



TOWN COUNCIL WORK SESSION
Monday, July 12, 2021 @ 7:00pm
Town Hall Conference Room

1. Proposed Revised Special Events Policy and Procedures - Alisa
2. Water and Sewer Replacement Program - BJ
3. Ordinance Amendment Proposing Text Amendments to the Regulations of the Zoning Ordinance (Chapter 175) Pertaining to Blighted Structures and Nonconformities – Chris
4. Request to Rezone Approximately 0.74 acres from I-1 to R-2 on Crosby Road – Chris
5. Open Discussion
 - Introduction of the Sustainability Advisor Committee (SAC) – Steven
 - Airbnb – Councilman Meza
 - Process to install Dusk to Dawn lights in backyards – Councilman Meza
 - Others
6. CLOSED – Personnel, Investment of Public Funds, Disposition of Publicly held Property and Consultation with Counsel



Work Session Agenda Statement

Item # 1

Meeting Date: July 12, 2021

Agenda Item: Proposed Revised Special Events Policy and Procedures

Summary: Council held a work session on June 14th. Staff held two information sessions on June 17th and June 21st. Council held a public hearing to receive public comments on June 28th. A lot of feedback was obtained from each of these meetings. Staff also researched surrounding localities (Culpeper, Berryville, Woodstock, Warrenton, Luray, Winchester, Stephens City, Middletown and Strasburg) and were able to produce a revised Policy and Procedures for Special Events that is fair and sustainable for all event organizers who apply for a permit in the Town of Front Royal. The highlights from the first draft to the final draft is as follows:

- Changed Reservation Fees to match the event
- Added a closure fee for those requesting full or partial closures
- Added Community Gathering for those events who would score 33 or less on the matrix
- Added more definitions
- Parades and Races require a separate application
- Added a section for those events that do not require a permit

Staff is still working on the application and after-action report. If approved by Town Council, staff suggests having the new Policy and Procedures go into effect. September 1, 2021 to allow staff to complete the application and attachments based on the approval of the policy and procedures. All applications will be processed through the Town Manager's Office for the time being.

Budget/Funding: N/A

Staff Recommendation: Staff recommends approval of the Policy and Procedures as presented. If recommended, it will be added to the July 26th agenda for formal approval, with effective date September 1, 2021.

SPECIAL EVENT PERMIT POLICIES AND PROCEDURES



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DRAFT

DEFINITIONS

AFTER ACTION REPORTT – analyzing *what* happened, *why* it happened, and *how* it can be done better by the participants and those responsible for the project or event in subsequent years.

AMPLIFY – increase the volume of the noise coming through a microphone and/or speakers so that everyone in the vicinity of you can hear.

CERTIFICATE OF LIABILITY INSURANCE (COI) – a document that verifies the existence of general liability insurance coverage and summarizes the key aspects and conditions of the policy. The Virginia Risk Sharing Association (VRSA) Tenant Use Liability Insurance Program is available.

CODE OF CONDUCT – posted in Town of Front Royal public space/property for all the public to adhere to at all times.

DECORATIONS/STRUCTURES – props, displays, tents, inflatables, amusement rides, booths, wagons, carts, and all similar types of property which might tend to harm town land or street areas, including aesthetic interests.

DOWNTOWN AREA – includes Main Street, Chester Street, Crescent Street, Peyton Street, Laura Virginia Hale, High Street, Kidd Lane, Water Street, Jackson Street and portions of Church Street and Blue Ridge Avenue, and the Town Commons Area Parking Lot. This area also includes the Town Commons Area that includes the Gazebo, Pavilion, Parking Lot, and Visitor Center.

EVENT ORGANIZER – the individual(s) who signs, or whose authorized representative(s), an application for an event permit and who will be responsible under the permit, if issued, for ensuring that the event will be conducted in accordance with these regulations. Also referred to as the “applicant”.

GATHERING – an assembly or meeting of less than twenty-five (25) individuals, held for a specific purpose.

PARADE – procession, with or without vehicles, requiring closure of town streets to normal traffic; any march, demonstration, procession, or motorcade upon public space that interferes with or presents a significant probability of interfering with the normal flow or regulation of pedestrian or vehicular traffic upon public space.

PUBLIC SPACE/PROPERTY/RIGHT-OF-WAY – any street, sidewalk, alley, or any other property of the Town which is open to the public.

RACES/WALKS – a long-distance race or walk organized as a fundraising event.

RECURRING EVENT – occurring again periodically or repeatedly within the same day, week, or month.

SPECIAL EVENT – an outdoor event where a public forum of expressive activity occurs on any public space/properties/right-of-way during a particular interval of time hosted outside of the event organizers’ normal business or organization programs or activities, where the public is invited.

SPONTANEOUS GATHERING – an unplanned or unannounced coming together of persons which may occur in response to unforeseen circumstances.

SPONSOR – an individual or organization that pays some or all of the costs involved in staging a special event in return for advertising or similar recognition.

TOWN SPONSORED OR CO-SPONSORED EVENTS – all events the Town of Front Royal sponsors entirely or in conjunction with another organization.

APPLICATIONS TO RESERVE PUBLIC SPACE/PROPERTY/RIGHT-OF-WAY

The Town of Front Royal has made available to civic organizations, the ability to reserve a public property/space/right-of-way by submitting a completed application in accordance with the below policies and procedures to the Town Manager’s Office, or Manager’s designee for review. Information on the application will be used to define and determine permit eligibility through measurable criteria.

A separate application is required for Parades, Races/Walks, and Processions, or similar. Matrix does not apply.

SPECIAL EVENTS MATRIX CRITERIA

All applications will be reviewed by the Town Manager or Manager’s designee on the basis of the following criteria to determine the appropriate event category and assist in the decision to approve the application.

1. Purpose - Community & Destination Benefit
2. Demonstrated History of Event Success
3. Evidence of Partnership - multiple businesses participating.
4. Attendance Figures
5. Organizational Structure & Management Capability
6. Business Benefit – Direct Spending
7. Funding Capacity
8. Overnight Stays / Room Nights
9. Target Market Alignment
10. Evaluation & Measurement Plan

- Events scoring below 33 are categorized as a Community Gathering.
- Events scoring between 33 and 42 are categorized as a Community Special Event.
- Events scoring 43 and above are categorized as a Tourism Special Event.

SPECIAL EVENTS CATEGORIES THAT REQUIRE A PERMIT IDENTIFIED BY THE MATRIX

COMMUNITY GATHERING

An outdoor event where a public forum of expressive activity occurs on public property, where the public is invited, and that is anticipated by the Event organizer to draw approximately 25 people or less.

- Applications accepted between twelve (12) months and thirty (30) days prior to event.
- Reservation Fee: \$50.00 (non-refundable) This includes use of electricity and water. If these services are not applicable, the reservation fee is \$25.00. Refundable if cancelled within 24 – 48 hours.
- Reservation Date accepted upon written request to Town Manager or designee
- Applicants responsible for a completed application 30 days prior to event including payment of fees and Certificate of Liability Insurance.
- No applications accepted if received less than 30 days before event.
- Permit will be issued within 15 days of event. No changes to the permit will be allowed unless specifically authorized by the Town Manager or his designee
- Each civic organization is allowed eight (8) permits in a calendar year.
- Each event is permitted for up to six (6) hours per event.
- Unlimited events are granted throughout the year.
- Closures of streets/parking lots will not be allowed
- Recurring events are not allowed

COMMUNITY

An outdoor event where a public forum of expressive activity occurs on public property, where the public is invited, and that is anticipated by the event organizer to draw up to approximately 500 people.

