

REGULAR PLANNING COMMISSION MEETING

Wednesday, November 19, 2025 @ 7:00pm

Warren County Government Center

I. CALL TO ORDER

II. ROLL CALL – DETERMINATION OF QUORUM

III. ADDITION/DELETION OF ITEMS FROM THE AGENDA

[Items added will be placed as the last item under Business Items. Unanimous vote is required to add/delete]

IV. APPROVAL OF MINUTES

- September 17, 2025 – Regular Meeting
- October 15, 2025 – Regular Meeting

V. PUBLIC COMMENTS NOT RELATED TO PUBLIC HEARINGS

VI. PUBLIC HEARING

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.

VII. COMMISSION MEMBER REPORTS

VIII. PLANNING DIRECTOR REPORT

- October Monthly Report

IX. ADJOURNMENT

There will be a Planning Commission work session following the regular meeting of November 19, 2025, @ 7:45 PM.

This will be held at Town Hall, 102 E. Main Street, 2nd Floor East Conference Room.

PLANNING COMMISSION REGULAR MEETING MINUTES
SEPTEMBER 17, 2025



The following minutes are a summary of items on the agenda. This meeting may be viewed in its entirety by accessing the video of the same date online via the Town's website at www.frontroyalva.com for a limited time.

The Planning Commission meeting of the Town of Front Royal, Virginia was held on September 17, 2025, at 7:00 PM at the Warren County Government Center.

CALL TO ORDER

Chairman Marshner called the September 17, 2025 meeting of the Planning Commission to order at 7:00 p.m.

ROLL CALL

Present: Connie Marshner, Chairman
Allen Neel, Vice Chairman
Megan Marrazzo, Commissioner
Andrew Brooks, Commissioner
Teresa Fedoryka, Commissioner

Staff Present: Lauren Kopishke, Planning Director / Zoning Administrator
John Ware, Deputy Zoning Administrator
Amanda Wisely, Assistant Town Attorney
Connie L. Potter, Executive Assistant / Planning Commission Clerk

ADDITION/DELETION OF ITEMS FROM THE AGENDA

There were no additions or deletions to the agenda.

APPROVAL OF MINUTES

- August 20, 2025 – Regular Meeting

Commissioner Brooks moved, seconded by Commissioner Fedoryka to approve the regular meeting minutes from the August 20, 2025 meeting as written.

VOTE: Yes – Marrazzo, Brooks, Marshner, Neel, Fedoryka
No – N/A
Abstain – N/A
Absent – N/A

ROLL CALL



PUBLIC COMMENTS (NOT RELATED TO PUBLIC HEARINGS)

There were no speakers present.

PUBLIC HEARING

1. **2500320** – For the public necessity, convenience, general welfare, or good zoning practice, Zoning Text Amendment to Town Code §175-3 to define Designated Special Circumstance Housing. Text Amendments to Town Code §175-12.1.A, §175-18.2.B, §175-20.1, §175-30, and §175-37.3.A to add Designated Special Circumstance Housing performance standards by Special Use Permit and establish Town Code §175-117 to add Designated Special Circumstance Housing standards.

Mr. Ware referred to the zoning districts affected by the zoning text amendment as well as to define Designated Special Circumstance Housing in Town Code §175-3 Definitions. This item was brought up in April of this year. An abundant amount of lodging house Special Use Permit applications have come before the Planning Commission and Town Council. Staff and the Planning Commission reviewed the Comprehensive Plan and determined that “lodging houses” did not meet the criteria of what we were looking for with these applications. The Planning Commission held several meetings to determine the needs within the Town of Front Royal related to housing shortages. In July of this year the Planning Commission recommended approval of this text amendment to Town Council who then referred it back to the Planning Commission for some minor changes. Designated Special Circumstance Housing would be for emergency family housing, a shelter for at-risk children, domestic abuse victims, veteran housing, and individuals with developmental disabilities.

Chairman Marshner opened the public hearing. There were no speakers and Chairman Marshner closed the public hearing.

Vice Chairman Neel moved, seconded by Commissioner Fedoryka in order to promote the general welfare of the public and in accordance with Town Code §175-1(B), by providing an avenue to permit alternative housing needs within the community, that the Planning Commission forward a recommendation of approval to the Town Council to approve a text amendment to define Designated Special Circumstance Housing and permit the use by Special Use Permit, subject to performance standards, within the Towns’ residential districts.

VOTE: Yes – Marshner, Brooks, Neel, Marrazzo, Fedoryka

No – N/A

Abstain – N/A

Absent – N/A

ROLL CALL



2. **2500345** – For the public necessity, convenience, general welfare, or good zoning practice, Zoning Text Amendments to Town Code §175-3 – Definitions to define Data Centers and Town Code §175-64 Industrial Employment District (I-2) to add Data Centers with performance standards by Special Use Permit.

Mr. Ware gave a general overview of the proposed text amendment noting that the Planning Commission held two (2) work sessions and staff and the Planning Commission did extensive research on data centers. In addition, there was consultation with other localities. Staff has put together what they believe to be a very solid ordinance.

It was determined that the use would be appropriate in the I-2, Industrial Employment District, and by Special Use Permit.

Mr. Ware clarified that staff has not received an application for data centers. This is only a text amendment to the Town Code Zoning Ordinance. The text amendment is to regulate and restrict the use. Currently if someone were to submit an application for a data center there would be no regulations or restrictions in place to address the application. Mr. Ware gave a virtual presentation showing the location of the I-2 zoning districts on the Town map. These districts are basically located within two (2) areas of the Town being the northeast quadrant of the Town and next to the river and railroad tracks. He noted this is not a new zoning district but the current I-2 zoning district.

There has been a lot of discussion about data centers. The Virginia Association of Zoning Officials met in September of 2024 with about 250 members attending to discuss data centers. A regional meeting was held in February of 2025. There was also a meeting for land use held at the Virginia Commonwealth University in January and March of 2025 to discuss data centers.

House Bill 1601 was introduced in 2025 “which would mandate new requirements for local governments when reviewing land use applications for high energy use facilities”. The Virginia Governor vetoed this bill commenting that “this bill limits local discretion and creates unnecessary red tape. While well-intentioned, the legislation imposes a one-size-fits-all approach on communities that are best positioned to make their own decisions. Data centers represent an immense opportunity for localities around the Commonwealth, especially those that don’t already have them”.

Zoning is a tool that localities use to govern the physical development of land and the kinds of uses allowed on individual property. Zoning may also regulate the dimensional requirements for lots, buildings, and structures; the density of development; and how development relates to its surroundings, including other buildings, open spaces, and the street. Zoning is regulated under Virginia State Code §15.2, Chapter 22, Article 7.



Zoning can do the following things:

- Divide land into districts for different uses, such as industrial, commercial, and residential.
- Regulate the size and type of building that can be constructed in each district.
- Require development standards, such as screening and setbacks, to minimize impacts on adjacent property.
- Protect sensitive resources from inconsistent or harmful use.
- Enhance community character with signage, parking, and landscaping standards.

Mr. Ware explained that based on the veto of the House Bill, it is in the best interest of the Town of Front Royal citizens to have a long term vision and strategies to address future land use issues which is part of the Comprehensive Plan.

The following are the steps we need to take:

- Define what data centers are and the terminology associated with that. Define the use.
- Determine what district the use would be appropriate. It was determined to be the I-2, Industrial Employment District.

Some uses currently in the I-2 zoning district include light, medium, and heavy manufacturing. Automobile graveyards, scrap metal processing, and hazardous material storage to name a few.

It was then determined that the use would be by Special Use Permit (SUP) and not by-right. The Special Use Permit is another process used to determine if the use is appropriate for a particular parcel or tract of land. An SUP would require a public hearing by the Planning Commission and Town Council. That would be where an application would be reviewed. Conditions can be placed on a Special Use Permit if they are based on zoning principals.

The next step was to create performance standards. Performance standards regulate the development based on quantifiable impacts such as noise, traffic, and water run-off rather than restricting specific land uses. Performance standards have to involve a measurable criteria. Restrictions cannot be arbitrary when determining setbacks, building heights, and building sizes. The setbacks have to be justifiable on how you come up with the numbers and how they relate to the use.

Mr. Ware presented the following table showing proposed setbacks for data centers and existing setbacks for other uses such as hazardous material storage, automobile graveyards, and scrap metal processing.



Minimum Distance from Property Line	Residential	PND	Adjacent to Commercial	Public Streets & other R-O-W	Adjacent to A-1 (Agriculture & Open Space	Corporate Boundary with Warren County
Data Center Use	200 Feet	150 Feet	Side 25 Feet Rear 25 Feet	40 Feet	Side 100 Feet Rear 100 feet	200 Feet
Other Uses (Hazardous Material Storage, Automobile Graveyard, Scrap Metal Processing, etc.	40 Feet	40 Feet	Side 10 Feet Rear 0 Feet	25 Feet	Side 10 Feet Rear 0 Feet	Side 10 Feet Rear 0 Feet

The proposed ordinance allows for 100,000 square feet for the maximum size allowed for a data center. Mr. Ware provided virtual renderings of existing buildings in the Town and County noting those structures square.

- Rural King – 95,100 +/- sq. ft.
- Jackson Furniture Company – 94,900 +/- sq. ft.
- Lowes at Riverton Commons – 147,300 +/- sq. ft.
- Walmart at Riverton Commons – 219,100 +/- sq. ft.
- Family Dollar Distribution Center – 907,400 +/- sq. ft.

Below are a list of performance standards in the proposed data center ordinance:

1. Minimum setbacks.
2. Perimeter buffers.
3. Open spaces.
4. Noise standards.
5. Outdoor lighting standards.
6. Water cooling standards.
7. Building height standards.
8. Building size standards.
9. Differentiated surface standards.
10. Building façade material.
11. Parking standards.



Mr. Ware reviewed the following required impact analysis' with submission of an application for a data center.

1. Utility Impact Analysis:
 - a) Electrical systems.
 - b) Water and wastewater.
 - c) Telecommunication infrastructure.
 - d) Sustainability and efficiency measures.
2. Physical Impact Analysis:
 - a) Noise.
 - b) Heat and air emissions.
 - c) Traffic and access.
 - d) Visual and aesthetic.
 - e) Vibration.
 - f) Land use compatibility.
3. Environment Impact Analysis:
 - a) Land disturbance and soil impact.
 - b) Stormwater and water quality.
 - c) Air quality and emissions.
 - d) Energy and carbon intensity.
 - e) Ecological and habitat.
 - f) Hazardous materials and spill prevention.
 - g) Facility life cycle plan.

Staff found that most localities only reference “noise” in the general part of their ordinance and not particular for data center use. The Town will address noise in the data center ordinance.

Water pulling standards would prohibit the use of potable water and will require a reuse dry hybrid cooling system. Most localities allow potable water for pulling systems or they have no prohibition on the water.

Building standards would be limited to seventy-five feet (75') in height and one-hundred thousand (100,000) square feet in size unless a special exception is granted. The majority of data centers located in the Commonwealth are allowed to be one-hundred feet (100') in building height and over five-hundred thousand (500,000) square feet in size.

There will also be standards for vibration. Staff did not find any locality that regulates vibration.

Staff believes this is a very solid ordinance and understands there is a lot of debate on data centers. This ordinance is our solution to the issue. Mr. Ware noted that localities not addressing the issue are causing the problem. Staff and the Planning Commission spent an enormous amount of time researching and gathering information to write the proposed ordinance.



Chairman Marshner asked for Planning Commission comments.

Commissioner Brooks asked Mr. Ware to explain the process if the Department of Planning and Zoning were to receive an application for a data center today without a data center ordinance in place.

Mr. Ware explained that the Town Ordinance is what is called an inclusive zoning ordinance. Inclusive means it lists or includes all uses that are permitted by-right or by Special Use Permit. Because a use is not listed or included does not prohibit the use. If an application was submitted for a use that is not listed in the ordinance the burden is put on the property owner to produce enough evidence that the use should be permitted in that zoning district. When that evidence comes forth that the use should be permitted, generally speaking, we have found that the court rules in favor of the property owner. Basically it falls on the 5th and 14th Amendment of the Constitution of the United States. "Nor shall any state deprive any person of life, liberty or property without due process of the law." The property owner cannot be deprived of that as long as they go through the due process. If being asked if an application for a data center can be prohibited, based on the house bill that was introduced and the message from the Governor, he doesn't know how you could prohibit a use that has been permitted elsewhere. If you are going to prohibit a use it would have to have some ramifications on the health, safety, and welfare of the general public. A benchmark has been set for data centers based on the amount we have seen throughout the Commonwealth.

The Assistant Town Attorney, Amanda Wisely agreed with Mr. Ware's answer and that the Town would have a hard time denying the request. The proposed ordinance sets forth a huge number of requirements. These would not be in place if an application came in today. If it was denied today it would go to court. Ms. Wisely noted again there are no standards in place if someone applied today.

Chairman Marshner asked what the process would be if the requirements were currently in place.

Mr. Ware explained that a Special Use Permit application would be reviewed by the Planning Commission and the Town Council. There could be a recommendation of approval, denial or approval with conditions. Each application would be reviewed individually to determine if the use is appropriate on the parcel in question. The determination has to be based on zoning principals, and a ruling cannot be made just because we don't like or want something. If they violate the Special Use Permit (SUP), the SUP can be revoked. That is why this has been geared to a Special Use Permit application and not a by-right use.

Commissioner Marrazzo referred to the I-2 zoning district area along the river. She said the Comprehensive Plan shows that area to be in conservation. With that in mind if a property owner were to purchase enough land to make it so that they could build a data center does the Town have any protections for an area specifically slated for conservation.



Mr. Ware believes there are other limitations on that particular property due to the past businesses that were previously located on that property. If in the Comprehensive Plan that area is desired to remain as a conservation area a rezoning could take place to change it from I-2 to open space/agricultural to place it into a conservation area. An Environmental Impact Analysis would be required on this piece of property and any property involved in a SUP application for a data center. If they did not meet the ecological and habitat requirements as part of the Environmental Impact Analysis it would be a reason to deny the Special Use Permit.

Commissioner Marrazzo referred to the A-1, agriculture area on the north side of Town that is located next to the I-2 zoning district and noted there could be sections of that area potentially rezoned by a property owner from A-1 to I-2.

Mr. Ware said those parcels may or may not adjoin the I-2 zoning districts. If you are doing a rezoning you want it to touch another parcel with the same zoning you are rezoning it to because typically we do not “spot” zone/rezone. An applicant may or may not be able to rezone and it would have to go through the review process to rezone.

Commissioner Marrazzo spoke about water usage and the proposed ordinance states that after its first fill up a data center is prohibited from using potable water, the Town’s drinking water. We are encouraging them to use resource efficient procedures and really pushing them to use systems that use very little water if any.

Vice Chairman Neel stated there is a potential to work with the sewage treatment plant to use the gray water for some cooling. In doing so they would have to do treatment to go along with that. Ultimately whatever they discharge would have to be able to go back into the stream with the same standards the Town is producing.

Commissioner Marrazzo referred to the Environmental Impact Analysis and the Facility of Life Cycle Plan where it talks about restoration and disposal and under that it states they must submit plans for repurposing, demolition, and rehabilitation of land after end use of facility. Assuming a data center was to come to the end of its life cycle, and the expectation would be to follow the plan that had been submitted. If they elect not to follow the submitted/approved plan, what recourse does the Town have to make them follow through with what was previously approved.

Mr. Ware explained that a Special Use Permit allows a locality to impose fines.

Commissioner Marrazzo said it would be revoking the Special Use Permit that they wouldn’t need to use anymore.

Mr. Ware explained that in such a situation they would not be following the life cycle plan as submitted and approved. The municipality could then post fines on them.

Commissioner Marrazzo asked what recourse the Town would have if the applicant violates noise restrictions.



Mr. Ware stated if the applicant is violating the Special Use Permit (SUP) the Town Council could revoke their SUP. If they chose to post fines Town Council would consult with the Town Attorney for the amount of the fine and the timeframe for them to come into compliance.

Chairman Marshner explained the guidelines for speaking at the public hearing. She clarified this was the Town of Front Royal and not Warren County.

Chairman Marshner opened the public hearing

Ben Ranieri, 13 W. 2nd Street. Mr. Ranieri thanked staff and the Planning Commission for their hard work on the ordinance and for the presentation. He expressed the following concerns:

1. Fail/safe protection for decommissioning the structure so as to not inherit an unusable shell.
2. Contamination risk
3. Encourage continuous noise monitoring especially in the beginning; and 4) quality assurance and quality control.

Jim Coats, 75 Chestnut Trail Road. Mr. Coats expressed his concerns regarding noise.

Jarred Hill, 1109 Panhandle Road. Mr. Hill expressed that this “rushed” process could place Warren County/Front Royal and the Shenandoah River at risk without adequate review or forethought. Disclose water and power grid demand up front. Use air cooling or reclaimed water. Follow property line noise limits. He would like a full community impact study. Local governments have to be responsible and be our own stewards.

John Lundberg, 203 Peach Tree Court. Mr. Lundberg shared the following points:

1. It is necessary that Front Royal learn from the devastating effects/mistakes of the seven (7) counties in Northern Virginia where more than 500 data centers have been built since the first one that was constructed in 1998.
2. You cannot outright ban data centers. You will get sued and lose in court. A better course of action is the one the Town is currently taking which is to add performance standards to the Town Code and enforce those codes.
3. He is very impressed with the proposed performance standards. If these standards are adopted, data centers would not be able to use Front Royal’s drinking water to cool computers. Unlike the situation in Fairfax, Loudon, and Prince William Counties where 80% of those 500 data centers are built and drinking water is used to cool those computers.
4. If these standards are adopted Front Royal will be able to enforce one of the strictest noise standards, light standards, and vibration standards in the state.
5. Cap the height of the building at 75’ and cap the square footage of the building at 100,000 square feet.



