

REGULAR PLANNING COMMISSION MEETING

Wednesday, June 17, 2026 @ 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

- May 20, 2026 – Regular Meeting

V. PUBLIC COMMENTS NOT RELATED TO PUBLIC HEARINGS

VI. CONSENT AGENDA

I move that the Planning Commission approve the Consent Agenda to publicly advertise for a public hearing in July as presented. [Items removed for further discussion will be placed as the first item under Business Items. Unanimous vote is not required to move.]

1. **2600273** – A Special Use Permit Application, submitted by the Rotary Club of Front Royal for an artistic mural, exceeding sixty (60) square feet in size, on the north side of the building facing the intersection of N. Commerce Avenue and Manassas Street, located at 37 Water Street, identified by Tax Map 20A8-6-C 3. The property is zoned C-2, Downtown Business District.

VII. PUBLIC HEARING

1. **2600139** – A Special Use Permit Application, submitted by Andres A. Montesinos, on behalf of the property owner Eagle Sky Industrial Park, LLC to allow an Automobile Graveyard “Junkyard”, located at 508 Kendrick Lane, identified by Tax Map Number 20A1-3-4. The Property is zoned I-2, Industrial Employment District.
2. **2600235** – A Special Exception Application submitted by Ramsey Inc. for a Special Exception from Town Code §148-820-N-1-A (1) for the property located at 10160 Winchester Road, and identified by Tax Map #20A24, Section 1, Parcel 7. The property is located in the R-2, Residential District and contains 1.283 acres and does not meet the required two (2) acre minimum. *(Application withdrawn by the applicant.)*

VIII. COMMISSION MEMBER REPORTS

IX. PLANNING DIRECTOR REPORT

- May Monthly Report

X. ADJOURNMENT

*There will be a Planning Commission work session immediately following the regular Planning Commission meeting in the Warren County Government Center Caucus Room.

MAY 20, 2026

REGULAR MEETING MINUTES (DRAFT)



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 May 20, 2026, at 7:00 PM at the Warren County Government Center.

CALL TO ORDER

Chairman Neel called the May 20, 2026, meeting of the Planning Commission to order at 7:00 p.m.

ROLL CALL

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

Absent: Connie Marshner, Commissioner

Staff Present: Lauren Kopishke, Planning Director / 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

- April 15, 2026 – Regular Meeting

Vice Chairman Marrazzo moved, seconded by Commissioner Brooks to approve the regular meeting minutes from April 15, 2026.

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

ROLL CALL



- April 29, 2026 – Special Meeting

Commissioner Fedoryka moved, seconded by Vice Chairman Marrazzo to approve the special meeting minutes from April 29, 2026.

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

ROLL CALL

PUBLIC COMMENTS (NOT RELATED TO PUBLIC HEARINGS)

Chairman Neel explained the process for speaking during the public comment portion of the meeting.

Megan McDonnell, 1022 Braxton Road, Front Royal, VA. Ms. McDonnell is requesting guidance for a longstanding retaining wall on her property sitting within a five foot (5') strip that was recently identified as a town utility easement. Through a review and survey of the property by the Town Public Works Department it was determined that the retaining wall alongside her driveway is located in the easement that is dedicated to the town. Following that determination, she was referred to Planning and Zoning to determine what options for repair may exist. She expressed concerns for safety issues and land stabilization related to the deteriorating retaining wall. The wall supports an elevated portion of her driveway and a five foot (5') drop down to the neighboring property. She understands the concerns about structures located in the town easement however she is trying to understand what safeguards would be considered appropriate given the grade change and the condition of the longstanding retaining wall that supports her property. Ms. McDonnell stated her goal in speaking to the Commission was to raise concern about the retaining wall before the condition worsens. She would like to work with the town to preserve the need for utility access while also addressing the longstanding condition of the wall affecting the stability of her property.

CONSENT AGENDA

1. **2600139** – A Special Use Permit Application, submitted by Andres A. Montesinos, on behalf of the property owner Eagle Sky Industrial Park, LLC to allow an Automobile Graveyard “Junkyard”, located at 508 Kendrick Lane, identified by Tax Map Number 20A1-3-4. The Property is zoned I-2, Industrial Employment District.

Commissioner Brooks moved, seconded by Chairman Neel that the Planning Commission approve the Consent Agenda to publicly advertise for a public hearing in June as presented.



VOTE: Yes – Marrazzo, Fedoryka, Brooks, Neel

No – N/A

Abstain – N/A

Absent – Marshner

ROLL CALL

PUBLIC HEARING

- 1. 2600214** - An Ordinance Amendment to repeal the current Subdivision and Land Development Ordinance, Town Code Chapter 148, in its entirety and adopt a new Subdivision and Land Development Ordinance. This comprehensive update is intended to modernize standards contained within and bring the language into compliance with State Code.

Ms. Kopishke explained that the amendments are to bring the Subdivision and Land Development Ordinance into compliance with State Code. The major changes in the document were in §148-210 and §148-211. The administrative subdivision requirements changes from eight (8) lots down to two (2) lots. In addition, the other substantial amendment was changing the language that called for a “special exception” and making it an “administrative variance” which would not require a public hearing. She requested the Planning Commission to move Article 9 – Definitions to the beginning of the ordinance for ease of use and clarity.

Chairman Neel opened the public hearing.

No one spoke and the public hearing was closed.

In order to promote the health, safety and general welfare of the public, Chairman Neel moved, seconded by Commissioner Brooks that the Planning Commission forward a recommendation of approval to the Town Council to approve the amended Subdivision and Land Development Ordinance text in its entirety with the following addition:

Add new language for the 148-210 section:

In accordance with §148-210.B of this Chapter the applicant may submit a waiver application to wave either one (1) or more technical requirements of this Chapter, and receive administrative approval for the plat or plan for the following types of subdivision or land development activities:

- 1. The division of a single lot or parcel into two (2) parcels or lots.*
- 2. The combination or recombination of previously platted and recorded lots where the total number of lots is not increased, including the vacation or abandonment of a lot line.*

And

Move Article 9, Definitions after Article 1.



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

ROLL CALL

COMMISSION MEMBER REPORTS

There were no comments.

PLANNING DIRECTOR REPORT

Ms. Kopishke reviewed the April Planning and Zoning monthly report.

With the recommendation of approval by the Planning Commission, the Subdivision and Land Development Ordinance will move forward to the Town Council for a work session and public hearing.

The Planning Commission will continue to review the Performance Standards of the Draft Zoning Ordinance and focus on the supplemental provisions to include signs, fences, trailers, etc.

Chairman Neel noted the Planning Commission would look further into Ms. McDonnell's concerns related to the retaining wall at 1022 Braxton Road.

ADJOURNMENT

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

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

VOICE VOTE

The meeting was adjourned at 7:11 p.m.

Approved by Planning Commission
Date: _____

CONSENT TO ADVERTISE

2600273 – A SPECIAL USE PERMIT APPLICATION, SUBMITTED BY THE ROTARY CLUB OF FRONT ROYAL FOR AN ARTISTIC MURAL, EXCEEDING SIXTY (60) SQUARE FEET IN SIZE, ON THE NORTH SIDE OF THE BUILDING FACING THE INTERSECTION OF N. COMMERCE AVENUE AND MANASSAS STREET, LOCATED AT 37 WATER STREET, IDENTIFIED BY TAX MAP 20A8-6-C 3. THE PROPERTY IS ZONED C-2, DOWNTOWN BUSINESS DISTRICT.