- Applications accepted between twelve (12) months and thirty (30) days prior to event.
- Reservation Fee: \$100.00 (non-refundable) This includes use of electricity, water and public works. If services are not applicable, reservation Fee: \$50.00. Refundable if event is cancelled within 24-48 hours.
- Reservation Date accepted upon written request to Town Manager or designee
- Applicants responsible for a completed application 30 days prior to event including payment of fees and Certificate of Liability Insurance.
- No applications accepted if received less than 30 days before event.
- Permit will be issued within 15 days of event. No changes to the permit will be allowed unless specifically authorized by the Town Manager or his designee.

- Each civic organization is allowed four (4) permits in a calendar year.
- Each event is permitted, regardless of closure, up to ten (10) hours per day per event.
- Unlimited events are granted throughout the year.
- No full closure of streets will be allowed; however the closures of partial streets/parking lots will be considered with payment of the following fees:
 - o Closure of Partial Street/Town Commons Parking Lot - \$100.00*
 - o Closure of Town Commons Parking Lot - \$50.00*
- Event Organizer shall notify business/residents of the scheduled event and closures no longer than 10 days before the event
- Recurring Events are not allowed

* in addition to reservation fee (non-refundable). Refundable if cancelled within 24-48 hours.

Combinations of partial and full street closures are limited to two (2) per month per civic organization in the Downtown Area.

TOURISM

An outdoor event where a public forum of expressive activity occurs on public property, where the public is invited, and that is anticipated by the event organizer to draw more than 500 people.

- Applications accepted between twelve (12) months and six (6) months prior to event
- Reservation Fee: \$200.00 (non-refundable) This includes use of electricity, water and public works. Refundable if event is cancelled within 24-48 hours.
- Reservation Date accepted upon written request to Town Manager or designee
- Applicants responsible for a completed application forty-five (45) days prior to event (including payment of fees and Certificate of Liability Insurance).
- No applications accepted if received less than six (6) months before event.
- Permit will be issued within thirty (30) days of event. No changes to the permit will be allowed unless specifically authorized by the Town Manager or his designee.
- Each event is permitted, regardless of closure, up to twelve (12) hours per day per event.
- A maximum amount of two (2) permits shall be allowed per year, per civic organization
- Full and partial closure of streets/parking lots will be allowed with payment of the following fees:
 - o Closure of Full Street - \$100.00*
 - o Closure of Full Street/Parking Lot - \$150.00*
 - o Closure of Partial Street/Town Commons Parking Lot - \$100.00*
 - o Closure of Partial Street/Town Parking Lot - \$50.00*
- Event Organizer shall notify business/residents of the scheduled event and closures no longer than thirty (30) days before the event
- Recurring Events are not allowed

* in addition to reservation fee (non-refundable). Refundable if cancelled within 24-48 hours.

Combinations of partial and full street closures are limited to two (2) per month per civic organization in the Downtown Area.

CERTIFICATE OF LIABILITY INSURANCE REQUIREMENT

A certificate of liability insurance is required for all permitted special events held on any public space/properties/right-of-way. All applicants are to provide a *CERTIFICATE OF LIABILITY INSURANCE* listing insured civic organization, underwritten by insurers acceptable to the Town, indemnifying the Town against any perils, suits, claims and losses which may arise in connection with the proposed activity. Such coverage shall be based upon risks associated with the requested special event, in consideration of anticipated attendance and closure(s) of a specific public space/property/right-of-way. The Certificate of Liability Insurance shall list the following directly on the certificate:

1. Event Name
2. Event Date
3. Event Location and any specific closures.
4. Town listed as "Additional Insured."
5. Minimum \$1,000,000 (depending on event)

PERMITS NOT REQUIRED ON PUBLIC SPACE/PROPERTY/RIGHT-OF-WAY

All public space/properties/right-of-way are public gathering places and are open to all residents and visitors in the community to enjoy at any time without a reservation. The Code of Conduct posted at all these areas are required to be adhered to. Any gatherings over 25 or more individuals gathered for specific event, will require a special event.

Spontaneous Events as defined in these policy and procedures, do not require a permit. The Code of Conduct applies to these events.

Town Sponsored or Co-Sponsored events as defined in these policy and procedures take precedence over all special events. An application is required for co-sponsored events from the civic organization who is the co-sponsor with the Town. Matrix and fees do not apply.

ATTACHMENTS

1. TOWN CODE CHAPTER 72 SPECIAL EVENTS
2. CODE OF CONDUCT
3. APPLICATION INSTRUCTIONS & GUIDELINES
4. MATRIX
5. AFTER ACTION REPORT
6. VRSA/TULIP GUIDELINES

HISTORICAL TIMELINE OF SPECIAL EVENTS POLICY & PROCEDURES

May 10 th , 2021	Work Session: Update on Proposed Special Events Policy and Procedures
June 1 st , 2021	Special Meeting: Public Hearing – An Ordinance to Amend Chapter 72 Special Events in its entirety to reflect new Policy and Procedures.
June 14 th , 2021	Work Session: Proposed Policy and Procedures to Hold Special Events on Town Property.
June 17 th , 2021	Open Forum: Public Input Meeting.
June 21 st , 2021	Open Forum: Public Input Meeting.
June 28 th , 2021	Regular Meeting: Public Hearing to Receive Public Comments and Concerns Pertaining to the Proposed Policy and Procedures for Special Event Permits.



Work Session Agenda Statement

Item # 2

Meeting Date: July 12, 2021

Agenda Item: Water & Sewer Line Replacement Program

Summary:

Staff was requested to review the potential of the Town developing a program to assist property owners in the replacement of old galvanized water lines. Staff also reviewed the potential for offering a similar program for repairs/replacement of sewer lines. During the April 12, 2021 work session Council requested staff to review options for repayment by the property owner.

Staff has determined the Town may place a lien on the property as a tax assessment for replacement of private water/sewer lines, but the Town would not be able to bill as part of a utility bill. The property owner would be billed on a separate bill, similar to a tax bill. The Town would not be able to discontinue utility service for failure to pay; but would be able to recover funds if the property were to be sold by use of the tax assessment lien. Placing a lien on the property as a tax assessment would require the use of General Fund Reserves.

Water/Sewer fund reserves could not be used to support a program involving a tax lien, but water/sewer fund reserves could be used to create a grant program where the Town would not seek reimbursement from the property owner.

Budget/Funding: General Fund Reserves – Tax Liens
Water/Sewer Fund Reserves – Grant Program

Staff Recommendation: Staff recommends for Council to discuss and provide staff with direction of how to proceed.



TOWN OF FRONT ROYAL

Lead & Galvanized Water Service Line Replacement Program

Program Description

Provide reimbursement for 75% of eligible expenses up to **\$5,000** to Town of Front Royal Property Owners for replacing lead or corroded galvanized water service lines to reduce the risk of exposure to lead in drinking water.

Potentially Effected Properties

On June 19, 1986 Congress enacted the Safe Drink Water Act Amendments of 1986 that prohibited the use of pipe, solder, or flux that is not "lead free". Homes and businesses built before the 1986 may have been built with lead service lines.

Galvanized pipes were installed in many homes and businesses before the 1960's. Although galvanized pipes are coated inside and out to prevent rust, they rust inside and may corrode over time, causing a build-up that restricts the flow of water. In addition, galvanized pipes can release lead in water, if the property has, or previously had, a lead service pipe.

Eligibility

1. Property must currently be connected to the Town of Front Royal's water system
2. Water service line from water meter crock to property must be lead or galvanized piping; written verification from a certified plumber must be submitted along with application
3. Expenses eligible for reimbursement include but are not limited to; excavation of service line, material/labor associated with replacement of line, and permitting.

