

PLANNING COMMISSION WORK SESSION
Wednesday, December 3, 2025 @ 6 PM
Town Hall – 2nd Floor, East Conference Room

AGENDA

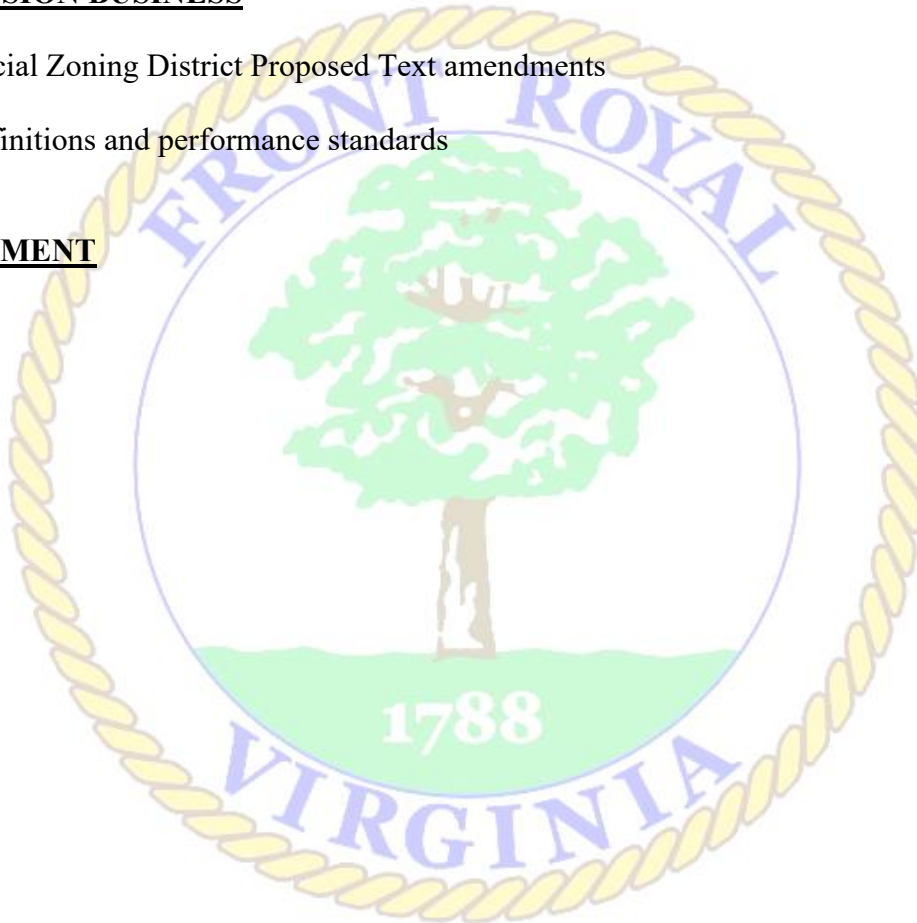
CALL TO ORDER

ROLL CALL

WORK SESSION BUSINESS

1. Commercial Zoning District Proposed Text amendments
2. Hotel definitions and performance standards

ADJOURNMENT



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 6.3.1**

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

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~~Restaurants, including drive-in restaurants~~ Small-scale maker spaces / artisan manufacturing

Commented [ECR1]: Needs definition

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

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 8.3.2, 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 8.12.1 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 6.14.8

ORGANIZATIONAL:

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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 6.9.3**, 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 9.1**

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 6.1.1**

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~~

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~~shall have less than two hundred fifty (250) square feet of living area. This living area shall not include bathroom, closet and storage space.~~

BE. Minimum District Size: Five (5) acres.

CD. 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.

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

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.~~

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:

Commented [ECR2]: 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 [ECR3]: The suggestion of 45sq ft seems unreasonable. What was Summit's purpose for that?

Commented [ECR4]: Consider raising the maximum height, but the original suggestion from Summit of 85 feet is unreasonable

Commented [ECR5]: Original suggestion was 85. See above

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 [ECR6]: Summit recommended striking this. Why?

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

Commented [ECR7]: See above comment

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

3. Rear: 15 feet.

4. Corner side: 15 feet.

Commented [ECR8]: 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~~.

Commented [ECR9]: Why was this cut?

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.

Commented [ECR10]: Rejected the suggested 10ft as it seems arbitrary

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

Commented [ECR11]: Suggestion was to remove this entire section. Rejecting that unless there is sufficient reasonable cause explained.

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: ~~Fiftyseventy-five~~ **seventy-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 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.2.1**.
 - 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.
1. 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.

DIVISION 6.10 - DOWNTOWN BUSINESS DISTRICT (C-2)

Section 6.10.1 - STATEMENT OF INTENT (C-2) (175-46)

The Downtown Business District C-2 is intended to encompass the major downtown retailing center and to provide for the orderly expansion of the central business district. The Downtown Business District C-2 should provide a framework for a strong nucleus of the business community, where all the amenities and services of downtown can be provided. In addition, certain high-density residential uses whose proximity to the downtown area would tend to strengthen the retail core shall be permitted. ~~Mobile homes for all purposes are prohibited.~~

Section 6.10.2 - USES PERMITTED BY RIGHT (C-2) (175-47)

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-2 District, the following uses of land and buildings are permitted by-right in the C-2 District:

RESIDENTIAL:

Conversion of existing residential and/or commercial structures into buildings with a greater number of dwelling units, provided one off-street parking space is provided per unit.

Single-family and two-family dwellings.

Townhouses

Multi-Family dwellings

COMMERCIAL:

Assembly Halls

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

Banks, branch banks, and financial institutions.

Barber and beauty shops

Bed & Breakfasts

Catering Services

~~Department Stores, 15,000 square feet or less~~

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

Drugstores

Florist shops/floral designers

Funeral homes

Furniture stores

Grocery stores, 15,000 square feet or less

Hardware stores

Laundries, Laundromats, and dry cleaners

Lodging houses and boarding houses

Motels, hotels, and tourist homes.

Newspaper and other printing establishments

Personal Services

Pet Shops, without boarding kennel.