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

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

SPECIAL USE PERMIT REQUEST**APPLICANT:**Name: Rotary Club of Front RoyalPHONE: 540-660-5732Address: PO Box 85, Front Royal, VA 22630

Email: _____

PROPERTY OWNER:Name: Blue Ridge OpportunitiesPHONE: 540-551-0843Address: 37 Water Street, Front Royal, VA 22630

Email: _____

PROPERTY DESCRIPTION:Property Address: 37 Water Street, Front Royal, VA 22630Tax Map 20A8 Section 6 Block C Lot 3Subdivision Name: _____ Acreage: .25 Zoning District: Happy Creek Town
C-2**REQUEST:**Proposed Use of Property: Put up a 55' x 8' mural/sign on the side of the buildingSpecific Special Use Permit Request: to recognize the contributions of Rotary to our community and the world. To enhance the side of our building.The side of the building facing Laura Virginia Hale/Commerce Avenue

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: CK# 7211 Date Paid: 5/29/26
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: [Signature] Date: 05/22/2026Property Owner Signature: [Signature] Date: 05/22/2026

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

RECEIVED
 MAY 29 2026
 TOWN OF FRONT ROYAL
 PLANNING & ZONING DEPARTMENT



Peace & Conflict

Environment

Community & Economic Development

Education & Literacy

Maternal & Child Health

Water & Sanitation

8 ft x 55 ft Mural Concept

(Using shapes and warm accents to add a sense of love)

PUBLIC HEARING ITEM 1

2600139 – A Special Use Permit Application, submitted by Andres A. Montesinos, on behalf of the property owner Eagle Sky Industrial Park, LLC to allow an Automobile Graveyard “Junkyard”, located at 508 Kendrick Lane, identified by Tax Map Number 20A1-3-4. The Property is zoned I-2, Industrial Employment District.

Town of Front Royal, Virginia

Planning Commission Monthly Meeting Agenda

☐ Consent Action ☐ Administrative Action ☒ Public Hearing ☐ Discussion

Agenda Item: Special Use Permit #2600139

MEETING DATE: June 17, 2026

SUMMARY: A Special Use Permit Application, submitted by Andres A. Montesinos, on behalf of the property owner Eagle Sky Industrial Park, LLC to allow an Automobile Graveyard "Junkyard", located at 508 Kendrick Lane, identified by Tax Map Number 20A1-3-4. The Property is zoned I-2, Industrial Employment District.

Letters were sent to the adjoining property owners notifying them of this public hearing.

STAFF RECOMMENDATION:

The portion of the property that the proposed junkyard will be situated is outside of the Covenants held by the Clean Water Project and are not subject to its restrictions. However, given the nature of the use, staff is concerned about environmental quality and pollutants reaching the Shenandoah River. If Planning Commission recommends approval of this use, strong conditions related to mandatory impermeable surfaces, landscaping buffers and overall environmental protections need to be considered.

DRAFT MOTION:

"In furtherance of the purposes and objectives contained in Town Code §175-1(B), I move that the Planning Commission forward a recommendation of approval for Special Use Permit #2600139 for an Automobile Graveyard "Junkyard" located at 508 Kendrick Lane, identified by Tax Map Number 20A1-3-4. Conditioned upon the following:

- 1. The applicant will need to store all automobiles on an impervious substrate to not permit chemicals and fluids from the vehicles to leach into the ground.*
- 2. The applicant will provide a landscape buffer of _____ feet from the use. "*

"I move that the Planning Commission keep the public hearing open to allow staff time to ascertain additional information regarding _____."

"I move that the Planning Commission forward a recommendation of denial for Special Use Permit #2600139 for an Automobile Graveyard "Junkyard" located at 508 Kendrick Lane, identified by Tax Map Number 20A1-3-4. for the following reasons: _____"

NOTE: These are only a draft motions. Alternative motions are also welcome.

PLANNING COMMISSION ACTION:

Moved _____ Seconded _____

Marshner _____ Marrazzo _____ Neel _____ Fedoryka _____ Brooks _____

☐ Approved ☐ Approved w/ Conditions ☐ Denied ☐ Other



TOWN OF FRONT ROYAL DEPARTMENT OF PLANNING & ZONING

**Planning Commission Regular Meeting
June 17, 2026**

APPLICATION #:

Special Use Permit Application #2600139

APPLICANT:

Andres A. Montesinos

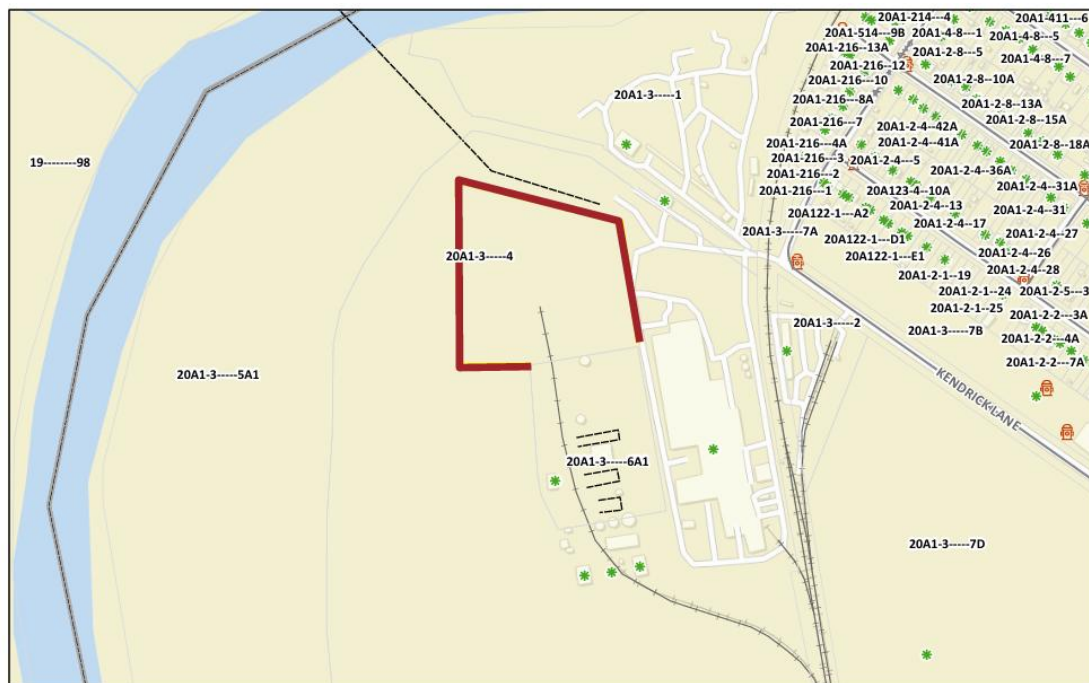
APPLICATION SUMMARY:

A Special Use Permit Application, submitted by Andres A. Montesinos, on behalf of the property owner Eagle Sky Industrial Park, LLC to allow an Automobile Graveyard “Junkyard”, located at 508 Kendrick Lane.

GENERAL INFORMATION:

<i>Site Addresses</i>	508 Kendrick Lane
<i>Property Owner(s)</i>	Eagle Sky Industrial Park LLC
<i>Zoning District</i>	I-2, Industrial Employment District
<i>Historic District</i>	No
<i>Tax Identification</i>	Tax Map #20A1-3-4
<i>Proposed Use</i>	The Applicant is requesting to allow an Automobile Graveyard “Junkyard”.

Vicinity Map (Warren County GIS)



6/4/2026, 12:09:51 PM

Parcels Address Labels Railroads Pipeline
 Parcel Labels Roads Hydrant FRONT ROYAL
 Address Points Leach Run Parkway Powerline County Boundary