Not eligible for reimbursement

Landscaping

Internal plumbing and fixtures

Repairs/replacement resulting from fault of owner

Leaking or damaged water service lines; unless comprised of lead or galvanized piping

How to Apply for Assistance

1. Contact at least two contractors and obtain written quotes for replacement of lead or galvanized service line.
2. Submit a formal application to the Town of Front Royal prior to engaging an independent contractor to do the work.
3. After receipt of recommendations and application approval by the Town of Front Royal, property owner will contract with the selected contractor. The Town of Front Royal will not manage the contractor and as such will not be responsible for the work product.
4. Upon completion of the work, pay the contractor, and provide the invoice/proof of payment to the Town of Front Royal for reimbursement for a portion of the payments made to contractor.

General Permit Requirements

Property owner or private contractor will be responsible for obtaining all applicable permits, inspections, licenses, bonds, and insurance for replacement.



TOWN OF FRONT ROYAL

Lead & Galvanized Water Service Line Replacement Program APPLICATION

APPLICANT INFORMATION

Property Address: _____

The property is (Check One): ☐ Owner Occupied ☐ Tenant Occupied ☐ Vacant

Property Owner: _____

Property Owner Address: _____

Email address: _____

Daytime Phone: _____ Evening Phone: _____

IF TENANT OCCUPIED :

Tenant Name: _____ Tenant Phone: _____

Background Information

1. What is the water service line's estimated diameter, age, and material?

2. Has the water service line ever been replaced or repaired? If so, please describe replacement or repair.

Acknowledgement Notice

The applicant understands and agrees that any reimbursement granted must be exercised in accordance with all pertinent provisions and requirements of the Town of Front Royal Municipal Code.

It is a condition for reimbursement that the applicant acknowledge and agree that he/she understands that decisions regarding, and work performed in connection with the water service line replacement are fully the responsibility of the contractor. The Town of Front Royal shall have no liability or responsibility for the same. The Town of Front Royal has no contractual or other relationship with the contractor. The applicant further agrees to indemnify and hold harmless the Town of Front Royal, its elected and appointed officials, officers, employees, and agents from and against all claims for damages to persons or property resulting from defects or failures of the work performed and materials used by contractor; such as the digging up or opening of any street, alley, or utility easement within the Town by the applicant or his/her agent or by failure to safeguard such work.

I have reviewed the above minimum Lead and Galvanized Water Service Line Replacement Program submission and certify that all aspects of said submission contain all required information and documents necessary for review. I acknowledge upon review of the application, additional information or documents may be required.

Authorized Applicant (PRINT NAME)

Date

Signature

Complete and deliver this Lead & Galvanized Water Service Line Replacement Program Application to:

Mailing Address

Attn: LGWSL Replacement Program
Town of Front Royal
P.O. Box 1560
Front Royal, Va. 22630

Physical Address

Attn: LGWSL Replacement Program
Town of Front Royal
102 East Main St.
Front Royal, Va. 22630



TOWN OF FRONT ROYAL

Wastewater Lateral Repair & Replacement Program

Program Description

Provide reimbursement for 75% of eligible expenses up to \$5,000 to Town of Front Royal Property Owners for repairing or replacing wastewater laterals within private property. Assistance may be provided for repairs or replacement to waste water laterals experiencing clogs/backups, stormwater entry, or collapsed lines. Such proactivity can result in substantial savings for the individual customer rather than wait for structural failure of the lateral and the resulting need for costly repairs and potential property damage. In addition to benefit to the property owner, the Town of Front Royal may benefit from a reduction of infiltration and inflow of storm water to the sanitary sewer system.

Eligibility

1. Property must currently be connected to the Town of Front Royal's sanitary sewer system.
2. Justification for repairs or replacement of wastewater line must be provided from certified plumber, along with video recordation of the interior lateral condition.
3. Expenses eligible for reimbursement include but are not limited to; excavation of service line, material/labor associated with replacement of line, permitting, and trenchless technology.

Not eligible for reimbursement

Landscaping

Internal plumbing and fixtures

Repairs/replacement resulting from fault of owner

Leaking or damaged water service lines

How to Apply for Assistance

1. Contact at least two contractors and obtain written quotation from each; along with a camera inspection that includes video and voice recording of the inspection showing both the house number and the interior of the lateral section considered for repair or replacement.

At least one video recordation of the interior lateral condition for the entire length to be replaced or section to be repaired is required. Video recordation shall be able to be viewed using windows media player.

2. Submit a formal application to the Town of Front Royal prior to engaging an independent contractor to do the work.

3. After receipt of recommendations and application approval by the Town of Front Royal, property owner will contract with the selected contractor. The Town of Front Royal will not manage the contractor and as such will not be responsible for the work product.

4. Upon completion of the work, pay the contractor, and provide the invoice/proof of payment to the Town of Front Royal for reimbursement for a portion of the payments made to contractor.

General Permit Requirements

Property owner or private contractor will be responsible for obtaining all applicable permits, inspections, licenses, bonds, and insurance for replacement.



TOWN OF FRONT ROYAL

Wastewater Lateral Repair & Replacement Program

APPLICATION

APPLICANT INFORMATION

Property Address: _____

The property is (Check One): ☐ Owner Occupied ☐ Tenant Occupied ☐ Vacant

Property Owner: _____

Property Owner Address: _____

Email address: _____

Daytime Phone: _____ Evening Phone: _____

IF TENANT OCCUPIED :

Tenant Name: _____ Tenant Phone: _____

Background Information

1. Please describe the issues you are experiencing with your wastewater (sewer) lateral:

2. Has the wastewater lateral line ever been replaced or repaired? If so, please describe:.

3. What is the sewer lateral's estimated diameter, age, and material:

4. How many times in the last five years has your sewer lateral backed up? _____

5. Does the sewer lateral currently have a cleanout access? (Check One) ☐ Yes ☐ No
6. Has a private contractor completed a closed circuit televised (CCTV) inspection of the latera? (Required)
- ☐ Yes ☐ No
7. Have you received at least two written quotations for the repair and/or replacement? (Required)
- ☐ Yes ☐ No
-
-

Acknowledgement Notice

The applicant understands and agrees that any reimbursement granted must be exercised in accordance with all pertinent provisions and requirements of the Town of Front Royal Municipal Code.

It is a condition for reimbursement that the applicant acknowledge and agree that he/she understands that decisions regarding, and work performed in connection with the sewer service line replacement are fully the responsibility of the contractor. The Town of Front Royal shall have no liability or responsibility for the same. The Town of Front Royal has no contractual or other relationship with the contractor. The applicant further agrees to indemnify and hold harmless the Town of Front Royal, its elected and appointed officials, officers, employees, and agents from and against all claims for damages to persons or property resulting from defects or failures of the work performed and materials used by contractor; such as the digging up or opening of any street, alley, or utility easement within the Town by the applicant or his/her agent or by failure to safeguard such work.

I have reviewed the above minimum Waste Water Lateral Repair and Replacement Program submission and certify that all aspects of said submission contain all required information and documents necessary for review. I acknowledge upon review of the application, additional information or documents may be required.

Authorized Applicant (PRINT NAME)

Date

Signature

Complete and deliver this Waste Water Lateral Replacement Program Application to:

Mailing Address

Attn: WWLR Program
Town of Front Royal
P.O. Box 1560
Front Royal, Va. 22630

Physical Address

Attn: WWLR Program
Town of Front Royal
102 East Main St.
Front Royal, Va. 22630



TOWN OF FRONT ROYAL

DEPARTMENT OF FINANCE

102 E. MAIN STREET

P.O. BOX 1560

Front Royal, Va. 22630

B.J. Wilson
Director of Finance
bwilson@frontroyalva.com

(540) 635-7799
(540) 635-2298 fax

DATE: MARCH 17, 2021

TO: FRONT ROYAL MAYOR & TOWN COUNCIL

FROM: B. J. WILSON, DIRECTOR OF FINANCE

CC: STEVEN HICKS, TOWN MANAGER

RE: POTENTIAL WATER & SEWER LINE REPLACEMENT PROGRAM

The following information is being provided as potential items for discussion for the Town to possibly create a program for the Town to assist property owners with replacement of privately owned water & sewer lines.

