

PLANNING COMMISSION WORK SESSION
Wednesday, November 5, 2025 @ 6 PM
Town Hall – 2nd Floor, East Conference Room

AGENDA

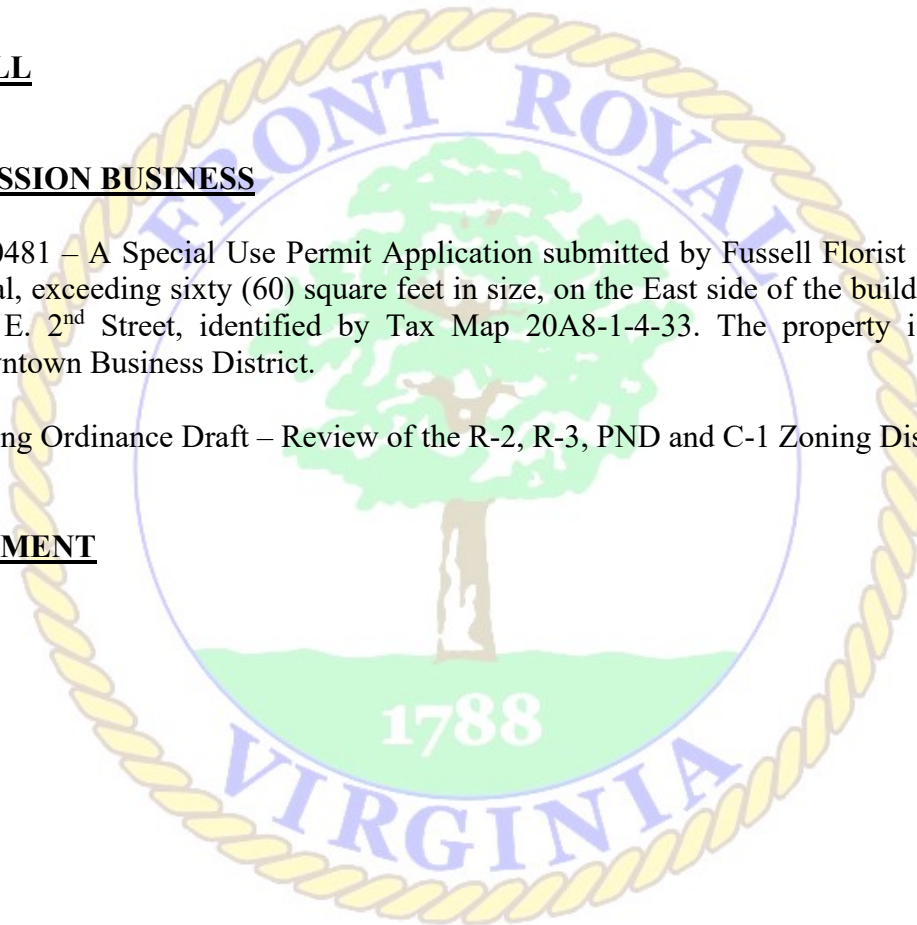
CALL TO ORDER

ROLL CALL

WORK SESSION BUSINESS

1. 2500481 – A Special Use Permit Application submitted by Fussell Florist for an artistic mural, exceeding sixty (60) square feet in size, on the East side of the building located at 202 E. 2nd Street, identified by Tax Map 20A8-1-4-33. The property is zoned C-2, Downtown Business District.
2. Zoning Ordinance Draft – Review of the R-2, R-3, PND and C-1 Zoning Districts.

ADJOURNMENT



PC WORK SESSION
ITEM 1

2500481 – A Special Use Permit Application submitted by Fussell Florist for an artistic mural, exceeding sixty (60) square feet in size, on the East side of the building located at 202 E. 2nd Street, identified by Tax Map 20A8-1-4-33. The property is zoned C-2, Downtown Business District.

TOWN OF FRONT ROYAL
 DEPARTMENT OF PLANNING AND ZONING
 102 EAST MAIN STREET, PO BOX 1560
 FRONT ROYAL, VA 22630

Main 540-635-4236
 Fax 540-631-2727
 www.frontroyalva.com

SPECIAL USE PERMIT REQUEST

APPLICANT:

Name: Fussell Florist PHONE: 540 635 1334
 Address: 202 E 2nd Street
 Email: owners@fussellflorist.com ownerse@fussellflorist.com

PROPERTY OWNER:

Name: CJMWO Family PHONE: 703 582 8112
 Address: 112 Douglas Dr Middletown VA 22645
 Email: cjmwofamily@gmail.com

PROPERTY DESCRIPTION:

Property Address: 202 E 2nd Street
 Tax Map 20A8 Section 1 Block 4 Lot 33
 Subdivision Name: Hillidge Acreage: _____ Zoning District: C-2

REQUEST:

Proposed Use of Property: Updated Mural on side of building
 Specific Special Use Permit Request: Special use required for exceeding standard
~~total~~ total square footage for a mural.
signage ABOVE THE MAXIMUM OF 60 sq. ft.

Attachments – The following must be submitted with the application. Additional information may be required depending on the nature of the request.

1. Survey Plat of property showing all **existing** improvements. (3 Originals and a Digital Copy)
2. Preliminary Site Development Plan required for new development or a Conceptual Drawing for existing structures.
3. Application Fee of \$1000.00 Form of Payment: Check #1656 Date Paid: 9-29-25
4. Additional information as required by the Department of Planning and Zoning.

CERTIFICATION:

I certify that the information provided with this application is correct to the best of my knowledge and should the Special Use Permit be granted, the project will comply with the conditions imposed upon it and will be implemented only as approved by Town Council.

Applicant Signature: _____ Date: 9/29/25

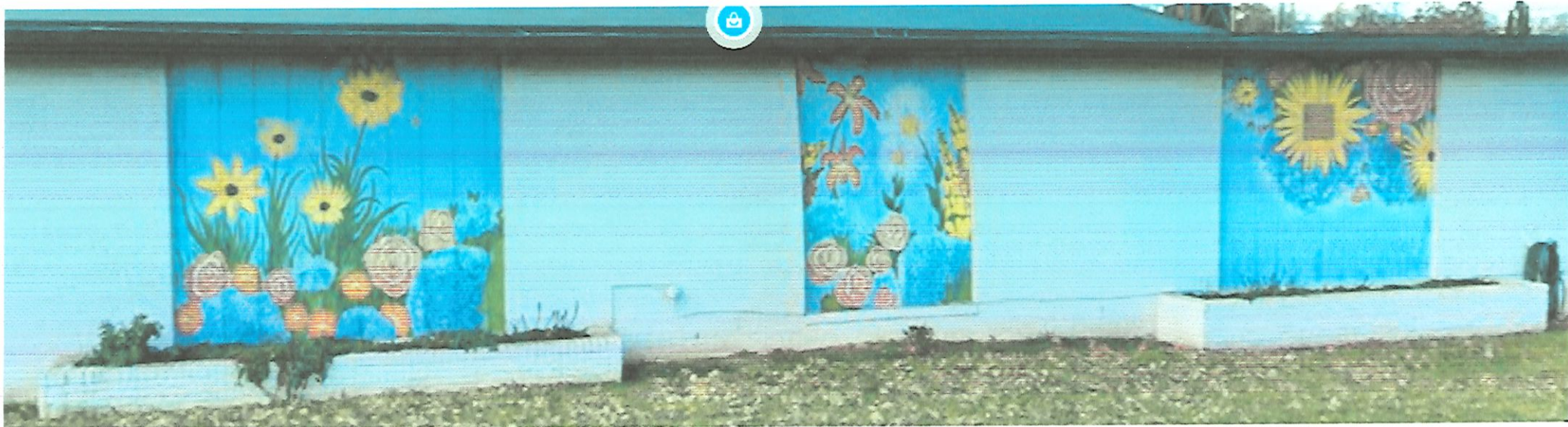
Property Owner Signature: _____ Date: 9/25/25

By submitting this application, the applicant grants permission to 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.

Revised 6-5-2025



EXISTING MURAL



PANEL 1

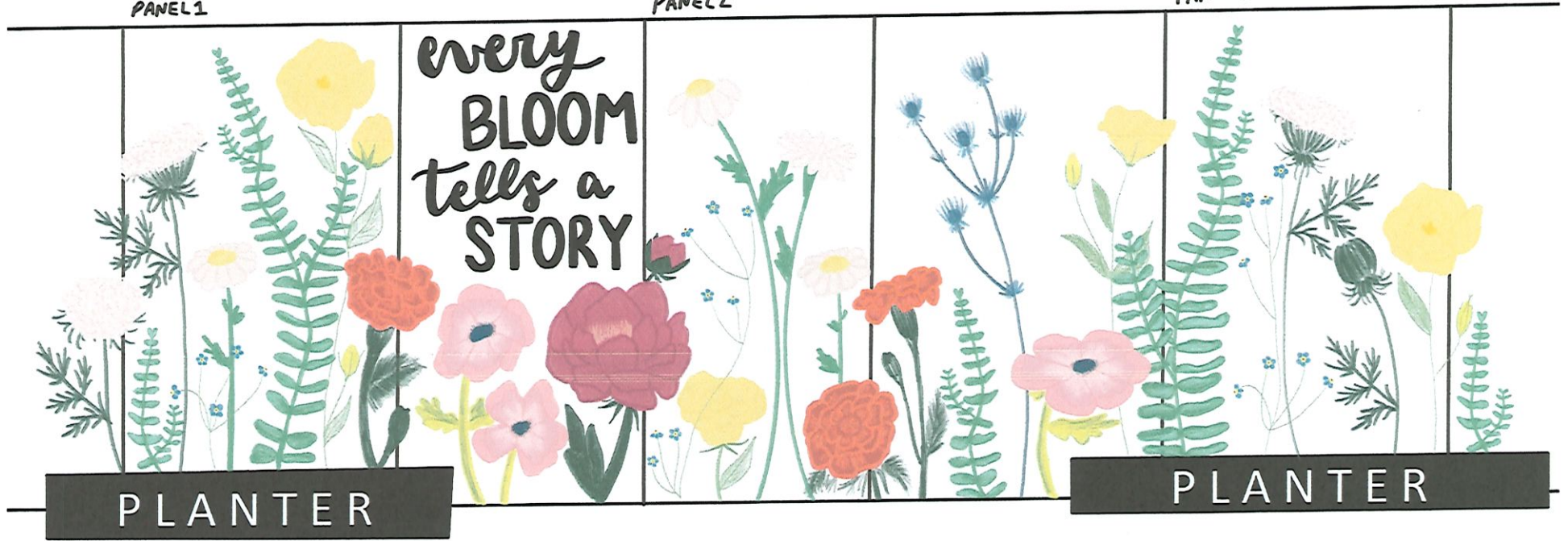
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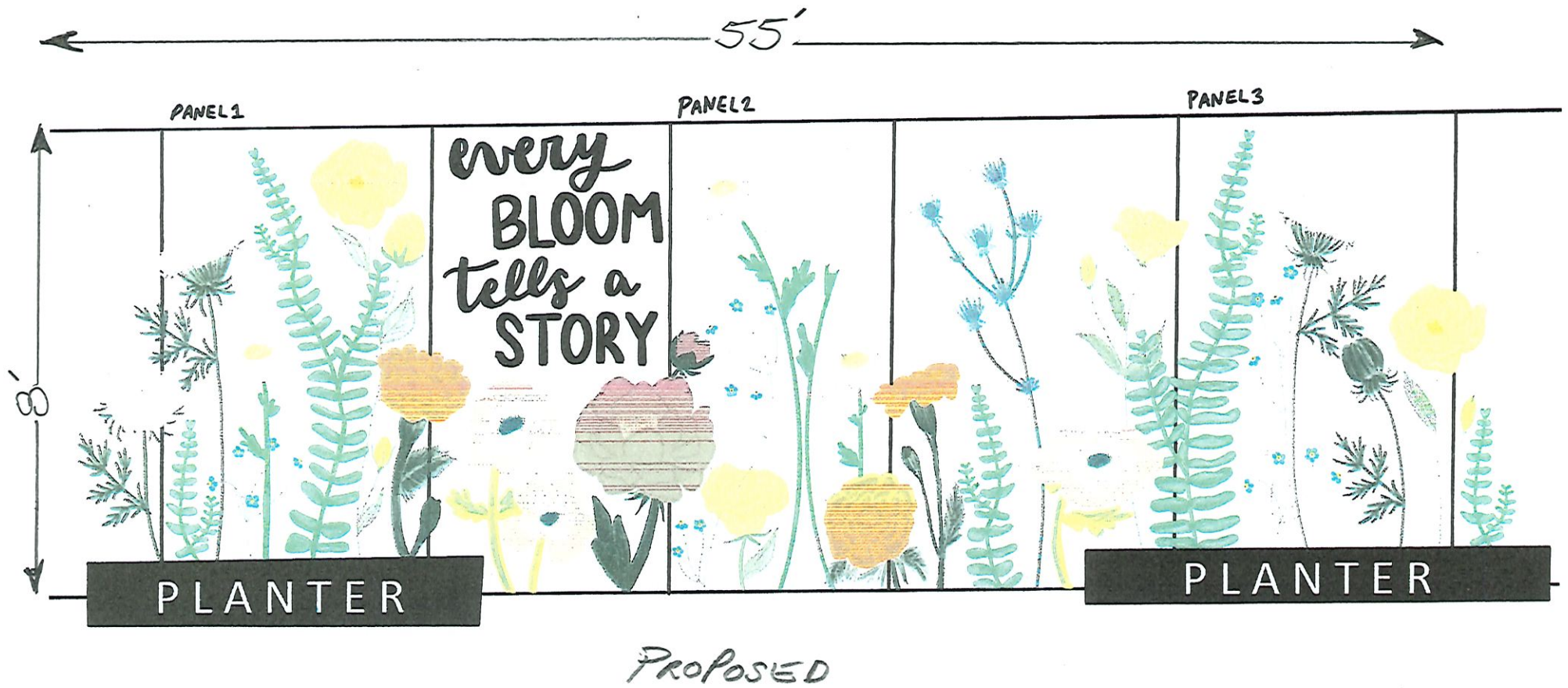
PANEL 3