Thomas Ranieri, 33 Cedarside Court. Mr. Ranieri expressed that his main concern is water usage because of drought. He would like to do more of a water analysis addressing aquaphor's and cleanliness of water.

Evan Casey, 4103 Remount Road. Mr. Casey is happy the Town is creating stringent restrictions on building data centers. His main concern was noise and would like the Town to be more restrictive regarding noise.

Morgan Spencer, 2245 Buck Mountain Road. Ms. Spencer expressed her main concern was noise. She shared she was a pipe fitter and builds cooling systems for data centers. She also expressed concern for the noise day and night during the construction of data centers. If there is a way to control those concerns she believes Front Royal is heading in the right direction.

Christopher Marberry, 1234 Bowling Green Road. Mr. Marberry believes the proposed ordinance is well put together. He would like limits placed on the total amount of power they can draw. Mr. Marberry expressed concern with water usage. What time restrictions can be placed on them being able to use potable water.

Kevin Cuddeback, 112 Luray Avenue. Mr. Cuddeback believes this to be a "beautiful" plan and urged adoptions as is. He believes data centers are well matched to the I-2 zoning district.

Maria O'Brien, 83 Massanutten Farms Road. Ms. O'Brien suggested there be a setback from the Shenandoah River included in the setback requirements specifically to maintain that beautiful area. She expressed concern for the size of data center generators, noise, and address the removal of the structures once they are no longer in use.

Patrick Pennefather, 158 Catlett Mountain Road. Mr. Pennefather felt the proposed ordinance is a very "robust" plan. He questioned if multiple data centers would be placed next to each other. He does feel 200' setback is too close to residential properties and suggested there be a 2 mile radius from neighborhoods and schools. In addition, Mr. Pennefather expressed concern that electrical usage will max out the Towns substations and more would have to be constructed. If additional infrastructure is required would that cost fall on the data center applicant or citizens. Require data centers to have the cleanest/highest quality generators to minimize effects on residents.

Trevor Woods, 328 Virginia Avenue. Mr. Woods thanked staff for their presentation and mentioned how important local culture is and the need to protect that. He expressed concern for the enormous strain on water and electricity. There needs to be recourse in place regarding penalties of violations. Mr. Woods also expressed concern for the overuse of aquaphor's and flood risks. He encouraged the Town to be prudent and to make sure the environment will not be abused.

Sterling Whitehead, 1058 Northview Avenue. Mr. Whitehead expressed concerns regarding noise. If noise standards are violated more than 3 times in 12 months the Special Use Permit should be revoked. Noise at the data center needs to be studied at least 90 days before operational use. Building a data center next to the soccer plex is not appealing. There needs to be a distance



requirement. A tight definition of what an “emergency event” is and what the time period for that is and suggested that be no more than one (1) day. Data centers are not aesthetically pleasing and asked what potential conversion looks like. Potentially require soundproof windows to be installed into the structure and consider some type of classical architecture. Make the data centers visually appealing. Mr. Whitehead believes there needs to be 3rd party independent standards at least every year to verify compliance.

Mr. Ware noted that many of the questions/concerns expressed at the public hearing are currently covered in the proposed ordinance and encouraged the public to review the entire document.

Chairman Marshner closed the public hearing.

Vice Chairman Neel moved, seconded by Commissioner Fedoryka for the purposes of good zoning practice and in accordance with Town Code §175-1(B), that the Planning Commission forward a recommendation of approval to the Town Council to approve Zoning Text Amendments to Town §175-3 – Definitions to define Data Centers, Town Code §175-64 Industrial Employment District (I-2) to revise the I-2 Statement of Intent and to add Data Centers with performance standards by Special Use Permit, and establish §175-74 Data Center Impact Analysis requirements.

Commission members addressed the various concerns mentioned during the public hearing and ultimately encouraged the public to review the proposed ordinance in detail. After discussion the vote was taken.

VOTE: Yes – Marshner, Fedoryka, Brooks, Neel

No – Marrazzo

Abstain – N/A

Absent – N/A

ROLL CALL

COMMISSION MEMBER REPORTS

Commissioner Fedoryka attended the virtual Planning Commissioners program and appreciated all she learned during the opening session and is looking forward to the closing session.

PLANNING DIRECTOR REPORT

Ms. Kopishke reviewed the August monthly report.

In October we will dive heavily back into reviewing the Zoning Ordinance rewrite.



ADJOURNMENT

Commissioner Marrazzo moved, seconded by Commissioner Brooks to adjourn the meeting.

VOTE: Yes – Fedoryka, Marshner, Neel, Marrazzo, Brooks

No – N/A

Abstain – N/A

Absent – N/A

VOICE VOTE

The meeting was adjourned at 9:10 p.m.

Approved by Planning Commission

Date: _____

DRAFT

PLANNING COMMISSION REGULAR MEETING MINUTES

OCTOBER 15, 2025



The following minutes are a summary of items on the agenda. This meeting may be viewed in its entirety by accessing the video of the same date online via the Town's website at www.frontroyalva.com for a limited time.

The Planning Commission meeting of the Town of Front Royal, Virginia was held on October 15, 2025, at 7:00 PM at the Warren County Government Center.

CALL TO ORDER

Chairman Marshner called the October 15, 2025 meeting of the Planning Commission to order at 7:00 p.m. ***Note:** The meeting was called to order as September 17, 2025 which should have been stated as October 15, 2025.*

ROLL CALL

Present: Connie Marshner, Chairman
Allen Neel, Vice Chairman
Megan Marrazzo, Commissioner
Teresa Fedoryka, Commissioner

Absent: Andrew Brooks, Commissioner

Staff Present: Lauren Kopishke, Planning Director / Zoning Administrator
John Ware, Deputy Zoning Administrator
George Sonnett, Town Attorney
Connie L. Potter, Executive Assistant / Planning Commission Clerk

ADDITION/DELETION OF ITEMS FROM THE AGENDA

There were no additions or deletions to the agenda.

APPROVAL OF MINUTES

- September 17, 2025 – Regular Meeting

Note: There was a motion and second to approve the August 20, 2025 meeting minutes which should have been stated as the September 17, 2025 meeting minutes. The September 17, 2025 meeting minutes will be taken to the November regular Planning Commission meeting for a vote.

PUBLIC COMMENTS (NOT RELATED TO PUBLIC HEARINGS)

There were no speakers present.



CONSENT TO ADVERTISE

1. **2500481** – A Special Use Permit Application submitted by Fussell Florist for an artistic mural, exceeding 60 SF 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.

Commissioner Marrazzo moved, seconded by Vice Chairman Neel that the Planning Commission approve the consent agenda to publicly advertise for a public hearing in November as presented.

VOTE: Yes – Neel, Marshner, Marrazzo, Fedoryka
No – N/A
Abstain – N/A
Absent – Brooks

VOICE VOTE

PUBLIC HEARING

1. **2500319** – For the public necessity, convenience, general welfare, or good zoning practice, Zoning Text Amendments to Town Code §175-3 - Definitions, to define the use of an “Auxiliary Dwelling Unit”, to amend the Residential Districts in which it would be permitted by-right, and to establish §175-115 “Auxiliary Dwelling Unit” performance standards within the Supplementary Provisions of Town Code.

Mr. Ware reviewed the proposed text amendment for Auxiliary Dwelling Units. This item was discussed at a Planning Commission work session in July and a recommendation of approval to the Town Council was made at the August Planning Commission meeting. The Town Council reviewed the recommendation and the body of work and sent the text amendment back to the Planning Commission with a suggested text change. Mr. Ware gave a brief overview of the proposed text amendment.

Chairman Marshner opened the public hearing. There were no speakers present. Chairman Marshner closed the public hearing.

For the public necessity, convenience, general welfare, or good zoning practice, Commissioner Fedoryka moved, seconded by Commissioner Marrazzo that the Planning Commission forward a recommendation of approval to the Town Council to approve a text amendment to add the definition of auxiliary dwelling unit (ADU) and revise the definitions of accessory building/accessory structure, accessory use, garage private, garage public, lot, lot coverage, and principal permitted use contained in §175-3; amend §175-11, the statement of intent (R-1) to include ADU’S; amend §175-12(A), §175-18.2(A), §175-20, §175-29(A), and §175-37.3(A) to add ADU’S as a by-right use; and add section §175-115 as performance standards for ADU’S.



VOTE: Yes – Marrazzo, Marshner, Fedoryka, Neel
 No – N/A
 Abstain – N/A
 Absent – Brooks

ROLL CALL

COMMISSION MEMBER REPORTS

There were no comments.

PLANNING DIRECTOR REPORT

Ms. Kopishke reviewed the September monthly report.

Staff and the Planning Commission continue to review the Draft Zoning Ordinance and will be doing so for the remainder of the 2025 calendar year. Once this concludes, review of the draft Subdivision Ordinance will begin. The consultant is currently working on the Subdivision Ordinance rewrite. Ms. Kopishke noted she hopes review of the Subdivision Ordinance will begin in January.

ADJOURNMENT

Vice Chairman Neel moved, seconded by Commissioner Fedoryka to adjourn the meeting.

VOTE: Yes – Marshner, Neel, Fedoryka, Marrazzo
 No – N/A
 Abstain – N/A
 Absent – Brooks

VOICE VOTE

The meeting was adjourned at 7:15 p.m.

Approved by Planning Commission
 Date: _____

PUBLIC HEARING

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, Virginia

Planning Commission Regular Meeting Agenda

☐ Consent Action ☐ Administrative Action ☒ Public Hearing ☐ Discussion

Agenda Item: Special Use Permit Application #2500481

MEETING DATE: November 19, 2025

SUMMARY: The application for review is a request 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.

STAFF RECOMMENDATION:

The special use permit is required because the symbology contained within an artistic mural constitutes a sign and its proposed size exceeds 60SF. Due to the subjective nature of an artistic mural and since these murals can be removed and altered with minimal effort, staff supports the application as a whole.

DRAFT MOTION: "I move that the Planning Commission forward a recommendation of approval to the Front Royal Town Council for Special Use Permit Application #2500481 for an artistic mural, exceeding sixty (60) square feet on the east side of the building located at 202 E. 2nd Street, identified by Tax Map 20A8-1-4-33."

NOTE: This is only a draft motion. Alternative motions are also welcome.

PLANNING COMMISSION ACTION:

Moved _____ Seconded _____

Marshner _____ Marrazzo _____ Neel _____ Brooks _____ Fedoryka _____

☐ Approved ☐ Approved w/ Conditions ☐ Denied ☐ Other



TOWN OF FRONT ROYAL
DEPARTMENT OF PLANNING & ZONING

PLANNING COMMISSION REGULAR MEETING
NOVEMBER 19, 2025

APPLICATION #:

Special Use Permit #2500481

APPLICANT:

Fussell Florist

SUMMARY OF REQUEST:

The application for review is a request 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.

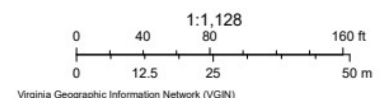
GENERAL INFORMATION:

Site Addresses	202 E. 2 nd Street
Property Owner(s)	CJMWO Family
Existing Zoning	C-2, Downtown Business District
Tax Identification	20A8-1-4-33
Location	The property is located at the corner of North Commerce Avenue and East 2 nd Street.

AERIAL VICINITY MAP – (Warren County GIS)



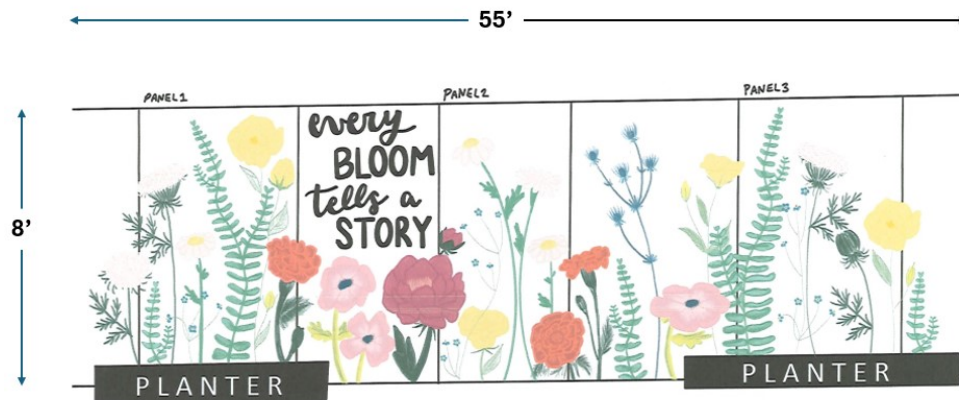
November 12, 2025



INFORMATION ON THE APPLICATION:

Application Documents

Proposed Mural – 202 E. 2nd Street



Existing Mural – 202 E. 2nd Street



Zoning Ordinance

As per Town Code 175-106-A.4 **(Definitions) Sign**, Any device employing letters, words, symbols, etc., used or intended to attract the attention of the public from streets, sidewalks, or other outside public right-of-ways. For the purpose of this Article, the term "sign" shall include all structural members.

As per Town Code 175-106-A.4 **(Definitions) Wall Sign**, A sign attached to a wall, or painted on or against a flat vertical surface of a structure, which displays only one (1) advertising surface.

As per Town Code 175-106-B-2.b.3a **Wall or Marquee Sign**, One (1) square foot per linear foot of building width on which the sign is to be attached, up to a maximum of sixty (60) square feet...Artistic murals containing business or product advertising may be approved for a size exceeding sixty (60) square feet by a special permit, pursuant to Section 175-136, when located outside the Historic Overlay District...

Findings and Analysis & Staff Recommendation

Staff recommends approval with no conditions.

Attachments: A. Application
B. Rendering

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 Pr 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

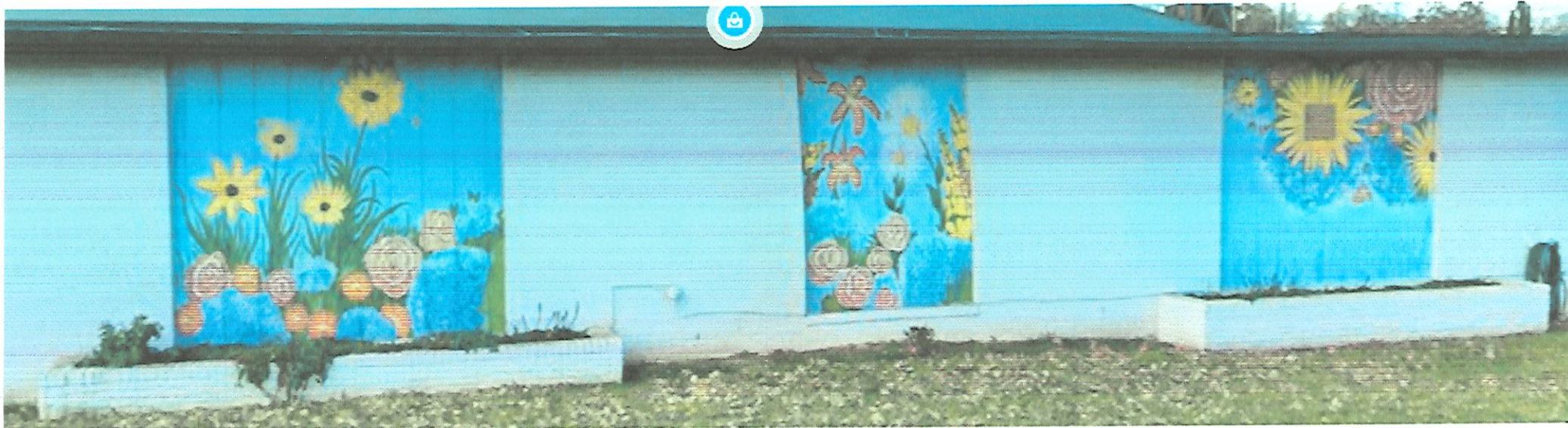
Property Owner Signature: _____ Date: 9/25/25