1. Can the Town assist property owners replacing water/sewer lines on private property?

The Town may provide assistance for service lines, not including internal plumbing, if there is a public necessity, such as:

- Health concern (lead & corroded galvanized pipe)
- Inflow and Infiltration Abatement of Storm Water
- Assistance should only cover service lines and not include internal plumbing

2. Can the Town provide assistance to replace water service lines that are leaking water?

Water leaking from a service line does not meet the criteria as a public necessity; therefore would not be eligible for assistance.

3. Can the Town place a lien on the property and allow the property owner to pay the Town back over a period of time?

Yes, the property owner and the Town may enter into an agreement for the funds to be paid back over a fixed term. Staff has not been able to find another locality offering a repayment program of this nature, majority of localities, including the Commonwealth, utilize grant programs. If the Town/property owner were to enter into an agreement, it is recommended that the property owner contact mortgage company before entering into such an agreement, to avoid any problems with existing loans/liens on the property.

4. Can the Town provide grants for replacement of water/sewer lines?

Yes, as long as there is a public necessity, such as those listed in item one. Localities offer many different versions of grant assistance including:

- Set amount (Richmond offers \$2,500; Commonwealth of Virginia offers \$5,000)
- Tiers of assistance based on income/number of members in household
- Percentage of assistance based upon actual work completed
- Full reimbursement for service lines in right of way, partial for non-right of way
- Only residential assistance

5. Can the Town hire a contractor to replace the water/sewer lines on private property?

Yes, the contractor would need to be procured using the Virginia Public Procurement Act and the property owner would need to sign an agreement allowing work to be performed. Property owner would not have ability to choose a contractor to perform work.

Staff was not able to find another locality offering to have a contractor perform work on private property. Some concerns of having a contractor hired by the locality to perform work:

- Property owner would not be able to choose contractor
- Locality being held liable for damage to private property
- Locality being held liable for performance & installation work of locality hired contractor

6. How many properties could benefit from such a program?

Unfortunately, this is an unknown variable. Galvanized piping was commonly used in the 1960's and the usage of lead pipe was banned in 1986. Orangeburg pipe was available until 1972.

7. How can eligibility be determined?

The property owner would be responsible for providing information on condition and need for replacement. Property owner may have encountered problems in the past and could obtain a statement from a licensed plumber.



Work Session Agenda Statement

Item # 3

Meeting Date: July 12, 2021

Agenda Item: Ordinance Amendment Proposing Text Amendments to the Regulations of the Zoning Ordinance (Chapter 175) Pertaining to Blighted Structures and Nonconformities

Summary: This agenda item is for proposed text amendments to the nonconformity section of the Front Royal Zoning Ordinance. The purpose of the proposed text amendments is to ease the regulations on repairing or reconstructing blighted structures that are nonconforming and/or located on nonconforming lots.

Council discussed in work sessions of May 10th and June 8th, 2021. On June 22nd Council approved the referral of item to the Planning Commission for a review. A public hearing will be heard on the text amendments on July 26th to amend the Town Code.

Budget/Funding: N/A

Staff Recommendation: Staff recommends the adoption of the proposed text amendments to the nonconformity section of the Front Royal Zoning Ordinance as written. Planning Commission recommends approval.

ORDINANCE

AN ORDINANCE PROPOSING TEXT AMENDMENTS TO THE REGULATIONS OF THE FRONT ROYAL ZONING ORDINANCE PERTAINING TO BLIGHTED STRUCTURES AND NONCONFORMITIES

WHEREAS, the Town of Front Royal has blighted structures that are nonconforming and/or located on nonconforming lots that require extensive repair or complete reconstruction, but current zoning regulations limit nonconforming structures be repaired to only fifty percent (50%) of their value; and,

WHEREAS, the Town of Front Royal seeks to reduce the number of blighted structures that are nonconforming and/or located on nonconforming lots to improve the physical appearance of said structures, permit property owners to repair blighted structures, and improve the character of the neighborhood they are located in; and,

WHEREAS, by request to the Front Royal Planning Commission, the Front Royal Town Council has duly initiated the consideration of amendments to the Nonconformity Ordinance regulations pertaining to the repair of nonconforming structures in the Front Royal Town Code, Chapter 175, Zoning, as identified below:

SECTION I

That **Section 175-126**, Discontinuance, Nonconformity, be amended by adding the following:

If any legally nonconforming use is discontinued for a period exceeding two (2) years after the enactment of this chapter, it shall be deemed abandoned, and any use thereafter shall conform to the use requirements of this chapter, ~~unless a special use permit is approved by the Town Council to allow the use to be reinstated.~~ However, the Town Council may approve, by a special use permit, the use to be reinstated and continued, if the structure was declared blighted by the Town Council and a spot blight abatement plan was approved by the Town Manager or designee pursuant to Town Code Chapter 9-303.

SECTION II

That **Section 175-128**, Nonconforming Lots of Record, Nonconformity, be amended adding the following:

A(4). The Council may approve a reduction of the ~~side-yard requirement required lot width and/or area~~, by not more than forty percent (40%), where necessary, to achieve increased compatibility with other structures in the immediate block.

D. ~~In~~ If any nonconforming lot of record contains a conforming use and/or structure, such use and/or structure may be replaced in the area of the preexisting use and/or

structure should damage or destruction occur. Expansion of said use and/or structure may occur within the limits of this chapter.

SECTION III

That **Section 175-130.A**, Expansions and Other Types of Alterations, Nonconformity, be amended by adding the following:

A. Except by approval of a special use permit by Town Council, a nonconforming use, building or structure shall not be enlarged, increased or extended to occupy a greater area of land area than was occupied at the effective date of adoption of this chapter unless such expansion conforms to the requirements of this chapter. However, the Town Council may approve by a special use permit the expansion of a nonconforming building or structure that will ~~increase the~~ not create a new nonconformity, if it was deemed blighted by Town Council pursuant to Town Code Chapter 9-303 and the proposed expansion is part of a spot blight abatement plan to remedy the blighted building and or structure.

NOTE: The redline addition seems redundant and limits expansions only to structures that are blighted. Discussion?

SECTION IV

That **Section 175-131**; Replacement, Removal, Repair and Reconstruction; Nonconformity, be amended by adding the following:

A. If a nonconforming use of land is damaged or destroyed, such use may be replaced to the extent to which it existed prior to said damage or destruction. Removal or destruction of a building or structure in which a nonconforming use was located shall eliminate the use which the structure or building was used for (a nonconforming use), except if the structure was declared blighted by the Town Manager Council or designee and a spot blight abatement plan pursuant to Town Code Chapter 9-303 was approved by the Town Manager or designee prior to the use being damaged or destroyed, in which case, the blighted building or structure may be completely replaced upon the approval of a special use permit by the Town Council.

C. Town Council may approve a special use permit for the repair and/or reconstruction of a building or structure beyond 50% of the market value, provided that the special use permit application is submitted within twelve (12) months of said damage or destruction or at any time if the building or structure was deemed blighted by Town Council pursuant to Town Code Chapter 9-303. Otherwise, when the repair and/or reconstruction work to a nonconforming building or structure exceeds 50% of the market value, it may only be repaired and/or reconstructed to the requirements of this chapter, as applicable for new construction.