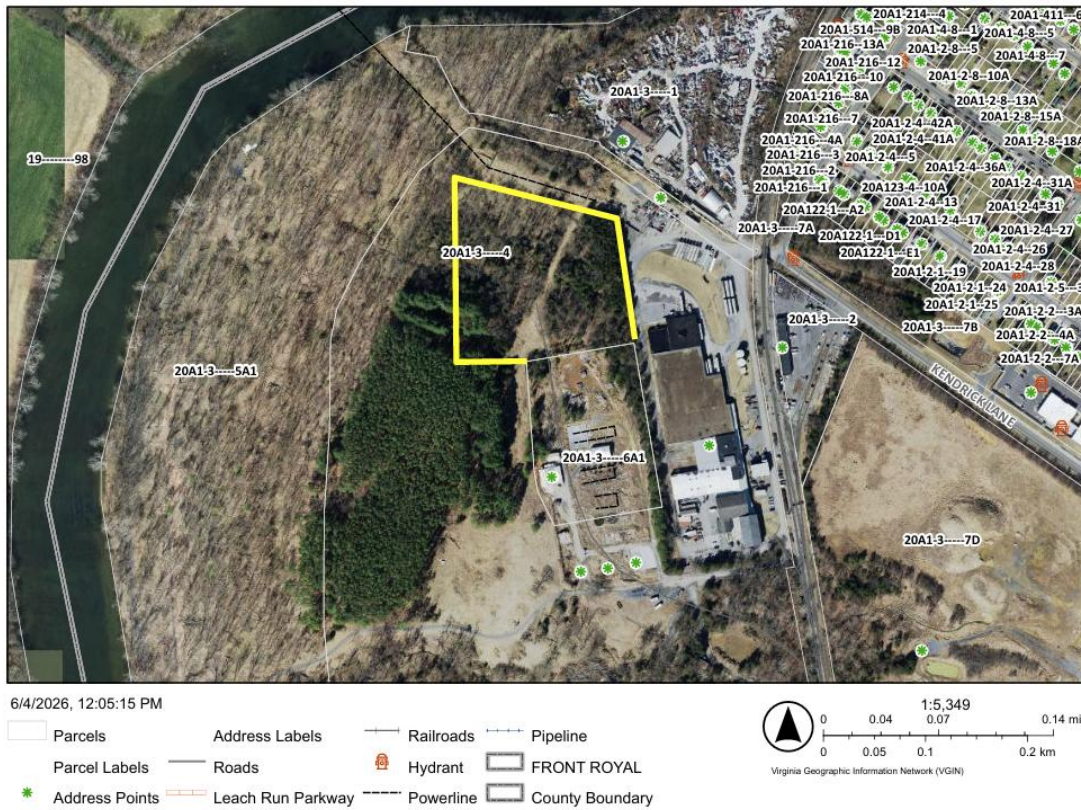
World_Street_Map



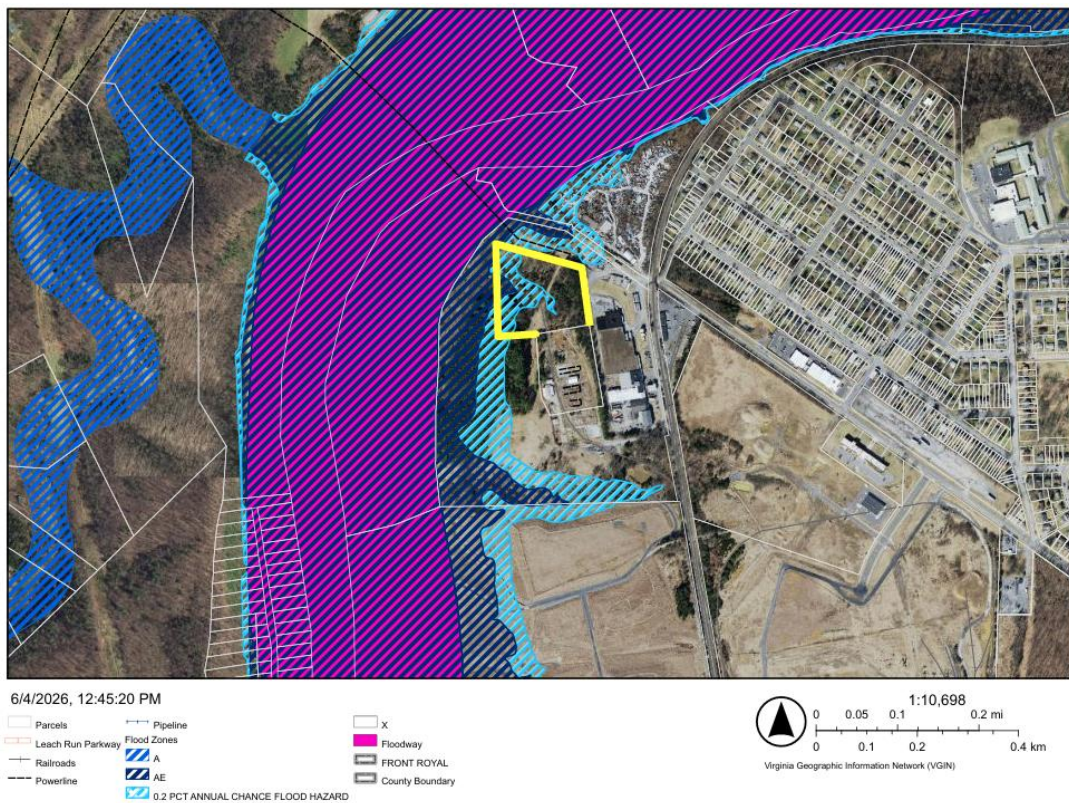
0 0.04 0.07 0.1 0.14 mi
0 0.05 0.1 0.2 km

VITA, Esri, HERE, Garmin, INCREMENT P, NOAA, USGS

Aerial Map (Warren County GIS)



Floodway / Floodplain Map



INFORMATION ON THE APPLICATION:

<i>Town Code</i>	Town Code 175-3 – DEFINITIONS AUTOMOBILE GRAVEYARD - See "Junkyard." JUNKYARD - Any land or building used for the abandonment, storage, keeping, collecting or baling of paper, rags, scrap metals, other scrap or discarded materials or for the abandonment, demolition, dismantling, storage or salvaging of automobiles or other vehicles not in running condition, machinery or parts thereof. The term "junkyard" shall include the term "automobile graveyard," which shall be any lot or place which is exposed to the weather upon which more than three (3) motor vehicles of any kind, incapable of being operated, are placed. 175-70 - PERFORMANCE STANDARDS (I-2) The following performance standards shall apply to all uses within the I-2 Industrial Employment District: A. Vibration: 1. No continuous, frequent or repetitive vibrations shall be produced which are discernible to a person of normal sensitivities, without instruments, on land that is not zoned for industrial uses. 2. Vibrations from temporary construction and vehicles leaving the property (such as trucks or trains) are excluded. Vibrations from on-site equipment or vehicles that remain primarily on-site are included. 3. Vibrations of no more than five (5) minutes in any one (1) day between the hours of 7:00 a.m. and 7:00 p.m. shall not be deemed continuous, frequent or repetitive. B. Glare: Any operation or activity producing intense light or glare shall be performed in such a manner as not to create a glare effect across lot lines. Direct illumination from any source shall be screened from adjoining properties. C. Heat: 1. Heat from an industrial use shall not at any time cause a temperature increase in the air on any adjacent property in excess of ten degrees Fahrenheit (10° F.). 2. Heat from an industrial use shall not at any time cause a temperature increase in a stream, wetland, lake or any other body of
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water, at or beyond the property line of the lot on which it is located, that would have an adverse effect on any aquatic life.

D. Liquid or Solid Wastes:

1. No industrial use shall result in the discharge of liquid or solid waste into any public sewer, private sewage system, public waters or into the ground except in compliance with applicable federal, state or local laws governing such discharge.

2. There shall be no accumulation outdoors of solid wastes conducive to the breeding of rodents or insects.

3. All discharges into any public sewer shall comply with the provisions of Section 134-2 et seq.

E. Smoke and Particulate Matter:

1. Open storage and open processing operations, including on-site transportation movements which are the source of windborne dust or other particulate matter or which involve dust or other particulate air contaminant generating equipment (such as used in paint spraying, grain handling, sand or gravel processing or sandblasting) shall be conducted so that dust and other particulate air contaminants are not transported in visible quantities across the boundary line of the tract on which the industrial use is located.

2. All industrial uses shall comply with state and federal air pollution control regulations.

F. Toxic and Hazardous Materials:

1. All toxic and hazardous materials used in industrial operations shall be registered with the Front Royal Fire Department for purposes of safety.

2. Activities involving the storage or use of materials or products which decompose by detonation shall be registered with the Front Royal Fire Department.

3. Explosives shall be stored, used and manufactured in accordance with applicable state and federal regulations.

G. Odor:

1. No continuous, frequent or repetitive emission of odors or odor-causing substances of such intensity and character as to be detrimental to the health and welfare of the public or neighboring

landowners or to interfere with the comfort of the public or neighboring landowners at or beyond the property line shall be permitted. Any such odor or odor causing activity or substance shall be removed, stopped or so modified as to remove the odor.

2. An odor which is evident no more than once in any one (1) day for a period not exceeding five (5) minutes shall not be deemed as continuous, frequent or repetitive within the meaning of these regulations.

H. Noise:

1. No industrial activity shall generate noise that tends to have an annoying or disruptive effect upon uses located beyond the property boundary.