Retail Stores, as defined in **Section 6.10.2.B**

Professional and Business Offices

Radio and television broadcasting stations, studios or offices.

Recreational Facility, Commercial

Restaurants, excluding drive-in restaurants

Technology business, as defined in **Article 11**, provided that such use does not involve broadcast or communications towers or manufacturing operations.

Theatres, Indoor

~~Wearing apparel stores~~

INDUSTRIAL:

ORGANIZATIONAL:

Art galleries and museums.

Churches, excluding churches with ground level frontage on E. Main Street.

Public libraries.

MISCELLANEOUS:

Accessory uses, structures and buildings.

Clubs

Home occupations.

Open space.

Public event, see Chapter 72 for additional permitting requirements for entertainment festivals.

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.

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, accessory uses, tobacco and electronic vapor products, adult bookstores (stores engaged in the sale of magazines and other publications of a sexually-oriented nature), and stores engaged in the sale of sexual aids, devices and merchandise.

Section 6.10.3 - USES PERMITTED BY SPECIAL USE PERMIT (C-2) (175-48)

A. The following uses are permitted within the C-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 C-2 District:

~~RESIDENTIAL:~~

~~Apartments located in buildings constructed after January 1, 1999, in accordance with the area requirements in **Section 6.10.4**~~

COMMERCIAL:

~~Automobile garages, excluding where repairs work is only an accessory use, subject to the requirements of **Section 6.2.4**~~

Automobile service stations, in accordance with [Section 8.3.1](#)

~~Automobile and truck sales lots and leasing agencies, in accordance with [Section 6.10.7.D](#)~~

~~Bed & Breakfasts, as set forth in [Section 8.1.4](#)~~

~~Day Care Facilities, subject to the provisions of [Section 8.1.2.1](#), and any necessary improvements or changes to address the considerations of that section.~~

Farmers' markets, in accordance with [Section 6.10.7.E](#)

INDUSTRIAL:

ORGANIZATIONAL:

Schools

MISCELLANEOUS:

Conservation areas.

~~Lodging houses and boarding houses~~

Section 6.10.4 - AREA REGULATIONS (C-2) (175-49)

A. Minimum Lot Size: There are no area requirements except in the case of new apartment structures, whereby the lot must be three thousand (3,000) square feet, plus an additional one thousand (1,000) square feet for each individual dwelling unit above one (1).

B. Minimum Unit Size: The minimum average unit size (floor area) in any structure containing dwellings shall be three (300) hundred square feet. No dwelling unit shall have less than two hundred and fifty (250) square feet of floor area. This floor area shall not include bathroom, closet and storage space.

C. Minimum District Size: Ten (~~40~~5) acres.

Section 6.10.5 - OPEN SPACE AND HEIGHT REGULATIONS (C-2) (175-50)

A. Maximum Building Coverage for new residential structures: 75%

B. Maximum Building Coverage for all other structures: 90%

C. Buildings may be erected up to forty-five (45) feet in height from grade as a matter of right. Buildings may be erected at heights between forty-five feet (45') and sixty feet (60') by Special Use Permit, with reasonable conditions necessitated by the historic and unique nature of the Downtown Business District, issued by Town Council after recommendation of the Planning Commission.

D. Church spires, belfries, cupolas, monuments, cooling towers, elevator shafts, chimneys, flues and flagpoles are exempt. Parapet walls may be up to four (4) feet above the height of the building on which the walls rests.

Section 6.10.6 - FRONTAGE AND YARDS (C-2) (175-51)

There are no frontage or yard requirements, except as follows:

~~A. Transitional yards, when located adjoining a residential district to the side or rear, shall be twenty (20) feet.~~

~~B.A.~~ Established Front Setback: Where a front setback has been established along one side of a subdivided block or street, all new construction shall conform to this established front setback, except where such variation is approved by the Board of Architectural Review with a Certificate of Appropriateness.

Section 6.10.7 - PERFORMANCE STANDARDS (C-2) (175-52)

A. Screening:

1. Permitted uses shall be conducted wholly within a completely enclosed building or within an area enclosed on all sides by a solid masonry wall, a uniformly painted solid board fence or a dense evergreen hedge at least six (6) feet in height. Public utilities and signs requiring natural air consideration, unobstructed view or other technical consideration necessary for property operation may be exempt from this provision. This exception does not include storing of any materials.
2. Commercial development shall be permanently screened from any adjoining and contiguous residential district by a wall, fence, evergreen hedge, and/or other suitable enclosure with a minimum height of five (5) 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 area, or by topographic or other natural conditions.
3. The provision of subsection 2 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 down-directed so that the lighting does not extend beyond the property boundary. Where needed, lighting facilities shall be required along private and public streets and within parking areas, installed at the developer's expense.

C. Outdoor Storage/Waste Disposal:

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, raw materials and products 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.
1. All outdoor refuse storage areas shall be located in a paved area and hidden from general public view, 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. 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.

E. Farmer's Markets: Where farmer's markets are permitted in the C-2 District, the following standards shall be required in addition to the requirements of Chapter 78 and any other conditions imposed by special use permit.

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.
3. No adverse effect on adjoining properties is found.
4. All tables, facilities and structures shall be maintained in a well-kept and attractive manner.
5. Any building used for the storage or sale of goods and materials shall be constructed on a permanent foundation and meet appropriate building code regulations. No trailers, manufactured homes, or mobile home units shall be permitted.
6. All temporary structures or facilities, including but not limited to canopy frames, table extensions and display shelving, shall be removed during the hours that the market is not in operation

DIVISION 6.11 - HIGHWAY CORRIDOR BUSINESS DISTRICT (C-3)

Section 6.11.1 - STATEMENT OF INTENT (C-3) (175-53.1)

The Highway Corridor Business C-3 District is intended to selected commercial uses, and retailing and service operations, located along the major transportation corridors into the Town. The Highway Corridor Business C-3 District recognizes the demand for a variety of land uses along the major entrances into Town and strives to ensure that such development is compatible in use, appearance and functional operation with the Town's economic development policies and action strategies.

Section 6.11.2 - USE REGULATIONS (C-3) (175-53.2)

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-3 District, the following uses of land and buildings are permitted by-right in the C-3 District:

RESIDENTIAL:

Caretaker quarters.