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

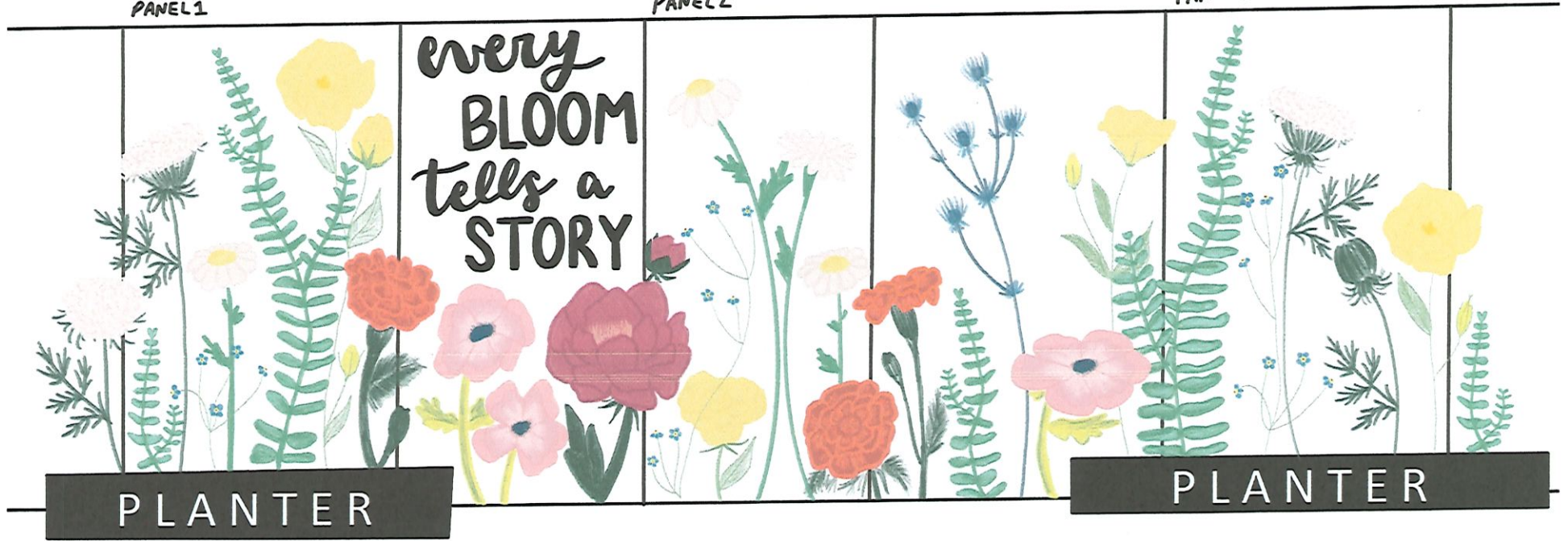
PANEL 2

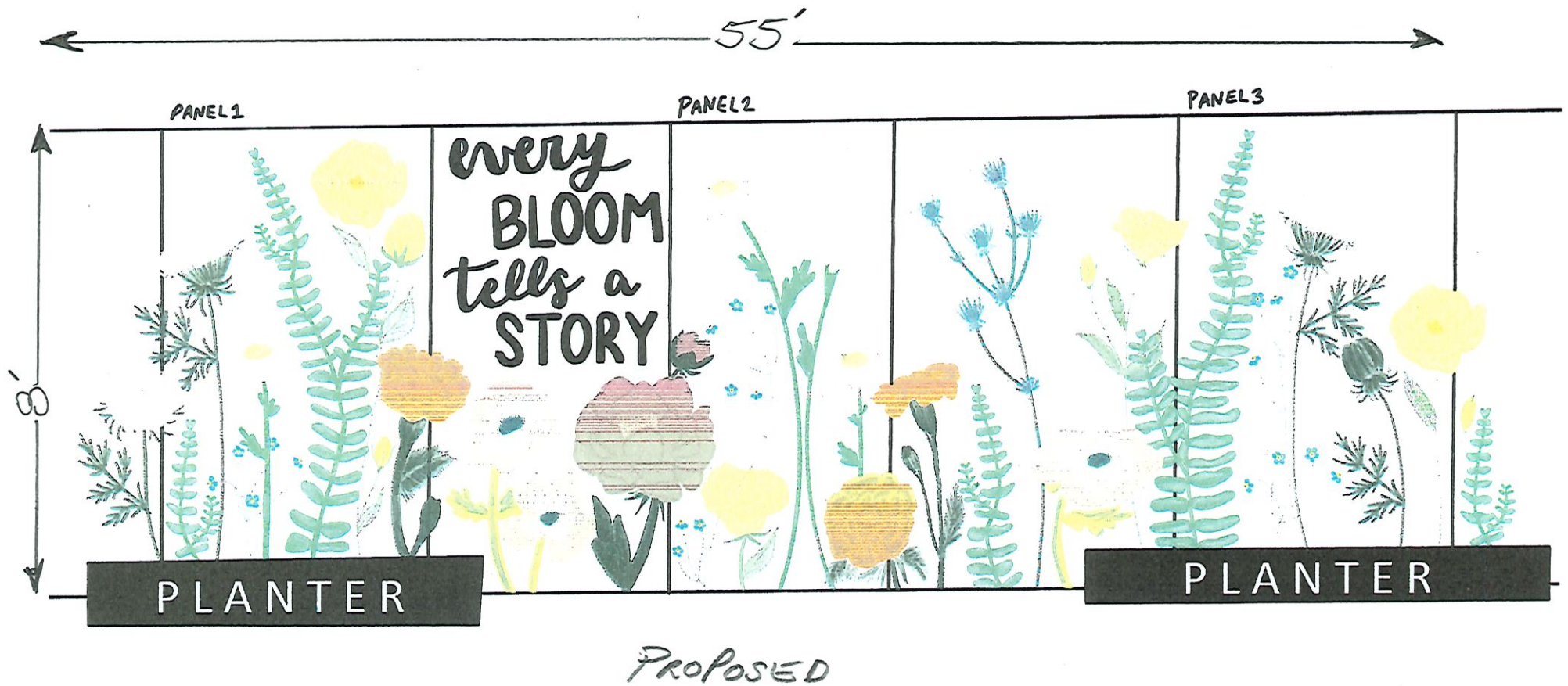
PANEL 3

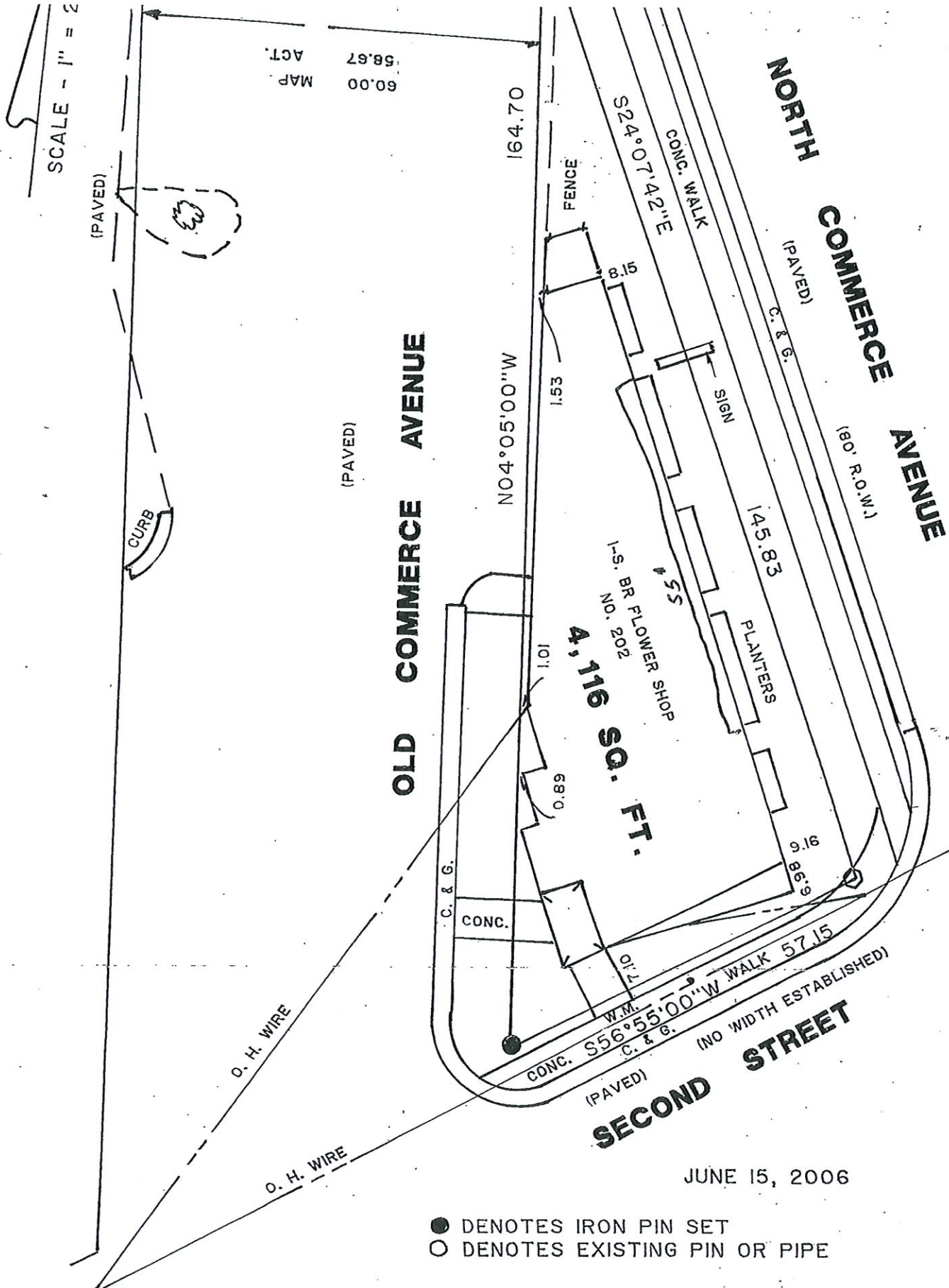
every
BLOOM
tells a
STORY

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: [Signature] Date: 9/29/25

Name of Lot Owner (PRINTED): Christopher J. O'Donnell, CSMWO Family, LLC

Signature of Lot Owner: [Signature] 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: _____

PLANNING COMMISSION WORK SESSION

Wednesday, November 19, 2025 – 7:45 PM

Town Hall – 2nd Floor East Conference Room

AGENDA

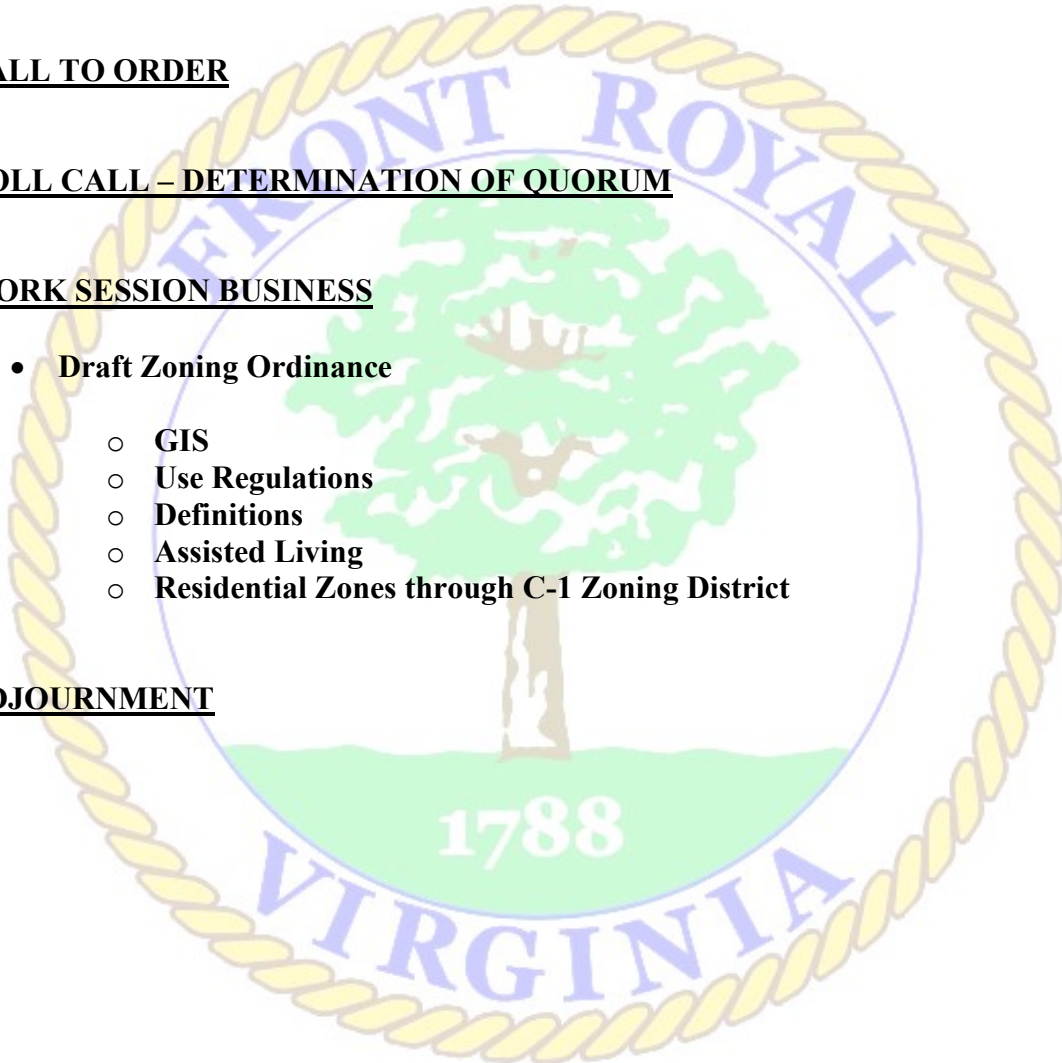
CALL TO ORDER

ROLL CALL – DETERMINATION OF QUORUM

WORK SESSION BUSINESS

- **Draft Zoning Ordinance**
 - **GIS**
 - **Use Regulations**
 - **Definitions**
 - **Assisted Living**
 - **Residential Zones through C-1 Zoning District**

ADJOURNMENT



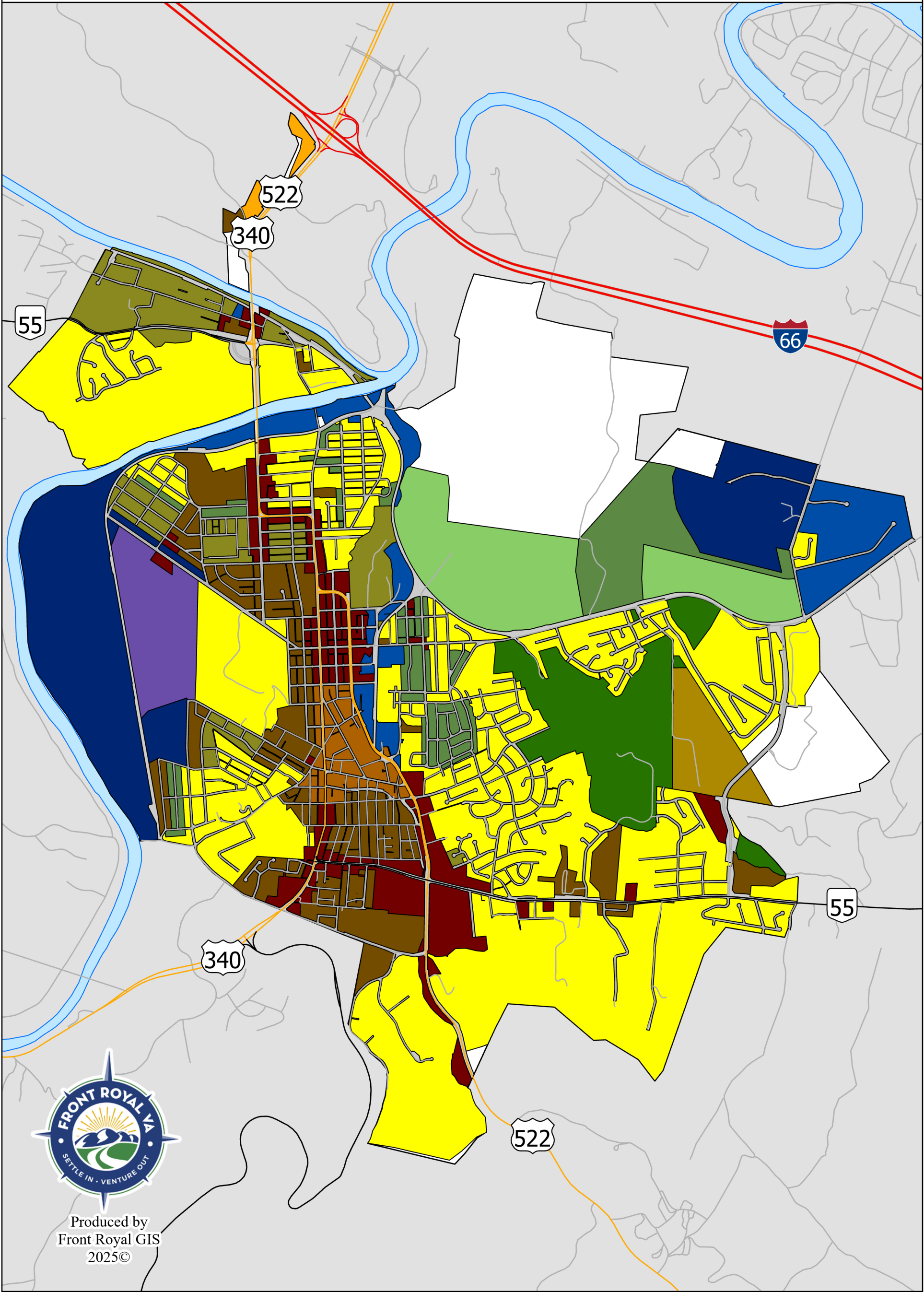


Town of Front Royal Zoning Overview



Zoning

- | | | |
|-----------------------------------|--|---|
| R-1 Residential District | A-1 Agricultural and Open Space Preservation | I-1 Limited Industrial District |
| R-1A Residential District | C-1 Community Business District | I-2 Industrial Employment District |
| R-2 Residential District | C-2 Downtown Business District | MCD Mixed-Use Campus Development District |
| R-3 Residential District | C-3 Highway Corridor Business District | PND Planned Neighborhood Development District |
| R-E Estate Residential District | | |
| R-S Suburban Residential District | | |



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2025©

<i>General Residential Zoned Parcel Information</i>			
	R-1A	R-2	R-3
# of Zoned Parcels	737 Parcels	832 Parcels	1,885 Parcels
Zoned Parcel Area	10,962,370 sq/ft	9,672,871 sq/ft	18,406,984 sq/ft
Average Lot Size	14,874 sq/ft	11,626 sq/ft	9,765 sq/ft

	R-1A	R-2	R-3
# of Zoned Parcels	737 Parcels	832 Parcels	1,885 Parcels
Zoned Parcel Area	10,962,370 sq/ft	9,672,871 sq/ft	18,406,984 sq/ft
Average Lot Size	14,874 sq/ft	11,626 sq/ft	9,765 sq/ft

<i>Non-Conforming Undeveloped Residential Zoned Parcel Information</i>			
	R-1A	R-2	R-3
# of Non-Conforming Undeveloped Parcels	15 Parcels	45 Parcels	117 Parcels
Non-Conforming Undeveloped Parcel Area	68,636 sq/ft	205,465 sq/ft	440,506 sq/ft
Average Lot Size	4,576 sq/ft	4,566 sq/ft	3,765 sq/ft