2. Where technical evidence of violation is warranted, sound levels shall be measured at locations specified in Section 175-71 with a sound level meter and associated octave band filter, manufactured in accordance with the American Standards Association. Measurements shall be made using the flat network of the sound level meter. No sound pressure level shall exceed the decibel levels in the octave bands shown herein.

3. Maximum permitted sound levels (in decibels):

Octave Band Cycles Per Second	Maximum Permitted Sound Level in Decibels
0 to 75	72
75 to 150	67
150 to 300	59
300 to 600	52
600 to 1200	46
1200 to 2400	41
2400 to 4800	38
Above 4800	35

4. Noise resulting from temporary construction activity between the hours of 7:00 a.m. and 7:00 p.m. shall be exempt from this section.

I. 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 six feet (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 175-70.I.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 two hundred (200) square feet of area is used, and (ii) outdoor display and/or sales are restricted from the evening and night hours from 8:00 p.m. to 5:00 a.m., except that general products, goods, merchandise, and/or materials may be kept outdoors if located under a roofed structure.

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

5. Automobile graveyards and junkyards, including those in existence at the time of the adoption of this chapter, shall completely screen, on any side open to view from a public road, the operation or use by a solid masonry wall, a uniformly-colored solid fence or dense evergreen plantings at least six (6) feet in height at the time of planting.

175-64 STATEMENT OF INTENT (I-2)

The I-2 Industrial Employment District is designed to:

A. Enable the establishment of industrial and employment uses and structures in appropriate locations of the town.

B. Prevent land or structures from being used in a manner so as to create any dangerous, injurious, noxious or otherwise objectionable risk of fire, explosion, radioactivity or other hazardous condition; noise or vibration, smoke, dust, odor or other form of air pollution; electrical or other disturbance, glare or heat; liquid or solid waste; or other condition that would detract from the residential and commercial desirability of the adjoining areas.

C. Provide controls and standards for the establishment of industrial and employment uses and structures in keeping with the purposes of this Article and the Front Royal Comprehensive Plan.

175-65 USE REGULATIONS (I-2)

B. The following uses are permitted within the I-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 I-2 District:

RESIDENTIAL:

COMMERCIAL:

Airport (including heliports).

Assembly Halls.

Barber and beauty shops.

Catering Services.

Clubs.

Daycare and daycare facilities.

Kennels.

Recreation facility, commercial.

Restaurant, including drive-in restaurants.

Retail Stores.

INDUSTRIAL:

Automobile Graveyard.

Hazardous Material Storage.

Heavy Manufacturing.

Medium Manufacturing.

Scrap metal processing.

ORGANIZATIONAL:

***Parking
Requirements***

MISCELLANEOUS:

Any use permitted under Section 175-65.A, or specifically listed above under this subsection, that proposes to occupy a building or structure that exceeds the height requirements of Section 175-67, subject to the requirements of Section 175-136. 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.

Communications Towers and cable television facilities, with wireless telephone (cell phone) communications tower subject to the supplemental provisions prescribed in Section 175-110.4.

Conservation Areas.

Mini-warehouses.

Parking Structures.

175-73 OFF-STREET PARKING AND LOADING (I-2)

A. Parking space requirements:

1. Industrial uses/manufacturing/distribution areas: One (1) space per employee and one (1) space for every vehicle used on site, plus one (1) space per delivery/loading bay.

2. Automobile garages: Two (2) spaces per service bay, or two (2) spaces for every three hundred sixty (360) square feet. Every such facility shall have a minimum of three (3) spaces.

3. Industrial uses/office component: One (1) space per three hundred (300) square feet of office area.

4. Other uses not specifically enumerated: See Section 175-104.

B. Location: Minimum setback for loading areas, driveways and parking: Five (5) feet from side and rear property lines for parking areas with fewer than fifteen (15) spaces and five (5) feet from front property line except where driveway entrance is located. All parking areas with fifteen (15) or more spaces shall meet the requirements of Section 148-48.

C. Loading space requirements:

1. Number: One (1) space for first ten thousand (10,000) square feet of gross floor area, plus one (1) space for each additional forty thousand (40,000) square feet or fraction thereof. For purposes of

	this section, gross floor area shall include gross outdoor storage areas, covered or uncovered. 2. Size of space: Minimum twelve (12) feet wide and fifty-five (55) feet in length, with a minimum clear height of fifteen (15) feet.
Staff Summary	The applicant is proposing an automobile storage yard on a large industrial property that borders the Shenandoah River. The specific location of the proposed use is not located within the FEMA floodplain but due to potential chemicals and vehicular fluids seeping into the ground and eventually into the water, staff is concerned about the impact of the use. The Clean Water Project has weighed in that the use would be in violation of their covenants on other portions of this property but not in the proposed location.
Staff Recommendation	Staff is cautious to recommend approval and would ask that the Planning Commission place further restrictions to include impermeable surfaces, additional landscaping buffers, and guarantees to mitigate potential pollution into the river.

ATTACHMENTS:

- 1) Application and associated documents from the applicant.
- 2) Email correspondence from the Clean Water Project.
- 3) Questions posed by the Planning Commission.

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: Andres A. Montesinos PHONE: 571-526-8800
Address: 14275 Bristow Rd Manassas VA 20112
Email: _____

PROPERTY OWNER:

Name: Mohammed Ijaz PHONE: 703-424-3287
Address: 6220 Hanover Ave. Springfield, VA 22150
Email: _____

PROPERTY DESCRIPTION: 508

Property Address: 570 Kendrick Ln. Front Royal, VA 22630
Tax Map 20A1 Section 3 Block — Lot 4
Subdivision Name: _____ Acreage: _____ Zoning District: I-2

REQUEST:

Proposed Use of Property: Automobile Graveyard
Specific Special Use Permit Request: Storage of Junk cars, ~~Auto Sales~~

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 # 1300 Date Paid: 3/27/2026
4. Additional information as required by the Department of Planning and Zoning.

CERTIFICATION:

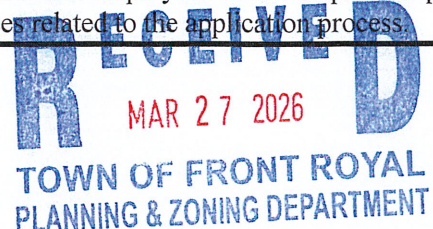
I certify that the information provided with this application is correct to the best of my knowledge and should the Special Use Permit be granted, the project will comply with the conditions imposed upon it and will be implemented only as approved by Town Council.

Applicant Signature: [Signature] Date: 3/27/26

Property Owner Signature: [Signature] Date: 3/27/26

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





EAGLE SKY INDUSTRIAL PARK LLC

508 KENDRICK LN
FRONT ROYAL, VA 22630

TOWN OF FRONT ROYAL
PLANNING & ZONING DEPARTMENT

JUSTIFICATION STATEMENT

To Whom It May Concern:

I am the owner of Eagle sky industrial Park LLC, Mohammed Ali Ijaz, I have a new tenant who would like to lease space on my lot approximately 6 acres worth. Tenant wants to occupy the space for conducting an auto salvage operation, operating as, Sirena Towing inc. His hours of operation will be from 8 am - 5pm, he currently has 6 employees working for him and wants to conduct business on 508 Kendrick Ln front royal. Sirena towing will install a 8 foot wooden fence at the site when the special use permit process gets accepted. If you have any questions or concerns please do not hesitate to contact me.

Regards,

Mohammed Ali Ijaz

703-424-3287

20A1-3
CEL 4
48 AC.
ZONED 1-2

T.M. 20A1-3
PARCEL 6A1
N/F RUSTIC RESTAURANT
FURNITURE, LLC PER
INST. # 200000388
ZONED 1-2

NEW T.M. 20A1-3
PARCEL 4
18.1779 AC.

EXISTING 55' WIDE PRIVATE STREET

Preview

Connie Potter

From: Ziegler, Lauren <Ziegler.Lauren@epa.gov>
Sent: Tuesday, May 12, 2026 2:11 PM
To: lkopishke@frontroyalva.com
Cc: gsonnett@frontroyalva.com; Mery, Augusta
Subject: RE: Eagle Sky Industrial Park (Ali Ijaz)
Attachments: UECA EC_Area 5 Honeywell.pdf

Dear Lauren,

Thank you again for the information about the pending application for a special use permit at Eagle Sky Industrial Park's property ("Eagle Sky"), and your anticipated next steps as it relates to the application and communicating with the holder of the covenant, The Clean Water Project. While EPA does not have authority in the Town of Front Royal's permitting process, we appreciate the communication and coordination.