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 6.3.1**

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

Banks, branch banks, and financial institutions.

Barber and beauty shops

Billiard parlors and poolrooms.

Bowling alleys.

Commuter parking facilities.

Department Stores

Drugstores

Florist shops/floral designers

Funeral homes

Furniture stores

Grocery stores

Hardware stores

Lumber and building supply, with storage under cover

Machinery sales and service

Motels, hotels, and tourist homes.

Personal Services

Retail Stores, as defined in [Section 6.10.7.D](#)

Pharmaceutical Center

Professional and Business Offices

Radio and television broadcasting stations, studios or offices.

Recreational Facility, Commercial

Restaurants, including drive-in restaurants

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

Wearing-apparel stores

INDUSTRIAL:

ORGANIZATIONAL:

Art galleries and museums.

Churches

Boarding Houses, Clubs & Lodging Houses.

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.

Section 6.11.3 - USE PERMITTED BY SPECIAL USE PERMIT (C-3) (175-53.3)

The following uses are permitted within the C-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 C-3 District:

RESIDENTIAL:

COMMERCIAL:

Automobile Parking Lots, Commercial.

Shopping centers as set forth in [Division 9.3](#).

INDUSTRIAL:

Wholesale establishments with storage and processing, subject to the standards and criteria for industrial uses provided in [Section 6.14.6](#).

Distribution facilities, subject to the standards and criteria for industrial uses provided in [Section 6.14.8](#).

ORGANIZATIONAL:

MISCELLANEOUS:

Communications Towers and cable television facilities, with wireless telephone (cell phone) communications tower subject to the supplemental provisions prescribed in [Division 9.9](#).

Conservation Areas.

Parking Structures.

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

Structures with a height between 45 feet and 70 feet.

C. 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, 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 merchandise.

Section 6.11.4 - AREA REGULATIONS (C-3) (175-53.3)

A. Minimum Lot Size: One (1) acre.

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

C. Minimum Lot Width: One Hundred (100) feet.

Section 6.11.5 - MAXIMUM HEIGHT OF BUILDINGS (C-3) (175-53.4)

A. Principal Buildings: - 45 feet, except as provided in **Section 6.11.2.B**

B. 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.

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

D. Where the Town approves a structure exceeding 45 feet in height, the maximum height shall be seventy (70) feet and up to six (6) stories. All required yards shall be increased by two (2) feet for each foot over forty-five (45) feet.

Section 6.11.6 - MINIMUM SETBACK AND YARD DIMENSIONS (C-3) (175-53.5)

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

1. Front Setback: Fifty (50) feet.
2. Side: Fifteen (15) feet.
3. Rear: Fifteen (15) feet.
4. Corner Side: Thirty-Five (35) feet.

B. Accessory Structures:

1. Front Setback: 50 feet, except that accessory structures shall not be located closer to the street than the principal structure.
2. Side: 10 feet or 50% of building height, whichever is greater.

3. Rear: 10 feet or 50% of building height, whichever is greater.
4. Corner Side: 30 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: 20 feet.
2. Rear Yard: 25 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 148-44B.

Commented [AD12]: This section of 148 does not exist.

Section 6.11.7 - OPEN SPACE REGULATIONS (C-3) (175-53.6)

A. Maximum building coverage: Seventy-five percent (75%)

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

Section 6.11.8 - PERFORMANCE STANDARDS (C-3) (175-53.7)

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 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 6.11.8.A.2.b.
 - 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 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.
- 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 down-directed so that the lighting does not extend beyond the property boundary. All gasoline canopy lighting shall be down-directed and shielded to direct the lighting to the area under the canopy only. 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:

1. All new developments shall provide for the planting, replacement and/or maintenance of trees on the site to the extent that, at maturity of twenty (20) years, minimum tree cover shall be at least ten (10) percent of the site area. Such sites shall be planted in accordance with the provisions of [Section 148-46](#).
2. All sites and parking areas shall be landscaped in accordance with the provisions of Sections 148-46, 148-47 and 148-48.

Commented [AD13]: None of these sections exist in Ch 148

E. Building location and treatment:

1. Integrated development. All buildings within a property shall be developed as a cohesive entity, ensuring that building placement, architectural treatment, vehicular and pedestrian circulation and other development elements work together functionally and aesthetically. Architectural treatment shall be designed so that all building facades of the same building (whether front, side or rear) that are visible from the public right-of-way shall consist of similar architectural treatment in terms of materials, quality, appearance and detail.
2. Building bulk and mass. All buildings and parking areas should be designed with treatments to break up the mass and bulk. The treatment of buildings shall include vertical architectural treatment at least every fifty (50) feet to break down the scale of the building into smaller components. Any facade with a blank wall must be screened in a manner approved by the Zoning Administrator. Architectural details shall continue on all facades visible from the public right-of-way.
3. Materials. Building materials for structures and retaining walls should be typical of those prevalent in Front Royal and Warren County, including stucco, brick, wood siding and standing seam metal roofs. Inappropriate materials include reflective glass, and plastic and fiberglass replications of natural materials. No facade visible from adjoining property or the corridor highway shall be constructed of unadorned cinder block, concrete, corrugated metal or sheet metal.
4. Color. The permanent color of building materials (to be left unpainted) should resemble primarily earthen tones.

Section 6.11.9 - OFF-STREET PARKING (C-3) (175-53.8)

A. Space Requirements, except where specifically exempted under [Section 9.10.2](#)

1. Retail and personal service uses: 1 space per 200 gross square feet.
2. Restaurants:
 - a. Sit-Down: 1 space per 4 seats.
 - b. Carry-Out: 1 space per 50 net square feet of customer service area.
 - c. Drive-Through: 3 spaces plus stacking lanes for six (6) vehicles.
3. Offices, except medical offices: 1 space per 300 gross square feet.
4. Medical offices: 1 space per 200 gross square feet.
5. Furniture/appliance/lumber and building supply: 1 space per 400 gross square feet.
6. Hotels/Motels: 1 space per room and 1 additional space for every 10 rooms.