D. If a nonconforming building or structure was deemed blighted by the Town Council pursuant to Town Code Chapter 9-303, the Town Manager or designee may approve the demolition and reconstruction of said building or structure as part of a spot blight

abatement plan. The Town Manager or designee shall impose a time period in which demolition and reconstruction must occur, not to exceed one year after the time period determined by Town Council.

E. Nothing in this chapter shall be deemed to prevent the strengthening or restoring to a safe condition of any structure or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

SECTION V

That **Section 175-132**, Percent of Damage Nonconformity, be amended by adding the following:

The cost of land or any factors other than the cost of the structure are excluded in the determination of fair market value for the purpose of calculating the percent of damage. Such percentage shall be determined by the Building Official Town Manager or designee.

NOW THEREFORE, BE IT ORDAINED, that the Town Council of Front Royal, Virginia, after having conducted advertised public hearing and received recommendation from the Front Royal Planning Commission in this matter as required by law, does hereby adopt the proposed text amendments to the Front Royal Zoning Ordinance as presented herein. This Ordinance shall become effective immediately upon its adoption.

Adopted by the Town Council of Front Royal, Virginia this ____ day of _____ 2021.



Work Session Agenda Statement

Item # 4

Meeting Date: July 12, 2021

Agenda Item: Request to Rezone Approximately 0.74 Acres from I-1 to R-2 on Crosby Road

Summary: This agenda item is for a rezoning application requesting the reclassification of a 0.74-acre site from Limited Industrial District I-1 to Residential District R-2 in the Royal Planning Area. The stated purpose of the rezoning request is to allow for the use of the property for residential duplexes.

Public Hearing is scheduled for July 26th on the Rezoning. Letters to adjoining property owners will be mailed.

Budget/Funding: N/A

Staff Recommendation: Staff recommends the adoption of the zoning map reclassification of Tax Map Parcel 20A4-1-4 from Limited Industrial District I-1 to Residential District R-2. Planning Commission recommends approval.

TOWN OF FRONT ROYAL
DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT



STAFF REPORT - REZONING APPLICATION #FRREZON -2641-2021

APPLICATION #:

FRREZON-2641-2021

APPLICANT:

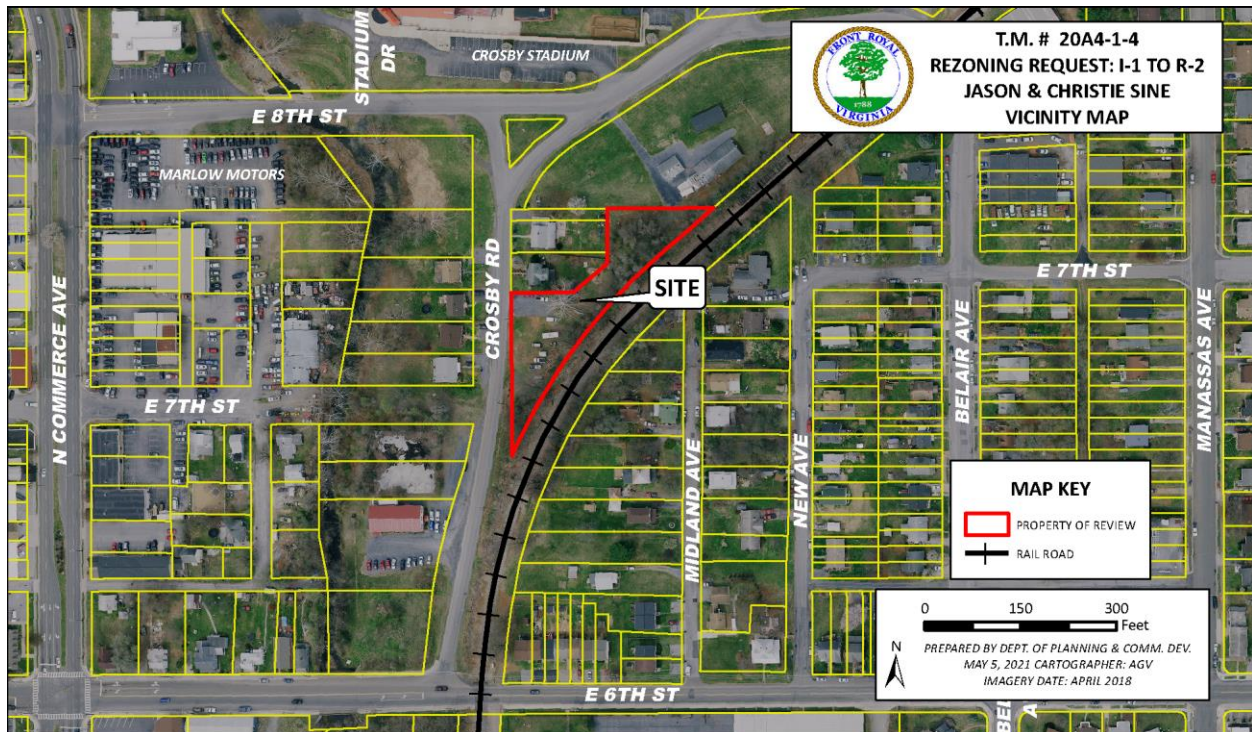
Jason and Christie Sine

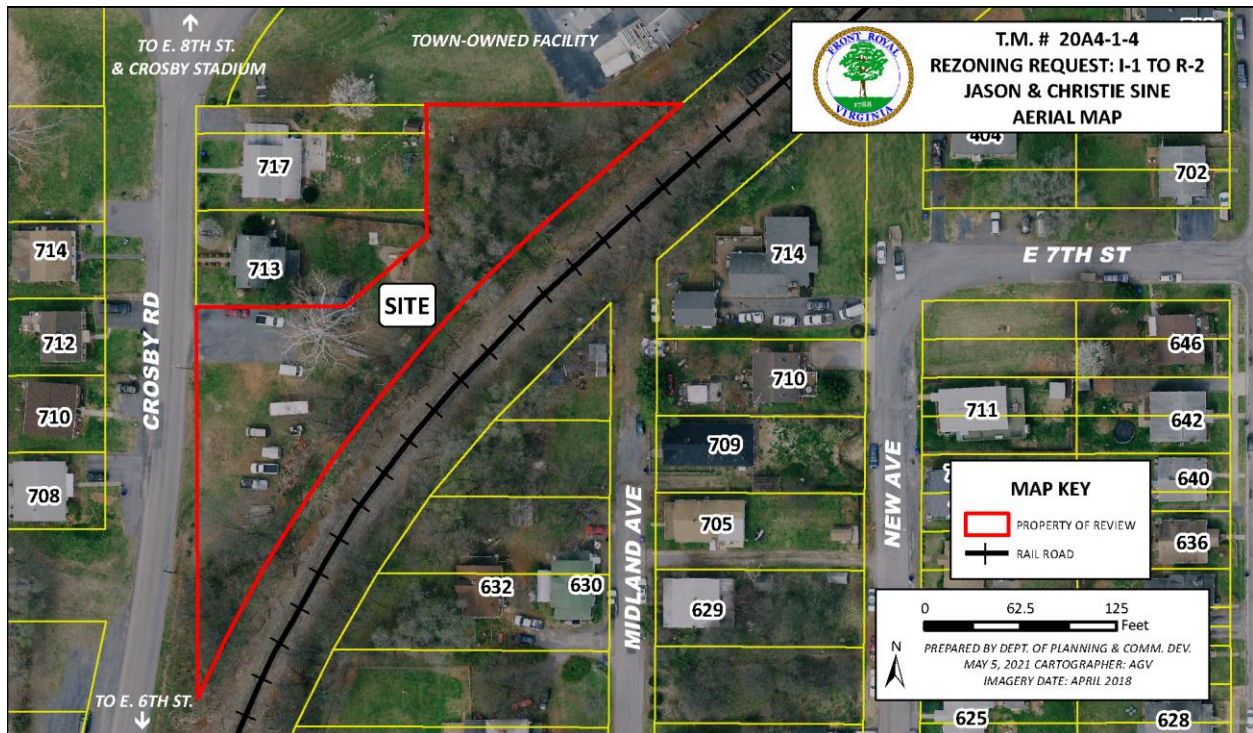
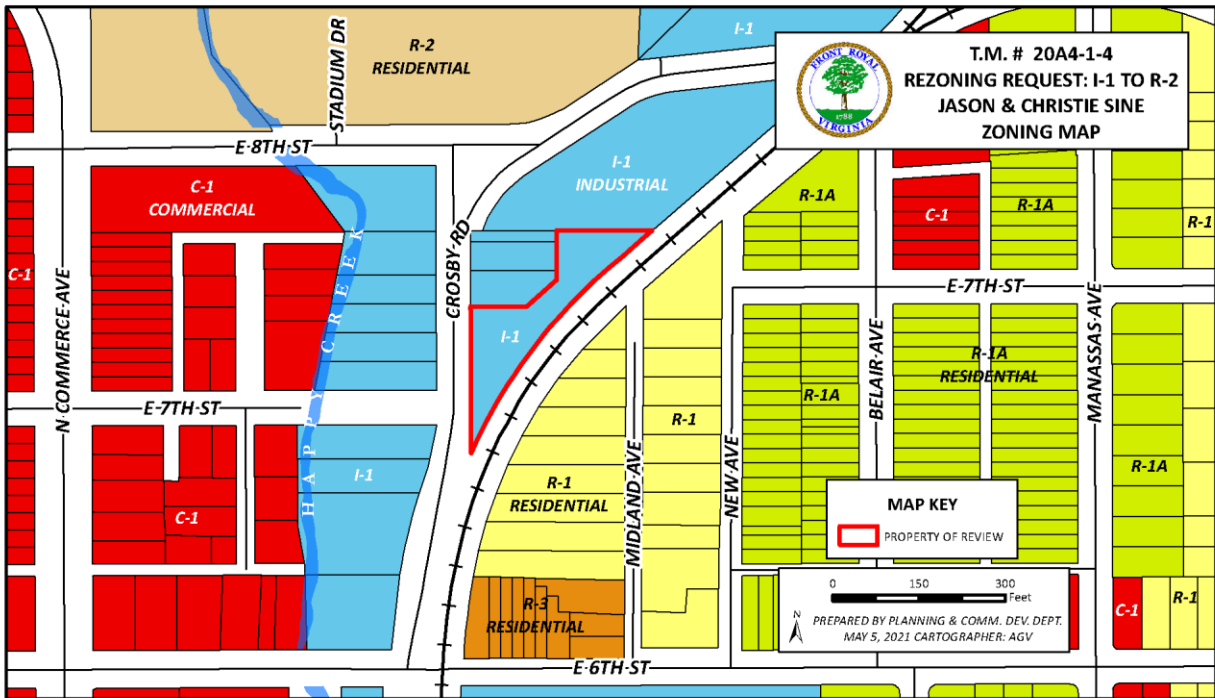
SUMMARY OF REQUEST:

The application for review proposes to rezone approximately 0.74 acres from I-1 Limited Industrial District to R-2 Residential District in the Royal Planning Area. The stated purpose of the rezoning request is to allow for the use of the property for residential duplexes. No proffers were made by the applicant.

GENERAL INFORMATION:

<i>Site Addresses</i>	20A4-1-4 Crosby Rd.
<i>Property Owner(s)</i>	Jason and Christie Sine
<i>Existing Zoning</i>	I-1 Limited Industrial District
<i>Proposed Zoning</i>	R-2 Residential District
<i>Tax Identification</i>	20A4-1-4
<i>Location</i>	The property is located on the east side of Crosby Rd. between E. 8 th St. to the north and E. 6 th St. to the south. The property abuts the railroad on its entire eastern side and extends behind two parcels.





INFORMATION ON THE APPLICATION:

Application Documents

A list and brief description of the parts of attachments:

A – Application

B – Plat

C – Letter of Statement of Justification

ATTACHMENT A: APPLICATION

- **Application Form.** This is the standard application form used to initiate rezoning applications in the Town. No proffers were made by the applicant.

ATTACHMENT B: PLAT

- **Plat.** A survey plat of the property showing property limits and existing improvements thereon.

ATTACHMENT C: LETTER OF STATEMENT OF JUSTIFICATION

- **Statement of Justification.** The letter states: “This application for Rezoning is so that I can find some way to utilize my land...There is a severe shortage of land in town to build ‘affordable housing’. It would benefit the town in that a piece of vacant, odd shaped land would now be generating more in real estate taxes if there were residences on there...I feel the Industrial Zoning that is currently on this road is inappropriate. We are requesting a rezoning so that the land can actually be used.”

Zoning Ordinance

This rezoning application proposes to reclassify one parcel totaling approximately 0.74-acres from I-1 Limited Industrial District to Residential District R-2. The statements of intent of the two identified zoning districts as set forth in the Front Royal Zoning Ordinance are as follows:

I-1 District, Zoning Ordinance Sec. 175-54.

“The primary purpose of the I-1 District is to permit certain industries in town which do not in any way detract from residential desirability of nearby areas and to permit industries to locate near a labor supply. Mobile homes for residential purposes are prohibited but may be used for certain other uses as stated below.”

R-2 District, Zoning Ordinance Sec. 175-19.

“The R-2 District is composed of medium-density concentrations of residential uses and open areas where similar development appears likely to occur. The standards for this district are designed to stabilize and protect the essential character of the area so designated and to protect and encourage, insofar as compatible with the intensity of land use, a suitable environment for family life. Development is, therefore, limited to low- to medium-density concentrations, and permitted uses are limited to single-family- and two-family-type dwellings plus selected additional uses, such as schools, parks, churches, and certain public facilities that serve the residents of the district. Home occupations, as defined by this chapter, are permitted. Mobile homes are prohibited.”

Differences between I-1 and R-2 Zoning Districts

I-1 Zoning District:

- Various commercial and medium-intensity industrial uses are the primary intended uses of properties.
- Residential uses are not permitted except for caretaker quarters.
- Intended for industries to locate near labor supply.

R-2 District:

- Residential (medium-density) uses are the primary intended uses of properties.
- Limited selection of commercial and organizational uses.
- Uses listed above are primarily to serve residents of the district.

The parcel of review is bound by properties classified as either Limited Industrial I-1 or Residential District R-1, with the contiguously adjoining I-1 District zoning being the more predominant of the two.

There is public road access available to the site. Current access to the site is either by 6th Street to the south or 8th Street to the north. The properties adjoining the site to the west across Crosby Rd. (60' ROW, two-way street) and north are in the I-1 District. The majority of the adjoining I-1 properties are developed and consist of single-family dwellings, except for a few lots that are undeveloped or serve as public facilities.