	R-1A	R-2	R-3
# of Non-Conforming Undeveloped Parcels	15 Parcels	45 Parcels	117 Parcels
Non-Conforming Undeveloped Parcel Area	68,636 sq/ft	205,465 sq/ft	440,506 sq/ft
Average Lot Size	4,576 sq/ft	4,566 sq/ft	3,765 sq/ft



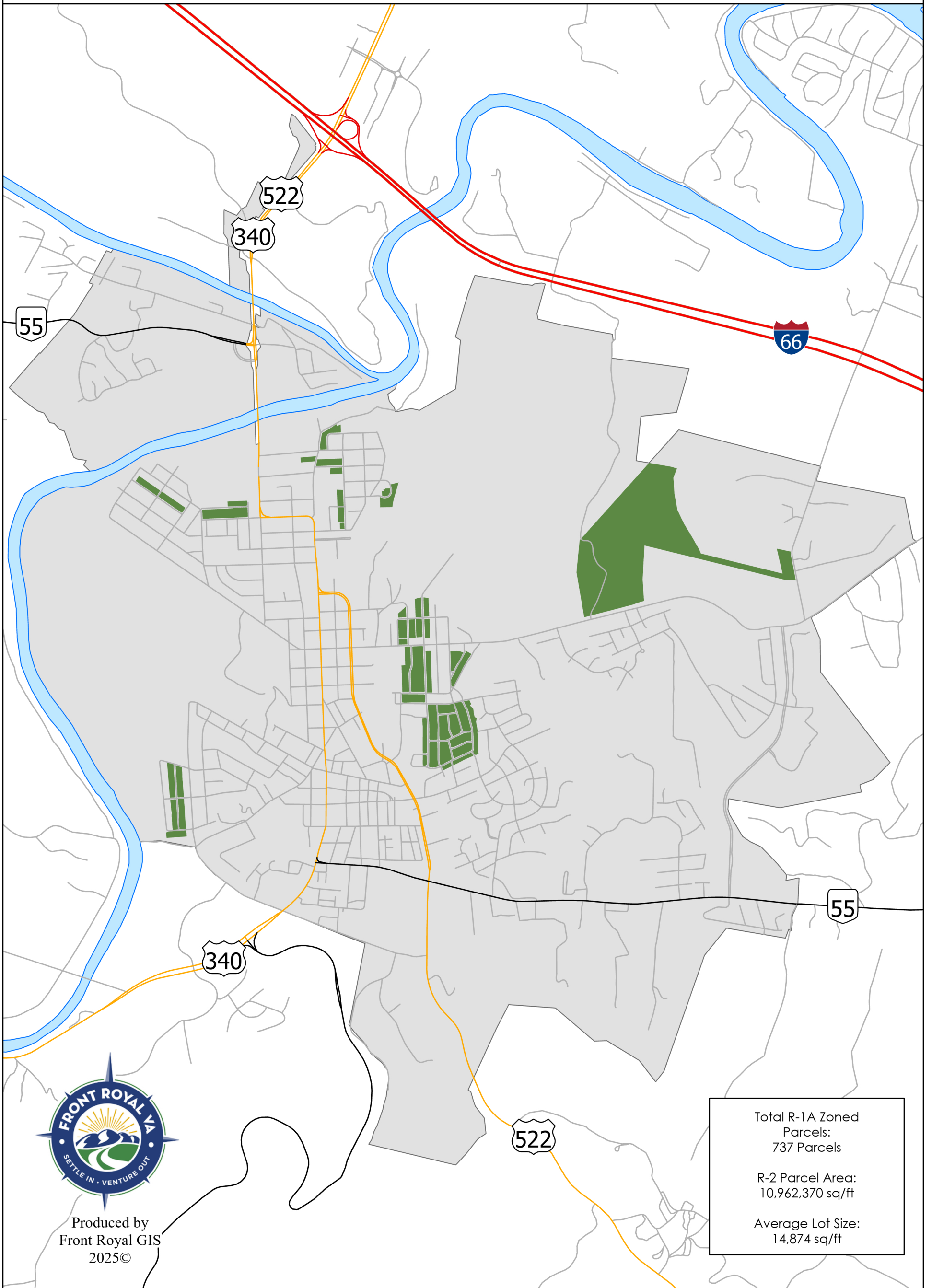
Town of Front Royal R-1A Zoning Overview

Residential Zoning



R-1A Residential District

0 1 Miles



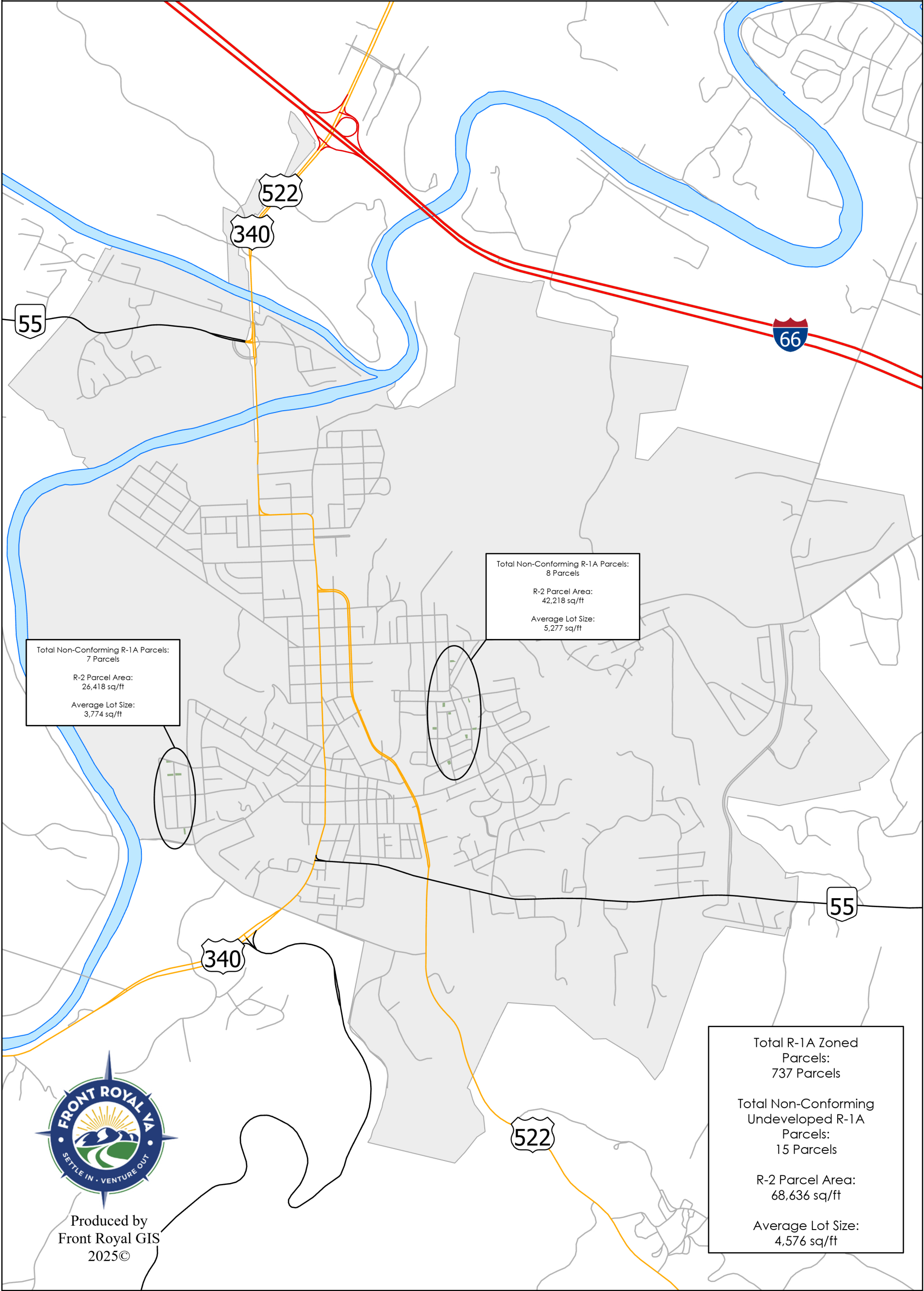
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Total R-1A Zoned Parcels: 737 Parcels
R-2 Parcel Area: 10,962,370 sq/ft
Average Lot Size: 14,874 sq/ft



Town of Front Royal Non-Conforming Undeveloped R-1A Zoning Overview

Residential Zoning
 R-1A Residential District



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PLANNING COMMISSION WORK SESSION

Wednesday, November 19, 2025 *(Immediately following the regular PC meeting)*

Town Hall – 2nd Floor East Conference Room

AGENDA

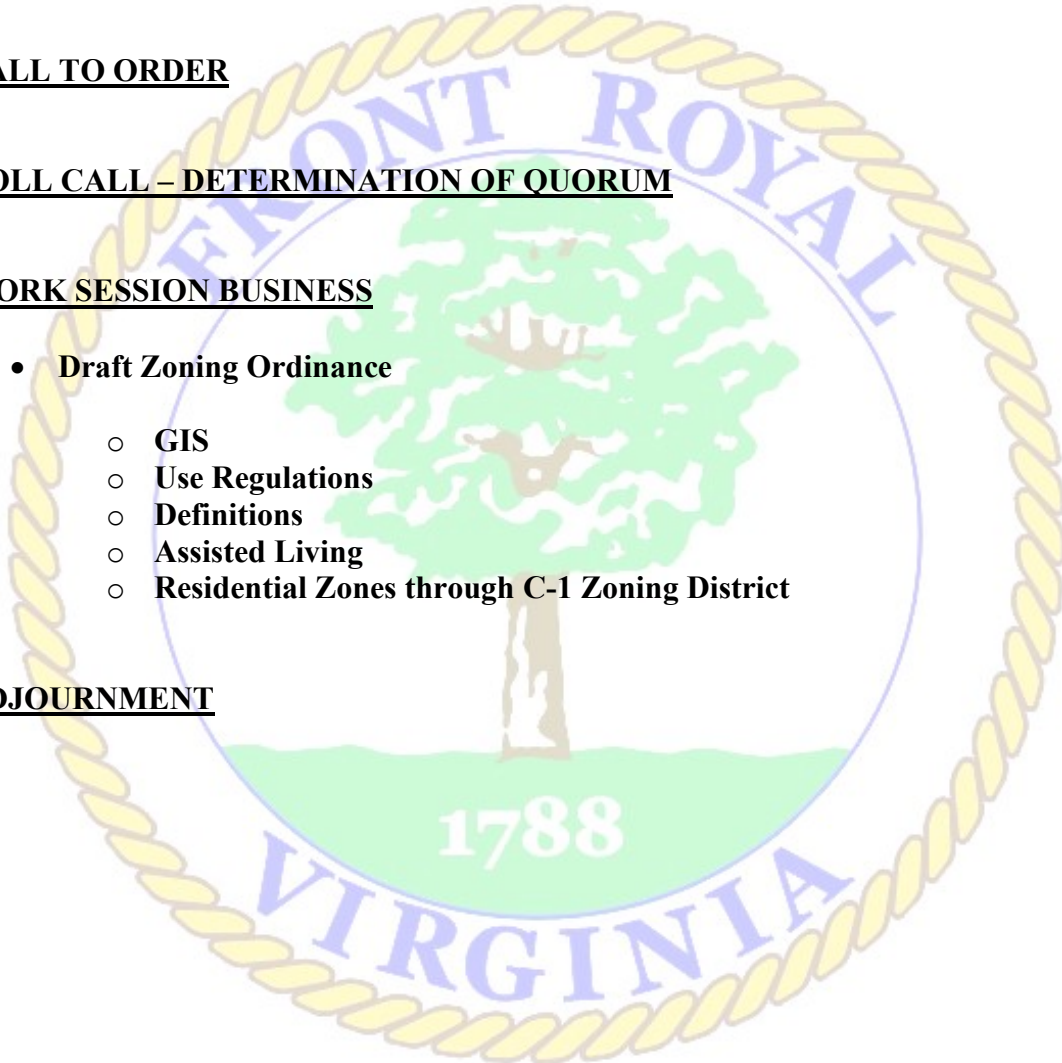
CALL TO ORDER

ROLL CALL – DETERMINATION OF QUORUM

WORK SESSION BUSINESS

- **Draft Zoning Ordinance**
 - **GIS**
 - **Use Regulations**
 - **Definitions**
 - **Assisted Living**
 - **Residential Zones through C-1 Zoning District**

ADJOURNMENT



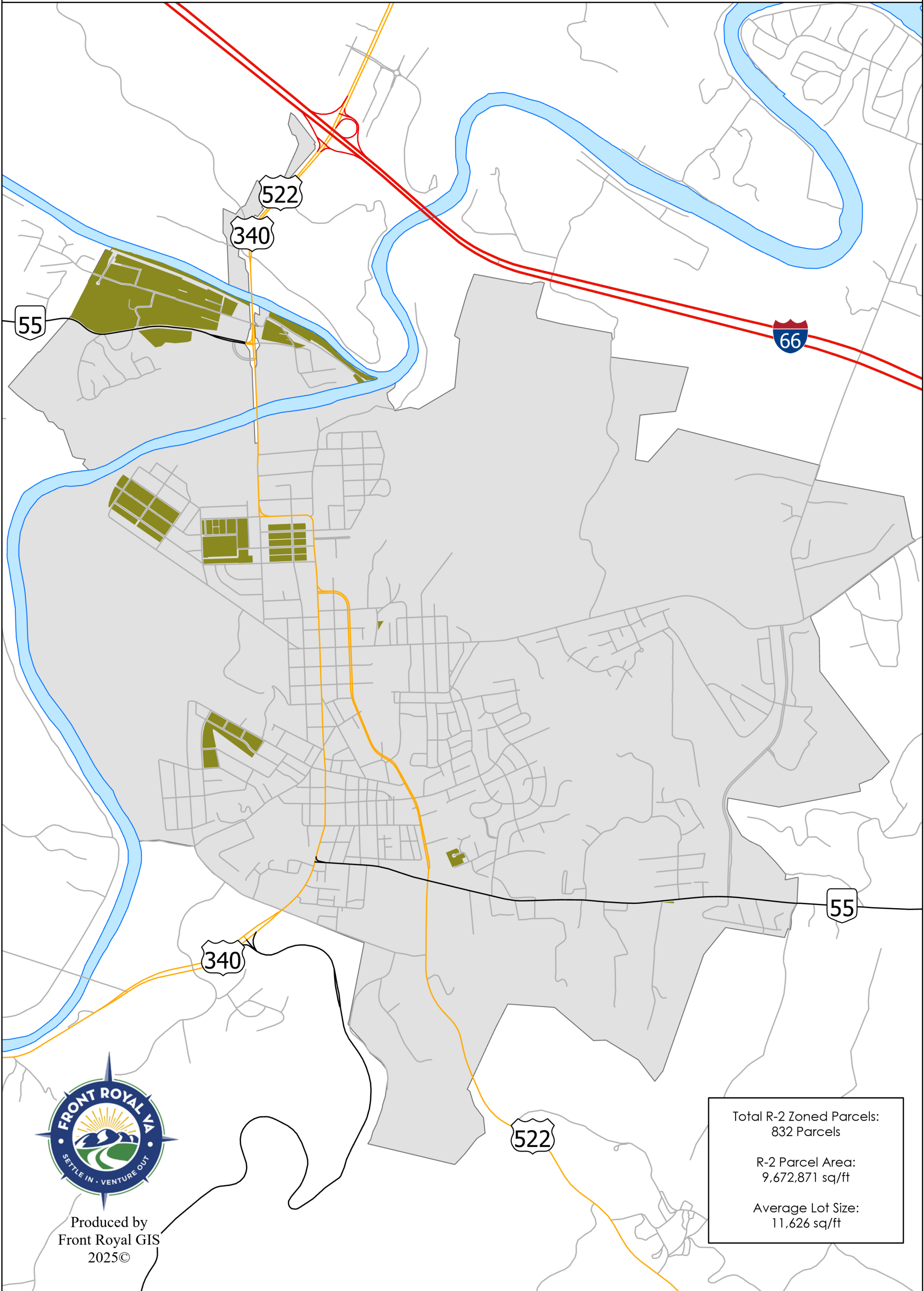


Town of Front Royal R-2 Zoning Overview

Residential Zoning

 R-2 Residential District

0 1 Miles



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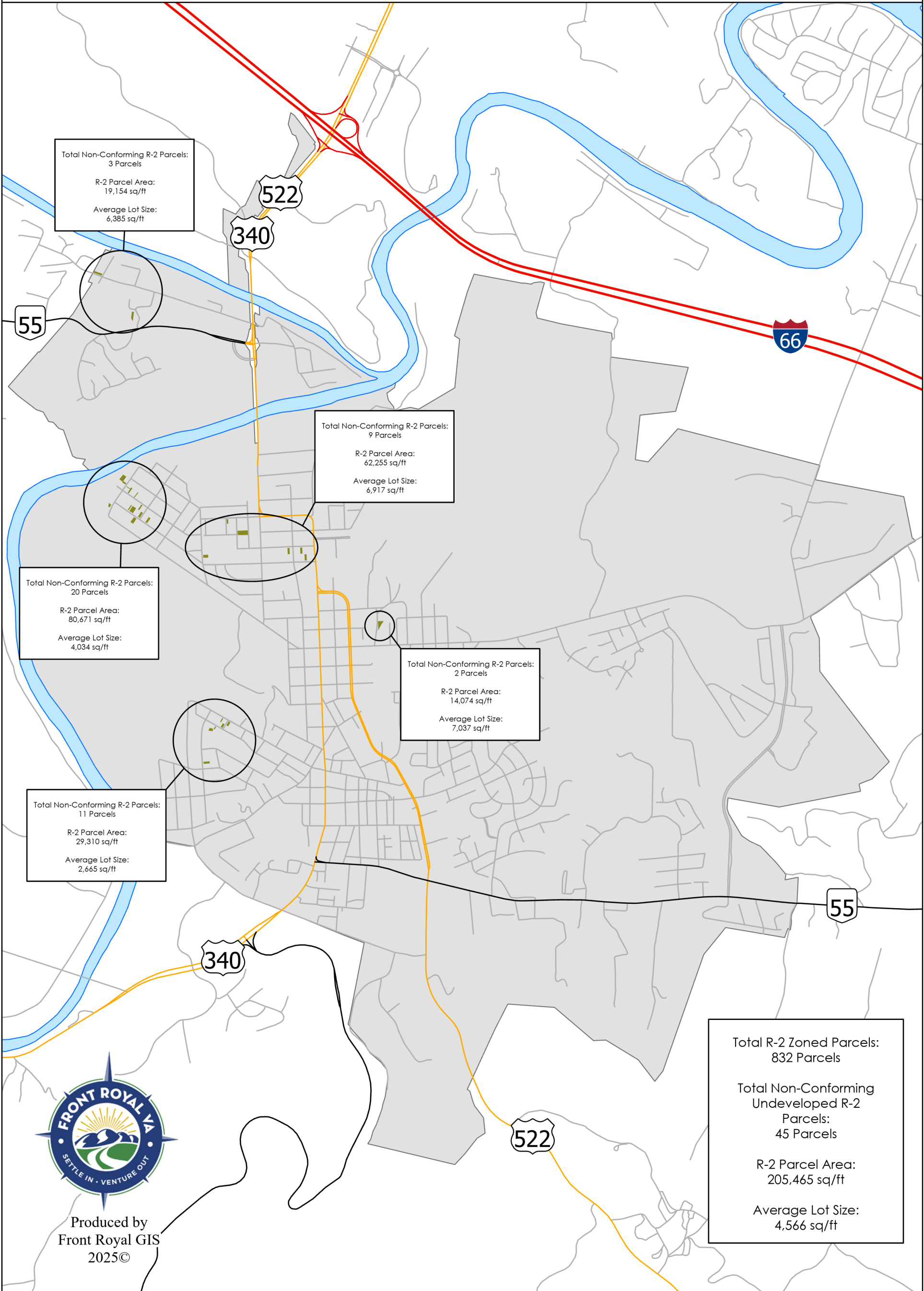
Town of Front Royal Non-Conforming Undeveloped R-2 Overview