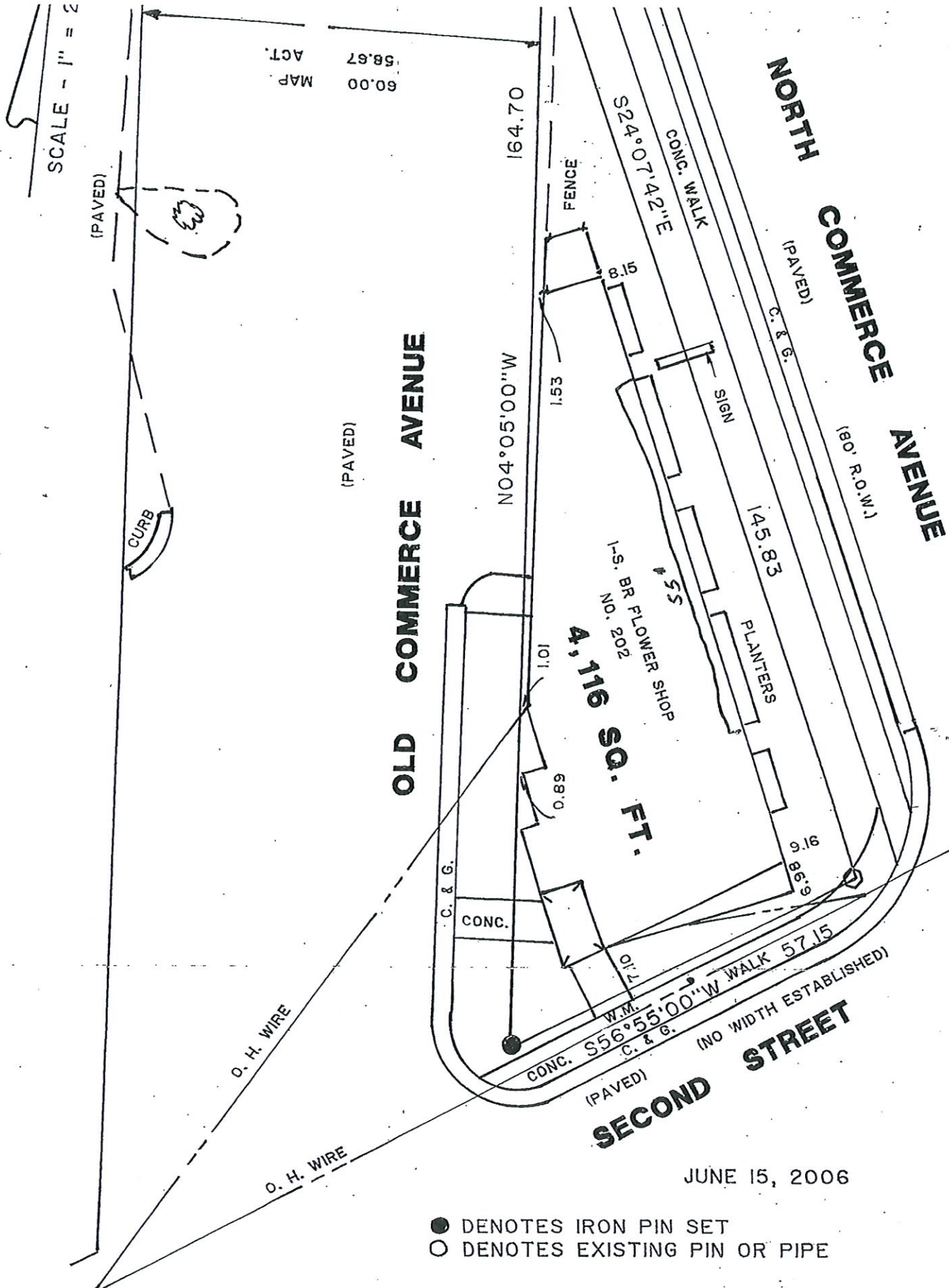
every
BLOOM
tells a
STORY

PLANTER

PLANTER







JUNE 15, 2006

- DENOTES IRON PIN SET
- DENOTES EXISTING PIN OR PIPE

SURVEY OF THE SHOWERS FAMILY, LLC PROPERTY
RECORDED IN INSTRUMENT NO. 060004760.

SHENANDOAH MAGISTERIAL DISTRICT
WARREN COUNTY
TOWN OF EBONY ROYAL VIRGINIA



SIGN PERMIT APPLICATION

TOWN OF FRONT ROYAL ~102 East Main Street, Front Royal, Va. 22630 ~ 540-635-4236 ~ planning@frontroyalva.com

APPLICANT

SIGN OWNER/LOCATION

APPLICANT'S NAME: <u>Fussell Florist</u>	SIGN OWNER'S NAME: <u>James O'Donnell</u>
ADDRESS: <u>202 E 2nd Street</u>	SIGN LOCATION(ADDRESS): <u>202 E 2nd Street</u>
PHONE NUMBER: <u>540 635 1334</u>	PHONE NUMBER: <u>540 635 1334</u>
EMAIL: <u>owners@fussellflorist.com</u>	EMAIL: <u>owners@fussellflorist.com</u>

SECTION A - Property Information (To be completed by applicant)

(check one) ☒ Single Business or ☐ Multiple Businesses on Single Zoning Lot

Lot Area: _____ Lot Frontage: _____ Corner Lot: Y ☒ N _____
Building Width: _____ Building Height: _____ Shared Common Building Entrance: Y _____ N ☒
Total No. Proposed Signs: 1 (For any new signs or existing signs being refaced or replaced)
Total No. Existing Signs to Remain: 6 (For any existing signs to remain and not being refaced or replaced)

For Town Staff Use Only:

Tax Map No. _____ Zoning: _____ *Historic District: Y _____ N _____
**Entrance Corridor: Y _____ N _____ Valid Business License: Y _____ N _____

NOTE: *Historic District Requires BAR Certificate of Appropriateness.

**Entrance Corridor Requires Planning Commission Review.

SECTION B -Information for all new and/or refaced signs. (To be completed by applicant)

Ground Mounted, Monument, Wall, Marquee, Canopy, Awning, Projecting, etc.
This area for all type of signs other than Window or Sandwich Board.
(Use separate block for each type or different size)

TYPE: <u>Mural</u>	TYPE: _____	TYPE: _____	TYPE: _____
Sq. Ft. <u>8' x 55' = 440'sq</u>	Sq. Ft. _____	Sq. Ft. _____	Sq. Ft. _____
Ground Height: <u>10'</u>	Ground Height: _____	Ground Height: _____	Ground Height: _____
Lighted: Y _____ N _____	Lighted: Y _____ N _____	Lighted: Y _____ N _____	Lighted: Y _____ N _____
Quantity: <u>1</u>	Quantity: _____	Quantity: _____	Quantity: _____

Window Signs

Limited in area to 25% of window area or 25 Sq. ft., whichever is less.

Exist. Window _____ Sq. Ft.	Exist. Window _____ Sq. Ft.	Projecting: Y _____ N _____ Quantity: _____ Sandwich Board Sign located in R-O-W: Y _____ N _____ If you answered yes to either of these questions, a Hold Harmless Agreement is required to be submitted.
Proposed Sign: _____ Sq. Ft.	Proposed Sign: _____ Sq. Ft.	
Lighted: Y _____ N _____	Lighted: Y _____ N _____	
Quantity: _____	Quantity: _____	

SIGN PERMIT APPLICATION

TOWN OF FRONT ROYAL, VIRGINIA

THE FOLLOWING INFORMATION IS **REQUIRED** AND SHALL BE PROVIDED BY THE APPLICANT IN EITHER WRITTEN OR GRAPHIC FORM: (ATTACH ADDITIONAL SHEETS AS NECESSARY)

- Position of the sign(s) in relation to property lines, buildings, sidewalks, streets and intersections.
- Type of sign(s) and general description of structural design and construction materials to be used.
- Purpose of the proposed sign(s).
- Drawings of the proposed sign(s) which shall contain specifications indicating the height, perimeter and area dimensions, means of support, method of illumination, colors and any other significant aspect of the proposed sign(s).
- Size and placement of all existing signs to remain on the property.
- Any other information requested by the Director in order to carry out the purpose and intent of the Sign Ordinance of the Town of Front Royal.

SKETCH/ COMMENT AREA

See attached drawing

NOTICE: Incomplete or illegible applications will not be accepted for review.

¹Signature of Applicant: _____

Date: 9/29/25

Name of Lot Owner (PRINTED):

Christopher J. O'Donnell, CSMWO Family, LLC

Signature of Lot Owner: _____

Date: 9/25/25

By the submission of this application, permission is hereby granted to Town Officials and employees to enter upon the subject property during reasonable hours for purposes related to the review of this application.

¹Applicant will be the designated contact person for this permit application.

FOR TOWN STAFF USE ONLY

PERMIT FEES: ☐ PERMANENT SIGN -- \$75.00

☐ ENTRANCE CORRIDOR -- \$250.00

☐ RELOCATION OF APPROVED SIGN -- \$50.00

☐ TEMPORARY SIGN -- \$50.00

****NON-PROFIT – 25% FEE REDUCTION OF REGULAR FEE**

****All items requiring zoning approval that has started prior to obtaining necessary permits – Regular Fee Doubled.**

PERMITTED USE: ☐ By Right

☐ Planning Commission Approval

☐ BAR Certificate of Appropriateness (If located in the Historic District)

Form of Payment: _____

Date Paid: _____

PC WORK SESSION
ITEM 2

Zoning Ordinance Draft – Review of the R-2, R-3, PND and C-1 Zoning Districts.