7. Theaters and Assembly Halls: 1 space per 4 fixed seats in the main assembly area, or 1 space per 100 net square feet.
8. Shopping centers: as provided in this chapter **Division 9.5**
9. Indoor court game facilities: 1 space for every two (2) players as designed.
10. Indoor recreation facilities: 1 space per 200 net square feet of improved area.
11. Other uses not specifically enumerated, see **Section 9.10.2**

B. Minimum setback for driveways and parking:

1. All parking areas adjoin commercial properties: Five (5) feet from side and rear property lines.
2. Front Setback: Ten (10) feet from public right-of-way, except where driveway entrance is located.
3. Parking areas adjoining residential district: Twenty-five (25) feet from side and rear property lines.
4. Parking areas shall be landscaped in accordance with the provisions of **148-48**.

C. Construction:

1. All driveway entrances shall be constructed to meet the requirements of the Virginia Department of Transportation for commercial entrances.
2. All parking areas and access aisles shall be paved.

DIVISION 6.12 - MIXED-USE CAMPUS DEVELOPMENT (MCD) DISTRICT

Section 6.12.1 - STATEMENT OF INTENT (175-53.9)

The purpose for establishing the MCD District is to implement the policies of the Comprehensive Plan that support the redevelopment or development of large tracts of land for principally non-residential purposes. In addition, the MCD District is intended to encourage greater creativity through regulations that are more flexible than the traditional zoning districts of this Chapter. The regulations of the MCD District are designed to permit development that includes a mixture of commercial, industrial and organizational land uses within a planned campus environment. The regulations herein will protect the health and safety of Town citizens while promoting the public's general welfare through the establishment of new economic development opportunities for the promotion of jobs, tax revenue, and a vibrant community.

Section 6.12.2 - PERMITTED USES (175-53.10)

By-Right. 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 MCD District, the following uses of land and buildings are permitted by-right in the MCD District:

RESIDENTIAL:

Caretaker quarters

Nursing Homes

COMMERCIAL:

Appliance stores and repair services

Assembly Halls

Automobile and truck sales lots and leasing agencies

Bakeries

Barber and beauty shops

Car washing

Catering Services

Department Stores

Drugstores

Florist shops/floral designers

Funeral Homes

Furniture stores

Grocery stores

Hardware stores

Hospitals

Laundries, Laundromats and dry cleaners

Lumber and building supply, with storage under cover

Machinery sales and services

Newspaper and other printing establishments

Personal Services

Retail Stores

Pharmaceutical Center

Professional and Business Offices

Recreational Facility, Commercial

Recreational Facility, Public

Restaurant, except drive-in

Shopping Center

Technology Businesses

Theatres, Indoor

Veterinary hospitals

Wearing-apparel stores

Wireless Telecommunication Facilities

INDUSTRIAL:

Contractor's offices, display rooms and storage

Light Manufacturing

ORGANIZATIONAL:

College or university, without living quarters

Community Center

Government Offices and Buildings

Schools, adult instructional facilities only

Churches

Parks and Playgrounds

Public utilities

Public events.

Public garage

Public transportation terminals

Public facilities

Commuter Parking Facilities

Fire and rescue squad stations

Libraries

Radio and television broadcasting stations, studios or offices

Art galleries and museums

MISCELLANEOUS:

Accessory uses, structures and buildings

Communal Garage

Home occupations

Open Space and Conservation Areas

Parking lot

Private Garage

Signs

Special childcare services.

Section 6.12.3 - USE PERMITTED BY SPECIAL USE PERMIT (MCD)

Special Use Permit. The following uses are permitted within the MCD District only by approval of a special use permit or where specifically designated on an approved Concept Plan, except as prohibited or restricted by separate restrictions of record that may pertain to property within the MCD District:

RESIDENTIAL:

Multi-family

Single-family attached or detached

COMMERCIAL:

Automobile Repair

Day Care and Day Care Facilities

Motels, hotels, lodging and tourist homes

Gasoline Sales

Restaurant, Drive-In

INDUSTRIAL:

Distribution facilities

Medium Industrial

Mini-Storage Facility

Wholesale and warehouse establishments

ORGANIZATIONAL:

College or university, with living quarters

Schools, other than adult instructional facilities

MISCELLANEOUS:

Section 6.12.4 - 175-53.11 REVIEW AND CREATION

A. The MCD District may only be established for properties that consist of at least 50 contiguous acres of land area.

B. In addition to the requirements of this Chapter, the following additional information shall be submitted with an application to rezone, or conditional rezone, property to the MCD District.

1. Concept Plan. A Concept Plan shall be submitted with an application for rezoning or conditional rezoning. The Concept Plan shall illustrate how the property is intended to be developed, and how the proposed development will conform to Town ordinances, including any associated proffers, and the Comprehensive Plan. When illustrating the intended development, the Concept Plan shall include the location of existing structures, and the existing and/or proposed location of the following.
 - a. Roads
 - b. Sidewalks and trails
 - c. Recreational facilities and parks
 - d. Open Space
 - e. Stormwater infrastructure
 - f. Topography
 - g. Floodplains
 - h. Wetlands
 - i. Sinkholes, caves or caverns
 - j. Hazardous areas
 - k. Tree canopy
 - l. Archeological sites and historic structures
 - m. Endangered species
 - n. Land uses and building areas
 - o. Adjacent properties
 - p. Public and private utilities & easements
 - q. Other information related to the proposed development that is necessary to assess the impacts and scope of the project.
2. Traffic Impact Analysis (TIA). A detailed TIA shall be prepared and submitted with an application to rezone, or conditionally rezone, to the MCD District. The TIA shall show the expected average daily traffic movements over any and all existing and planned streets within the proposed planned development, including motor vehicle traffic generated by the uses within the planned development. The traffic impact analysis shall include vehicle traffic generated by the lots within the planned development and expected to be generated in the future from the development of any and all adjacent properties to which and from which additional street connections are reasonably projected to be made and to which and from which additional traffic is reasonably expected to be generated. The study shall also include an analysis of the impact of the projected traffic on the adjacent local, collector and arterial road network, an assessment of the capacity of nearby intersections and appropriate solutions for improvements to the network (based on identified traffic problems) in

accordance with Institute of Transportation Engineers (ITE) standards for acceptable street and intersection service levels.