Residential Zoning



R-2 Residential District

0 1 Miles



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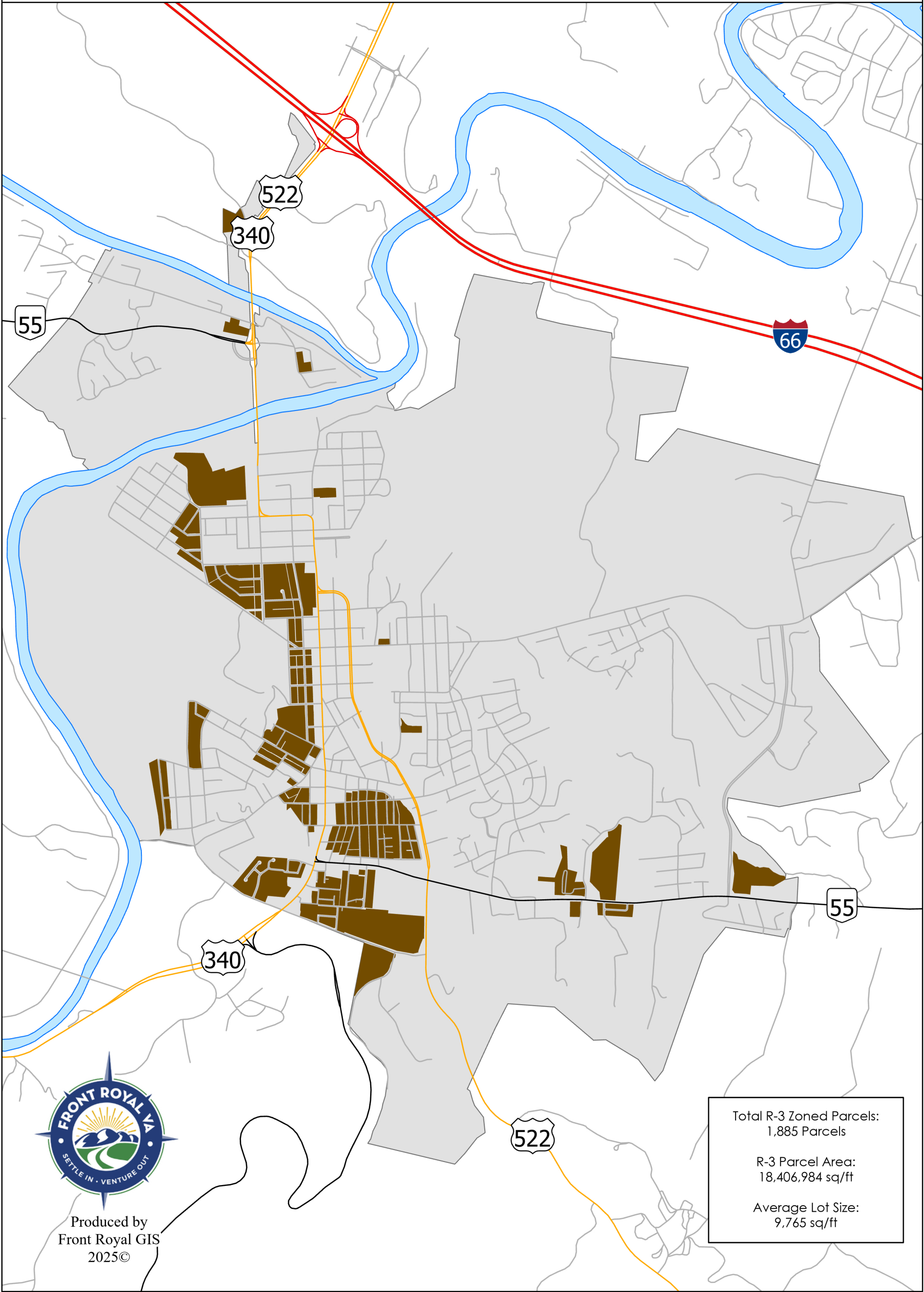


Town of Front Royal R-3 Zoning Overview

Residential Zoning

 R-3 Residential District

0 1 Miles



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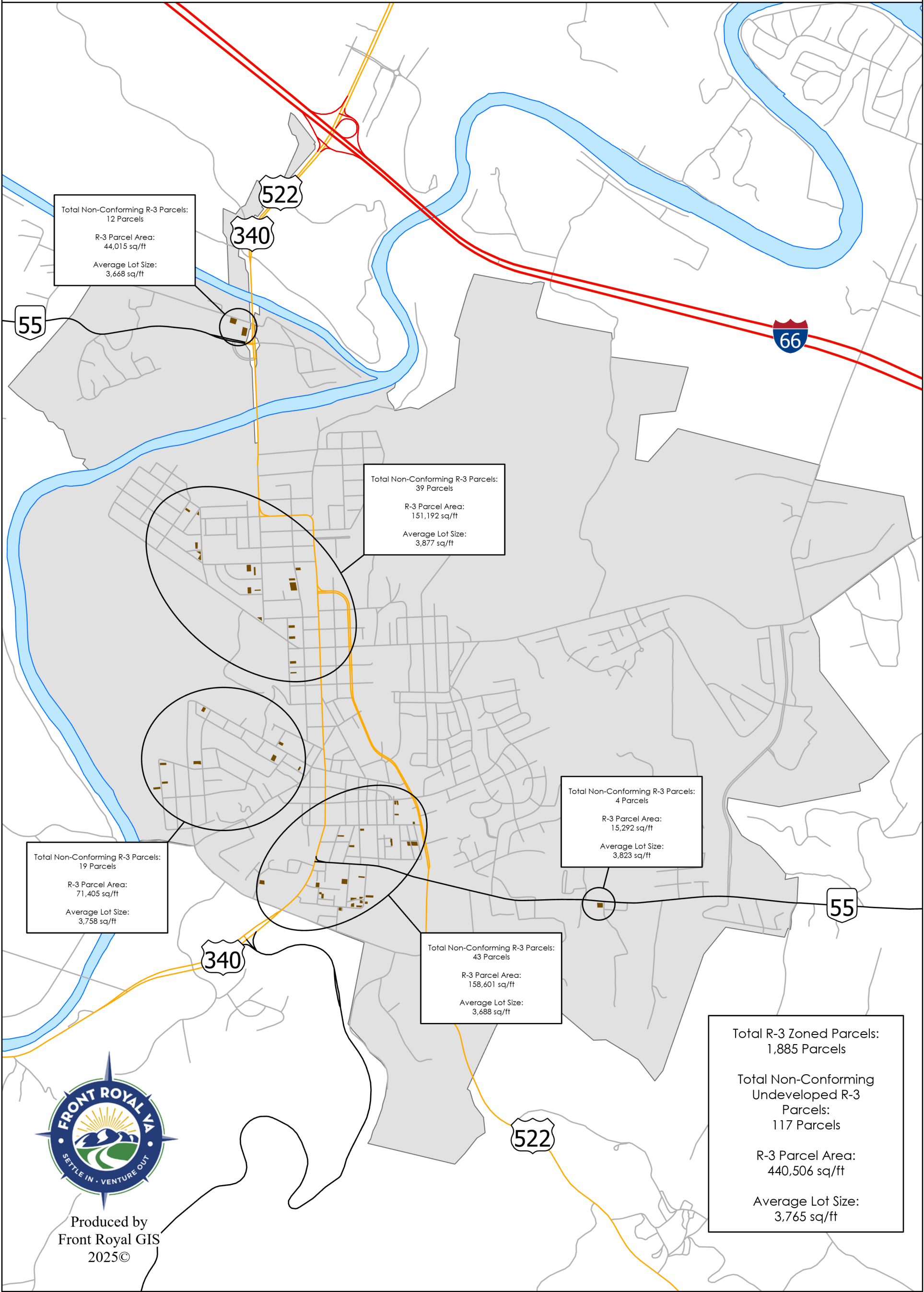


Town of Front Royal Non-Conforming Undeveloped R-3 Zoning Overview

Residential Zoning

 R-3 Residential District

0 1 Miles



Use Regulation

Section 8.1.x – Development of Undersized or Constrained Lots of Record

The purpose of this section is to provide reasonable relief for lots that have become undevelopable due to cumulative changes in zoning regulations, including but not limited to increased setback requirements, lot size, and dimensional standards. It is the intent of this section to allow for the reasonable use of such lots without the need to amend the zoning regulations for the entire district, while maintaining the general character, health, safety, and welfare objectives of the zoning ordinance.

A. Applicability

1. This section applies to any lot of record lawfully created prior to the adoption or amendment of zoning or subdivision regulations that rendered the lot nonconforming or otherwise undevelopable.
2. The lot must not have been altered or further reduced in size since the date it became nonconforming.
3. The lot must be in separate ownership and not contiguous with any adjacent lot under the same ownership that could be combined to meet current dimensional requirements.

B. Development Standards

1. A principal building and customary accessory structures may be erected on a nonconforming lot of record, provided that:
 - a. The use is permitted in the district
 - b. The structure complies with all applicable standards to the extent practicable;
 - c. No further nonconformity is created or increased
 - d. The proposed development does not create adverse impacts on adjoining properties.

2. The reviewing authority (as defined below) may grant dimensional relief from required setbacks, lot coverage, or similar requirements where strict compliance would prevent reasonable development of the lot.

C. Review and Approval Authority

1. **Administrative Adjustment:**

The Zoning Administrator may approve minor adjustments of up to 25% reduction in required setbacks or dimensional standards if the applicant demonstrates that:

- a. The lot's unique physical constraints or history of regulation make strict compliance impractical; and
- b. The adjustment will not adversely affect neighboring properties or the intent of the zoning district.

2. **Special Exception or Variance:**

Where relief exceeding administrative authority is required, a special use permit will be required.

D. Findings for Approval

In approving relief under this section, the reviewing authority shall find that:

1. The lot was lawfully created and recorded prior to the current dimensional standards;
2. The hardship is not self-created
3. The requested relief is the minimum necessary to allow reasonable use of the property
4. The development will be generally consistent with the intent and character of the surrounding area.

E. Record of Approval

Any relief granted under this section shall be documented and recorded with the property to ensure consistent interpretation and enforcement.

Duplex – A building containing 2 (Two) single family dwelling units totally separated from each other by an unpierced wall extending from basement to roof. See Dwelling 2 (Two) family.

Dwelling 2 (Two) Family – A building on a single lot containing two dwelling units, each of which is totally separated from the other by an unpierced wall extending from ground to roof or an unpierced ceiling and floor extending from exterior wall to exterior wall, except for a common stairwell exterior to both units.

Apartment Unit – One or more rooms with private bath and kitchen facilities constituting and independent, self-contained dwelling unit in a building containing 3 (Three) or more dwelling units.

Small Scale Maker Spaces - A facility where individuals or small businesses design, create, assemble, or repair goods using hand tools, light machinery, or digital fabrication equipment. All activities occur primarily indoors and produce minimal noise, vibration, odor, or other impacts. These spaces are typically modest in size, may include a showroom, retail, or educational component, and exclude heavy manufacturing, large-scale production, or operations involving major outdoor storage or industrial equipment.

Use Regulation

Section 8.1.2 – Assisted Living Facilities (Use Regulation section will need renumbering)

The intent of this section is to provide for assisted living facilities within residential and commercial settings in a manner that ensures compatibility with surrounding neighborhoods, protects public safety, and provides adequate access, parking, and buffering for residents and staff.

In the R-2, R-3, C-1, PND and MCD zoning districts, an Assisted Living Facility licensed by the Commonwealth of Virginia shall be permitted either by right or by a special use permit subject to the zoning district regulations where the Assisted Living Facility is located. In addition, the following standards apply:

1. Maximum number of residents: 30 (Thirty); any facility larger shall require a special use permit regardless of zoning code by-right designations.
2. Minimum lot size: 2.5 acre.
3. Minimum setbacks: Front – 35 ft; Side/Rear – 25 ft; If adjacent to single-family, an additional 15 ft buffer with landscaping.
4. Maximum building height: Same as zoning district where facility is located.
5. Parking: One space per three residents plus one space per staff shift, plus drop-off/van capacity.
6. Landscaping: A minimum 10 ft landscaped buffer along public streets and 6 ft dense planting where adjacent to residential lots.
7. Design: Building façade materials and roof pitch should be compatible with nearby residential uses; mechanical equipment must be screened.
8. Licensing: Facility must hold all required VA state licenses and certifications; evidence provided at site plan review.
9. Operation: Facility shall not alter use to a higher intensity without obtaining a special use permit.

Note: Virginia state law requires that zoning ordinances consider a “residential facility in which no more than eight aged, infirm or disabled persons reside, with one or more resident or non-resident staff persons” as residential occupancy by a single family.

Here is our definition:

ASSISTED LIVING FACILITY - A residential facility for two or more persons that provides nursing assistance and/or support services for residency of elderly and/or disabled persons, where residents share common meals.

Where to permit them suggestions; (This tracks current nursing home allowed uses)

R2 – By Special Use Permit under commercial section

R-3 – By-Right under commercial section

PND – It is already in PND section

C-1 – Special Use Permit under Miscellaneous section

MCD – By-Right

Section 8.2.3 - TEMPORARY TRAILERS; NONRESIDENTIAL USES (175-109.1) - Special use permit

We also need to fix nursing homes in R3. It is listed by right and by special use permit. I think it should be by-right.

DIVISION 6.4 - RESIDENTIAL DISTRICT (R-1)

Section 6.4.1 - STATEMENT OF INTENT (R-1) (175-11)

The R-1 District is composed of quiet, low-density residential areas, plus undeveloped areas where similar residential construction appears likely to occur. The standards set forth for this district are designed to stabilize and protect the essential character of the areas so delineated, to promote and encourage a suitable environment for family life where there are children, to provide areas for suitable expansion of the Town as facilities are provided and to prohibit all commercial activities. Development is, therefore, limited to relatively low concentration, and permitted uses are limited to single-unit dwellings, plus selected additional uses, such as schools, parks, churches and certain public facilities that serve the residents of the district. Mobile homes or rooming houses are prohibited.

Section 6.4.2 - USES PERMITTED BY RIGHT(R-1) (175-12)

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-1 District, the following uses of land and buildings are permitted by-right in the R-1 District:

RESIDENTIAL:

Single-family dwellings, detached

COMMERCIAL:

INDUSTRIAL:

ORGANIZATIONAL:

Churches

Public libraries

Schools

Accessory Dwelling Units (ADUs)

MISCELLANEOUS:

Accessory uses, structures and buildings

Home occupations

Open space and conservation areas

Public facilities

Public parks and playgrounds

Public utilities

Signs, as set forth in Article 10

Special childcare services

Such other uses as determined similar to one or more enumerated uses by the Zoning Administrator, provided that the Zoning Administrator finds that: (1) the proposed use is comparable in traffic generation, noise, hours of operation, and scale to the enumerated uses; (2) the use will not adversely affect the residential character of the district; and (3) the use conforms to all other applicable standards of this Chapter. ~~Such other uses as determined similar to one or more enumerated uses by the Zoning Administrator~~

Section 6.4.3 - USES PERMITTED BY SPECIAL USE PERMIT (R-1) (175-12.1)

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

RESIDENTIAL:

Designated Special Purpose Housing

COMMERCIAL:

Bed and Breakfasts, as set forth in **Section 8.1.3**

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

INDUSTRIAL:

ORGANIZATIONAL:

Community Centers.

Fire and Rescue Squads and Police Stations.