DIVISION 6.6 - RESIDENTIAL DISTRICT (R-2)

Section 6.6.1 - STATEMENT OF INTENT (R-2) (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 with a diversity of housing options and density choices to allow for aging in place, and different income levels, that are in line with intentions of the Neighborhood Residential Future Land Use Map designation. Development is, therefore, limited to low- to medium-density concentrations, and permitted uses are limited to single-family- and two-family-type, duplex and townhouse 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.

Section 6.6.2 - USES PERMITTED BY RIGHT (R-2) (175-20)

Subject to the standards and requirements set forth in this Chapter, except as prohibited or restricted by separate restrictions of record that may pertain to property within the R-2 District, the following uses of land and buildings are permitted by-right in the R-2 District:

RESIDENTIAL:

Duplexes

Single-family dwellings, detached

Two-family dwellings

Townhouses

COMMERCIAL:

INDUSTRIAL:

ORGANIZATIONAL:

Churches

Schools

MISCELLANEOUS:

Accessory uses, structures and buildings.

- 33 Home occupations.
- 34 Open space and conservation areas.
- 35 Public facilities.
- 36 Public parks and playgrounds.
- 37 Public utilities.
- 38 **Signs, as set forth in Section Article 10.**
- 39 Special childcare services.
- 40 Such other uses as determined similar to one or more enumerated uses by the
- 41 Zoning Administrator.

42 Section 6.6.3 - USES PERMITTED BY SPECIAL USE PERMIT (R-2) (175-
43 20.1)

44 The following uses are permitted within the R-2 District only by approval of a
45 special use permit, except as prohibited or restricted by separate restrictions of
46 record that may pertain to property within the R-2 District:

47 RESIDENTIAL:

48 Multi-Family Dwelling Units

49 COMMERCIAL:

50 Bed and Breakfast Uses set forth in **Section 8.1.3 of this chapter**

51 Day care, and day-care facilities as set forth in the **Section 8.1.2 of this chapter**

52 Nursing homes, as set forth in **Section 8.1.1**

53 INDUSTRIAL:

54 ORGANIZATIONAL:

55 Fire and Rescue Squad & Police Stations

56 Public Libraries

57 Community Center (public)

58 MISCELLANEOUS:

59 Any use permitted under **Section 6.6.2**, or specifically listed above under this
60 subsection, that proposes to occupy a building or structure that exceeds the
61 height requirements of **Section 6.6.10**, subject to the requirements of **Division 5.1.**

Additional heights approved by a special use permit shall be required to increase the required setback and yard area requirements by an equivalent distance from each property line.

Section 6.6.4 - MODEL HOMES AND SALES OFFICES (R-2) (175-20.2)

Model homes and sales offices for the marketing of residential dwellings within a specific development shall be permitted in an R-2 Residential Zoning District upon approval of a zoning permit by the Zoning Administrator, subject to the provisions and conditions set forth in **this chapter Section 6.4.4.**

Section 6.6.5 - AREA (R-2) (175-21)

The minimum lot area in R-2 Residential Districts shall be as follows:

A. The minimum lot size for a duplex structure is six thousand (6,000) square feet. A duplex lot may be further subdivided into separate parcels for each dwelling unit of the duplex, provided that the resulting lot size for each duplex dwelling unit is a minimum of three thousand (3,000) square feet.

B. The minimum lot size for a townhouse structure is eight thousand (8,000) square feet.

B. The minimum lot size for all other uses is five thousand (5,000) square feet.

Section 6.6.6 - SETBACK (R-2) (175-22)

Structures shall be located thirty (30) feet or more from any street right-of-way which is fifty (50) feet or greater in width or fifty-five (55) feet or more from the center of any street right-of-way less than fifty (50) feet in width; however, no building need be set back more than the average of the setbacks of the immediately adjoining structures on either side. A vacant lot fifty (50) feet or more in width may be assumed to be occupied by a building having a minimum setback.

Section 6.6.7 - FRONTAGE (R-2) (175-23)

The minimum lot width at the setback line shall be seventy (50) feet.

Section 6.6.8 - YARDS (R-2) (175-24)

A. Side: Each side yard shall be a minimum of ten (5) feet.

B. Rear: Each rear yard shall be a minimum of twenty-five (25) feet.

C. Front: The required depth of the front yard shall be as provided in Section 6.6.6. The main or front building facade and entrance for any residential structure

shall be oriented toward the front yard of the property, unless an administrative variance is granted pursuant to Section 5.1.2.

D. Accessory buildings shall be setback from side and rear property lines by no less than five (5) feet. No accessory building is permitted within a required front yard.

Section 6.6.9 - LOT COVERAGE (R-2) (175-25)

The maximum building coverage shall be thirty-five percent (45%).

Section 6.6.10 - HEIGHT (R-2) (175-26)

A. Buildings may be erected up to two and one-half (2 1/2) stories, but not to exceed thirty-five (35) feet in height.

B. A public or semipublic building, such as a school, church or library, may be erected to a height of sixty (60) feet from grade, provided that required front, side and rear yards shall be increased one (1) foot for each foot in height over thirty-five (35) feet.

C. Church spires, belfries, cupolas, municipal water towers, chimneys, flues, flagpoles, television antennas and radio aerials are exempt. Parapet walls may be up to four (4) feet above the height of the building on which the walls rest.

D. Accessory buildings over one (1) story in height shall be at least ten (10) feet from any lot line. All accessory buildings shall be less than the main building in height.

Section 6.6.11 - CORNER LOTS (R-2) (175-27)

A. Of the two (2) or more yards of a corner lot with frontage along multiple streets, the front yard shall be established by the following criteria:

1. For new subdivision applications, the front yard shall be identified by the applicant on the subdivision site plan and approved by the Town on the approved final plat.
2. For new construction on existing corner lots where no front yard is designated on the approved final plat, the property owner shall determine the front yard on the Zoning Permit application and shall be approved by the Town on the approved Zoning Permit.
3. For existing structures, the front yard shall be the yard with frontage that the front façade of the primary building faces.
4. The approved front yard established by this Code Section shall only be changed by review and approval of a revised final plat approved by the Planning Commission. Such future requests shall be approved if the Planning Commission determines that the proposed front yard is consistent with other properties along the same street frontages.

B. The side yard setback on the side facing a side street shall be twenty-five (25) feet or more for main buildings, and thirty (30) feet or more for accessory buildings.

C. Each corner lot shall have a minimum width at the setback line of one hundred (50) feet.

D. The rear yard setback if facing a street shall be fifty (40) feet or more for both main and accessory buildings.

DIVISION 6.7 - RESIDENTIAL DISTRICT (R-3)

Section 6.7.1 - STATEMENT OF INTENT (R-3) (175-28)

The R-3 Residential District is composed of medium-to-high density concentrations of residential uses. The standards for this district are designed to stabilize and protect the essential character of the area so designated and to promote and encourage, insofar as compatible with the intensity of land use, a suitable environment for families desiring the amenities of apartment living and the convenience of being closest to shopping, employment centers and other community facilities. Development is, therefore, limited to medium- to high-density concentration, and permitted uses are limited to single-family, two-family and multi-family dwellings, plus selected additional uses, such as schools, parks, churches and certain public facilities. Home occupations, as defined by this chapter, are permitted. Mobile homes are prohibited.

Section 6.7.2 - USES PERMITTED BY RIGHT (R-3) (175-29)

A. Subject to the standards and requirements set forth in this Chapter, except as prohibited or restricted by separate restrictions of record that may pertain to property within the R-3 District, the following uses of land and buildings are permitted by-right in the R-3 District:

RESIDENTIAL:

Duplexes.

Single-family dwellings, detached

Townhouses developed on sites of twenty thousand (20,000) square feet up to one (1) acre as set forth in Division 9.6.

Two-family dwellings.

COMMERCIAL:

Hospitals and other semipublic facilities of an institutional nature.

163 Pharmaceutical centers as set forth in **Division 9.4 of this chapter.**

164 Professional offices as set forth in **Division 9.4 of this chapter.**

165 Nursing homes, as set forth in **Section 8.1.1.**

166 INDUSTRIAL:

167 ORGANIZATIONS:

168 Churches

169 Schools

170 MISCELLANEOUS:

171 Accessory uses, structures and buildings.

172 Home occupations.

173 Open space and conservation areas.

174 Public facilities.

175 Public parks and playgrounds.

176 Public utilities.

177 **Signs, as set forth in Article 10.**

178 Special childcare services.

179 Such other uses as determined similar to one or more enumerated uses by the
180 Zoning Administrator.

181 Section 6.7.3 - USES PERMITTED BY SPECIAL USE PERMIT (R-3) (175-30)

182 The following uses are permitted within the R-3 District only by approval of a
183 special use permit, except as prohibited or restricted by separate restrictions of
184 record that may pertain to property within the R-3 District:

185 RESIDENTIAL:

186 Apartments as set forth in **Division 9.7.**

187 Townhouses on sites over one (1) acre, as set forth in **Division 9.6.**

188 COMMERCIAL:

189 Bed and Breakfast Uses set forth in Town Code **Section 8.1.3.**

190 Community Centers (public).

191 Conversion of a structure originally designed and intended for occupancy as a
192 single-family dwelling into a structure with more than one (1) dwelling.

193 Day care, and day-care facilities as set forth in the Town Code **Section 8.1.2.**

194 Nursing homes, as set forth in **Section 8.1.1.**

195 INDUSTRIAL:

196 ORGANIZATIONAL:

197 Art galleries and museums.

198 Fire and Rescue Squad & Police Stations

199 Public Libraries

200 Community Center (public)

201 MISCELLANEOUS:

202 Any use permitted under **Section 6.7.2.** or specifically listed above under this
203 subsection, that proposes to occupy a building or structure that exceeds the
204 height requirements of **Section 6.7.10**, subject to the requirements of **Division 5.1.**
205 Additional heights approved by a special use permit shall be required to increase
206 the required setback and yard area requirements by an equivalent distance from
207 each property line.

208 Cemetery, subject to the provisions in **Section 8.1.5.**

209 Lodging houses, rooming houses and boarding houses.

210 Such other uses as determined similar to one or more enumerated uses by the
211 Zoning Administrator.

212 **Section 6.7.4 - MODEL HOMES AND SALES OFFICES (R-3) (175-30.1)**

213 Model homes and sales offices for the marketing of residential dwellings within a
214 specific development shall be permitted in an R-3 Residential Zoning District upon
215 approval of a zoning permit by the Zoning Administrator, subject to the provisions
216 and conditions set forth in this chapter **Section 6.7.4.**

217 **Section 6.7.5 - AREA (R-3) (175-31)**

218 The minimum lot area in R-3 Residential Districts shall be as follows:

219 A. The minimum lot size for a duplex structure is seven thousand five hundred
220 (7,500) square feet. A duplex lot may be further subdivided into separate parcels
221 for each dwelling unit of the duplex, provided that the resulting lot size for each

222 duplex dwelling unit is a minimum of three thousand seven hundred fifty (3,750)
223 square feet.

224 B. The minimum lot size for townhouses shall be as stated in Division 9.6 of this
225 chapter

226 C. The minimum lot size for apartments shall be as stated in Division 9.7 of this
227 chapter

228 D. The minimum lot size for all other uses is six thousand (6,000) square feet. An
229 additional one thousand five hundred (1,500) square feet shall be required for
230 each additional dwelling unit above one (1) for all residential uses other than
231 townhouses, apartments and duplexes.