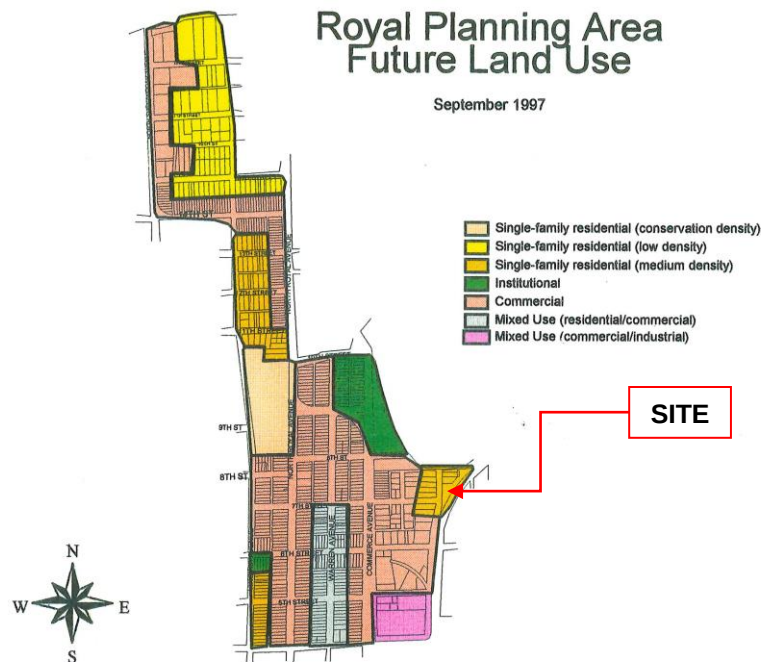
The properties abutting the site to the east (across the 66'-wide railroad ROW) are in the R-1 district. Most of the abutting R-1 properties are developed or have improvements on them and consist of single-family dwellings.

The property is in the Royal planning area. The Royal planning area consists of several zoning districts: C-1, I-1; R-1, R-2, and R-3. The zoning pattern for this planning area is:

- C-1 zoning near or along the major traffic arteries (N. Shenandoah Ave, W. 14th St, N. Royal Ave, Commerce Ave.)
- I-1 zoning abutting Happy Creek and/or the railroad running north to south from E. 8th St. to E. 5th St.
- Residential zoning (R-1, R-1A, and R-3) infill in neighborhoods, primarily along Virginia Ave. and north or W. 14th St. It should be noted that many of the C-1 zoned lots consist primarily of residential land uses.

Future Land Use Map

The Town of Front Royal Comprehensive Plan future land use chapter shows the parcel of review being located within the Royal Planning Area and shows the proposed future land use as single-family residential (medium density). This land use pattern creates an enclave of residential land uses among the dominant commercial land uses (see future land use map below).



Findings and Analysis

The proposed rezoning is to reclassify an undeveloped 0.74-acre parcel in the Limited Industrial District I-1 to the Residential District R-2. By design, the I-1 District is a medium density industrial district. The Residential R-2 district is designed to provide medium density residential uses (single-family dwellings, duplexes, two-family dwellings). The proposed rezoning (R-2) is inconsistent with the zoning pattern found in the surrounding area (I-1); however, the proposed residential land use is consistent with the uses of the adjoining properties along Crosby Rd and across the railroad tracks, which are primarily residential.

The subject property is part of the “Royal Planning Area” as shown in the Town’s Comprehensive Plan Future Land Use Map and its future land use is designated as “multi-family residential (medium density)”. The existing I-1 Zoning District classification would permit potential land uses that are inconsistent with the Future Land Use Map designation. However, rezoning the property to R-2 would permit potential uses of the property consistent with the future land use plan for the site and adjoining properties along Crosby Rd.

Based on the permitted density differences between the I-1 and R-2 zoning district and the size of the property of review, if the property were to be developed under an I-1 district permitted use, the property could not be further subdivided into a second, ten thousand (10,000) SF lot because it would not meet both the minimum lot area or required setback and yard requirements. If developed under the R-2 district by-right duplex use, the property could be subdivided into a second, four thousand (4,000) SF lot, for a total of two (2), four thousand (4,000) SF lots.

A major consideration in this application request to rezone to R-2 District is that there is already established residential uses on properties zoned I-1 that adjoin this property along Crosby Rd. Rezoning to the R-2 District would permit residential uses consistent with the character of the immediate area and satisfy the intent of the Royal Planning Area future land use plan for this portion of Town. Additionally, the applicant has stated their intent is to provide affordable housing to the Town. This rezoning request would provide additional housing and real estate tax base into the Town.

Staff Recommendation

Based on the above findings, staff recommends the adoption of the zoning map reclassification of Tax Map Parcel 20A4-1-4 from Limited Industrial District I-1 to Residential District R-2 as requested in the application as it complies with the comprehensive plan future land use classification for the Royal planning area. At their regular meeting June 16, 2021, the Planning Commission recommended approval of the zoning map reclassification.



FRREZON 2641-2021

REZONING APPLICATION

APPLICANT

Name Jason & Christie Sine Phone 540-539-1251

Address 1561 Ida Rd, Luray, VA 22835

E-mail creative touch paint@yahoo.com
gtcreativ@shentel.net

PROPERTY OWNER OF RECORD

Name Same as above Phone _____

Address _____

PROPERTY DESCRIPTION

Location/Street Address Crosby Rd
TAX MAP 20A4 1 4

Number of lots: 1 Total Acreage .727

Tax Map Identification for each parcel (Map, Section, Block, & Lot):

TAX MAP 20A4 1 4

Subdivision Name (if applicable) _____

REQUEST

Existing Zoning I-1 Proposed Zoning R-2

Existing Use vacant land Proposed Use duplex

FRREZON 2641-2021

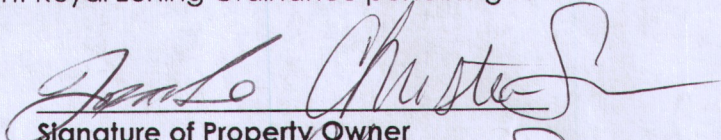
ATTACHMENTS

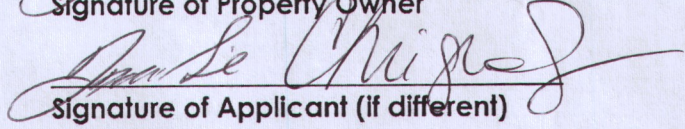
The following should be submitted with a completed copy of this application. Additional information may be determined necessary depending on the nature of the request.

1. Application Fee (Checks should be made out to the Town of Front Royal. Fees are as follows: 1 acre or less = \$500, over 1 acre = \$500 + \$100 per acre after 1st acre, Downzoning = \$400)
2. Survey/Plat of the property with metes and bounds descriptions for all existing and proposed property lines and zoning district boundaries (8 copies and a digital copy).
3. Environmental Site Assessment Phase I and Phase II (unless waived by Director).
4. Traffic Impact Analysis (if required)
5. Written proffers. Proffers are voluntary but should be submitted in a written format approved by the Director.
6. Statement of Justification. As a separate document, provide a statement or statements that explain why you believe the property should be rezoned.

CERTIFICATION

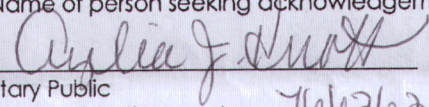
I certify that the information provided with this application is correct to the best of my knowledge. The proffering system has been explained to me and I have read Sections 175-149 and 175-150 of the Town of Front Royal Zoning Ordinance pertaining to conditional zoning and proffering.