3. Phase I Environmental Analysis. At a minimum, a Phase I Environmental Site Assessment shall be submitted with a rezoning application to the MCD District. The Phase I Environmental Site Assessment shall be based on the anticipated use of the property proposed for development, and shall be prepared by generally accepted national standards for such assessments, such as those developed by the American Society for Testing and Materials (ASTM). A Phase II Environmental Site Assessment may be required at the time of rezoning application, or site plan application, based on the findings of the Phase I Environmental Site Assessment. A Phase II Environmental Site Assessment shall be prepared in accordance with the regulations of the Environmental Protection Agency (EPA) and the ASTM. In circumstances where more detailed studies have been completed and provided to the Town, those studies shall be accepted in lieu of an Environmental Site Assessment.
4. Impact Statement. The applicant shall provide an Impact Statement that provides a narrative of the existing and proposed land use of the property and describe how it conforms to the Comprehensive Plan. The Impact Statement shall also identify how the project will impact the following, and how those impacts are proposed to be mitigated.
 - a. Fiscal Impacts, capital and operating.
 - b. Impacts to the Quality of Life of citizens.
 - c. Impacts to Property Values.
 - d. Impacts to the Environment.
 - e. Impacts to Archeological and Historic Resources.

Section 6.12.5 - 175-53.12 SUBSTANTIAL CONFORMANCE TO CONCEPT PLAN

The submission of a concept plan with a rezoning application, including all conditions and elements proposed on the plan, shall be considered as proffers for the conditional rezoning of the property. Upon approval of the requested conditional rezoning, and acceptance of all conditions, including the concept plan and all other proffers that may be offered, all future land use activities shall be in substantial conformance with the concept plan. All future site development plan applications and subdivision plat applications shall be in substantial conformance with the concept plan. Minor deviations of the concept plan that do not significantly alter the overall land use layout, or conflict with specific conditions on the plan, or other proffers, may be considered in substantial conformance. Major deviations to the concept plan shall undergo the review process standard for proffer revisions.

Section 6.12.6 - 175-53.13 AREA REGULATIONS (175-53.13)

Lot Size & Width. New lots created on property within the MCD District shall not have a minimum lot size or width, except for corner lots, which shall have a minimum lot width at the setback line of one hundred (100) feet.

Section 6.12.7 - MAXIMUM HEIGHT (175-53.14)

A. The maximum structural height of buildings used for colleges, universities or hospitals shall be 5 stories, up to a maximum of 70 feet.

B. The maximum structure height of buildings used for parking garages, hotels, or technology businesses shall be 4 stories, up to a maximum of 56 feet.

C. Except as authorized under **Section 6.12.3**, the maximum building height shall be 3 stories, up to a maximum of 42 feet.

D. A clear zone void of structures, signage, vegetation, and berms shall be established in areas determined by the Director to ensure appropriate emergency access for all permitted land uses. Where a clear zone is required, an easement shall be obtained to establish required clear zone areas.

Section 6.12.8 - MINIMUM SETBACK AND YARD DIMENSIONS (175-53.15)

A. The following setback and yard dimension requirements shall apply to lots within the MCD District.

1. Yards abutting existing public streets: Thirty (30) feet.
2. Yards abutting new public or private streets: Twenty (20) feet.
3. Yards abutting alleys or internal travel lanes: Fifteen (15) feet.
4. Side yard: Zero (0) feet
5. Rear yard: Zero (0) feet
6. Residential uses that may be approved by special use permit shall provide a minimum rear yard of at least twenty-five (25) feet.

Section 6.12.9 - PERFORMANCE STANDARDS (175-53.16)

In addition to the other requirements of the Town Code, developments within the MCD District shall comply with the following standards.

A. Open Space Standards

1. At least thirty percent (30%) of the acreage of the property shall be dedicated open space with public access.
2. Up to 25 percent (25%) of the open space required by **subsection 6.13.6.B.4**, may be satisfied with land covered by water.
3. Required open space, including ingress/egress to the required open space, shall not be located within individual building lots.
4. Required open space shall not be further subdivided, and any future development of open space shall only be for the purpose of enhancing the use that it is dedicated for.
5. Open space shall be permanently dedicated for one of more of the following uses: natural resource conservation, or recreational facilities, wetland and water course preservation, selective forestry, wildlife habitat, undeveloped parklands or scenic preservation.
6. 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:
 - a. Deeded in perpetuity to the Town of Front Royal or other governmental agency for the purposes herein.
 - b. 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.
 - c. 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.
 - d. 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:

- [1] 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;
- [2] The property owners' association shall have the responsibility of maintaining the open space and operating and maintaining recreational facilities;
- [3] 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
- [4] 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.

7. If development occurs in phases, the provision of dedicated natural open space may also be phased with the construction of improvements.

8. Pre-development streets and other impervious surfaces shall be excluded from the calculation of the minimum dedicated open space requirement.

B. Lighting Standards.

1. All outdoor lighting shall be designed to the standards of the International Dark-Sky Association (IDA), or an equivalent set of standards that effectively reduce light pollution.
2. Lighting shall be provided within all parking lots.

C. Underground Utility Standards. All new utilities shall be located underground. The Planning Commission may authorize the use of overhead lines where underground lines would adversely impact wetlands or other physical features of the land, or where the use of overhead lines is temporary.

D. Buffer Standards. Landscaped buffers shall be provided for uses within the MCD District as follows:

1. A fifty-foot (50') buffer shall be provided between adjoining properties of a different zoning category and nonindustrial uses within the MCD District.
2. A one-hundred-foot (100') buffer shall be provided between industrial and nonindustrial uses within the MCD District.
3. A two-hundred-foot (200') buffer shall be provided between adjoining properties of a different zoning category and industrial uses within the MCD District.
4. Buildings or structures shall be restricted within buffer areas, excluding small buildings or structures necessary to provide public utilities. Fifty percent (50%) of buffer areas may be used for active uses other than buildings and structures.

