model home, subject to section 42-204.
- (19) Restaurants and catering services without drive-through windows.
- (20) Fraternal clubs, lodges and community and assembly buildings for use by governmental and/or nonprofit organizations.
- (21) Farm and garden stores without outdoor storage, and farmers' markets.
- (22) Fire, rescue and police stations.
- (23) Microbreweries, microdistilleries and wineries.
- (c) *Conditionally permitted uses.* The following uses may be permitted in the CRA-1 district with a conditional use permit:
 - (1) Bed and breakfast inn, pursuant to section 42-196.
 - (2) Cemetery, mausoleum or memorial park.

- (3) Church, synagogue and temple.
 - (4) Community center.
 - (5) Country club.
 - (6) Country inn, pursuant to section 42-196.
 - (7) Orphanage.
 - (8) Sewage treatment plant.
 - (9) Water treatment plant.
 - (10) Camp, day and boarding.
 - (11) Library.
 - (12) Golf course.
 - (13) Commuter parking lot with greater than 50 spaces.
 - (14) Structure or use primarily for federal, state, county or local governmental purposes, not otherwise listed.
 - (15) Playing fields and courts, lighted.
 - (16) Public or private community or regional park.
 - (17) Schools, private for greater than 15 pupils.
 - (18) Water storage tank.
 - (19) Recreation establishment, outdoor.
 - (20) Wireless communications equipment.
 - (21) Accessory apartment or semi-independent dwelling unit, subject to section 42-195.
- (d) *Lot requirements.*
- (1) Size: 12,000 square feet minimum, exclusive of floodplain and wetlands.
 - (2) Width: The minimum lot width measured at the front setback line shall be 80 feet.
 - (3) Front yard: Main structures shall be located not less than 25 feet nor more than 40 feet from any street right-of-way, provided that the maximum setback requirement shall not apply to fire, rescue and police stations. Detached private garages shall be setback at least 20 feet from the building line of the main structure.

(4) Side yards: The minimum total width of the side yards for each main structure shall be 25 feet, with a minimum setback of ten feet. Accessory structures not exceeding 15 feet in height may be located not less than five feet from a side or rear property line.

(5) Rear yard: Main structures shall have a minimum rear setback of 25 feet. Accessory structures not exceeding 15 feet in height may be located not less than five feet from a side or rear property line.

(6) Modifications of required yards: Building restriction lines, setbacks and yard requirements may be reduced by the town council in conjunction with a conditional use permit. Such application shall specifically outline the lot size, lot width and yard standards and define the need. Permitted uses, conditionally permitted uses and maximum lot yield or maximum residential density shall not be modified by this provision.

(7) Length/width ratio: 3.0:1 maximum.

(8) Minimum open space area: A minimum of 45 percent of the site area shall be provided in open space. For the purpose of calculations, net site area shall be determined as the total site area exclusive of public road dedications, private access easements and alleyways, floodplains, slopes greater than 25 percent and wetlands. Additional open space shall be provided in a sufficient amount that the maximum lot yield or maximum residential density is not exceeded based on the overall area of the parcel(s) to be subdivided or developed, excluding floodplains, public roads dedications and private access and alleyway easements, slopes greater than 25 percent and jurisdictional wetlands. Open space shall be preserved by means of a permanent open space easement or similar legal instrument acceptable to the town council.

(9) Lot coverage: Lot coverage by all buildings on a lot shall not exceed 30 percent of the total lot area.

(10) Building height: 30 feet maximum for single-family detached dwellings, including buildings and structures accessory thereto. No accessory structure shall exceed the height of the principal structure. All other buildings and structures shall not exceed 35 feet in height.

(11) Maximum lot yield: For any residential subdivision or development involving the construction of single-family detached dwellings, the maximum lot yield within the CRA-1 District shall be one (1) dwelling unit per five (5) acres.

(e) *Utility requirements.* All public utilities located within the CRA-1 district shall be located underground and shall be designed pursuant to the article VI of chapter 30, required installation of public improvements, section 30-157, public utilities installation standards.

(Ord. of 9-21-2006, § 3-2; Ord. of 11-20-2008; Ord. of 9-10-2009; Ord. No. 2009-11-19-01, 11-19-2009; Ord. No. 2015-11-0001, 9-11-2015)