MISCELLANEOUS:

Any use permitted under **Section 6.4.3**, or specifically listed above under this subsection, that proposes to occupy a building or structure that exceeds the height requirements of **Section 6.4.9** 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.

Such other uses as determined similar to one or more enumerated uses by the Zoning Administrator, provided that the Zoning Administrator finds that: (1) the proposed use is

comparable in traffic generation, noise, hours of operation, and scale to the enumerated uses; (2) the use will not adversely affect the residential character of the district; and (3) the use conforms to all other applicable standards of this Chapter. Such other uses as determined similar to one or more enumerated uses by the Zoning Administrator.

Section 6.4.4 - MODEL HOMES AND SALES OFFICES (R-1) (175-12.2)

Model homes and sales offices for the marketing of residential dwellings within a specific development shall be permitted in an R-1 Residential Zoning District upon approval of a zoning permit by the Zoning Administrator, subject to the following conditions:

A. The Zoning Administrator shall review and approve or deny all requests for permits authorizing model homes and sales offices for the marketing of residential dwellings within a specific development. In assessing a request for a permit, the Zoning Administrator shall consider the necessity for the model home and/or sales office, its location and its effects on the surrounding neighborhood and/or adjoining property and may require terms and conditions on the location, appearance and such other reasonable conditions as the Zoning Administrator shall deem necessary.

B. The model home shall be a standardly constructed home similar in type and appearance to the other homes sold in the development and shall be used as a residential dwelling after expiration of the model home zoning permit.

C. Only one (1) sales office shall be approved for a development, regardless of the number of phases. A sales office must be located in a model home in the event that the development has an approved model home. Otherwise, the sales office shall be located in a residential home located in the development. In assessing a request for a sales office, the Zoning Administrator shall consider the necessity for the sales office, its location and its effect on the surrounding neighborhood and/or adjoining property and may require terms and conditions on the location, appearance and other such reasonable conditions as the Zoning Administrator shall deem necessary. Such sales offices shall be restricted to the marketing of residential dwellings at the specific development in question, and no other business whatsoever shall be conducted on the premises.

D. The request for a model home and/or sales office shall be filed by the developer.

E. Each model home and/or sales office shall have a minimum of four (4) off-street parking spaces in addition to other parking spaces required by this chapter.

F. All model homes and sales offices must be connected to Town water and sewer and must provide rest room facilities for the public.

G. The maximum allowable period for the operation of a model home or sales office shall be one (1) year. Applications for renewal for successive six-month periods may be submitted if additional

time is necessary to complete sales within the development. All renewal applications must be filed at least thirty (30) days prior to the expiration of the original model home or sales office permit.

H. The Zoning Administrator, in granting a model home or sales office permit, may require the posting of a bond to ensure that the model home and sales office terms and conditions are adhered to and to ensure that the operations cease and the site is left in good order at the expiration of the permit.

I. The Zoning Administrator may establish such additional requirements and conditions as may be in the best interests of the Town of Front Royal.

Section 6.4.5 - AREA AND FRONTAGE (R-1) (175-13)

Area and frontage regulations shall be as follows:

A. On-lot water and sewer (private well/septic): minimum lot area 40,000 sq. ft.; minimum width at setback line 100 ft.

B. Public water or public sewer (only one): minimum lot area 30,000 sq. ft.; minimum width at setback line 80 ft.

—Public water and public sewer: minimum lot area 10,000 sq. ft.; minimum width at setback line 75 ft.~~A. On-lot water and sewer:~~

~~1. Minimum area per lot: forty thousand (40,000) square feet.~~

~~2. Minimum width at setback line: one hundred (100) feet.~~

~~B. Public water or public sewer:~~

~~1. Minimum area per lot: thirty thousand (30,000) square feet.~~

~~2. Minimum width at setback line: eighty (80) feet.~~

~~C. Public water and public sewer:~~

~~1. Minimum area per lot: ten thousand (10,000) square feet.~~

~~1.C. Minimum width at setback line: seventy five (75) feet.~~

Section 6.4.6 - SETBACK (R-1) (175-14)

SETBACK Table (R-1)

<u>Regulation Aspect</u>	<u>Requirement/Description</u>
<u>Street right-of-way is 50 feet or greater in width</u>	<u>35 feet or more from the edge of the right-of-way</u>
<u>Street right-of-way is less than 50 feet in width</u>	<u>55 feet or more from the centerline of the right-of-way</u>
<u>Exception: Average setback of adjacent buildings</u>	<u>No building needs to be set back more than the average setback of the immediately adjoining structures on either side</u>
<u>Assumption for vacant lot ≥ 50 feet wide</u>	<u>May be assumed to be occupied by a building with the minimum required setback</u>

Structures shall be located thirty-five (35) 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 setback 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 6.4.7 - YARDS (R-1) (175-15)

A. Side: The minimum total width of the side yards shall be twenty-five (25) feet, with no one (1) side yard being less than ten (10) feet.

B. Rear: Each rear yard shall be a minimum of thirty (30) feet.

C. Front: The required depth of the front yard shall be as [provided in Section 6.4.6](#). On lots of less than two (2) acres in size or where the front yard provided for any single-family dwelling is less than 150 feet, the main or front building facade and entrance 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 set back from side and rear property lines by no less than five (5) feet. [However no Accessory Building shall not be located in Public easement.](#)

[E. "Accessory Dwelling Units \(ADUs\) shall be constructed only within the buildable area of the lot as defined by applicable setback and lot coverage yard requirements."](#)

Section 6.4.8 – Lot Standards Table R-1

<u>Standard</u>	<u>On-lot water & sewer</u>	<u>Public water or public sewer</u>	<u>Public water & sewer</u>
Minimum lot area	40,000 sq. ft.	30,000 sq. ft.	10,000 sq. ft.
Minimum width at setback	100 ft	80 ft	75 ft
Front yard setback	35 ft (from ROW)	35 ft	35 ft
Side yard (combined)	25 ft (min 10 ft one side)	25 ft	25 ft
Rear yard	30 ft	30 ft	30 ft
Max building coverage	30%	30%	30%
Max height	35 ft / 2.5 stories	35 ft	35 ft
Public/semipublic height	60 ft allowed (increase yards 1 ft per ft >35 ft)		

Section 6.4.98 - LOT COVERAGE (R-1) (175-16)

The maximum building coverage shall be thirty percent (30%).

Section 6.4.109 - HEIGHT (R-1) (175-17)

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. No accessory building which is within twenty (20) feet of any party lot line shall be more than one (1) story high. All accessory buildings shall be less than the main building in height.

Section 6.4.110 - CORNER LOTS (R-1) (175-18)

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 the side street shall be thirty (30) feet or more for main buildings, and thirty-five (35) feet or more for accessory buildings.

C. Each corner lot shall have a minimum width at the setback line of one hundred (100) feet.

D. The rear yard setback if facing a street shall be fifty (50) feet or more for both main and accessory buildings.

DIVISION 6.5 - RESIDENTIAL DISTRICT (R-1A)

Section 6.5.1 - STATEMENT OF INTENT (R-1A) (175-18.1)

The R-1A District is designed to accommodate single-family and two-dwelling duplex residential development of a medium density on smaller individual lots. The standards for this district are designed to stabilize and protect maintain the character of the designated areas and to protect and encourage 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. Optional cluster subdivision standards are included with the intent and purpose of providing greater flexibility for larger development

projects. To ensure quality development, the added development flexibility is balanced with requirements that require additional open space and recreational amenities. These additional requirements support development with higher-a diversity of property values and housing choices; better preservation of the natural environment, tree canopy; and a more active and healthy community.

Section 6.5.2 - USES PERMITTED BY RIGHT USE REGULATIONS-(R-1A) (175-18.2)

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-1A District, the following uses of land and buildings are permitted by-right in the R-1A District:

RESIDENTIAL:

Single-family dwellings, detached

Single-Family, attached

Two-Family dwellings (Duplex)

Townhouses

Auxillary Dwelling Units (ADU)

COMMERCIAL:

INDUSTRIAL:

ORGANIZATIONAL:

Churches

Schools

MISCELLANEOUS:

Accessory uses, structures and buildings

Home occupations

Open space and conservation areas.

Public facilities, excluding Fire and Rescue Squads & Police Stations

Public parks and playgrounds

Public utilities

Signs, as set forth in Article 10 of this chapter

Special childcare services

Such other uses as determined similar to one or more enumerated uses by the Zoning Administrator, provided that the Zoning Administrator finds that: (1) the proposed use is comparable in traffic generation, noise, hours of operation, and scale to the enumerated uses; (2) the use will not adversely affect the residential character of the district; and (3) the use conforms to all other applicable standards of this Chapter.

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

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

RESIDENTIAL:

Designated Special Purpose Housing

COMMERCIAL:

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

INDUSTRIAL:

ORGANIZATIONAL:

Fire and Rescue Squad & Police Stations.

Public Libraries.

Community Center.

MISCELLANEOUS:

Any use permitted under **Section 6.5.4**, or specifically listed above under this subsection, that proposes to occupy a building or structure that exceeds the height requirements of **Section 6.2.8** 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. Such other uses as determined similar to one or more enumerated uses by the Zoning Administrator.

Section 6.5.3 - AREA (R-1A) (175-18.3)

Notwithstanding the provisions of **Section 2.4.4**, all newly established uses, with the exception of single-family dwellings, shall be required to meet the minimum area requirements at the time of establishment of the use.

Minimum Area and Lot Requirements Table— R-1A District

<u>Category</u>	<u>Minimum Lot Size</u> <u>(sq ft)</u>	<u>Minimum Lot Width</u> <u>(ft)</u>	<u>Notes</u>
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<u>Residential Dwellings</u>	<u>5,000</u>	<u>Corner Lot – 50 / Interior Lot – 40</u>	<u>=</u>
<u>Schools</u>	<u>20,000</u>	<u>100</u>	<u>=</u>
<u>Churches</u>	<u>20,000</u>	<u>100</u>	<u>=</u>
<u>Parks & Playgrounds</u>	<u>5,000</u>	<u>No regulation</u>	<u>=</u>
<u>Public Utilities</u>	<u>No regulation</u>	<u>No regulation</u>	<u>=</u>
<u>Other Public Facilities</u>	<u>20,000</u>	<u>100</u>	<u>=</u>
<u>Minimum District Size</u>	<u>=</u>	<u>=</u>	<u>2 acres</u>

A. Minimum lot size:

1. ~~Single-family~~Residential dwellings: ~~five-seven~~ thousand (57,000) square feet.
2. Duplex: six thousand (6000) square feet
- ~~32.~~ Schools: twenty thousand (20,000) square feet.
- ~~43.~~ Churches: twenty thousand (20,000) square feet.
- ~~54.~~ Parks and playgrounds: five thousand (5,000) square feet.
- ~~65.~~ Public utilities: no regulation.
- ~~76.~~ Other public facility uses: twenty thousand (20,000) square feet.

B. Minimum lot width:

1. ~~Single-family~~Residential dwellings:
 - a. Corner lots: ~~seventy-fifty~~ (7050) feet.
 - b. Interior lots: ~~fourtyfifty~~ (5040) feet.
2. Parks and playgrounds and public utilities: no regulation.
3. All other uses: one hundred (100) feet.

C. Minimum district size: ~~three-two~~ (32) acres.

Section 6.5.4 - HEIGHT (R-1A) (175-18.4)

A. ~~Single-family~~Residential dwellings: thirty-five (35) feet maximum.

B. Public or semipublic buildings: forty-five (45) feet maximum, provided that the required front, side and rear yards are increased by two (2) feet for each foot in height over thirty-five (35) feet.

C. Exemptions from height requirements:

1. Church spires.
2. Belfries.

3. Cupolas.
4. Municipal water towers.
5. Chimneys.
6. Flues.
7. Flagpoles.
8. Television antennas.
9. Radio aerals.

D. Height of Accessory buildings and structures:

1. On lots with an area of less than ~~five tenths a half~~ (0.5) acre: two-thirds (2/3) height of principal structure, with the exception -where the principal structure is a one-story building, an accessory building may match the height of the principal structure.
2. On lots with an area of ~~five tenths a~~ half (0.5) acre or more: not to exceed height of principal structure or thirty-five (35) feet, whichever is less.

Section 6.5.5 - MINIMUM YARD DIMENSIONS (R-1A) (175-18.5)

6.5.5 Minimum Yard Dimensions Table — R-1A District

<u>Structure Type</u>	<u>Yard / Setback Type</u>	<u>Minimum Distance (ft)</u>
<u>Residential Dwellings</u>	<u>Front Setback</u>	<u>20</u>
<u>Residential Dwellings</u>	<u>Side</u>	<u>7</u>
<u>Residential Dwellings</u>	<u>Corner Side</u>	<u>15</u>
<u>Residential Dwellings</u>	<u>Rear</u>	<u>15</u>
<u>Other Principal Structures</u>	<u>Front Setback</u>	<u>20</u>
<u>Other Principal Structures</u>	<u>Side</u>	<u>10</u>
<u>Other Principal Structures</u>	<u>Rear</u>	<u>10</u>
<u>Other Principal Structures</u>	<u>Corner Side</u>	<u>25</u>
<u>Accessory Buildings / Structures</u>	<u>Front Setback</u>	<u>5 ft behind primary structure</u>
<u>Accessory Buildings / Structures</u>	<u>Side</u>	<u>5</u>
<u>Accessory Buildings / Structures</u>	<u>Rear</u>	<u>5</u>
<u>Accessory Buildings / Structures</u>	<u>Corner Side</u>	<u>15</u>

A. ~~Single family~~ Residential dwellings:

1. Front setback: ~~twenty-five~~ five (~~20~~5) feet.

2. Side: ~~seven~~ five (~~7~~5) feet.

3. Corner side: twenty-five (~~25~~15) feet.

4. Rear: ~~twenty-five~~ (~~25~~15) feet.

B. Other principal structures:

1. Front setback: twenty-five (~~20~~5) feet.

2. Side: fifteen (~~10~~5) feet.

3. Rear: thirty (~~30~~10) feet.

4. Corner side: twenty-five (25) feet.

C. Accessory buildings and structures:

1. Front setback: ~~thirty~~ (30) feet. Accessory buildings shall all be behind the primary structure by five (5) feet.

2. Side: five (5) feet or fifty percent (50%) of building height, whichever is greater.

3. Rear: five (5) feet or fifty percent (50%) of building height, whichever is greater.

4. Corner side: ~~twenty-five~~ fifteen (~~25~~15) feet.

D. Notwithstanding the provisions above, the front setback on any lot located within a block that is fifty percent (50%) or more developed shall conform with any consistently established setback along the block.

E. The main or front building facade and entrance for any residential dwelling shall be oriented toward the front yard of the property, unless an administrative variance is granted pursuant to

Section 5.1.2.

Section 6.5.6 - LOT COVERAGE (R-1A) (175-18.6)

A. ~~A.~~ Maximum building coverage, primary and accessory buildings: ~~thirty-five~~ sixty five percent (~~35~~65%)

B. Auxiliary Dwelling Units (ADUs) shall be constructed only within the buildable area of the lot as defined by applicable setback and lot coverage yard requirements.

~~B. Accessory building coverage: thirty percent (30%) of any required yard~~

Section 6.5.7 - OFF-STREET PARKING (R-1A) (175-18.7)

A. Space requirements:

1. Single-family dwellings: two (2) spaces per unit.

2. Duplexes: one (1) space per unit.

23. Churches/assembly area: one (1) space per four (4) fixed seats in the main assembly or one (1) per one hundred (100) net square feet.

43. Schools: one (1) space per employee plus parking space for assembly areas as provided in Subsection A (2) above.

54. Libraries: one (1) space per one thousand (1,000) gross square feet.

B. Location: Minimum setback for driveways and parking: three (32) feet from side and rear property lines for parking areas consisting of no more than 4,500 square feet in area. All parking areas with more than 4,500 square feet in area shall meet the requirements of **Section 14K-370**.

C. Parking spaces where one car is parked behind another car are permitted in this district for individual dwelling units.

Section 6.5.8 - OPTIONAL CLUSTER DEVELOPMENT STANDARDS (R-1A) (175-18.8)

Minimum Yard Dimensions Table— R-1A District Optional Cluster Development

<u>Yard / Setback Type</u>	<u>Minimum Distance (ft)</u>	<u>Notes</u>
<u>Front Setback</u>	<u>20</u>	<u>Off-street parking must be at least 18 ft in length; required setbacks must meet Section 6.5.8.A.5; an unenclosed porch may encroach within the required front yard an additional 5 ft.</u>
<u>Side</u>	<u>7</u>	<u>May be reduced to 4 ft if a 14-ft separation is maintained between adjacent structures.</u>
<u>Corner Side</u>	<u>15</u>	<u>Any accessory building must not be closer than other houses located along the same street.</u>
<u>Rear</u>	<u>25</u>	<u>25</u>

A. In lieu of the traditional design standards of **Sections 6.5.3 through 6.5.7**, the following design standards may be used for cluster developments in the R-1A District.

1. Area
 - a. Minimum lot size: 5,500 square feet
 - b. Minimum lot width:
 - (1) Corner lots: sixty (60) feet
 - (2) Interior lots: fifty (50) feet
 - c. Minimum district size: twenty (210) acres
2. Height
 - a. ~~Single family~~ Residential dwellings: thirty-five (35) feet maximum.

b. Public or semipublic buildings: forty-five (45) feet maximum, provided that the required front, side and rear yards are increased by two (2) feet for each foot in height over thirty-five (35) feet.