To answer questions raised during our conversation, I am confirming that the environmental covenant (attached here) does apply to Eagle Sky's property. Environmental covenants run with the land and persist through change of property ownership, and it has never been terminated. Therefore, the activity and use limitations, which both apply to the flood zone specifically and the Property, as defined, as a whole, are still in place and enforceable by multiple entities under Virginia's Uniform Environmental Covenant Act ("UECA"), VA Code § 10.1-1247. In response to your question about EPA's definitions, "junk" and "accumulate" are undefined in the environmental covenant, though looking at the ordinary meaning of those words and the definitions of the related terms that you provided, it seems that, under the permit, a "junkyard" or "automobile graveyard" would allow for the "accumulation of trash, refuse, junk or any other unsightly material," and thus, if permitted, such operations could and potentially would over time result in the "accumulation of trash, refuse, junk or any other unsightly material." That being said, the Town has independent permitting authority to determine the applications it receives; EPA is solely providing its opinion in response to the questions presented to the Agency. Since you referenced the Town Attorney in your email, I took the liberty of copying him in this communication, as you may wish to discuss these matters with him.

Given that Eagle Sky may not have that same understanding of the applicability of the environmental covenant, we intend to communicate directly with Eagle Sky to remind them of the existence and continued applicability of the environmental covenant on their property.

If you have additional questions, please feel free to have your attorney reach out to me, or you can reach out to EPA's remedial project manager, Augusta Mery (mery.augusta@epa.gov; (215) 814-3230)).

Best,
Lauren



Lauren E. Ziegler
Assistant Regional Counsel
US EPA Mid-Atlantic Region
Phone 215-814-2623
Email ziegler.lauren@epa.gov

From: Lauren Kopishke <lkopishke@frontroyalva.com>
Sent: Thursday, April 16, 2026 4:21 PM

To: Ziegler, Lauren <ziegler.lauren@epa.gov>
Subject: FW: Eagle Sky Industrial Park (Ali Ijaz)

You don't often get email from lkopishke@frontroyalva.com. [Learn why this is important](#)

Caution: This email originated from outside EPA, please exercise additional caution when deciding whether to open attachments or click on provided links.

Good Afternoon,

Thank you for taking my call earlier about the proposed junk yard at Eagle Sky Industrial Park. I received the communication below from the property owners attorney. I am working on reviewing with our Town Attorney. In the meantime here is the definition of junkyard from Town Code. I am thinking that I will proceed with the application, but I will be requesting comments or some official documentation from the Clean Water project that they approve of the use of the property as a junkyard.

175-3

JUNKYARD - Any land or building used for the abandonment, storage, keeping, collecting or baling of paper, rags, scrap metals, other scrap or discarded materials or for the abandonment, demolition, dismantling, storage or salvaging of automobiles or other vehicles not in running condition, machinery or parts thereof. The term "junkyard" shall include the term "automobile graveyard," which shall be any lot or place which is exposed to the weather upon which more than three (3) motor vehicles of any kind, incapable of being operated, are placed.

175-65-B.

The following uses are permitted within the I-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 I-2 District:

RESIDENTIAL:

COMMERCIAL:

Airport (including heliports).

Assembly Halls.

Barber and beauty shops.

Catering Services.

Clubs.

Daycare and daycare facilities.

Kennels.

Recreation facility, commercial.

Restaurant, including drive-in restaurants.

Retail Stores.

INDUSTRIAL:

Automobile Graveyard.

Hazardous Material Storage.

Heavy Manufacturing.

Medium Manufacturing.

Scrap metal processing.



Lauren E. Kopishke

Director of Planning & Zoning

Zoning Administrator

Town of Front Royal

Dept. of Planning and Zoning

102 E Main St | PO Box 1560

Front Royal, VA 22630

T./540-635-4236

From: Alfred White <awhite@swwpclawfirm.com>

Sent: Thursday, April 16, 2026 3:44 PM

To: Planning and Zoning <planning@frontroyalva.com>

Cc: ali ijaz <ali.qb786@gmail.com>

Subject: Eagle Sky Industrial Park (Ali Ijaz)

Ms. Lauren Kopishke,

Dear Ms. Kopishke, My client, Mr. Ali Ijaz, Manager of Eagle Sky Industrial Park, LLC called my office regarding a pending special use permit for one the Industrial Park's tenants. I understand you contacted Mr. Ijaz regarding whether the Tenant's proposed use would be a violation of the Environmental Covenants, specifically the prohibition against the "accumulation of trash, refuse, junk, or other unsightly material". I understand that there may also be an issue between the

tenant and the Virginia Department of Motor Vehicles. I do not believe that either the Environmental Covenants or the DMV issue are relevant to the application for a special use permit. The Covenants are enforceable by the Grantee thereunder, Clean Water Project, Inc., not the Town of Front Royal. DMV licensing issues are between the tenant and DMV, not Eagle Sky Industrial Park or the Town of Front Royal. In reality, Clean Water Project Inc. understands that the property owned and occupied by Eagle Sky Industrial Park has always been used for industrial purposes, is well aware of the continued industrial use by Eagle Sky Industrial Park, and has voiced no objection to that continued use. My understanding of the tenant's proposed use is notto accumulate trash or junk. In other words this will not be a landfill or a dump, nor will it be "unsightly" given the surrounding industrial use of the property. I also want to confirm that portion of Eagle Sky Industrial Park property formerly owed and operated by Old Virginia Jam and Jelly is not subject to the Environmental Covenants. Old Virginia Jams and Jelly predated Avtex and FMC, and its property was not part of the EPA superfund site. I am aware that Clean Water Inc. is currently involved in litigation regarding adjoining property owned by a third party, and I suspect your concerns may arise from that litigation, but to my knowledge Clean Water Inc. has no current issues with the Eagle Sky Industrial Park property. Please proceed with the special use permit application as filed. I will be happy to speak to you about this at your convenience. Alfred L. White, Jr.

Sincerely,

Alfred L. White, Jr., Esquire
Struckmann, White & Wiseley PC
111 East Main Street
Front Royal, Virginia 22630
Telephone: 540-636-2918
Facsimile: 540-636-9446
Email: awhite@swwpclawfirm.com

CONFIDENTIALITY NOTICE:

This communication constitutes an electronic communication within the meaning of the Electronic Communications Privacy Act, 18 U.S.C. Section 2510. The information contained in this electronic mail message is attorney privileged and confidential information intended only for the use of the intended recipient. If the reader is not the intended recipient, you are hereby notified that any use, dissemination, distribution, or copying of this communication is STRICTLY PROHIBITED. If you have received this communication in error, please notify this writer immediately by reply electronic mail and/or telephone and permanently delete this message from your hard drive and/or network server and destroy any hard copies of this message. THANK YOU.



Area 5
Honeywell

OFFICIAL RECEIPT
WARREN COUNTY CIRCUIT
DEED RECEIPT

DATE: 09/17/14 TIME: 15:45:18 ACCOUNT: 187CLR140004559 RECEIPT: 14000009419
CASHIER: SFK REG: WK35 TYPE: OTHER PAYMENT: FULL PAYMENT
INSTRUMENT : 140004559 BOOK: PAGE: RECORDED: 09/17/14 AT 15:45
GRANTOR: HONEYWELL INTGERNATIONAL INC EX: N LOC: CO
GRANTEE: CLEAN WATER PROJECT INC EX: N PCT: 100%

AND ADDRESS : , .
RECEIVED OF : USEPA

CHECK: \$30.00 1057

DESCRIPTION 1: UECA ENVIRONMENTAL COVENANT
2:

PAGES: 18 OP: 0
NAMES: 0

CONSIDERATION: .00 A/VAL: .00 MAP:
PIN:

301 DEEDS 28.50 145 VSLF 1.50

TENDERED : 30.00
AMOUNT PAID: 30.00
CHANGE AMT : .00

CLERK OF COURT: JENNIFER R. SIMS

PAYOR'S COPY
RECEIPT COPY 1 OF 2

Tax Map Nos. 20A1-3-5 and 20A1-3-6 0094 SEP 17 2

UECA ENVIRONMENTAL COVENANT

This environmental covenant is made and entered into as of the 17th day of September, 2014, by and between Honeywell International Inc. (Honeywell), to be indexed as Grantor, whose address is 101 Columbia Road, Morristown, NJ, 07962-1219 (Grantor or Owner), and Clean Water Project, Inc., to be indexed as Grantee, whose address is 6799-A Kennedy Road, Warrenton, Virginia 20187 (hereinafter referred to as the Grantee or Holder).