E. Screening Standards. Screening shall be provided for uses within the MCD District as follows:

1. Service bays shall be screened or oriented so they are not visible from public streets.

2. Outdoor display or storage of goods or merchandize shall be restricted, unless screened from view. The Planning Commission may authorize specific locations for outdoor display or seasonal outdoor storage as part of the site plan review process. To minimize negative aesthetical impacts of any authorized outdoor display or seasonal outdoor storage that is not fully screened, the Planning Commission may require additional landscaping or other site improvements.
3. Dumpster pad sites and mechanical equipment systems shall be screened so they are not visible from public streets. Such screening shall consist of an evergreen screen, wood fencing, or masonry wall that is consistent with the architectural design of the principle building on the lot.
4. An ornamental fence, masonry or stone wall, and/or landscaping screen shall be provided around the perimeter of a development within the MCD District and adjoining properties of a different zoning category. General details of such screening shall be designated on the Concept Plan.

F. Miscellaneous Standards

1. The gross land area of land devoted to commercial retail shall not exceed forty (40) percent of the gross land area of the development.
2. The gross land area of land devoted to residential uses shall not exceed forty (40) percent of the gross land area of the development.
3. Pedestrian sidewalks, trails, and crosswalks shall be designed to connect clusters of buildings to common areas and retail areas.
4. Common areas shall be provided throughout the project. Common areas shall include amenities such as, but not limited to, pedestrian and bicycle trails, bicycle parking racks, pavilions, gardens, benches, picnic tables, and fountains.
5. Incidental automobile repairs shall be permitted as an accessory use for automobile and truck sales lots and leasing agencies only if the use is located within a fully enclosed building.

Definitions for Hotel/Motel/Extended Stay

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

Motel/Hotels: An establishment providing lodging accommodations to the general public for compensation, primarily designed and intended for transient occupancy of guests for a period of fewer than 30 consecutive days. Such uses may provide additional services such as daily maid service, restaurants, meeting rooms, and/or recreation facilities **without independent cooking facilities**. Such uses include hotels, motels, motor lodges, and motor courts.

Dedicated Extended Stay Hotels: A lodging facility designed and operated primarily for longer-term occupancy by guests for periods exceeding 30 consecutive days. Guest units are equipped with home-like amenities intended to support extended residence, including but not limited to kitchen or kitchenette facilities, laundry facilities, refrigerators, and dedicated living/work space. **Extended Stay Hotels are distinguished from motels/hotels by their use as temporary residences and by the inclusion of residential-style amenities in most or all guest units.**

Extended Stay: Lodging for 30 days or more

Manager: any person who is the proprietor of any hotel or motel, whether in the capacity of owner, lessee, sublessee, mortgagee in possession, operator or agent of any of the foregoing. The person who, in connection with the activities of a hotel or motel, manages the business's operations, including, but not limited to the collection of rental charges, issuing of keys, direction of maintenance personnel, assigning of rooms to guests, handling guest affairs and overseeing security. The term may also include resident manager or assistant manager.

Minor: an individual less than eighteen (18) years of age.

Operator: the person or persons responsible for the daily operation and management of the premises and all functions related thereto.

Owner: the person, persons, firm, association, partnership or corporation which the owner of record of the real property as listed on current tax records. It also shall mean any part owner, joint owner or lessor of the whole or part of the land or buildings.

Person: the word "person" shall include any individual, corporation, partnership, association, company, business, trust, joint venture or other legal entity.

Records: the name and home address of each guest or person renting or occupying a room, including adults and minors, kept electronically or in a book/register inscribed with ink or indelible pencil.

DIVISION 9.8- Hotels, Motels & Similar Establishments

All hotel/motel establishments shall comply with the following regulations:

- A. The Town Manager, Planning and Zoning Director or their designee shall have authority to enforce all provisions of this ordinance. Any owner, operator and/or manager of a hotel or motel, as defined in this ordinance, who does not comply with this ordinance, shall be guilty of an unclassified misdemeanor or as a Civil violation depending on type of violation.

1. Unclassified Misdemeanor Penalties and Violations

- i. Any owner, operator, or manager of a hotel or motel who violates this ordinance shall be subject to a civil penalty not exceeding \$1000 per violation, with each day constituting a separate offense, pursuant to Code of Virginia § 15.2-900.
- ii. Repeated or willful violations may result in suspension or revocation of an Extended Stay Permit, business license, or certificate of occupancy, pursuant to Code of Virginia §§ 15.2-2286(A)(3) and 15.2-900.
- iii. If a violation continues after written notice or poses an immediate threat to the health, safety, or welfare of the public, the Town may pursue criminal prosecution as a Class 1 misdemeanor, as authorized by Code of Virginia § 15.2-2286(A)(5). Guests who violate this ordinance shall be guilty of a Class 1 misdemeanor.

2. Civil Penalties and Violations

- i. Pursuant to § 15.2-2209 of the Code of Virginia, the Town establishes a uniform schedule of civil penalties for violations of specified provisions of this zoning ordinance. Such penalties shall be civil in nature and shall not include any violation resulting in injury to persons.
- ii. The civil penalty for any one violation shall be not more than two hundred dollars (\$200) for the initial summons and not more than five hundred dollars (\$500) for each additional summons arising from the same set of operative facts. Each day during which the violation continues shall constitute a separate offense; however, violations arising from the same operative facts shall not be charged more frequently than once in any ten-day period, and total civil penalties shall not exceed five thousand dollars (\$5,000) for a series of related violations.
- iii. The zoning administrator or designee may issue a civil summons for any such violation. Any person so charged may, prior to trial, elect to admit

liability and pay the civil penalty to the Town Treasurer or Finance Department, in lieu of a court proceeding.

- iv. Such admission shall not constitute a criminal conviction but shall have the same force and effect as a judgment of court.
- v. Upon a finding or admission of liability, the violator may be required to abate or remedy the violation within a reasonable time, not to exceed six (6) months unless otherwise provided by the court.
- vi. The designation of an offense for a civil penalty shall be in lieu of criminal sanctions, except for any violation resulting in injury to persons or where total civil penalties for a series of violations equal or exceed five thousand dollars (\$5,000), in which case the violation may be prosecuted as a misdemeanor as provided by law.