232 Section 6.7.6 - SETBACK (R-3) (175-32)

233 Structures shall be located thirty (30) feet or more from any street right-of-way
234 which is fifty (50) feet or greater in width or fifty-five (55) feet or more from the
235 center of any street right-of-way less than fifty (50) feet in width; however, no
236 building need be set back more than the average of the setbacks of the
237 immediately adjoining structures on either side. A vacant lot fifty (50) feet or more
238 in width may be assumed to be occupied by a building having a minimum
239 setback.

240 Section 6.7.7 - SETBACK WIDTHS (R-3) (175-33)

241 A. The minimum lot width at the setback line shall be sixty (50) feet.

242 B. Notwithstanding the provisions of Subsection A, the minimum lot width at the
243 setback line shall be consistent with the established lot width at the setback line
244 for abutting lots fronting the same road or street on either side of the lot to be
245 subdivided, provided as follows:

246 1. Subsection B shall only apply in cases of new subdivision or re-subdivision
247 involving the creation of four (4) or fewer new lots.

248 2. Subsection B shall only apply in cases where the aforesaid abutting lots were
249 established and in existence prior to April 10, 1978.

250 3. Under no circumstances shall the minimum lot width at the setback line for
251 newly created lots be less than fifty (50) feet, regardless of the setback width
252 of the abutting lots.

253 4. All corner lots shall be governed by the provisions of Section 5.7.11c.

5. Where abutting lots have differing widths at their setback lines, the minimum setback width for newly created lots shall be consistent with the larger of the two abutting lots, or sixty (60) feet, whichever is lesser.

6. An "abutting lot" is defined as a lot sharing a common side yard boundary with the lot to be subdivided and fronting the same street as the lot to be subdivided.

Section 6.7.8 - YARDS (R-3) (175-34)

A. Side: Each side yard shall be a minimum of seven (7) feet.

B. Rear: Each rear yard shall be a minimum of twenty-five (25) feet.

C. Front: The required depth of the front yard shall be as provided in Section 5.7.6. The main or front building facade and entrance for any single-unit residential structure, including duplexes and townhouses, shall be oriented toward the front yard of the property, unless an administrative variance is granted pursuant to Section 175-147.1.

D. Accessory buildings shall be set back from side and rear property lines by no less than five (5) feet. No accessory building is permitted within a required front yard.

Section 6.7.9 - LOT COVERAGE (R-3) (175-35)

The maximum building coverage shall be forty percent (40%) unless as otherwise herein provided.

Section 6.7.10 - HEIGHT (R-3) (175-36)

A. Structures may be erected up to thirty-five (35) feet in height, except that:

1. The height limit for structures may be increased up to sixty (60) feet and up to five (5) stories, provided that required front, side and rear yards shall be increased one (1) foot for each foot of building height over thirty-five (35) feet.

2. Church spires, belfries, cupolas, monuments, municipal water towers, chimneys, flues, flagpoles, television antennas and radio aerials are exempt. Parapet walls may be up to four (4) feet above the height of the building on which the walls rest.

B. Accessory buildings over one (1) story in height shall be at least ten (10) feet from any lot line. All accessory buildings shall be less than the main building in height.

Section 6.7.11 - CORNER LOTS (R-3) (175-37)

A. Of the two (2) or more yards of a corner lot with frontage along multiple streets, the front yard shall be established by the following criteria:

1. For new subdivision applications, the front yard shall be identified by the applicant on the subdivision site plan and approved by the Town on the approved final plat.
2. For new construction on existing corner lots where no front yard is designated on the approved final plat, the property owner shall determine the front yard on the Zoning Permit application and shall be approved by the Town on the approved Zoning Permit.
3. For existing structures, the front yard shall be the yard with frontage that the front façade of the primary building faces.
4. The approved front yard established by this Code Section shall only be changed by review and approval of a revised final plat approved by the Planning Commission. Such future requests shall be approved if the Planning Commission determines that the proposed front yard is consistent with other properties along the same street frontages.

B. The side yard setback on the side facing a side street shall be twenty (15) feet or more for main buildings, and thirty (20) feet or more for accessory buildings.

C. Each corner lot shall have a minimum width at the setback line of one hundred (50) feet.

D. The rear yard setback if facing a street shall be fifty (40) feet or more for both main and accessory buildings.

DIVISION 6.8 - PLANNED NEIGHBORHOOD DEVELOPMENT DISTRICT (PND)

Section 6.8.1 - STATEMENT OF INTENT (PND) (175-37.1)

Pursuant to Sections 15.2-2201 and 15.2-2286 of the Code of Virginia, the Town Council of the Town of Front Royal establishes the Planned Neighborhood Development (PND) zoning ordinance to allow planned neighborhood development on large tracts of land characterized by unified site design for a variety of housing types and densities, clustering of buildings, common open space, and a mix of building types and land uses in which project planning (as permitted herein) and density calculation are performed for the entire development rather than on an individual basis. The purposes of the ordinance are to provide an alternative form of development that:

A. Eliminates standard dimensional requirements while reserving sufficient natural open space for common use, conservation or recreational purposes, and providing adequate buffering between structures and adjacent properties;

B. Enhances the physical appearance of the Town by preserving the Town's natural assets and distinctive character;

325 C. Promotes more efficient use of land and provision of public facilities, utilities,
326 streets, and services;

327 D. Provides the opportunity for innovative combinations of integrated housing,
328 recreation, neighborhood-oriented commercial, professional uses, and increased
329 public amenities within a single development;

330 E. Conserves natural and environmental resources and the integrity of natural
331 systems;

332 F. Encourages innovative residential development so that housing demands are
333 met by a greater variety of types, designs, and layouts of residential structures;

334 G. Encourages creative and site-sensitive developments by allowing increased
335 overall density in exchange for planned neighborhood development pursuant to
336 this chapter.

337 H. Promotes the design of a walkable environment for pedestrians within the
338 neighborhood which provides a circulation system for various transportation
339 modes.

340 I. Satisfies the general purposes of zoning regulations to promote health, safety,
341 morals and general welfare of the community.

342 Section 6.8.2 - EVALUATION CRITERIA (PND) (175-37.2)

343 Application for rezoning to a Planned Neighborhood Development District shall
344 specifically demonstrate achievement of the following objectives. Each
345 proposed Planned Neighborhood Development will be evaluated on the extent
346 to which these objectives are achieved:

347 A. Provides a variety of housing types and designs at a range of densities and
348 costs in an orderly relationship to one another.

349 B. Employs architectural, landscape and/or other design features to provide
350 compatibility between different uses.

351 C. Includes a network of circulation systems for various transportation modes that
352 connect to the surrounding area.

353 D. Conserves a minimum of 25% open space, incorporating a system of parks,
354 open spaces, recreational facilities, and public amenities within the development
355 which enhance the total plan of development.

356 E. Efficiently utilizes land to protect and preserve natural features such as trees,
357 streams, and topographic features.

F. Provides a mechanism to relate the type, design and layout of proposed development to the specific characteristics of the particular parcel.

G. Exhibits consistency with the Town's Comprehensive Plan and provides overall benefits to the Town.

H. Demonstrates adequate capacity of public facilities and utilities to serve the development.

I. Minimizes traffic impacts upon the surrounding traffic network.

Section 6.8.3 - PERMITTED USES (PND) (175-37.3)

A. All planned neighborhood developments shall permit the following residential and accessory uses:

1. Detached single-family dwellings;
2. Two-family dwellings;
3. Multi-family dwellings;
4. Townhouses with a maximum of eight units per structure;
5. Accessory buildings or uses as defined in Article 11;
6. Recreation or park facilities;
7. Retirement living facilities (handicapped accessible)
8. Municipal buildings or uses;
9. Public utilities: poles, lines, booster and relay stations, distribution transformers, pipes, meters and other facilities necessary for the provision and maintenance of public utilities, including water and sewerage systems. Such utilities shall be buried or otherwise screened in accordance with design standards of the development;
10. Home Occupations as set forth in Division 8.5;
11. Public libraries;
12. Schools; and
13. Churches.
14. Special childcare services.
15. Open space and conservation areas.

16. Such other uses as determined similar to one or more enumerated uses by the Zoning Administrator.

B. Planned neighborhood developments shall permit the following community and institutional uses under the terms set forth in Section 6.8.9, Density Bonus:

1. Day care centers; and

2. Community Halls

C. Planned neighborhood developments comprising 50 acres or more may contain the uses permitted in subsections A and B as well as the following commercial uses:

1. Neighborhood-oriented commercial businesses;

2. Personal services;

3. Business or professional offices; and

4. Neighborhood restaurants; and

5. Banks, branch banks and financial institutions.

D. Planned neighborhood developments may include the following uses provided such uses are either specifically approved as part of the original development plan or approved by special use permit in accordance with Division 5.1 if proposed subsequent to approval of the Master Land Use Plan.

1. Bed and Breakfast home

2. Assisted Living Facility or other nursing home as permitted in the R-3 District.

3. Automotive fuel facilities in conjunction with neighborhood retail stores, provided adequate demonstration is made that the facility can be supported by the neighborhood in which it is located without attracting additional traffic into the neighborhood. Such facilities shall not include the storage or sale of automobiles, automotive mechanical or body repair work, painting, welding or other activities not normally associated with the dispensing of gasoline.

4. Art galleries and museums.

E. Except as otherwise specified for PND's, proposed uses within a PND shall be subject to the provisions set forth for such use in this Zoning Ordinance.

F. Prohibited Uses

Junkyards, off-site signage, used automobiles and truck/trailer sales, manufactured and mobile homes, outdoor storage yards, and industrial uses are prohibited in a Planned Neighborhood Development.

Section 6.8.4 - STANDARDS (PND) (175-37.4)

A. Planned neighborhood developments shall contain not less than 20 contiguous acres.

B. The project area must be held in single ownership or all property owners within the proposed district must participate in the application.

C. Planned neighborhood developments shall be served by municipal water and sewer service and municipal electric service if located within the Town's electric service area.

D. Allowable base residential density. Overall residential density shall not exceed the overall allowable residential density of the parcel or parcels involved prior to the re-zoning, dedicated to uses other than the commercial uses set forth in **Sections 6.8.3 B and C**. This base residential density may be increased at the Town Council's discretion up to a maximum of 6.0 dwelling units per acre.

E. Conservation lands. Lands with the following characteristics shall not be developed and shall not be platted as part of a residential, community, institutional or commercial lot within a planned neighborhood development: land within the 100-year flood plain; land with a natural slope in excess of 40 percent, and as determined by standard slope computation methods. These lands shall be designated on the plat for conservation purposes. Conservation lands may be used in computing the allowable base residential density. Nontidal wetlands may be platted, but shall be protected by preservation easements.

F. Management and ownership of common open space and facilities. All common spaces, properties, and facilities not deeded to the Town or other public entity shall be preserved for their intended purpose as specified on the approved plan. The developer shall provide for the establishment of a property owner's association conforming to the Virginia Property Owners' Association Act, Code of Virginia (1950) as amended, to ensure the maintenance of all common areas.

Section 6.8.5 - REVIEW AND CREATION OF THE PLANNED NEIGHBORHOOD DEVELOPMENT DISTRICT (PND) (175-37.5)

Whenever a tract of land meets the minimum requirements for classification as a PND district as stipulated herein, the owner may file an application with the Director of Planning, requesting rezoning to this classification. A preliminary conference with staff prior to such filing is required.

454

455 A. Concept Plan:

456 1. Procedure: The owner may present and file with the Director of Planning a
457 Concept Plan for the project, along with the fee established in the schedule
458 of fees, showing the rough layout of major roads within the project, and
459 such areas within the project as may be planned for particular uses or
460 mixtures of uses, as outlined below. Upon receipt, the Director of Planning
461 shall forward the Concept Plan to the Planning Commission for review and
462 comment. The Planning Commission may recommend to the Town Council
463 approval, denial or modifications to the Concept Plan.