The United States is named as a third-party beneficiary of the covenants, conditions and restrictions set forth below for the purpose of enforcing these covenants, conditions and restrictions.

This environmental covenant is executed pursuant to the Virginia Uniform Environmental Covenants Act, § 10.1-1238 *et seq.* of the Code of Virginia (UECA), and the U.S. Environmental Protection Agency (EPA) shall be the "Agency" as defined therein. This environmental covenant subjects the Property identified in Paragraph 1 to the activity and use limitations in this document.

1. Property Affected.

The property affected (Property) by this environmental covenant is located in the vicinity of Kendrick Lane, Front Royal, Virginia 22630, and was conveyed unto Honeywell from General Chemical Corporation by Deed dated June 2, 2004, which was recorded in the Clerk's Office of the Circuit Court of Warren County, Virginia as Instrument Number 040005928. The Property is more particularly described in Exhibit A (Metes and Bounds Description of the Property).

The Property is adjacent to the Avtex Fibers Superfund Site (the Avtex Site). The Avtex Site is depicted as Areas 1, 2, 2A, 2B, 3, 4 and 6 in the map attached hereto as Exhibit B (Map of the Avtex Fibers Superfund Site and the Property). Grantor owns Area 5 (the Property), but does not own Areas 1, 2, 2A, 2B, 3, 4 and 6, in the map attached hereto as Exhibit B.

This environmental covenant pertains only to Area 5 as depicted in the map attached hereto as Exhibit B.

Activity and use limitations pertaining to Areas 1, 2, 2A, 2B, 3, 4 and 6 and depicted in the map attached hereto as Exhibit B shall be addressed under other legal instruments.

2. Description of Contamination & Remedy at the Avtex Site.

a. Pursuant to Section 105 of the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended, (CERCLA), 42 U.S.C. § 9605, EPA placed the Avtex Site on the National Priorities List, set forth in 40 C.F.R. Part 300, Appendix B, on June 10, 1986. EPA has been involved in selecting and implementing a number of removal and remedial actions (also known as "environmental response projects" as that term is defined at Section 10.1-1238 of UECA) under CERCLA at the Avtex Site from at least 1988. EPA's selection of removal actions are embodied in Action Memoranda, and EPA's selection of remedial actions are embodied in Records of Decision (RODs). EPA selected the remedial action in phases, or

000095 SEP 17 ±

Operable Units (OUs) as they are known under CERCLA, at the Avtex Site by issuing a number of OU RODs. Portions of the OU RODs were modified by two Explanations of Significant Differences (ESDs) and a Memorandum to the Administrative Record File documenting a minor modification to the remedial actions (Minor Modification Memorandum). Copies of all of the Action Memoranda, OU RODs, ESDs and the Minor Modification Memorandum for the Avtex Site are available online at: <http://www.epa.gov/reg3hwmd/npl/VAD070358684.htm>. FMC Corporation (FMC) has been involved in implementing certain of those removal and remedial actions at the Avtex Site from 1986.

b. The administrative records pertaining to the environmental response projects described in the Action Memoranda, the RODs, the ESDs and the Minor Modification Memorandum are located at the locations listed below:

US EPA Region III, Sixth Floor Docket Room
1650 Arch Street, 6th Floor
Philadelphia, Pennsylvania 19103
(215) 814-3024

Samuels Public Library
538 Villa Avenue
Front Royal, VA 22630
(540) 635-3153.

The administrative records are also available online at:
http://loggerhead.epa.gov/arweb/public/search_results.jsp?siteid=VAD070358684.

c. The United States and FMC executed a Consent Decree in *United States v. FMC Corporation*, Civil Action No. 5:99CV00054 (W.D. Va. 1999), which was entered by the United States District Court for the Western District of Virginia on October 21, 1999, and which requires FMC to finance and perform certain removal and remedial actions at the Avtex Site. A copy of the Consent Decree is available online at: <http://www.epa.gov/reg3hwmd/npl/VAD070358684.htm>.

3. Activity & Use Limitations.

The Property is subject to the following activity and use limitations, which shall run with the land and are binding on Grantor and any successors, assigns, tenants, agents, employees, and any other persons under its control, until such time as this environmental covenant may terminate or be amended as provided by law:

- a. Groundwater beneath the Property shall not be extracted or used for any purpose, except as may be required by EPA or the Virginia Department of Environmental Quality (DEQ) for groundwater monitoring and/or remediation. No groundwater extraction wells shall be installed on the Property, until and unless, approved, in writing, by EPA.
- b. Residential dwellings of any kind are prohibited on the Property.
- c. Accumulation of trash, refuse, junk or any other unsightly material is not permitted on the Property.

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- d. Hunting or trapping of animals is prohibited on the Property.
- e. The Property in the flood plain areas as depicted as "100 Yr. Flood Zone (Zone AE)" in Exhibit B (Flood Zone) is restricted to conservancy, open space and park usage, and may include hiking, non-motorized biking, or nature trails. Commercial logging or commercial tree cutting in this area is prohibited. Any cutting of trees in this area shall be performed only to maintain hiking trails, non-motorized biking trails, nature trails, wildlife refuges or wetlands areas and shall be performed in accordance with best management practices (BMPs) that are defined by the Virginia Department of Forestry or other such Virginia agency to which authority for defining such BMPs may be assigned.
- f. Display of billboards, signs, or other advertisements is not permitted in or over the Flood Zone, except for such signage that is customary and appropriate for parks, trails for biking or hiking and wildlife refuges.
- g. No permanent or temporary building or structure shall be built or maintained in the Flood Zone, except for buildings customary and appropriate for park usage parks, trails for biking or hiking and wildlife refuges, such as park ranger's stations, boat landings, storage or maintenance buildings, bathrooms and fences.

4. The United States as Third-Party Beneficiary. The United States is expressly granted the power to enforce the covenants, conditions, and restrictions set forth in Paragraph 3 above. This environmental covenant may not be terminated or modified without the express written consent of the United States, nor may a Holder be removed or replaced without the express written consent of the United States.

5. Compliance and Use Reporting.

a. Beginning on October 28, 2017, and every five years thereafter, or whenever else requested in writing by EPA, the then current owner of the Property shall submit, to EPA and the Holder, written documentation stating whether or not the activity and use limitations in this environmental covenant are being observed. This documentation shall be signed by a qualified official of the then current owner who has inspected and investigated compliance with this environmental covenant.

b. In addition, within one month after any of the following events, the then current owner of the Property shall submit, to the United States, EPA, DEQ and the Holder, written documentation describing the following: noncompliance with the activity and use limitations in this environmental covenant; transfer of the Property; changes in use of the Property; or filing of applications for building permits for the Property and any proposals for any Avtex Site work, if such building or proposed Avtex Site work will affect the contamination on the Property subject to this environmental covenant.

6. Access by the Holder, EPA and DEQ 00097 SEP 17 2

In addition to any other rights granted to the Holder, EPA and DEQ, this environmental covenant grants to the Holder, EPA and DEQ an irrevocable, permanent and continuing right of access at all reasonable times to the Property for the purposes of:

- a. Performing or implementing any activity relating to the removal or remedial actions required by the Consent Decree or otherwise required by EPA or DEQ;
- b. Verifying any data or information submitted to EPA or DEQ;
- c. Verifying or monitoring that no action is being taken on the Property in violation of the terms of this environmental covenant or any federal or state environmental laws or regulations;
- d. Monitoring removal or remedial actions on the Avtex Site and conducting investigations related to contamination on or near the Avtex Site, including, but not limited to, sampling of air, water, sediments and soils;
- e. Conducting periodic reviews of any removal or remedial actions, including but not limited to, reviews required by federal or state environmental laws or regulations;
- f. Implementing additional or new removal or remedial actions if EPA, in its sole discretion, determines that such actions are necessary to protect human health and/or the environment; and
- g. Enforcing or monitoring compliance with the terms, conditions and restrictions of this environmental covenant as set forth in Paragraph 9 below.