B. Access to premises

- 1. The Town Manager or designee shall have access at all reasonable times to all hotels, motels and extended stay facilities except the private room of a guest, unless so authorized by other laws or ordinances, for the purpose of investigating any complaint or enforcing any law, ordinance or regulation. Such access shall be granted in coordination with the property owner or hotel manager except in case of life threatening emergency or as allowed from state or federal laws.

C. Numbering of rooms or units

- 1. Each unit in any hotel or motel shall be numbered in a plain, conspicuous manner. Such numbers shall be at least three (3) inches high and shall be placed at eye level on the outside of the outer door of each lodging unit, and no two (2) lodging units shall bear the same number.

D. Compliance with all applicable laws

- 1. The hotel, motel or extended stay facility shall be operated and maintained in conformance with all applicable federal, state and local laws and regulations, including, but not limited to, the zoning code, building code, fire code, health code, business license code, criminal code, and the provisions of this ordinance; All rooms regardless of anticipated length of stay, shall be licensed by a permit through the Virginia Department of Health in conformance with Virginia Administrative Code §12VAC5-431-180. Designation of partial rooms is not allowable under this code. The owner or operator of any hotel, motel or extended stay facility are required to install smoke detectors in every room and shall inspect each detector annually to ensure it is operating properly and maintain a record of such inspection, which shall be available for inspection.

E. Management

1. A manager shall be on the property at all times

F. Guest Register

1. Every person operating any hotel, motel or extended stay facility in the town shall at all times keep and maintain a record, either electronic or in a book/register inscribed with ink or indelible pencil, the name and valid address of each adult guest or person renting or occupying a room, as well as the room number to which that person is assigned and the time of check in.
2. When the occupant of a room checks out, it shall be the duty of the proprietor of such hotel or motel or his agent, to enter the time thereof electronically or in such book or register opposite the name of such occupant.

G. False registration by guests

1. It shall be a violation of this ordinance for any person to write, or cause to be written, or knowingly permit to be written, in any electronic record, book or register in any hotel or motel in the town, any other or different name or designation than the true name of the person registered therein. Photo identification or other acceptable form of identification shall be required to be produced at registration, unless a bona fide disability prevents the provision of such identification or the guest provides a properly validated and certified voucher from a local charity. Violation shall be subject to misdemeanor penalty as provided in Town Code.

H. Minors

1. It shall be a violation of this ordinance to rent a room to a minor (under 18 years old) unless accompanied by a parent or legal guardian. All guest and visitors shall be at least 18 years old unless accompanied by a parent or legal guardian.

I. Giving false information to obtain lodging

1. It shall be a violation of this ordinance for any person to obtain lodging for any person under the age of eighteen (18) years in any hotel or motel by giving to the proprietor, owner, manager, agent, person in charge or keeper there of false information as to such person's age, or false information as to the relationship to such person of any alleged parent or guardian, or any person under the age of eighteen (18) years who shall obtain lodging in any such establishment by giving any such false information.

J. Use of room for illegal or unlawful purposes

1. It shall be a violation of this ordinance for any person to rent or occupy any room in any hotel, motel or extended stay facility in Front Royal for illegal or unlawful purposes, or for the proprietor, manager or other person in charge of any such hotel

or motel to rent, assign to or permit any person to occupy any such room, with knowledge that they intend to use it for illegal or unlawful purposes.

K. Notification of suspected illegal activity

1. The owner, operator or manager of a hotel, motel or extended stay facility shall promptly notify law enforcement of any actual or suspected criminal violations. Nothing in this ordinance shall impose liability for failure to detect or report criminal acts not actually known to management unless through negligence.

L. Letting same room more than once per night.

1. It shall be a violation of this ordinance for any person to let any room in any hotel or motel more than once between the hours of 9:00 p.m. and 6:00 a.m. of the next day.

M. Receipt for payment received.

1. A receipt showing payment received shall be provided to every person staying in a hotel or motel room.

N. Length of stay in hotel or motel.

1. No guest shall remain in a hotel or motel for 30 or more consecutive days, or for more than 60 days in any six-month period, unless accommodated under an Extended Stay Permit.

O. Extended Stay Permit

1. Limited Extended Stay Hotels/Motels

- i. Lodging of Limited Extended Stay Hotels/Motels shall be permitted only pursuant to an Extended Stay Permit. The Town may limit the number of rooms designated for extended stay based on findings related to health, safety, and welfare, but in no case shall exceed 20% of total rooms without special approval.

2. Dedicated Extended Stay Hotels:

- i. Lodging of Dedicated Extended Stay hotels shall be permitted only pursuant to an Extended Stay Permit. Hotels where at least 70% of the rooms are used for extended stays (30 days or more) where rooms offer home like amenities such as internal kitchens and laundry facilities making them suitable for business travelers, families, or individuals in transition. Dedicated extended stay rooms must be rented for at least 30 days. Stays longer than 90 consecutive days become subject to landlord-tenant law (i.e. more protections) rather than being purely transient lodging.

3. Extended Stay Permit Requirements

- i. Any hotel or motel desiring to designate extended stay rooms shall submit an Extended Stay Permit application along with a fee of \$200.00 to the Town Manager or his or her designee.

4. Investigation and Inspection

- i. Upon receipt of a complete application for a permit, the town manager or his or her designee shall verify all information and shall cause an inspection to be done of the premises by the departments of community development, fire, police and health to ensure there are no outstanding violations of any applicable local, state or federal law on the property.

5. Extended Stay Permit conditions.

- i. Any permit issued pursuant to this ordinance shall be subject to the following general conditions, and any additional specific conditions noted by the town manager or his designee in the permit: The hotel, motel or extended stay facility shall be operated and maintained in conformity with all applicable federal, state and local laws and regulations, including, but not limited to, the zoning code, building code, fire code, health code, business license code, criminal code, and the provisions of this ordinance;
 - 1. The town shall have the right to inspect the premises to ensure compliance with all permit conditions.
 - 2. The hotel or motel shall be operated in such a manner to ensure a safe and secure environment for its guests and surrounding businesses.
 - 3. Rooms designated for extended stay will be clearly documented on the permit by room number. Any deviation from this (i.e. allowing extended stays in rooms not designated as such, will be considered a violation.)