464 Upon review and recommendation by the Planning Commission the
465 Director of Planning shall forward the Concept Plan to the Town Council for
466 review and comment. The Town Council may approve, deny or approve
467 conditionally with stated modifications. Approval of a Concept Plan is only
468 an expression of apparent favor to be used in preparation of the PND
469 Master Land Use Plan and does not authorize construction of
470 improvements.

471 2. Submittal Requirements: The Concept Plan shall be prepared by a Virginia
472 registered architect, landscape architect, land surveyor or engineer with
473 seal and signature affixed to the plan. The plan shall be approximately to
474 scale and clearly show the following:

475 a. Location map showing existing zoning and ownership of property and
476 adjacent land;

477 b. Identification of principal natural features and/or unique site design
478 features;

479 c. Relationship of the proposal with surrounding utilities and public facilities
480 to serve the tract at the ultimate proposed densities;

481 d. The location and size of the components of the PND, including the
482 general layout of the road system within the project, location of use
483 areas within the project planned for particular uses or mixtures of uses
484 and their acreage, residential densities, and the interior open space
485 system and preservation areas;

486 e. Written description of the use areas;

487 f. A statement demonstrating consistency with the Town of Front Royal
488 Comprehensive Plan, suitability of the tract for the type and intensity of

489 the activities proposed, the anticipated availability of adequate road
490 networks, and the objectives stated in [Section 6.8.1](#)

491 B. Master Land Use Plan: Within six months of the Town Council's approval or
492 approval conditioned upon modifications of the Concept Plan, the
493 developer/owner may prepare and file an application for an amendment to the
494 official zoning map to a Planned Neighborhood Development (PND) District, as
495 set forth in this chapter, together with the established in the schedule of fees for
496 rezoning and an engineered Master Land Use Plan for development presenting a
497 unified and organized arrangement of buildings, service areas, parking,
498 landscaped areas, recreation areas, open space and community facilities. All
499 information submitted for consideration as a Master Land Use Plan shall be of
500 sufficient clarity and scale to accurately identify the location, nature, and
501 character of the proposed district. At a minimum the information contained on a
502 Master Land Use Plan shall include:

- 503 1. A map of the boundaries of the proposed development site, showing
504 bearings, dimensions at a scale not greater than one (1) inch to six
505 hundred (600) feet;
- 506 2. A statement of existing property owner(s) and the proposed developer;
- 507 3. Names and addresses of adjacent property owners;
- 508 4. A vicinity map drawn at a scale of between one (1) inch equals two
509 hundred 2,000 feet and showing the relation of the property.
- 510 5. Topographic map with contour lines at vertical intervals of not
511 greater than five (5) feet at a minimum scale of one inch to 200 feet;
- 512 6. A site analysis map of existing conditions, including but not limited to the
513 location and delineation of sensitive environmental features, any 100-year
514 floodplain, watercourse, non-tidal wetlands, areas greater than 15-percent
515 slope, and significant geologic formations or man-made features, existing
516 structures and public facilities, historic landmarks, existing zoning on-site
517 and surrounding areas;
- 518 7. The overall scheme of development including general layout of proposed
519 land uses at a scale of one (1) inch equals two hundred (200) feet;
- 520 8. The location and acreage of recreation areas, open space and
521 conservation areas, parks within the development;
- 522 9. The location, acreage and type of nonresidential areas and uses, and
523 community/ public uses.

10. For each residential area shown, the total number of units in each by type and density;
11. An access and circulation plan showing the general location of all existing and proposed streets and easements of right-of-way, bridges, culverts, railroads, and utility transmission lines;
12. A traffic analysis and description of the base existing conditions and traffic volumes for the connecting external road network serving the site, projected average daily traffic for all new streets within the subdivision based on the proposed land uses and the traffic growth on adjacent highways, trip generation rates for peak hours by development and phase, and internal/external trip distribution and intersection and capacity analysis, identifying off-site access and traffic control improvements generated by the traffic demands of the proposed project at full development;
13. The proposed general location of all building areas and other improvements, except single-family and two-family dwellings and accessory buildings;
14. Notations showing the total gross development acreage, the net development acreage, acreage devoted to each land use category, the number of dwelling units and overall development density of the project;
15. General intent and schematic plans for water, sanitary sewer, storm water management, electrical services, and other utilities;
16. An approximate development schedule/phasing plan;
17. A general description of proposed agreements, provisions, or covenants that govern the use, maintenance, and continued protection of property to be held in common ownership.
18. Municipal boundaries through the property.
19. A narrative statement demonstrating consistency with the Town of Front Royal Comprehensive Plan, suitability of the tract for the type and intensity of the activities proposed, and the planning purposes to be achieved by the proposed PND as stated in Section 6.8.1, the design theme and major elements, principal site features, and environmental components integrated into the plan.

20. An impact assessment on the environment and on community facilities, services and taxes.

21. Demographic profile of proposed development (population, housing, school children and employment).

22. Other relevant data which may be used to evaluate the project.

23. A set of design guidelines describing the design principles for the site arrangement, standards for development including proposed yards, building heights, building architecture, open space characteristics, landscaping, hardscape, and buffering, and streetscapes related to scale, proportions, and massing at the edge of the district.

The design guidelines will establish the appearance standards to be used as the basis for the appearance review occurring concurrent with the site development review. The purpose of the appearance standards shall be:

a. To encourage development that enhances the character of the Town;

b. To enhance and protect property values by encouraging excellent design;

c. To encourage architectural freedom, imagination and variety, and to encourage creative design solutions that will enhance the Town's visual appearance.

d. To promote harmonious unified development within a planned neighborhood.

C. Demonstration of Purposes: The purposes shall be demonstrated in each of the components as follows:

1. Relationship of Building Site:

a. The proposed non-residential development shall be designed and sited to accomplish a desirable view as observed from adjacent streets.

b. Parking areas shall be enhanced with decorative elements, building wall extensions, plantings, berms, or other appropriate means to screen parking areas from view from the streets and adjacent properties.

2. Relationship to Adjoining Areas:

a. Adjacent buildings of different architectural styles shall be made compatible by use of screens, sight breaks, materials and other methods.

b. Landscaping shall provide a transition to adjoining property and screening between residential and commercial uses, and for off-street commercial parking and loading areas from public view.

c. Texture, building lines and mass shall be harmonious with adjoining property. Monotonous texture, lines and mass shall be avoided.

3. Building Design and Landscaping: The applicant shall provide a narrative for all building types describing compliance with the following, including dimensional and qualitative specifications.

a. Quality of design and landscaping, and compatibility with surrounding uses for proposed nonresidential development. Architectural style is not restricted.

b. Materials and finishes of good, sound architectural quality that are harmonious with adjoining buildings.

c. Suitable materials for the type and design of the building. Materials that are architecturally harmonious shall be used for all exterior building walls and other exterior building components.

d. Building components, such as windows, doors, eaves, and parapets with appropriate proportion and relationships to one another.

e. Use of harmonious colors and compatible accents.

f. Mechanical equipment or other utility hardware on roof, ground, or buildings screened from view with materials harmonious with the building.

g. Non-Monotonous design with visual interest provided by variation in detail, form, and siting.

h. Exterior lighting used as part of the architectural concept. Fixtures, standards, and all exposed accessories harmonious with the building design.

i. Landscaping treatment creating unity of design, enhance architectural features, strengthen vistas, and provide shade.

j. Plant materials selected for interest in its structure, texture, and color and for its ultimate growth using indigenous plants and those that are hardy, harmonious to the design and of good appearance.

- k. Protection of plant materials by appropriate curbs, tree guards, or other devices in locations which are susceptible to injury by pedestrian or vehicular traffic.

4. Signs:

- a. Signs shall conform to the provisions of Article 10 of this chapter for residential districts and this section, except that signs erected on poles shall not be permitted.
- b. Every sign shall be of appropriate scale and proportion in relation to the surrounding buildings.
- c. Every sign shall be designed as an integral architectural element of the building and site to which it relates.
- d. The colors, materials, and lighting of every sign shall be harmonious with the building and site to which it relates.
- e. The number of graphic elements on a sign shall be held to the minimum needed to convey the sign's principal message and shall be in proportion to the area of the sign.
- f. Each sign shall be compatible with signs on adjoining plots or buildings.
- g. Logos shall conform to the criteria for all other signs.
- h. A coordinated, unified sign plan shall be utilized for direction and information within the PND.

5. Miscellaneous Structures: Miscellaneous structures and hardware shall be part of the architectural concept of the project. Materials, scale and colors shall be compatible with the building and surrounding uses.

D. The Planning Commission shall proceed in general as for any other rezoning application as required in the ordinance, and recommend to the Town Council to approve, conditionally approve or disapprove the application.

E. The Town Council shall proceed in general as for any other rezoning application as required in the ordinance. Subsequent to the public hearing and a recommendation from the Planning Commission, the Town Council shall approve, conditionally approve or disapprove the application for a Master Land Use Plan.

F. Upon approval of a Master Land Use Plan for development the official zoning map shall be amended to indicate the property as "PND - Planned Neighborhood Development". Once the Town Council has approved the Master Land Use Plan, all accepted proffers shall constitute conditions, enforceable by the Zoning Administrator.

Section 6.8.6 - OPEN SPACE STANDARDS (PND) (175-37.6)

A. Planned neighborhood developments shall reserve a minimum of 25 percent of the acreage of the parcel as dedicated natural open space.

B. Up to 25 percent of this requirement may be satisfied with land covered by water or by stormwater detention or retention basins (dry ponds shall not be permitted as open space), if the Town Council determines that such a water body or basin is suitable for the purposes set forth in **Section 6.8.1**. The dedicated open space shall not be included in subdivision lots. Dedicated open space shall include the land necessary to provide access to the open space.

C. Land characterized as conservation lands in **Section 6.8.4.E** of this ordinance may be used to fulfill the minimum open space requirement up to a maximum of 50 percent of the total dedicated natural open space within a planned neighborhood development.

D. Dedicated open space shall have shape, dimension, character, location, and topography to accomplish the open space purposes specified in **Section 6.8.1** and to ensure appropriate public access.

E. Dedicated open space land shall be shown on the planned neighborhood development Concept Plan and Master Land Use Plan and shall be labeled to specify that the land has been dedicated to open space purposes. The plans and final plat shall specify that the open space land shall not be further subdivided or developed and is permanently reserved for natural open space purposes.

F. The open space shall be conveyed by the applicant as a condition of plat approval and may be conveyed by any of the following means as determined by the Town Council:

1. Deeded in perpetuity to the Town of Front Royal or other governmental agency for the purposes herein.
2. Reserved for common use or ownership of all property owners within the development by covenants in the deeds approved by the Town Attorney. A copy of the proposed deed covenants shall be submitted with the application.

3. Deeded in perpetuity to a private, non-profit, tax-exempt organization legally constituted for conservation purposes under terms and conditions that ensure the perpetual protection and management of the property for conservation purposes. A copy of the proposed deeds and relevant corporate documents of the land trust shall be submitted with the application.

4. Deeded to a property owner's association within the development upon terms and conditions approved by the Town Attorney that will ensure the continued use and management of the land for the intended purposes. The formation and incorporation by the applicant of one or more appropriate property owners' associations shall be required prior to plat approval. A copy of the proposed property owner's deed and the by-laws and other relevant documents of the property owner's association shall be submitted with the application. The following shall be required if open space is to be dedicated to a property owner's association:

- a. Covenants providing for mandatory membership in the association and setting forth the owner's rights, interests, and privileges in the association and the common land, must be included in the deed for each lot or unit;
- b. The property owners' association shall have the responsibility of maintaining the open space and operating and maintaining recreational facilities;
- c. The association shall have the authority to levy charges against all property owners to defray the expenses connected with the maintenance of open space and recreational facilities; and
- d. The applicant shall maintain control of dedicated open space and be responsible for its maintenance until 75% of occupancy permits for residential units have been issued and development is sufficient to support the association.