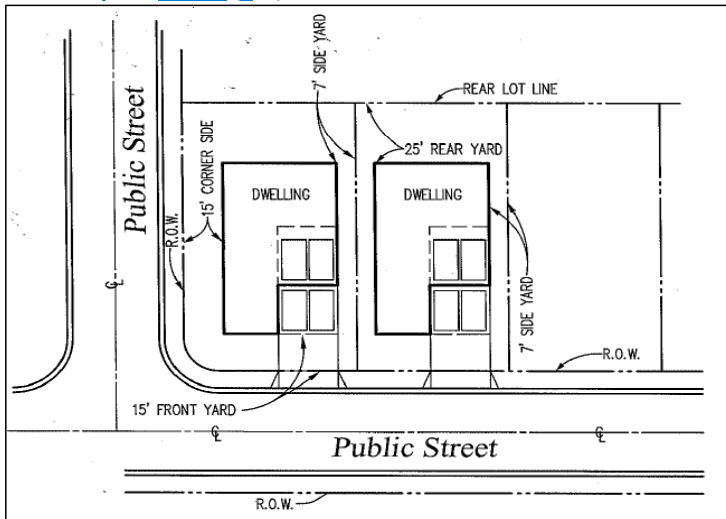
c. Exemptions from height requirements:

- (1) Church spires.
- (2) Belfries.
- (3) Cupolas.
- (4) Municipal water towers.
- (5) Chimneys.
- (6) Flues.
- (7) Flagpoles.
- (8) Television antennas.
- (9) Radio aerials.
- (10) Accessory buildings and structures: Not to exceed the height of principal structure, or thirty-five (35) feet, whichever is less.

3. Minimum Yard Dimensions.

a. ~~Single family~~ Residential dwellings, detached:

- (1) Front: ~~Twenty~~Fifteen (2015) feet; provided that required off-street parking is at least eighteen (18) feet in length, and the required setbacks from any building are met as specified below under Section 6.5.8.A.5. An unenclosed porch may encroach within the required front yard an additional five (5) feet.
- (2) Side: ~~Seven~~SevenFive (775) feet; except that the setback can be reduced to a minimum of ~~five-four~~three (543) feet when a separation of ~~fourteen~~fourteen-ten (14140) feet is maintained between the adjacent structure.
- (3) Corner side: fifteen (15) feet; provided that any accessory building is not closer than other houses located along the same street.
- (4) Rear: ~~Twenty-five~~Fifteen (125) feet.



- b. Accessory buildings and structures:
 - (1) Front: ~~fifteen (15) feet~~; Accessory buildings shall all be behind the primary structure by five (5) feet, provided that any accessory building is not closer than other houses located along the same street.
 - (2) Side: five (5) feet.
 - (3) Corner side: fifteen (15) feet; provided that any accessory building is not closer than other houses located along the same street.
 - (4) Rear: five (5) feet.
 - c. Notwithstanding the provisions above, the front setback on any lot located within a block that is fifty percent (50%) or more developed shall conform with any consistently established setback along the block.
 - d. The main or front building facade and entrance for any single-family dwelling shall be oriented toward the front yard of the property, unless an administrative variance is granted pursuant to Section 3.1.2 or alternatively, a special use permit, in accordance with Division 3.1, may be issued to allow frontage along open space areas when such request is submitted with a site plan or subdivision plan for review.
4. Lot Coverage.
- a. Maximum building coverage: ~~fifty-sixty five~~ percent (50/65%).
 - ~~a.b.~~ Auxiliary Dwelling Units (ADUs) shall be constructed only within the buildable area of the lot as defined by applicable setback and lot coverage yard requirements.
5. Off-Street Parking.
- a. Space Requirements:
 - ~~(1)~~ Single family dwellings: two (2) spaces per unit.
 - ~~(2)~~ Duplex: one (1) space per unit.
 - ~~(3)~~ Churches/assembly area: one (1) space per four (4) fixed seats in the main assembly or one (1) per one hundred (100) net square feet.
 - ~~(4)~~ Schools: one (1) space per employee, plus one (1) space per four (4) fixed seats in the main assembly, or alternatively for the latter, one (1) per one hundred (100) net square feet.
 - ~~(5)~~ Libraries: one (1) space per one thousand (1,000) gross square feet.
 - b. Minimum setback for driveways and parking: three (3) feet from side and rear property lines for parking areas consisting of no more than 4,500 square feet in area. All parking areas with more than 4,500 square feet in area shall meet the requirements of Section 148-870.
 - c. As required under Section 148-870 A.10, required off-street parking spaces shall be setback at least five (5) feet from all buildings; excluding the setback between the side orientation of the parking space and a single-family detached dwelling, provided that a garage is provided that is recessed behind the front building façade of such dwelling.
 - d. Parking spaces where one car is parked behind another car are permitted in this district for individual dwelling units. Furthermore, within cluster subdivisions, regardless of other provisions within this Chapter or Chapter 148, up to one (1) space within a garage or carport may be counted as required off-street parking within a cluster development, provided that the minimum parking space dimensions are met.
6. Community Open Space.
- a. Minimum Community Open Space Area: A minimum amount of common open space shall be provided at the equivalence that the minimum lot area of all lots is reduced

Commented [AD1]: If change excepted, must change numbering.

below 7,000 square feet. Below is an example of how the required minimum common open space for a cluster subdivision shall be calculated:

$$\text{Total Number of Building Lots} \times 7,000 \text{ square feet} = X$$

$$X - \text{Total Area of Building Lots Proposed} = \text{Required Open Space}$$

- b. No more than 50% of open space may be located within developmentally restricted areas, such as, but not limited to, the floodway.
- c. Surface water bodies may be included within common open space areas, but may not be counted towards the required amount of open space.
- d. Access to community open space shall be provided by adjoining street frontage. In lieu of adjoining street frontage, a 20-foot-wide public access easement may be authorized by the Planning Commission during the site plan or subdivision plan review process. In such consideration, the Planning Commission may require pedestrian improvements to ensure adequate access is provided to the common opens space.
- e. Cluster subdivisions shall provide recreational facilities within common open space based on the number of dwelling units. For the purpose of determining minimum requirements, one (1) recreational unit shall be provided for every 50 dwelling units.
 - (1) The number of recreational unit credits that each type of recreational facility receives shall be based on the table shown below.

Recreational Unit Type		Recreational Unit Credit
Playground, as described under 17% R.R.A. 6.e (20)		1.5
Community Center, including an enclosed building with a meeting hall.		2.5
In-ground Swimming Pool with fencing.		2
Tennis Court Facility with fencing.		1
Pocket Park w/ vegetable gardens.		1
Pocket Park w/ meditation gardens.		1
Partial or full Athletic Fields or courts, such as soccer or baseball fields.		1
6' wide asphalt Hiking / Biking Trail (or other approved material)	≥ ¼ mile	1
	≥ 1 mile	2
	≥ 3 mile	3
	≥ 4 mile	4
Picnic Shelters with cooking facilities, picnic tables & trash receptacles.		1
Horseshoe pit and/or fire pit with seating area.		1
Covered structure with seating area		1
Improved/landscaped passive or active nature areas with <u>primary native</u> wildflowers or edible landscaping or ornamental trees or orchards. <u>Must be at least 2 Acres.</u>		1.5

Neighborhood green/square of ½ acre or more with pathways.	1
Community park of 8 acres or more with pathways.	2
Other types of recreational facilities.	As equivalent to any of the above-listed types, as determined by the Planning Commission.

- (2) The first recreational unit type of a cluster subdivision shall consist of a playground, with the amenities described below. Alternative recreational unit types for the first recreational unit may be permitted by the Planning Commission for age-restricted communities.

1. A playground shall consist of a composite play system, or systems, with eight (8) play features and a sitting bench.

TABLE 5.5.8.A.6.e.(2)i.

Example Playground Recreational Unit Type

Quantity	Equipment
Minimum 2	2 to 5 year-old play features
Minimum 1	Slides
Minimum 1	Climbing features
Minimum 1	Overhead features
Minimum 1	Tunnels
Minimum 1	Play panels
Minimum 1	Swings (8 feet high, 2 seats)
Minimum 1	Sitting bench

2. Playgrounds shall be constructed to specifications equivalent to those issued by the U.S. Consumer Product Safety Commission in the document *Public Playground Safety Handbook—in most recent iteration of the document(2010)*, or as may be amended in the future.
- (3) Each home shall be within one-quarter (1/4) of a mile from at least one qualifying recreational unit facility.
- (4) Recreational facilities shall be constructed in sequence with the phasing of development for the cluster subdivision.
- (5) Recreational facilities shall conform to the Virginia Uniform Statewide Building Code, including Handicap Accessibility (ADA) Standards.
- (6) Buildings or structures used for community recreational purposes may be located within transitional yards, as required below, but shall conform with the minimum setback requirements for principle structures.
- (7) Common open space, including all recreational units, shall be maintained in good condition by the developer until such time that it is dedicated to a Homeowner's Association or accepted as a public park by Warren County or the Town of Front Royal.

7. Transitional Yard. A minimum transitional yard area is required between any principal building and the following:
 - a. Any planned limited access roadway (i.e. no curb cuts for individual driveways):
Minimum ~~25~~15 feet
 - b. Any adjoining development that is not part of the R-1A cluster subdivision, unless such adjoining property shares the same ownership as the R1-A cluster subdivision:
Minimum ~~50~~30 feet.

DIVISON 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-Manufactured 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

Auxiliary Dwelling Units (ADUs)

COMMERCIAL:

INDUSTRIAL:

ORGANIZATIONAL:

Churches

Schools

MISCELLANEOUS:

Accessory uses, structures and buildings.

Home occupations.

Open space and conservation areas.

Public facilities.

Public parks and playgrounds.

Public utilities.

Signs, as set forth in Section Article 10.

Special childcare services.

Such other uses as determined similar to one or more enumerated uses by the Zoning Administrator, provided that the Zoning Administrator finds that: (1) the proposed use is comparable in traffic generation, noise, hours of operation, and scale to the enumerated uses; (2) the use will not adversely affect the residential character of the district; and (3) the use conforms to all other applicable standards of this Chapter.

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

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

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

RESIDENTIAL:

~~Multi-Family Dwelling Units~~

Designated Special Purpose Housing

COMMERCIAL:

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

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

Nursing homes, as set forth in Section 8.1.1

INDUSTRIAL:

ORGANIZATIONAL:

Commented [ECR2]: Not considered low or medium density

Fire and Rescue Squad & Police Stations

Public Libraries

Community Center (public)

MISCELLANEOUS:

Any use permitted under **Section 6.6.2** or specifically listed above under this subsection, that proposes to occupy a building or structure that exceeds the height requirements of **Section 6.6.10** subject to the requirements of **Division 3.1**. 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.

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

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 eight-six thousand (86,000) 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 four thousand three thousand (43,000) 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 eight-five thousand (85,000) 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.

<u>Regulation Aspect</u>	<u>Requirement/Description</u>
<u>Setback from street R-O-W ≥ 50 ft</u>	<u>Minimum 30 feet from the street right-of-way</u>
<u>Setback from street R-O-W < 50 ft</u>	<u>Minimum 55 feet from the center of the street right-of-way</u>

Commented [ECR3]: R3 has 7,500sqft. Need to understand why R2 is less than that.

Adjustment based on adjacent structures	No building needs to be set back more than the average setback of the immediately adjoining structures on either side
Vacant Lot Assumption	A vacant lot ≥ 50 feet wide may be assumed to be occupied by a building with a minimum setback

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

The minimum lot width at the setback line shall be seventy (~~57~~0) feet.

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

A. Side: Each side yard shall be a minimum of ten (~~40~~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.

[E. Auxiliary Dwelling Units \(ADUs\) shall be constructed only within the buildable area of the lot as defined by applicable setback and lot coverage yard requirements](#)

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

The maximum building coverage shall be ~~forty~~thirty-five percent (~~43~~5%).

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	Regulation
General Building Height	Buildings may be erected up to 2½ stories, not exceeding 35 feet in height.

<u>Public or Semipublic Buildings</u>	<u>Buildings such as schools, churches, or libraries may be erected up to 60 feet from grade, provided that front, side, and rear yards are increased by 1 foot for each foot of height over 35 feet.</u>
<u>Exceptions</u>	<u>Exempt from height limits: Church spires, belfries, cupolas, municipal water towers, chimneys, flues, flagpoles, television antennas, and radio aerials.</u> <u>Parapet walls may extend up to 4 feet above the building's height.</u>
<u>Accessory Buildings</u>	<u>Accessory buildings over 1 story must be at least 10 feet from any lot line.</u> <u>All accessory buildings must be shorter than the main building.</u>

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 (~~400~~50) feet.

D. The rear yard setback if facing a street shall be fifty (~~50~~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.

Auxillary Dwelling Units (ADU)

COMMERCIAL:

Hospitals and other semipublic facilities of an institutional nature.

Pharmaceutical centers as set forth in Division 9.4 of this chapter

Professional offices as set forth in Division 9.4 of this chapter

Nursing homes, as set forth in Section 8.4.1

INDUSTRIAL:

ORGANIZATIONS:

Churches

Schools

MISCELLANEOUS:

Accessory uses, structures and buildings.

Home occupations.

Open space and conservation areas.

Public facilities.

Public parks and playgrounds.

Public utilities.

Signs, as set forth in Article 10

Special childcare services.

Such other uses as determined similar to one or more enumerated uses by the Zoning Administrator, provided that the Zoning Administrator finds that: (1) the proposed use is comparable in traffic generation, noise, hours of operation, and scale to the enumerated uses; (2) the use will not adversely affect the residential character of the district; and (3) the use conforms to all other applicable standards of this Chapter.

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

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

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

RESIDENTIAL:

Multifamily Dwelling Units

Apartment ~~Houses~~ as set forth in **Division 9.7**

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

Designated Special Purpose Housing

COMMERCIAL:

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

Community Centers (public).

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

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

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

INDUSTRIAL:

ORGANIZATIONAL:

Art galleries and museums.

Fire and Rescue Squad & Police Stations

Public Libraries

Community Center (public)

MISCELLANEOUS:

Any use permitted under [Section 6.7.2](#) or specifically listed above under this subsection, that proposes to occupy a building or structure that exceeds the height requirements of [Section 6.7.11](#), 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.

Cemetery, subject to the provisions in [Section 8.1.5](#)

Lodging houses, rooming houses and boarding houses.

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

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

Model homes and sales offices for the marketing of residential dwellings within a specific development shall be permitted in an R-3 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 6.7.4](#)

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

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

A. The minimum lot size for a duplex structure is seven thousand five hundred (7,500) 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 seven hundred fifty (3,750) square feet.

B. The minimum lot size for townhouses shall be as stated in [Division 9.6 of this chapter](#)

C. The minimum lot size for apartments shall be as stated in [Division 9.7 of this chapter](#)

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

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

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

A. The minimum lot width at the setback line shall be ~~fifty-sixty~~ (6050) feet.

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

1. Subsection B shall only apply in cases of new subdivision or re-subdivision involving the creation of four (4) or fewer new lots.
2. Subsection B shall only apply in cases where the aforesaid abutting lots were established and in existence prior to April 10, 1978.
3. Under no circumstances shall the minimum lot width at the setback line for newly created lots be less than fifty (50) feet, regardless of the setback width of the abutting lots.
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.

[E. Auxiliary Dwelling Units \(ADUs\) shall be constructed only within the buildable area of the lot as defined by applicable setback and lot coverage yard requirements](#)

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 (~~20~~15) feet or more for main buildings, and thirty (~~30~~20) feet or more for accessory buildings.

C. Each corner lot shall have a minimum width at the setback line of one hundred (~~100~~50) feet.

D. The rear yard setback if facing a street shall be fifty (~~50~~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;

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

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

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

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

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

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

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

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

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

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

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

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

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

E. Efficiently utilizes land to protect and preserve natural features such as trees, 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. Auxillary Dwelling Units (ADU)

176. Such other uses as determined similar to one or more enumerated uses by the Zoning Administrator, provided that the Zoning Administrator finds that: (1) the proposed use is comparable in traffic generation, noise, hours of operation, and scale to the enumerated uses; (2) the use will not adversely affect the residential character of the district; and (3) the use conforms to all other applicable standards of this Chapter. 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 6.8.3](#), 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](#), 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.

[5. Designated Special Purpose Housing](#)

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.

A. Concept Plan:

1. Procedure: The owner ~~may~~shall present and file with the Director of Planning a Concept Plan for the project, along with the fee established in the schedule of fees, showing the rough layout of major roads, the general arrangement of land uses, open space, and utilities within the project, and such areas within the project as may be planned for particular uses or mixtures of uses, as outlined below. Upon receipt, the Director of Planning shall forward the Concept Plan to the Planning Commission for review and comment. The Planning Commission may recommend to the Town Council approval, denial or approval with modifications to the Concept Plan.

Upon review and recommendation by the Planning Commission the Director of Planning shall forward the Concept Plan to the Town Council for review and comment. The Town Council may approve, deny or approve conditionally with stated modifications. The approval of a Concept Plan is advisory and non-binding only an expression of apparent favor to be used in preparation of the PND Master Land Use Plan and does not authorize construction of improvements.

2. Submittal Requirements: The Concept Plan shall be prepared by a Virginia registered architect, landscape architect, land surveyor or engineer with seal and signature affixed to the plan. The plan shall be approximately to scale and clearly show the following:
 - a. Location map showing existing zoning and ownership of property and adjacent land;
 - b. Identification of principal natural features and/or unique site design features;
 - c. Relationship of the proposal with surrounding utilities and public facilities to serve the tract at the ultimate proposed densities;
 - d. The location and size of the components of the PND, including the general layout of the road system within the project, location of use areas within the project planned for particular uses or mixtures of uses and their acreage, residential densities, and the interior open space system and preservation areas;
 - e. Written description of the use areas;
 - f. A statement demonstrating consistency with the Town of Front Royal Comprehensive Plan, suitability of the tract for the type and intensity of the activities proposed, the anticipated availability of adequate road networks, and the objectives stated in **Section 6.3.1**

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

1. A map of the boundaries of the proposed development site, showing bearings, dimensions at a scale not greater than one (1) inch to six hundred (600) feet;
2. A statement of existing property owner(s) and the proposed developer;
3. Names and addresses of adjacent property owners;

4. A vicinity map drawn at a scale of between one (1) inch equals two hundred 2,000 feet and showing the relation of the property.
5. Topographic map with contour lines at vertical intervals of not greater than five (5) feet at a minimum scale of one inch to 200 feet;
6. A site analysis map of existing conditions, including but not limited to the location and delineation of sensitive environmental features, any 100-year floodplain, watercourse, non-tidal wetlands, areas greater than 15-percent slope, and significant geologic formations or man-made features, existing structures and public facilities, historic landmarks, existing zoning on-site and surrounding areas;
7. The overall scheme of development including general layout of proposed land uses at a scale of one (1) inch equals two hundred (200) feet;
8. The location and acreage of recreation areas, open space and conservation areas, parks within the development;
9. The location, acreage and type of nonresidential areas and uses, and 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 6.8.4**. 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 6.8.4.2](#) 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 of 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 9.1.0.2** and **9.10.2** 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

Commented [CH4]: this reference section does not exist in the current doc, unsure what to refer to here.