7. No Limitation.

Nothing in this environmental covenant shall limit or otherwise affect EPA's rights of entry and access or EPA's authority to take removal or remedial actions under CERCLA, the National Oil and Hazardous Substances Pollution Contingency Plan, or other federal law.

8. Notice Requirement.

The Grantor shall notify the United States, EPA, DEQ and the Holder in writing sixty days prior to closing on any proposed conveyance of any interest in any portion of the Property. Grantor shall include in any instrument conveying any interest in any portion of the Property, including but not limited to deeds, leases, and mortgages, a notice which is in substantially the following form:

NOTICE: THE INTEREST CONVEYED HEREBY IS SUBJECT TO AN ENVIRONMENTAL COVENANT, DATED _____, 2014, RECORDED IN THE CLERK'S OFFICE OF THE CIRCUIT COURT OF WARREN COUNTY ON _____, 2014, INSTRUMENT NUMBER _____, IN FAVOR OF, AND ENFORCEABLE BY CLEAN WATER PROJECT, INC., THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

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**AND THE UNITED STATES AND THEIR SUCCESSORS AND
ASSIGNS.**

Within 30 days of the date any such instrument of conveyance is recorded, Grantor shall provide the United States, EPA, DEQ and the Holder with a file-stamped copy of said instrument with a copy of the recording receipt attached.

9. Enforcement.

The United States, on behalf of EPA, and the Holder shall be entitled to enforce the terms of this environmental covenant by resort to specific performance or legal process. All remedies available hereunder shall be in addition to any and all other remedies at law or in equity, including CERCLA. Enforcement of the terms of this instrument shall be at the discretion of the United States and the Holder, and any forbearance, delay or omission to exercise their rights under this environmental covenant in the event of a breach of any term of this instrument shall not be deemed a waiver by the United States or the Holder of such term or of any subsequent breach of the same or any other term, or of any of the rights of the United States, EPA or the Holder under this instrument.

10. Notices.

Any notice, demand, request, consent, approval, or communication that any party desires or is required to give to the others shall be in writing and shall either be served personally or sent by certified mail, return receipt requested, addressed as follows:

To the United States:

Chief
Environmental Enforcement Section
Environment and Natural Resources Division
U.S. Department of Justice
P.O. Box 7611
Washington, D.C. 20044

To EPA:

Chief, Remediation Branch No. 3 (3RC43)
Office of Regional Counsel
U.S. Environmental Protection Agency
Region III
1650 Arch Street
Philadelphia, PA 19103

EPA Project Coordinator (3HS23)
Office of Superfund Site Remediation
U.S. Environmental Protection Agency
Region III
1650 Arch Street
Philadelphia, PA 19103

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To Grantor:

Honeywell International Inc.
Attention: Tom Byrne
101 Columbia Road
Morristown, NJ 07962-1219

To Clean Water Project, Inc.

President
Clean Water Project, Inc.
6799-A Kennedy Road
Warrenton, Virginia 20187

To Virginia Department of Environmental Quality

Office of Remediation Program
Virginia Department of Environmental Quality
629 East Main Street
Richmond, Virginia 65241.

11. Prior Liens and Encumbrances.

Based on a title search conducted by the Grantor on the Property prior to execution of this environmental covenant, the Grantor represents that there are no encumbrances or liens on the Property to which this environmental covenant would be subordinate except those expressly listed in Exhibit C hereto. Any other liens or encumbrances recorded on the Property will be subordinate to this environmental covenant.

12. Recording, Proof and Notification.

a. In accordance with 9VAC 15-90-40(B)(1), the Grantor shall submit to DEQ a copy of this environmental covenant and the accompanying fee required to be paid pursuant to 9VAC 15-90-40 prior to recording or causing this environmental covenant to be recorded, as required by Paragraph 12.b of this environmental covenant, immediately below.

b. Within 90 days after the date of execution of this environmental covenant, the Grantor shall record, or cause to be recorded, this environmental covenant with the Clerk of the Circuit Court of Warren County. The Grantor shall likewise record, or cause to be recorded, any amendment, assignment, or termination of this environmental covenant with the Clerk of the Circuit Court of Warren County within 90 days of their execution. Any UECA environmental covenant, amendment, assignment, or termination recorded outside of these periods shall be invalid and of no force and effect.

c. The Grantor shall send a file-stamped copy of this environmental covenant, and of any amendment, assignment, or termination, to the Holder, the United States, EPA and DEQ with a copy of the recording receipt attached within 60 days of recording. Within that time period, the Grantor also shall send a file-stamped copy to the chief administrative officer of Warren County,

000100 SEP 17 4

any persons who are in possession of the Property who are not the Grantors, and any other parties to whom notice is required pursuant to UECA.

13. Liberal Construction.

This instrument shall be liberally construed in favor of the rights, covenants, conditions, and restrictions granted in this environmental covenant. If any provision of this environmental covenant is found to be ambiguous, an interpretation consistent with the purpose of this instrument that would render the provision valid shall be favored over any interpretation that would render it invalid.

14. Severability.

If any provision of this instrument, or the application of it to any person or circumstance, is found to be invalid, the remainder of the provisions of this environmental covenant, or the application of such provisions to persons or circumstances other than those to which it is found to be invalid, as the case may be, shall not be affected thereby.

15. Termination or Amendment.

This environmental covenant is perpetual and runs with the land unless terminated or amended (including assignment) in accordance with UECA.

16. Enforcement of Environmental Covenant.

This environmental covenant shall be enforced in accordance with § 10.1-1247 of the Code of Virginia.

17. Successors and Assigns.

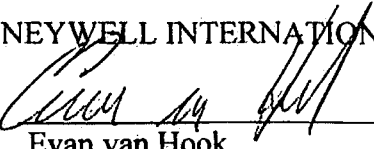
The rights and obligations stated herein shall inure to and be binding on the successors and permitted assigns of the parties to this environmental covenant.

000101 SEP 17 ±

ACKNOWLEDGMENTS:

GRANTOR

HONEYWELL INTERNATIONAL INC.

By: 

Evan van Hook
Corporate V.P., Health, Safety,
Environment and Sustainability
Honeywell International Inc.
101 Columbia Road
Morristown, NJ 07960

COMMONWEALTH OF NEW JERSEY

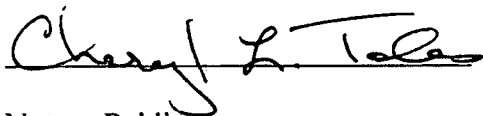
CITY/COUNTY OF PASSAIC

On this 8th day of September, 2014, before me, the undersigned officer, personally appeared Evan van Hook who acknowledged himself/herself to be the person whose name is subscribed to this environmental covenant, and acknowledged that s/he freely executed the same for the purposes therein contained.

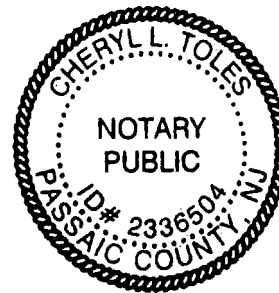
In witness whereof, I hereunto set my hand and official seal.

My commission expires: 10/27/15

Registration #: 2336504



Notary Public



CLEAN WATER PROJECT, INC.

By:

Joseph T. Ivers
President
Clean Water Project, Inc.
6799-A Kennedy Road
Warrenton, Virginia 20187

CITY/COUNTY OF Fauquier

On this 9th day of September, 2014, before me, the undersigned officer, personally appeared Joseph T. Ivers, who acknowledged himself to be the person whose name is subscribed to this environmental covenant, and acknowledged that he freely executed the same for the purposes therein contained.

In witness whereof, I hereunto set my hand and official seal.

My commission expires: 3/31/2016

Registration #: 265560

Betty Marie Norton

Notary Public



000103 SEP 17

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

APPROVED by the United States Environmental Protection Agency as required by § 10.1-1238
et seq. of the Code of Virginia.