G. The owner/developer shall convey or restrict the open space land by a deed instrument reviewed and approved by the Front Royal Town Attorney to ensure that the land will be held and managed in perpetuity for open space purposes and shall not be further developed.

H. If the planned neighborhood development is developed in phases, the provision of dedicated natural open space shall be phased with the construction of dwelling units and other improvements to ensure that a proportionate share of the total dedicated open space is preserved with each phase.

I. Streets and other impervious surfaces shall be excluded from the calculation of the minimum dedicated open space requirement; however, lands occupied by bike paths, landscaped grounds, or similar common recreational development (excluding tennis courts, golf courses, and buildings) may be counted as

dedicated open space, provided that impervious surfaces constitute no more than 5 percent of the total required open space.

J. Open space shall be permanently dedicated for one or more of the following uses: natural resource conservation, recreational facilities, wetland and water course preservation, selective forestry, wildlife habitat, undeveloped parklands or scenic preservation.

Section 6.8.7 - OFF-STREET PARKING (PND) (175-37.7)

A. The number, design, location and construction of parking lots, bays, spaces and drives shall conform to the applicable requirements of Sections 9.10.2 and 9.10.3 Zoning Ordinance and Section 148-48 of the Subdivision and Land Development Ordinance. Parking for commercial land uses shall also comply with Section 175-45 of the Front Royal Town Code.

1. Parking areas shall be planted with trees a minimum of two inches in caliper measured six inches above ground level, so that there is at least one tree per ten parking spaces within the parking lot. Such trees must be protected by curbing or other means against damage by vehicles. A minimum planting area, equivalent to 162 square feet per tree, shall be provided.
2. Parking areas shall have a landscaped island at each end of each row of vehicle spaces. No more than 15 spaces shall be laid out without an intermediate landscape island. Such planting islands shall be not less than nine feet wide in the direction parallel to the row and not less than 18 feet long in the direction perpendicular to the row. Each such island shall have a suitable poured-in-place concrete curb, or approved equal, and shall be planted with grass or ground cover. All hydrants shall be located in such islands.

Section 6.8.8 - LANDSCAPING AND SCREENING (PND) (175-37.8)

A. Screening of Uses: Commercial, institutional, and community uses shall be screened from residential uses within and abutting the planned neighborhood development by a buffer yard 20 feet in width containing a minimum of three canopy trees, six understory trees, and nine shrubs per 100 feet of length (or an amount creating an equivalent effect and approved with the landscape plan) along the perimeter of the lot line abutting a residential use.

B. Screening along Public Roadways: Uses within a planned neighborhood development which abut an arterial street as defined in Section 148-26(C)(3) shall be screened by a buffer yard of 20 feet in width containing a minimum of three canopy trees, six understory trees and nine shrubs per 100 feet of frontage (or an amount creating an equivalent effect and approved with the landscape plan). Canopy trees shall be deciduous shade trees planted with a minimum of

two and one-half inches in caliper at six inches above the ground with a mature height of at least 35 feet. Understory trees shall be deciduous shade or fruit trees planted at minimum one and ½ inch in caliper at six inches above the ground with a mature height of at least 12 feet.

C. Existing Vegetation: Notwithstanding any other provisions of this ordinance, existing vegetation shall be retained and maintained to the extent feasible in order to permit existing vegetation to fulfill or contribute to buffer and screening requirements. In lieu of strict compliance with the above buffer yard requirements, a developer may submit a detailed landscaping plan that will afford a degree of buffering and screening comparable to that provided by these regulations in making use of existing and new vegetation. For developments utilizing more than 10 percent existing vegetation as a density bonus credit, a Certified Arborist shall provide a detailed description of the existing vegetation with notation of specimen trees, to certify compliance. The Arborist report shall be accompanied by the proposed measures for ensuring preservation during and after construction in accordance with the preservation criteria stated in the Town of Front Royal Landscape Preservation and Planting Guide.

D. Screening of Refuse Collection Facilities: Uses, except single-family homes within a planned neighborhood development shall provide secure, safe, and sanitary facilities for the storage and pickup of refuse. Such facilities shall be convenient to collection and shall be appropriate to the type and size of use being served. All refuse storage facilities shall be screened on three sides by a solid wooden fence or masonry wall and a tight evergreen hedge. The fourth side shall be angled to minimize the view of the refuse collection facility or shall be screened by an opaque gate made of durable materials. The screening shall be of sufficient height and design to effectively screen the facility from the view from nearby residential uses, streets, adjacent properties, and recreational facilities.

Section 6.8.9 - DENSITY BONUSES (PND) (175-37.9)

Residential density bonuses up to a density of 6.0 dwelling units per acre dedicated to uses other than the commercial uses set forth in Sections 6.8.3 (B) and (C) may be approved and granted at the discretion of the Town Council upon a finding that a proposed density bonus promotes the purposes of the Planned Neighborhood Development and provides additional public benefit. Each of the following amenities and any other amenities or proffered conditions will be evaluated by the Town Council and used in negotiations with the applicant:

806 A residential density of up to 6.0 dwelling units per acre acceptable to both the
807 applicant and the Town Council.

808 A. Dedicated Open Space: In exchange for increasing the dedicated natural
809 open space beyond the required 25 percent, the project may qualify for a density
810 bonus, provided the natural open space is increased by a minimum of 5 percent
811 of the developable acreage. A bonus shall not be permitted for preservation
812 areas or without sufficient justification of demonstrated benefit to the Town.
813 Priority shall be given to protecting existing stands of mature trees.

814 B. Bikeways/Greenways: A system of bike paths and pedestrian greenways may
815 qualify for a density bonus. In order to qualify, the bike paths or greenways shall
816 form an integrated system of access within the development to principal off-site
817 destinations, and be integrated with other planned or existing systems (i.e., Happy
818 Creek Trail, Conservancy Park Trail, etc.).

819

820 C. Walk-Up Housing: A dwelling unit located above the ground floor of a structure
821 that contains a non-residential use on the ground floor may be applied toward
822 the allowable base density as one-half of a dwelling unit.

823 D. Community and Institutional Uses:

824 Day Care Center: In a PND with 75 or more residential units, a parcel may be
825 designated, dedicated and developed for use as a day care center. This lot
826 shall have a minimum of 100 square feet per residential unit within the PND, and
827 be developed in accordance with the requirements of Section 8.1.2 of this
828 chapter.

829 Community Hall: In a PND with 100 or more residential lots or units, a community
830 hall may be constructed, with an enclosed area of no less than 25 square feet
831 for each residential unit or lot.

832 E. Developed Recreational Facilities: Such facilities may include, but shall not be
833 limited to, tot lots and pocket parks, ball fields, courts or other athletic facilities,
834 swimming pools, public pedestrian plazas or arcades with benches, water
835 fountains and reflecting pools, terraces, sculptures, public art, involving unique
836 design features and amenities. To be considered for a density bonus, such
837 recreational facilities shall be developed at a minimum ratio of three acres per
838 100 units, in addition to the minimum requirement in Section 15.

F. Enhanced streetscapes: Streets s developed with widened sidewalk area, substantial landscaping above the required minimum, approved traffic calming measures, pedestrian-oriented features, and bicycle parking facilities may be considered for a density bonus.

G. Other: Additional density bonuses may be granted based upon such other innovative factors as may be proposed by the applicant and accepted by the Town Council in its sole discretion.

Section 6.8.10 - TRAFFIC IMPROVEMENTS (PND) (175-37.10)

Where a proposed planned neighborhood development borders on an existing street whose right-of-way, traffic carrying capacity, or sight lines are inadequate to safely and efficiently accommodate the traffic generated by the proposed development, the Town Council shall require the applicant to dedicate land for needed realignment or widening, and to undertake or fund the needed street improvements.

Section 6.8.11 - DIMENSIONAL STANDARDS (PND) (175-37.11)

A. Building Separation: No structure under 30 feet in height shall be located within 15 feet of any other structure. Buildings higher than 30 feet shall be separated by a distance equivalent to 50 percent of the height of the tallest building.

B. Height Limits: The height limits within a planned neighborhood development shall be the same as the height limits set forth in **Section 6.7.10** for structures in the R-3 residential district.

C. Except as otherwise specifically required by **Sections 6.8.1** through **6.8.18**, modifications to the following design standards may be authorized by the Town as part of the rezoning or conditional rezoning application process, provided they are specifically approved, with the modified design standards taking precedence over the design standards of Chapter 148 and Chapter 175 of the Town Code.

1. Lot Area

2. Lot Width

3. Setbacks and Yard Area

4. Building Height

5. Building Separation

Section 6.8.12 - PERIMETER BOUNDARY (PND) (175-37.12)

A. No portion of a building, structure, or parking area, shall be located within 55 feet of abutting property that is not part of the proposed planned neighborhood, unless the zoning of the adjacent property permits uses similar to the proposed Planned Neighborhood District use to be located abutting the common boundary. Where proposed PND uses are similar to uses permitted on the adjacent property, the minimum separation shall be that same as required for the zoning district on the adjacent property.

B. No portion of a non-residential use, multi-family residential use, community use, institutional use or active recreational use shall be located within 100 feet of abutting property that is not part of the proposed planned neighborhood, unless the abutting property is developed as a Planned Neighborhood District, whereas the separation shall be equal to the existing yard requirement on the abutting Planned Neighborhood District property.

C. The minimum front yard requirement of the R-I zoning district shall apply for a minimum of 200 feet from the border of a planned neighborhood development and adjoining property that share frontage on the same side of a street.

Section 6.8.13 - MULTI-FAMILY RESIDENTIAL DEVELOPMENT STANDARDS (PND) (175-37.13)

Multi-family housing. Such housing shall be either townhouses, multiplexes or Retirement Living Facilities.

A. Townhouses: The maximum number of dwelling units permitted within a townhouse structure shall be eight. Townhouse structures shall be developed in compliance with the following requirements:

1. There shall be a minimum of two and one-half parking spaces for each townhouse unit. The shared use of such overflow parking with other uses and activities is encouraged.
2. Walkways of four feet in width, constructed of concrete, stone, brick or similar masonry material, (not including asphalt), shall be installed from parking areas to townhouse units served by such parking areas.
3. The facades of townhouse units shall have variation in materials, setbacks, and design so that abutting units will not have the same or essentially the same architectural treatment of facades and rooflines.

B. Multiplex Structures: The maximum number of dwelling units permitted within a multiplex structure shall be thirty (30). Multiplex structures shall be developed in compliance with the following requirements:

1. There shall be a minimum of two and one-half parking spaces for each unit. The shared use of such overflow parking with other uses and activities is encouraged.

2. Walkways of four feet in width, constructed of concrete, stone brick or similar masonry material, (not including asphalt), shall be installed from parking areas to multiplex units served by such parking areas.

3. The minimum size of each individual unit shall be no less than 600 net square feet.

C. Retirement Living Facilities: The structures shall be developed in compliance with the following requirements:

1. The facilities shall be developed as either condominium or cooperative units.
2. There shall be no less than two parking spaces for each unit. The shared use of such overflow parking with other uses and activities is encouraged.
3. Walkways of four feet in width, constructed of concrete, stone, brick or similar masonry material (not including asphalt), shall be installed from parking areas to the retirement units served by such parking areas.

D. Accessory buildings shall be limited to one enclosed storage building not exceeding seven feet in height nor exceeding ten feet in length by ten feet in width.

Section 6.8.14 - UTILITIES (PND) (175-37.14)

Utilities, such as electric transmission cable television lines, and telephone lines, serving the planned neighborhood subdivision shall be installed underground.