6. Extended Stay Permit issuance, expiration and renewal.

- i. If the Town of Front Royal grants an Extended Stay Permit for Extended Stay designated rooms, the permit shall be valid for one year from the date of issuance. The permit may be renewed annually after an investigation and inspection as required for new permits. Prior to denying or refusing to renew a permit, the town manager or his designee shall first give the applicant at least fifteen (15) days written notice and an opportunity to be heard. Any decision by the town manager can be appealed to the town council for adjudication. Notice may be sent by first-class mail to the applicant at the address given on the permit application, which shall constitute sufficient service.

7. Suspension and Revocation of Extended Stay Permits.

- i. The town manager or his designee may at any time, after giving at least fifteen (15) days written notice and an opportunity to be heard by the owner and/or operator, revoke any permit applied for or issued under this ordinance for any of the following reasons:
 1. Fraud or misrepresentation by the owner and/or operator in the procurement of Permit.
 2. Any violation of any applicable local, state or federal law
 3. Failure to comply with the general or specific terms of the permit or any illegal or unlawful acts occurring on the property
 4. Operation that repeatedly violates applicable building, fire, health, or criminal codes, or that poses a demonstrated threat to the health or safety of guests or the surrounding community
8. The Suspension and Revocation notice may be sent by first-class mail to such owner and/or operator at the address given by him on the application for the permit, which shall constitute sufficient service.

§ 15.2-2209. Civil penalties for violations of zoning ordinance

A. Notwithstanding subdivision A 5 of § 15.2-2286, any locality may adopt an ordinance that establishes a uniform schedule of civil penalties for violations of specified provisions of the zoning ordinance. The schedule of offenses shall not include any zoning violation resulting in injury to any persons, and the existence of a civil penalty shall not preclude action by the zoning administrator under subdivision A 4 of § 15.2-2286 or action by the governing body under § 15.2-2208.

This schedule of civil penalties shall be uniform for each type of specified violation, and the penalty for any one violation shall be a civil penalty of not more than \$200 for the initial summons and not more than \$500 for each additional summons.

A1. However, for any violation involving nonpermitted commercial uses in Planning District 23, the penalty shall be not more than (i) \$200 for the initial violation, (ii) \$1,000 for a second violation, and (iii) \$1,500 for a third or subsequent violation, not to exceed an aggregate amount of \$4,200 for all such violations within a 12-month period. For purposes of this section, "nonpermitted commercial uses" means any use devoted to usual and customary business purposes for the sale of goods and services when such use is not authorized or permitted under the locality's zoning ordinance.

A2. However, for any repeat violation on property that is zoned or used for multifamily residential purposes, the penalty shall be not more than (i) \$1,000 for a second violation and (ii) \$1,500 for a third or subsequent violation, not to exceed an aggregate amount of \$6,000 for all such violations within a 12-month period.

B. Each day during which the violation is found to have existed shall constitute a separate offense. However, specified violations arising from the same operative set of facts shall not be charged more frequently than once in any 10-day period, and, for violations that do not involve nonpermitted commercial uses in Planning District 23 or property that is zoned or used for multifamily residential purposes a series of specified violations arising from the same operative set of facts shall not result in civil penalties that exceed a total of \$5,000. Designation of a particular zoning ordinance violation for a civil penalty pursuant to this section shall be in lieu of criminal sanctions, and except for any violation resulting in injury to persons, such designation shall preclude the prosecution of a violation as a criminal misdemeanor, provided, however, that when such civil penalties total \$5,000 or more, the violation may be prosecuted as a criminal misdemeanor.

C. The zoning administrator or his deputy may issue a civil summons as provided by law for a scheduled violation. Any person summoned or issued a ticket for a scheduled violation may make an appearance in person or in writing by mail to the department of finance or the treasurer of the locality prior to the date fixed for trial in court. Any person so appearing may enter a waiver of trial, admit liability, and pay the civil penalty established for the offense charged. Such persons shall be informed of their right to stand trial and that a signature to an admission of liability will

have the same force and effect as a judgment of court. Notwithstanding a court's authority to order the abatement or remedy of a zoning violation for any violation involving nonpermitted commercial uses in Planning District 23 or property that is zoned or used for multifamily residential purposes, any person who enters a waiver of trial and admits liability shall be required to abate or remedy such violation within a period of time specified by the locality that is no less than 30 days but no more than 24 months from the date of admission of liability.

D. If a person charged with a scheduled violation does not elect to enter a waiver of trial and admit liability, the violation shall be tried in the general district court in the same manner and with the same right of appeal as provided for by law. In any trial for a scheduled violation authorized by this section, it shall be the burden of the locality to show the liability of the violator by a preponderance of the evidence. If the violation remains uncorrected at the time of the admission of liability or finding of liability, the court may order the violator to abate or remedy the violation in order to comply with the zoning ordinance. Except as otherwise provided by the court for good cause shown, any such violator shall abate or remedy the violation within a period of time as determined by the court, but not later than six months of the date of admission of liability or finding of liability. Each day during which the violation continues after the court-ordered abatement period has ended shall constitute a separate offense. An admission of liability or finding of liability shall not be a criminal conviction for any purpose.

E. No provision herein shall be construed to allow the imposition of civil penalties (i) for activities related to land development or (ii) for violation of any provision of a local zoning ordinance relating to the posting of signs on public property or public rights-of-way.

1985, c. 417, § 15.1-499.1; 1986, c. 97; 1987, cc. 78, 99; 1988, cc. 513, 813, 869, 895; 1989, c. 566; 1990, cc. 473, 495; 1992, c. 298; 1993, c. 823; 1994, c. [342](#); 1995, c. [494](#); 1996, c. [421](#); 1997, c.; 2003, c. [192](#); 2006, c. [248](#); 2008, c. [727](#); 2025, cc. [512](#), [587](#).

The chapters of the acts of assembly referenced in the historical citation at the end of this section(s) may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.