Signature of Property Owner

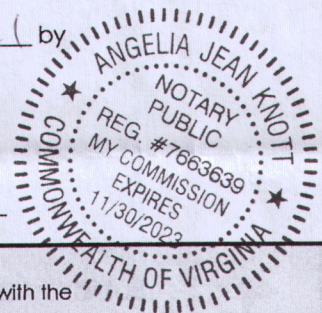

Signature of Applicant (if different)

City/County of Page, Commonwealth of Virginia
The foregoing instrument was acknowledged before me this 19th day of April, 2021 by

Christie Sine
(Name of person seeking acknowledgement)


Notary Public

Notary registration number: 7663639 My commission expires: 11/30/2023



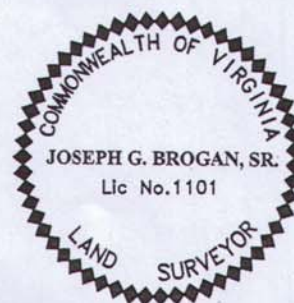
NOTICES

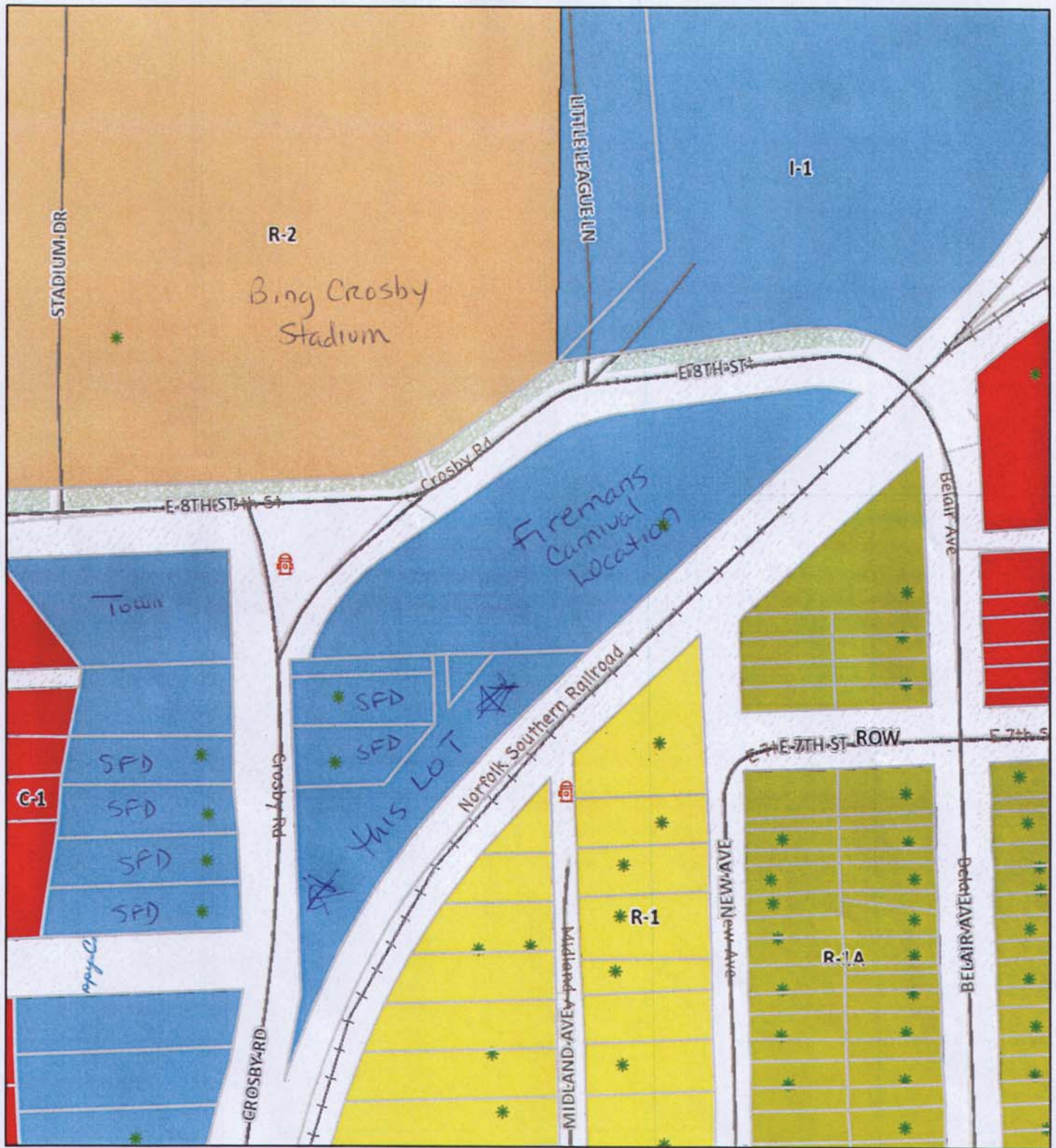
- Staff will notify adjacent property owners of the rezoning request and the scheduled public hearing dates with the Planning Commission and Town Council.
- Town Staff will place an advertisement in the local newspaper as required under Virginia Code § 15.2-2204.
- Town Staff will place a public hearing sign(s) at the location of the proposed rezoning.
- Submission of this application does not establish a vested right as outlined under Virginia Code § 15.2-2307.
- By submitting this application, the applicant grants permission to the Town officials and employees to enter upon the property, which is the subject of this application, during reasonable hours and for purposes related to the application process.
- When the applicant is different than the fee simple property owner, the signature by the fee simple property owner on this application shall be considered as authorization for the applicant to act as an agent for matters concerning this application.

OFFICE USE ONLY

Receipt # 140205 Date Paid 4-16-2021 Check # 2098
Planning Commission Hearing Date: _____ Recommendation: _____
Town Council Hearing Date: _____ Date Sent to Clerk: _____

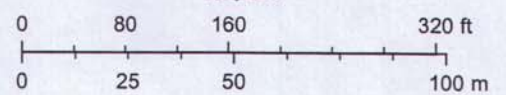
January 2019





April 16, 2021

1:2,257



Sources: Esri, HERE, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community

April 16, 2021

Dear Town of Front Royal,

This application for Rezoning is so that I can find some way to utilize my land. It is an odd shaped piece of property that for some reason is zoned industrial. Everything on Crosby Rd. is either currently SFD's or one commercial building. Nothing industrial.

There is a severe shortage of land in town to build "affordable housing". I believe one duplex (2 units) will fit on this property. It would benefit the town in that a piece of vacant, odd shaped land would now be generating more in real estate taxes if there were residences on there.

On this side of the road, the two houses currently are owned by myself or family. They would have no objection to the rezoning.

R-2 Zoning is preferred as I can do more with the land but R-1 would mean I could at least do something with it other than leaving it vacant.

I feel the Industrial Zoning that is currently on this road is inappropriate. We are requesting a rezoning so that the land can actually be used.

Sincerely,

Jason and Christie Sine



Work Session Agenda Statement

Item # 6

Meeting Date: July 12, 2021

CLOSED MEETING

Motion to Go Into Closed Meeting

I move that Council convene and go into Closed Meeting for the following purposes pursuant to Section 2.2-3711 of the Freedom of Information Act of the Code of Virginia:

- (1) **a.** For the purpose of discussion or consideration of the investment of public funds where competition or bargaining is involved, where, if made public initially, the financial interest of the governmental unit would be adversely affected, in accordance with Subsection A. 6 of said Act; **b.** the award of a public contract involving the expenditure of public funds, including interviews of bidders or offerors, and discussion of the terms or scope of such contract, where discussion in an Open Meeting would adversely affect the bargaining position or negotiating strategy of the Town, pursuant to Subsection 2.2- 3711. A. 29 of said Act and **c.** consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel, in accordance with Subsection A.8.
- (2) Discussion or consideration of the disposition of publicly held real property where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of Town Council all pursuant to Subsection A.3.
- (3) The purpose of assignment, appointment, promotion, performance, demotion, salaries, disciplining or resignation of specific public officers, appointees, or employees of a public body, under subsection A. 1

Motion to Certify Closed Meeting at its Conclusion *[At the conclusion of the Closed Meeting, immediately re-convene in open meeting and take a roll call vote on the following:]*

I move that Council certify that to the best of each member's knowledge, as recognized by each Council member's affirmative vote, that only such public business matters lawfully exempted from Open Meeting requirements under the Virginia Freedom of Information Act as were identified in the motion by which the Closed Meeting was convened were heard, discussed or considered in the Closed Meeting by Council, and that the vote of each individual member of Council be taken by roll call and recorded and included in the minutes of the meeting of Town Council.