Section 6.8.15 - ACCESSORY STRUCTURES (PND) (175-37.15)

Accessory structures shall not be located within any front yard or within five feet of any other structure and shall comply with the requirements of Town Code Section 6.6.10.D.

Section 6.8.16 - NEIGHBORHOOD RECREATIONAL USES (PND) (175-37.16)

A minimum of 335 square feet for each residential unit shall be dedicated and developed for neighborhood recreational use to serve the recreational demands generated by the planned neighborhood development. Recreational facilities shall be specifically included in the development schedule and be constructed and fully improved by the developer at an equivalent or greater rate than the construction of residential structures.

Section 6.8.17 - COMMERCIAL USES DEVELOPMENT STANDARDS (PND)
(175-37.17)

A. The total acreage of commercial users in Planned Neighborhood Development Districts shall comply with the following requirements.

Acreage of PND	Total Acreage of Commercial Uses	
20 Acres – 50 Acres	No Minimum	5% Maximum
51 Acres – 100 Acres	5% Minimum	10% Maximum
101 Acres – Plus	5% Minimum	15% Maximum

The developer/owner shall provide specific justification of commercial areas proposed in excess of 5% of the total acreage, identifying specific impacts of the commercial development and demonstrating adequate mitigation of such impacts.

B. Commercial uses shall be designed with the intention of serving the immediate needs and convenience of residents within and immediately surrounding the Planned Neighborhood Development.

C. Commercial uses shall not receive a certificate of occupancy until building permits have been issued for fifty percent of the residential units within the Planned Neighborhood Development.

D. Commercial structures shall comply with the height requirements in this chapter **Section 6.10.5.**

E. Commercial uses shall comply with the Performance Standards stated in **Sect. 6.10.7 of this chapter.**

F. Parking for commercial uses shall be in accordance with this chapter **Section 9.10.2.**

Section 6.8.18 - DEVELOPMENT REVIEW (PND) (175-37.18)

Within one year of approval of a Master Land Use Plan for development of a Planned Neighborhood, prior to the approval of building permits, the applicant shall prepare and submit for review and approval an engineered Development Plan, along with the fee as established in the approved schedule of fees. The applicant may petition the Town Council for an extension of time for submission of a development plan, provided such extension is requested at least 20 days

prior to the expiration of the one-year period. The Town Council may grant an extension upon demonstration of good cause for up to one year.

A. Development Plan: A Development Plan shall be submitted for all proposed commercial, residential, community facility, institutional, or multi-family residential development within a Planned Neighborhood Development. The Development Plan shall be drawn to scale and shall be accompanied by a narrative, as appropriate. The Development Plan shall comply with the provisions of Divisions 9.5, 9.6, and 9.7 and Section 148-20 of the Code of Front Royal, Virginia, unless otherwise provided for herein, and the following:

1. All information required for the master plan submission.
2. A development schedule. If phasing is proposed, indication of the proposed phasing schedule, along with a plan indicating phased sections.
3. A landscape plan prepared by a certified landscape architect or land surveyor shall be submitted with each site development plan application. The development plan shall identify proposed trees, shrubs, ground cover, natural features such as rock outcroppings, other landscaping elements and planting details. When existing natural growth is proposed to remain, the applicant shall include in the plans a description of the landscaping to be retained, a statement from a certified arborist that the material is desirable and healthy, and the proposed methods to protect the retained trees and growth during and after construction.
4. Proposed number of dwelling units by residential types, and the area of non-residential buildings by use type (retail, office, service, etc.).
5. Calculation of the percentage of land area covered by the various land uses, including landscaped areas.
6. Proposed circulation plan showing patterns of vehicular, pedestrian, or other traffic, parking areas (including the number of parking spaces).
7. Notes identifying any deviations from the approved master plan.

B. Development Plan Revisions, Modifications: After approval, all subsequent plans, plats, and permits for the PND shall be in substantial compliance with the approved PND Master Land Use Plan. Minor adjustment to the Master Land Use Plan may be approved administratively provided there is no increase in the overall density or number of housing units in the development and no reduction in useable open space. Revisions or modifications which substantially change the development, design, density, concept, uses, or magnitude shall cause the revised plan to be referred back through the review process as if it were an original submission.

Revisions to the Site Development Plan may be proposed by the applicant prior to the Town Council's review. The Town Council at its discretion may consider the

1009 application with minor revisions as proposed or may return the plan to the
1010 Planning Commission for further review.

1011 C. Amendments to Planned Development Districts: Land area may be added to
1012 an established PND if it adjoins and is demonstrated to become an integral part
1013 of the approved development. The procedures for any addition of land shall be
1014 the same as for an original application and all requirements shall apply.

1015 D. Final Plats: Final Plats shall be submitted concurrently with the Site Development
1016 Plan. Except as provided herein, Planned Neighborhood Development plats shall
1017 comply with the Zoning Ordinance, Chapter 175 and the Subdivision and Land
1018 Development Ordinance, Chapter 148 of the Town of Front Royal, Virginia, except
1019 that reasonable waivers and variances as described in Chapter 148 may be
1020 granted by the Town Council in order to facilitate creative design consistent with
1021 good community planning standards.

1022 E. Recordation of Documents: Any applicable covenants, governance
1023 documents and easements shall be recorded in the Warren County Circuit Court
1024 Clerk's office within six (6) months of approval of the Final Plat.

1025 F. Appearance Review: Appearance Review by the Planning Commission shall
1026 be required for all proposed commercial, community, institutional, or multi-family
1027 residential development within a planned neighborhood development to ensure
1028 conformity with the appearance standards established by the approved design
1029 guidelines for the Planned Neighborhood Development. Such review shall occur
1030 in conjunction with the Site Development Review. Compliance with the
1031 requirements for Appearance Review shall be in addition to all other
1032 requirements.

1033 DIVISION 6.9 - COMMUNITY BUSINESS DISTRICT (C-1)

1034 Section 6.9.1 - STATEMENT OF INTENT (C-1) (175-38)

1035 The Community Business C-I District is intended to accommodate general business
1036 areas, highway-oriented commercial uses, and selected retailing operations. The
1037 Community Business C- I District recognizes the demand for a variety of land uses
1038 near or adjacent to the major traffic arteries in Town.

1039 Section 6.9.2 - USE REGULATIONS (C-1) (175-39)

1040 A. Subject to the standards and requirements set forth in this Chapter, except as
1041 prohibited or restricted by separate restrictions of record that may pertain to
1042 property within the C-1 District, the following uses of land and buildings are
1043 permitted by-right in the C-1 District:

1044 RESIDENTIAL:

1045 Caretaker quarters

1046 Single-Family dwellings

1047 Townhouses

1048 Multi-Family dwellings

1049 COMMERCIAL:

1050 Appliance stores and repair services

1051 Assembly Halls

1052 Automobile and truck sales lots and leasing agencies, in accordance with

1053 **Section 6.9.8.E.**

1054 Automobile service stations, in accordance with **Section 8.3.1.**

1055 Bakeries, when products are sold as retail on the premises.

1056 Banks, branch banks, and financial institutions

1057 Barber and beauty shops

1058 Car washing

1059 Catering Services

1060 Contractor's offices, display rooms and storage

1061 Commuter parking facilities

1062 Department Stores

1063 Drugstores

1064 Florist shops/floral designers

1065 Funeral homes

1066 Furniture stores

1067 Grocery stores

1068 Hardware stores

1069 Laundries, Laundromats and dry cleaners

1070 Lumber and building supply, with storage under cover

- 1071 Machinery sales and service
- 1072 Motels, hotels, and tourist homes
- 1073 Newspaper and other printing establishments
- 1074 Personal Services
- 1075 Retail Stores, as defined in **Section 6.9.2.C.**
- 1076 Pharmaceutical Center
- 1077 Professional and Business Offices
- 1078 Radio and television broadcasting stations, studios or offices.
- 1079 Recreational Facility, Commercial
- 1080 Restaurants, including drive-in restaurants
- 1081 Special childcare services
- 1082 Technology business, as defined in **Article 11**, provided that such use does not
- 1083 involve broadcast or communications towers or manufacturing operations.
- 1084 Theatres, Indoor
- 1085 Veterinary hospitals
- 1086 Wearing-apparel stores
- 1087 INDUSTRIAL:
- 1088 ORGANIZATIONAL:
- 1089 Art galleries and museums.
- 1090 Churches.
- 1091 Public libraries.
- 1092 MISCELLANEOUS:
- 1093 Accessory uses, structures and buildings.
- 1094 Home occupations.
- 1095 Open Space
- 1096 Public facilities.
- 1097 Public parks and playgrounds.

1098 Public utilities.

1099 Signs, as set forth in **Article 10.**

1100 Special childcare services.

1101 Such other uses as determined similar to one or more enumerated uses by the
1102 Zoning Administrator.

1103 **Section 6.9.3 - USES PERMITTED BY SPECIAL USE PERMIT (C-1)**

1104 A. The following uses are permitted within the C-1 District only by approval of a
1105 special use permit, except as prohibited or restricted by separate restrictions of
1106 record that may pertain to property within the C-1 District:

1107 COMMERCIAL:

1108 Automobile garages, excluding where repairs work is only an accessory use,
1109 subject to the requirements of **Section 8.3.4** where motor vehicle painting or
1110 body work services are provided.

1111 Automobile Parking Lots, commercial.

1112 Bed & Breakfasts, as set forth in **Section 107.3.**

1113 Day Care Facilities and schools, subject to the provisions of **Section 8.1.2.F.** and
1114 any necessary improvements or changes to address the considerations of that
1115 section.

1116 Farmers' markets, and flea markets, in accordance with **Section 6.9.8.F.**

1117 Kennels

1118 Shopping centers as set forth in Section 175-111.

1119 INDUSTRIAL:

1120 Distribution facilities, subject to the standards and criteria for industrial uses
1121 provided in **Section 6.14.8.**

1122 Wholesale establishments with storage and processing, subject to the standards
1123 and criteria for industrial uses provided in **Section 6.14.8.**

1124 ORGANIZATIONAL:

1125 Schools

1126 MISCELLANEOUS:

1127 Any use permitted under **Section 6.9.2**, or specifically listed above under this
1128 subsection, that proposes to occupy a building or structure that exceeds the
1129 height requirements of **Section 6.9.5**, subject to the requirements of **Division 5.1**.
1130 Additional heights approved by a special use permit shall be required to
1131 increase the required setback and yard area requirements by an equivalent
1132 distance from each property line.

1133 Conservation areas.

1134 Communication towers, in accordance with **Division 9.9**

1135 Conversion of a structure originally designed and intended for occupancy as a
1136 single-family dwelling into a structure with more than one (1) dwelling.

1137 Boarding Houses, Clubs & Lodging Houses

1138 Mini-warehouses, subject to the standards of **Section 6.9.8** (former Section 175-
1139 44.G.)

1140 Nursing homes, as set forth in **Section 8.1.1**.

1141 Parking Structures.

1142 Structures with a height between 45 feet and 70 feet, and any residential structure
1143 not in conformance with the height limitation of **Section 6.9.5**.

1144 Structures with a gross floor area of 50,000 square feet or more.

1145 B. For the purpose of this section, "retail stores" are defined as buildings for the
1146 display and sale of merchandise at retail or for the rendering of personal services,
1147 but specifically exclusive of coal, wood and oil and lumberyards, accessory uses,
1148 adult bookstores (stores engaged in the sale of magazines and other publications
1149 of sexually-oriented nature), massage parlors and stores engaged in the sale of
1150 sexual aids, devices and merchandise.

1151 Section 6.9.4 - AREA REGULATIONS (C-1) (175-40)

1152 A. Minimum Lot Size:

1153 1. Residential uses with four (4) or more units = 6,000 s.f first unit; 1,500 s.f each
1154 additional unit.