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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:

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

Table 6.8-A: Example Bonus Criteria

<u>Public Benefit</u>	<u>Minimum Threshold</u>	<u>Bonus (DU/acre)</u>
<u>Additional natural open space</u>	<u>+5 % of developable area</u>	<u>+0.25</u>
<u>Affordable/workforce housing (>10 %)</u>	<u>10 % of total units</u>	<u>+0.50</u>

<u>Public Benefit</u>	<u>Minimum Threshold</u>	<u>Bonus (DU/acre)</u>
<u>Greenway/bikeway system</u>	<u>Continuous internal system linked to town network</u>	<u>+0.25</u>
<u>Community facilities (day-care, hall, etc.)</u>	<u>As defined</u>	<u>+0.25</u>
<u>Enhanced streetscape/low-impact design</u>	<u>Meeting design-manual standards</u>	<u>+0.25</u>

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

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

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

D. Community and Institutional Uses:

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

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

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

F. Enhanced streetscapes: Streets 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 [6.8.14](#), 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-1 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 6.6.10.1](#)

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](#)

G. Outdoor lighting shall comply with the Town's Dark-Sky Ordinance and limit spillover to adjacent residential uses.

H. All commercial buildings shall meet the architectural standards and design palette of the PND Design Guidelines.

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

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

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

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

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

DIVISION 6.9 - COMMUNITY BUSINESS DISTRICT (C-1)

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

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

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

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 C-1 District, the following uses of land and buildings are permitted by-right in the C-1 District:

RESIDENTIAL:

~~Residential dwellings over ground floor commercial~~

Up to three (3) Dwelling Units, above ground floor

~~Up to three (3) dwelling units of any type, but not on the ground floor~~

Caretaker quarters

~~Single Family dwellings~~

~~Townhouses~~

~~Multi Family dwellings~~

COMMERCIAL:

Appliance stores and repair services

Assembly Halls

Automobile and truck sales lots and leasing agencies, in accordance with **Section 6.9.8 F**

Automobile service stations, in accordance with **Section 6.9.1**

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

Banks, branch banks, and financial institutions

Barber and beauty shops

Brewpubs or craft beverage taprooms

Car washing

Catering Services

Co-working or shared office space

Contractor's offices, display rooms and storage

Community centers / nonprofit offices

Commuter parking facilities

Department Stores

Drugstores

[Fitness Centers](#)

Florist shops/floral designers

Funeral homes

Furniture stores

Grocery stores

Hardware stores

Laundries, Laundromats and dry cleaners

Lumber and building supply, with storage under cover

Machinery sales and service

[Medical / dental offices](#)

Motels, hotels, and tourist homes

Newspaper and other printing establishments

[Pet grooming / pet supply stores](#)

Personal Services

[Post offices or parcel pick-up centers](#)

[Restaurants with or without outdoor dining, including drive-in restaurants](#)

Retail Stores, as defined in [Section 6.9.2.C](#)

Pharmaceutical Center

Professional and Business Offices

[Public safety facilities \(fire/police stations\)](#)

Radio and television broadcasting stations, studios or offices.

Recreational Facility, Commercial

[Research and development labs](#)

~~Restaurants, including drive-in restaurants~~ [Small-scale maker spaces / artisan manufacturing](#)

Special childcare services

Technology business, as defined in [Article 11](#) provided that such use does not involve broadcast or communications towers or manufacturing operations.

Theatres, Indoor

Veterinary hospitals

Commented [ECR6]: Needs definition

Wearing-apparel stores

INDUSTRIAL:

ORGANIZATIONAL:

Art galleries and museums-

Churches-

Public Libraries-

MISCELLANEOUS:

Accessory uses, structures and buildings-

Home occupations-

Open Space

Public facilities-

Public parks and playgrounds-

Public utilities-

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

Special childcare services-

Such other uses as determined similar to one or more enumerated uses by the Zoning Administrator, provided that the Zoning Administrator finds that: (1) the proposed use is comparable in traffic generation, noise, hours of operation, and scale to the enumerated uses; (2) the use will not adversely affect the residential character of the district; and (3) the use conforms to all other applicable standards of this Chapter.

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

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

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

RESIDENTIAL:

Single-Family dwellings

Townhouses

Multi-Family dwellings

Apartment House

Dwelling Units, with four (4) or more units or where located on the ground floor, subject to the provisions of Division 9.7

RESIDENTIAL:

~~Apartments or dwelling units, with four (4) or more units or where located on the ground floor, subject to the provisions of Division 9.7~~

COMMERCIAL:

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

Automobile Parking Lots, commercial.

Bed & Breakfasts, as set forth in Section 107.3.

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

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

Kennels

Shopping centers as set forth in Section 175-111.

INDUSTRIAL:

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

Wholesale establishments with storage and processing, subject to the standards and criteria for industrial uses provided in Section 6.14.3

ORGANIZATIONAL:

Schools

MISCELLANEOUS:

Any use permitted under Section 6.9.2 or specifically listed above under this subsection, that proposes to occupy a building or structure that exceeds the height requirements of Section 6.9.2, subject to the requirements of Division 5.1. Any increase in building height approved by special use permit shall require a corresponding increase in all required setbacks and yard areas at a ratio of one foot of additional setback for each one foot of additional building height. ~~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.~~

Conservation areas.

Communication towers, in accordance with Division 9.9

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

Boarding Houses, Clubs & Lodging Houses

Mini-warehouses, subject to the standards of **Section 6.9.1** (former Section 175-44.G.)

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

Parking Structures.

Structures with a height between 45 feet and 70 feet, and any residential structure not in conformance with the height limitation of **Section 6.9.3**

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

~~Townhouse-style commercial development, where the intent is to divide the property into individual lots.~~

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

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

A. Minimum Lot Size:

1. Residential uses with four (4) or more units = 6,000 s.f first unit; 1,500 s.f each additional unit.
2. All other uses: 7,500 s.f.

~~B. Minimum Unit Size: The minimum average unit size (floor area) per dwelling unit, where fewer than four (4) units are provided shall be three hundred (300) square feet. No dwelling unit shall have less than two hundred fifty (250) square feet of living area. This living area shall not include bathroom, closet and storage space.~~

~~B.C. Minimum District Size: Five (5) acres.~~

~~C.D. Minimum Lot Width:~~

1. Interior Lot: ~~Seventy-five~~Fifty (~~75~~50) feet.
2. Corner Lot: ~~Fifty-Ninety~~Sixty-Five(~~90~~65) feet.

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

A. ~~Residential Buildings~~Single-family dwellings: 35 feet, except as otherwise provided in this section.

Commented [ECR7]: Ask Lauren what the rationale was to change it down to 50, and what should the proportion be between the interior and corner lots

Commented [ECR8]: The suggestion of 45sq ft seems unreasonable. What was Summit's purpose for that?

B. Other Principal Buildings: 45 feet except as provided in **Section 6.9.2.B**

Commented [ECR9]: Consider raising the maximum height, but the original suggestion from Summit of 85 feet is unreasonable

C. ~~Residential structures~~ Multi-family dwellings may have a maximum overall height of 45 feet; ~~provided that the slope of the roof exceeds 35 percent and the required yards are increased by one (1) foot for each foot in height over 35 feet.~~

Commented [ECR10]: Original suggestion was 85. See above

D. Exemptions from height requirements:

1. Church spires.
2. Belfries.
3. Cupolas.
4. Municipal water towers.
5. Chimneys.
6. Flues.
7. Flagpoles.
8. Television antennas.
9. Radio aerials.
10. Parapet walls up to four (4) feet above the height of the building on which the wall rests.

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

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

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

1. Front setback:

- a. **Where no parking is provided between the structure and the street: five (5) feet.** Provided, however, that no drive aisle shall be located within five (5) feet of any structure having a setback less than fifteen (15) feet.

Commented [ECR11]: Summit recommended striking this. Why?

- b. **Where parking is provided between the structure and the street: fifty (50) feet.**

Commented [ECR12]: See above comment

2. Side: **10 feet on one (1) side only.**

3. Rear: 15 feet.

4. Corner side: 15 feet.

Commented [ECR13]: Summit's original cut these to 5ft each. Rejected.

B. Accessory Structures:

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

2. Side: 5 feet ~~or 50% of building height, whichever is greater.~~

3. Rear: 5 feet ~~or 50% of building height, whichever is greater.~~

4. Corner side: 20 feet, except that accessory structures shall not be located closer to the street than the principal structure.

C. Transitional yards, when located adjoining a residential district.

1. Side yard: 15 feet.

2. Rear yard: 20 feet.

3. No structures, storage, use or parking shall be located in a transitional yard.

4. Transitional yards shall be landscaped in accordance with the provisions of Section 148-44.

D. Where parking is provided in a perpendicular manner between the principal structure and the street a minimum parking setback of ten (10) feet and a minimum building setback of fifty (50) feet shall be provided. The parking setback shall be landscaped in accordance with Section 148-48(E)(2).

E. The Town Council may waive the setback, yard and lot size requirements for townhouse style commercial project, approved by ~~special permit~~ Special Use Permit, where such waiver is needed to produce a functional and desirable site layout; provided, however, that no adverse impact to adjoining property results from the waiver.

Section 6.9.7 - OPEN SPACE REGULATIONS (C-1) (175-43)

A. Maximum building coverage for apartment structures exceeding four (4) units: ~~Fiftyseven-~~ five percent (~~50~~75%).

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

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

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

A. Screening:

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

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

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

b. Outdoor storage, outdoor display and/or outdoor sales shall be screened to obstruct view from any adjacent public street. A screen may consist of a building, solid masonry wall, uniformly painted solid board fence or landscaping. The height of

Commented [ECR14]: Why was this cut?

Commented [ECR15]: Rejected the suggested 10ft as it seems arbitrary.

Commented [ECR16]: Suggestion was to remove this entire section. Rejecting that unless there is sufficient reasonable cause explained.

the screening shall be 6' feet unless an alternative height is approved by the Planning Commission during the review of a site plan.

3. The following types of outdoor display and/or outdoor sales shall be exempt from the requirements of **Section 6.9.8.A.2.f**:
 - a. Motor vehicles.
 - b. Power operated machines designed for outdoor labor, such as farming, construction or lawn maintenance, as well as large equipment, products, and materials designed to be kept outdoors.
 - c. Plants and other landscaping products typically sold with plants.
 - d. Temporary or seasonal activities, such as but not limited to, peddlers, yard sales, and itinerant merchants that have obtained approval from the Town.
 - e. Pre-manufactured buildings.
 - f. Vending machines.
 - g. General products, goods, merchandise, and/or materials, provided that (i) no more than 200 square feet of area is used, and (ii) outdoor display and/or sales are restricted from the evening and night hours from 8PM to 5AM, except that general products, goods, merchandise, and/or materials may be kept outdoors if located under a roofed structure.
 - h. Flea markets, subject to any conditions issued with special use permit, performance standards of the underlying zoning district, and requirements of Section 98-46 of the Town Code.
4. Commercial development shall be permanently screened from adjoining and contiguous residential district by a wall, fence, evergreen hedge, and/or other suitable enclosure with a minimum height of six (6) feet. Any area between such enclosure and the property line shall be landscaped to form a permanent screening area. The requirement for a screening area may be waived if equivalent screening is provided by existing parks, recreational areas, or by topographic or other natural conditions.
5. The provision of subsection 4 shall not apply when the (architectural) front of any commercial building faces the street across from a residential district or when strict application of the requirement relative to screening can be demonstrated as not serving the purpose for which it is intended.

B. Lighting: Lighting facilities shall be arranged in a manner that will protect the public roadway and neighboring properties from direct glare, intrusion or hazardous interference. Parking lot and building lighting shall be directed so that the lighting does not extend beyond the property boundary. Lighting facilities shall be required along private and public streets and within parking areas, installed at the developer's expense.

C. Miscellaneous:

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

2. All fuel and raw materials stored outdoors shall be enclosed by a fence adequate to conceal the facilities from any adjacent properties or roadways.
3. No materials or wastes shall be deposited upon a lot in such form or manner that it may be transferred off the lot by natural causes or forces.
4. All refuse containers shall be adequately sized to handle the needs of the facility or development and all material or wastes which might cause fumes or dust, constitute a fire hazard, or may be edible or otherwise attractive to rodents or insects shall be stored only in completely closed containers.
5. All outdoor refuse storage areas shall be located in a paved area and hidden from general public view, either from within or outside the lot, by means of fences or walls, and landscape planting. A solid wood or masonry fence at least six (6) feet in height shall be provided on three (3) sides, with a solid opaque gate on the fourth side. Landscaping shall be incorporated to improve the visual appearance.

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

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

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

1. Adequate water and sanitary facilities shall be provided if found necessary based on the size, frequency and duration of the market.
2. A minimum twenty-five (25) foot setback shall be maintained from all property lines, excluding structures and uses in existence prior to July 1, 2001.
3. No adverse effect on adjoining properties, including but not limited to excessive or untimely noise or lighting, overflow parking, or visual problems potentially affecting property values or marketability, is found.
4. All tables, facilities and structures shall be maintained in a well-kept and attractive manner.
5. No manufactured buildings shall be permitted.
6. Unless otherwise approved as part of a special use permit, all temporary structures or facilities shall be removed during the days that the market is not in operation.
7. Operation of a Flea Market shall be confined to Friday, Saturday, Sunday, and Holidays, unless other dates are specifically approved by the Town Council in conjunction with the Special Use Permit. The hours of operation shall be posted on the property.
8. If a Flea Market or Farmers' Market elects to close during part of the year, or is required to close during part of the year by a condition of a special use permit, all tables and other temporary fixtures shall be removed within two (2) weeks of such closure. Such fixtures may be stored on the site, provided they are located within a completely enclosed building or otherwise screened from public view, in accordance with Section 5.9.8(A).
9. All Flea Markets and Farmers' Markets shall be swept clean, hosed down and/or picked clean daily. No food products or debris shall be permitted to remain upon the site overnight.

All food products sold at the market must be displayed under sanitary conditions and sold in compliance with all requirements of the Virginia Department of Health or Virginia Department of Agriculture and Consumer Services.

10. Any expansion, including, but not limited to, new construction, an increase in the days of operation, or other significant changes to the use of the property, shall only be authorized with a special use permit.
11. Landscaping shall be provided where feasible and desirable for the purposes of improvement aesthetics, screening, shade and the natural environment.
12. Fencing may be required for purposes of improvement aesthetics, screening or public safety.
13. The sale of live animals is prohibited.
14. The sale of new merchandise or serving of food, other than farm and domestic products, shall only be authorized if the vendor obtains an itinerant merchant or peddler license, in accordance with the Town Code regulations for such uses.
15. Farmers' Markets and Flea Markets on public property shall be classified as 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.

Comment to R2 thru C1
Requiring Additional Discussion

For R2

R2				
Section	Name	Original Number	Summit Proposed Number	Planning Commision Recommendation/Comment
6.6.5	Area (R2)	8000 sq ft	6000 sq ft	R3 has min lot size 7,500 sqft. Need to understand why R2 is less than that. This is for a duplex structure
6.6.5	Lot size duplex	4000 sq ft	3000 sq ft	Why reduce lot size from 4000 to 3000 for duplex min sq ft
6.7.11	Corner lots			Can we assume setbacks were evaluated for utility, sight, and other access requirments

Note:

1. Some of these discussions apply to R3 as well
2. After discussion of R2 thru C1 we will need to go back and edit document to reflect decision

For C1

C1				
Section	Name	Original Number	Summit Proposed Number	Planning Commision Recommendation/Comment
6.9.2	Small-scale maker spaces			Need Definition
6.9.4C	Interior and Corner Lot	interior 75 ft, corner 90 ft	Interior 50 ft, corner 50 ft	Ask Lauren what the rationale was to change it down to 50/50, and what should the proportion be between the interior and corner lots
6.9.5A	Single Family Dwelling	35 feet	45 feet	The suggestion of 45sq ft seems unreasonable. What was Summit's purpose for that?
6.9.5B	Max height of other principal buildings	45 feet	85 feet	
6.9.5C	Max height Multi family dwelling	45 feet	85 feet	Suggest keeping 45 feet
6.9.6 A,1,a,b	Front Setback			Why delete sentence, Where no parking is provided between the structure and the street: ive (5) feet and Where parking is provided between the structure and the street: fifty (50) feet
6.9.6,a2	Side	or 50 per cent of building height, which ever is greather	5 feet	Summit's original cut these to 5ft each
6.9.6,a3	rear	or 50 per cent of building height, whichever is greather	5 feet	Summit's original cut these to 5ft each
6.9.6,a4	corner	20 feet	10 feet	Summit's original cut these to 10ft each
6.9.6,b	accessory structure	or 50 percent of building height, whichever is greater	5 feet	Why cut to 5 feet
6.9.6,c	transitional yards		Summit wanted to remove entire section	This ssperates residential from C1, PC suggests leaving it in.