1155 2. All other uses: 7,500 s.f.

1156 B. Minimum Unit Size: The minimum average unit size (floor area) per dwelling
1157 unit, where fewer than four (4) units are provided shall be three hundred (300)
1158 square feet. No dwelling unit shall have less than two hundred fifty (250) square

1159 feet of living area. This living area shall not include bathroom, closet and storage
1160 space.

1161 C. Minimum District Size: Five (5) acres.

1162 D. Minimum Lot Width:

1163 1. Interior Lot: Seventy-five (50) feet.

1164 2. Corner Lot: Ninety (50) feet.

1165 Section 6.9.5 - MAXIMUM HEIGHT OF BUILDINGS (C-1) (175-41)

1166 A. Single-family dwellings: 45 feet, except as otherwise provided in this section.

1167 B. Other Principal Buildings: 85 feet except as provided in **Section 6.9.2.B.**

1168 C. Multi-family dwellings may have a maximum overall height of 85 feet

1169 D. Exemptions from height requirements:

1170 1. Church spires.

1171 2. Belfries.

1172 3. Cupolas.

1173 4. Municipal water towers.

1174 5. Chimneys.

1175 6. Flues.

1176 7. Flagpoles.

1177 8. Television antennas.

1178 9. Radio aerials.

1179 10. Parapet walls up to four (4) feet above the height of the building on which
1180 the wall rests.

1181 E. Accessory buildings and structures: 35 feet; however, in no case, shall the
1182 height of an accessory structure exceed the height of the principal structure.

1183 Section 6.9.6 - MINIMUM SETBACK AND YARD DIMENSIONS (C-1)
1184 (175-42)

1185 A. Principal Structures, when abutting properties are in a commercial or industrial
1186 district.

1187 1. Front setback:

1188 a. Five (5) feet. Provided, however, that no drive aisle shall be located within
1189 five (5) feet of any structure having a setback less than fifteen (15) feet.

1190 b.

1191 2. Side: 5 feet on one (1) side only.

1192 3. Rear: 5 feet.

1193 4. Corner side: 5 feet.

1194 B. Accessory Structures:

1195 1. Front setback: 25 feet, except that accessory structures shall not be located
1196 closer to the street than the principal structure.

1197 2. Side: 5 feet

1198 3. Rear: 5 feet

1199 4. Corner side: 10 feet, except that accessory structures shall not be located
1200 closer to the street than the principal structure.

1201 Special Use PermitSection 6.9.7 - OPEN SPACE REGULATIONS (C-
1202 1) (175-43)

1203 A. Maximum building coverage for apartment structures exceeding four (4) units:
1204 seventy-five percent (75%).

1205 B. Maximum building coverage for all other structures: Seventy - five percent
1206 (75%).

1207 C. Maximum impervious surface coverage: Ninety percent (90%), including off-
1208 street parking.

1209 Section 6.9.8 - PERFORMANCE STANDARDS (C-1) (175-44)

1210 A. Screening:

1211 1. Except where otherwise specifically approved in the Town Code,
1212 permitted uses shall be conducted wholly within a completely enclosed
1213 building.

1214 2. Outdoor storage, outdoor display or outdoor sale of goods shall only be
1215 permitted when each of the following standards are met.

1216 a. Outdoor storage, outdoor display, or outdoor sale of goods shall
1217 be used in direct association with the primary use or uses of the
1218 property.

- 1219 b. Outdoor storage, outdoor display and/or outdoor sales shall be
1220 screened to obstruct view from any adjacent public street. A screen
1221 may consist of a building, solid masonry wall, uniformly painted solid
1222 board fence or landscaping. The height of the screening shall be 6'
1223 feet unless an alternative height is approved by the Planning
1224 Commission during the review of a site plan.
- 1225 3. The following types of outdoor display and/or outdoor sales shall be
1226 exempt from the requirements of **Section 6.9.8.A.2.b.**
- 1227 a. Motor vehicles.
1228 b. Power operated machines designed for outdoor labor, such as farming,
1229 construction or lawn maintenance, as well as large equipment, products, and
1230 materials designed to be kept outdoors.
1231 c. Plants and other landscaping products typically sold with plants.
1232 d. Temporary or seasonal activities, such as but not limited to, peddlers, yard
1233 sales, and itinerant merchants that have obtained approval from the Town.
1234 e. Pre-manufactured buildings.
1235 f. Vending machines.
1236 g. General products, goods, merchandise, and/or materials, provided
1237 that (i) no more than 200 square feet of area is used, and (ii) outdoor
1238 display and/or sales are restricted from the evening and night hours
1239 from 8PM to 5AM, except that general products, goods, merchandise,
1240 and/or materials may be kept outdoors if located under a roofed
1241 structure.
- 1242 h. Flea markets, subject to any conditions issued with special use permit,
1243 performance standards of the underlying zoning district, and
1244 requirements of Section 98-46 of the Town Code.
- 1245 4. Commercial development shall be permanently screened from adjoining
1246 and contiguous residential district by a wall, fence, evergreen hedge,
1247 and/or other suitable enclosure with a minimum height of six (6) feet. Any
1248 area between such enclosure and the property line shall be landscaped to
1249 form a permanent screening area. The requirement for a screening area
1250 may be waived if equivalent screening is provided by existing parks,
1251 recreational areas, or by topographic or other natural conditions.
- 1252 5. The provision of subsection 4 shall not apply when the (architectural) front
1253 of any commercial building faces the street across from a residential district
1254 or when strict application of the requirement relative to screening can be
1255 demonstrated as not serving the purpose for which it is intended.
- 1256 B. Lighting: Lighting facilities shall be arranged in a manner that will protect the
1257 public roadway and neighboring properties from direct glare, intrusion or
1258 hazardous interference. Parking lot and building lighting shall be directed so that
1259 the lighting does not extend beyond the property boundary. Lighting facilities

1260 shall be required along private and public streets and within parking areas,
1261 installed at the developer's expense.

1262 C. Miscellaneous:

1263 1. No flammable or explosive liquids, solids or gases shall be stored in bulk
1264 above ground; provided, however, that tanks or drums of fuel directly
1265 connecting to energy devices, heating devices or appliances located on
1266 the same lot as the tanks or drums of fuel are excluded from this provision.

1267 2. All fuel and raw materials stored outdoors shall be enclosed by a fence adequate
1268 to conceal the facilities from any adjacent properties or roadways.

1269 3. No materials or wastes shall be deposited upon a lot in such form or manner
1270 that it may be transferred off the lot by natural causes or forces.

1271 4. All refuse containers shall be adequately sized to handle the needs of the
1272 facility or development and all material or wastes which might cause fumes
1273 or dust, constitute a fire hazard, or may be edible or otherwise attractive
1274 to rodents or insects shall be stored only in completely closed containers.

1275 5. All outdoor refuse storage areas shall be located in a paved area and
1276 hidden from general public view, either from within or outside the lot, by
1277 means of fences or walls, and landscape planting. A solid wood or masonry
1278 fence at least six (6) feet in height shall be provided on three (3) sides, with
1279 a solid opaque gate on the fourth side. Landscaping shall be incorporated
1280 to improve the visual appearance.

1281 D. Landscaping: All sites and parking areas shall be landscaped in accordance
1282 with the provisions of Sections 148-46, 148-47 and 148-48.

1283 E. Automobile and Truck Sales Lots and Leasing Agencies: Vehicle repair shall only be
1284 permitted as an accessory use to automobile and truck sales lots and leasing agencies,
1285 except where a special use permit is issued for automobile repair. All incidental repair
1286 of vehicles shall be conducted within a building enclosed on all sides.

1287 F. Farmer's Markets & Flea Markets: Where farmer's markets are permitted under
1288 the provisions of this Chapter, the following standards shall be required:

1289 1. Adequate water and sanitary facilities shall be provided if found necessary
1290 based on the size, frequency and duration of the market.

1291 2. A minimum twenty-five (25) foot setback shall be maintained from all
1292 property lines, excluding structures and uses in existence prior to July 1, 2001.

1293 3. No adverse effect on adjoining properties, including but not limited to
1294 excessive or untimely noise or lighting, overflow parking, or visual problems
1295 potentially affecting property values or marketability, is found.

- 1296 4. All tables, facilities and structures shall be maintained in a well-kept and
1297 attractive manner.
- 1298 5. No manufactured buildings shall be permitted.
- 1299 6. Unless otherwise approved as part of a special use permit, all temporary
1300 structures or facilities shall be removed during the days that the market is not
1301 in operation.
- 1302 7. Operation of a Flea Market shall be confined to Friday, Saturday, Sunday,
1303 and Holidays, unless other dates are specifically approved by the Town
1304 Council in conjunction with the Special Use Permit. The hours of operation
1305 shall be posted on the property.
- 1306 8. If a Flea Market or Farmers' Market elects to close during part of the year, or
1307 is required to close during part of the year by a condition of a special use
1308 permit, all tables and other temporary fixtures shall be removed within two
1309 (2) weeks of such closure. Such fixtures may be stored on the site, provided
1310 they are located within a completely enclosed building or otherwise screened
1311 from public view, in accordance with Section 5.9.8(A).
- 1312 9. All Flea Markets and Farmers' Markets shall be swept clean, hosed down
1313 and/or picked clean daily. No food products or debris shall be permitted to
1314 remain upon the site overnight. All food products sold at the market must be
1315 displayed under sanitary conditions and sold in compliance with all
1316 requirements of the Virginia Department of Health or Virginia Department of
1317 Agriculture and Consumer Services.
- 1318 10. Any expansion, including, but not limited to, new construction, an increase
1319 in the days of operation, or other significant changes to the use of the
1320 property, shall only be authorized with a special use permit.
- 1321 11. Landscaping shall be provided where feasible and desirable for the
1322 purposes of improvement aesthetics, screening, shade and the natural
1323 environment.
- 1324 12. Fencing may be required for purposes of improvement aesthetics,
1325 screening or public safety.
- 1326 13. The sale of live animals is prohibited.
- 1327 14. The sale of new merchandise or serving of food, other than farm and
1328 domestic products, shall only be authorized if the vendor obtains an itinerant
1329 merchant or peddler license, in accordance with the Town Code
1330 regulations for such uses.
- 1331 15. Farmers' Markets and Flea Markets on public property shall be classified as
1332 a public event.

G. Mini-warehouses: Where mini-warehouses are permitted, the following standards shall be required:

1. No exterior storage shall be permitted.
2. No business activities other than rental of storage units and office use shall be conducted on the premises or within the building, except as specifically approved with the Special Use Permit approval. The servicing or repair of motor vehicles, trucks, mobile homes, boats, trailers, lawn mowers, or other similar equipment shall not be conducted on the premises. The operation of a mini-warehouse shall in no way be deemed to include a transfer and storage business where the use of vehicles is part of such business.
3. When a mini-warehouse is built adjacent to or within 100 feet of a lot in a residential district without an intervening street, a solid wall or fence at least six (6) feet in height with a finished side facing the residential lot shall be erected between the mini-warehouse and the residential lot. However, the wall or fence shall not be required to extend into the front yard required on the lot on which it is located.
4. The minimum landscaped open space for a mini-warehouse building shall not be less than .20 times the gross acreage of the lot. Such landscaped open space shall not be open to vehicular traffic, and shall be used to buffer and shield adjacent uses from the mini-warehouse operation. The required amount of open space may be reduced with the Special Use Permit approval for the reuse of an existing building/developed property.
5. The maximum height of the storage section of a mini-warehouse building shall be twenty-five (25) feet.
6. The maximum total storage area in a mini-warehouse building shall be seven thousand five hundred (7,500) square feet.
7. The maximum size of an individual storage unit shall be five hundred (500) square feet.
8. Buildings used in association with mini-warehousing shall be set back at least 150 feet from the public road.