By: Cecil A. Rodrigues
Cecil A. Rodrigues, Director
Hazardous Site Cleanup Division
United States Environmental Protection
Agency
Region III
1650 Arch Street
Philadelphia, PA 19103

COMMONWEALTH OF PENNSYLVANIA

CITY/COUNTY OF Philadelphia

On this 11th day of SEPTEMBER, 2014, before me, the undersigned officer, personally
appeared Cecil A. Rodrigues who acknowledged himself to be the person whose name is
subscribed to this environmental covenant, and acknowledged that he freely executed the same
for the purposes therein contained.

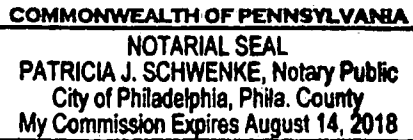
In witness whereof, I hereunto set my hand and official seal.

My commission expires: 08-14-2018

Registration #: _____

Patricia J. Schwenke

Notary Public



WARREN COUNTY, VIRGINIA
LAND RECORDS

000104 SEP 17 3

SEEN AND RECEIVED by the Virginia Department of Environmental Quality

By: Durwood H. Willis
Durwood H. Willis, Director
Office of Remediation Programs
Department of Environmental Quality
629 E. Main Street
Richmond, Virginia 23218

COMMONWEALTH OF VIRGINIA

CITY OF RICHMOND

On this 15 day of September, 2014, before me, the undersigned officer, personally appeared Durwood H. Willis who acknowledged himself to be the person whose name is subscribed to this environmental covenant, and acknowledged that he freely executed the same for the purposes therein contained.

In witness whereof, I hereunto set my hand and official seal.

My commission expires: February 28, 2018

Registration #: 207528

Michelle R. Wells

Notary Public

000105 SEP 17 ±

BENEFICIARY

THE UNITED STATES OF AMERICA

SAM HIRSCH

Acting Assistant Attorney General

U.S. Department of Justice

Environment and Natural Resources Div.

By: James A. Lofton

JAMES A. LOFTON

Counsel to the Chief

U.S. Department of Justice

Environment and Natural Resources Div.

Environmental Enforcement Section

P.O. Box 7611

Washington, D.C. 20044

VERIFICATION

STATE OF KANSAS

)

)

SS.

COUNTY OF JOHNSON

)

BE IT REMEMBERED, THAT ON THIS 11th day of September, 2014, before me, the undersigned Notary Public in and for the County and State aforesaid, came James A. Lofton, who is personally known to me to be the same person who executed the above and foregoing instrument and duly acknowledged the execution of the same as his free act and deed.

IN WITNESS WHEREOF, I have hereunto subscribed by name and affixed my notarial seal on the day and year last above written.

Kent Johnson

Notary Public

My appointment Expires: 7/23/15

KENT JOHNSON
NOTARY PUBLIC
STATE OF KANSAS
My Appl. Exp 7/23/15

EXHIBIT A 000106 SEP 17 ±

**METES AND BOUNDS DESCRIPTION OF THE
PROPERTY**

WARREN COUNTY, VIRGINIA
LAND RECORDS

000107 SEP 17

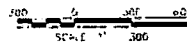
Beginning at a point in the center of Kendrick Lane (also known as Kendrick Road) and in the Right of Way of the Norfolk Southern Railroad. Thence with the railroad right of way S08°00'35"E 408.63', S10°00'35"E 355.80', S09°47'35"E 248.00', S09°51'57"E 32.50', S80°08'03"W 25.00', S09°51'57"E 431.00'. Thence with 5 Lines to the Shenandoah River S88°38'03"W 826.00', S87°50'03"W 330.00', S89°20'03"W 378.00', S67°50'03"W 316.80', S76°48'03"W 357.77'. Thence with the Shenandoah River N05°59'57"W 648.00', N08°09'57"W 200.00', N06°05'03"E 295.00', N12°11'45"E 298.00', N22°18'22"E 478.00', N39°50'03"E 198.00', N57°20'03"E 410.00', N59°17'33"E 273.07'. Thence away from the river S09°33'18"W 72.54', S80°26'42"E 100.00', S28°15'21"E 178.00', S55°45'21"E 23.00', S84°00'55"E 45.92', S77°00'23"E 385.00'. Thence with the line of Old Virginia Industrial S09°56'45"E 1397.18', N83°32'03"E 360.00', N09°47'35"W 248.00', N10°00'35"W 355.80', N08°00'35"W 431.96'. Thence S54°59'51"E 34.19' to the Point of Beginning and containing 78.773 acres of land.

000108 SEP 17 3

EXHIBIT B

**MAP OF THE AVTEX FIBERS SUPERFUND SITE
AND THE PROPERTY**

000109 SEP 17 1973



Marsh & Legge Land Surveyors, P.L.C.
560 NORTH LOUDOUN STREET - WINCHESTER VIRGINIA 22601
PHONE (540) 687-0463 - FAX (540) 667-0463 - EMAIL office@marshandlegge.com
www.marshandlegge.com

[illegible]

3. ACCORDING TO FEMA FLOOD INSURANCE RATE MAP COMMUNITY PANEL NUMBER 5117X00112C DATED JUNE 3, 2008, A PORTION OF THE PROPERTY SHOWN HEREON LIES WITHIN AN AREA DESIGNATED AS ZONE AE WHICH IS WITHIN THE 100 YEAR FLOOD ZONE.

WARREN COUNTY, VIRGINIA
LAND RECORDS

EXHIBIT C

000110 SEP 17 2

**LIST OF EXISTING LIENS AND
ENCUMBRANCES FOR THE PROPERTY**

000111 SEP 17 2014

EASEMENTS, RIGHT OF WAY & RESERVATIONS:

**Deed of Easement dated 03/14/2011, and recorded
03/30/2011 in Instrument No. 110001640.**

**Deed of Easement dated 11/02/2001, and recorded
11/13/2001 in Instrument No. 010008678.**

**Deed of Easement dated 01/22/1941, and recorded
01/23/1941 in Deed Book 49 at Page 306.**

**Right of Way dated 11/08/1939 and recorded 03/04/1940 in
Deed Book 47 at Page 490.**

**Deed of Easement dated 12/11/1939, and recorded
12/22/1939 in Deed Book 47 at Page 285.**

INSTRUMENT #140004559
RECORDED IN THE CLERK'S OFFICE OF
WARREN COUNTY ON
SEPTEMBER 17, 2014 AT 03:45PM

JENNIFER R. SIMS, CLERK
RECORDED BY: SPK



Questions for Applicant

Note: Definition: By the town code, is this operation better described as an “Automobile Wrecking Yard”? That Definition is;

AUTOMOBILE WRECKING YARD - An area where destroyed, abandoned and obsolete automobiles are disassembled and where parts of said disassembled automobiles are generally sold and where the remaining automobile bodies and their components are temporarily stored until they can be removed or reduced to scrap metal.

1. Site Design & Operations

- What is the total acreage of the salvage operation area versus undisturbed land?
- Provide a detailed site plan showing:
 - Storage areas
 - Access drives (truck circulation)
 - Material processing areas
 - Drainage patterns
- What is the maximum stacking height of vehicles/materials?
- Will any materials be stored outside of designated containment areas?

2. Setbacks, Screening & Visibility

- What setbacks are proposed from:
 - Property lines?
- What type of screening will be installed:
 - Opaque fencing (height, material)?
 - Berms (height, slope)?
 - Vegetative buffers (species, density, maturity timeline)?

- Will any portion of the operation be visible from public roads or adjacent properties, especially in winter months?

3. Stormwater & Drainage (Critical)

- Provide a stormwater management plan prepared by a Geotechnical licensed engineer.
- Where does runoff from the site ultimately discharge:
 - Directly to a creek?
 - To storm drains?
 - Toward the Shenandoah River?
- How are the following addressed:
 - First-flush runoff (highest contamination risk)?
 - Peak storm events?
- Are there engineered drainage controls:
 - Oil-water separators?
 - Containment basins?
 - Swales or infiltration systems?

4. Floodplain & Topography

- Provide certified mapping showing:
 - Location relative to FEMA 100-year floodplain
- If outside the floodplain:
 - Are there low-lying drainage areas that function like flood zones?
- How does site slope affect runoff velocity and direction?

5. Groundwater & Karst Risk (High Priority)

- Has a karst assessment or geotechnical study been performed?
- Are there known:

- Sinkholes?
 - Fractures?
 - Underground drainage features?
- What measures prevent direct infiltration of contaminants into groundwater?
- Are there monitoring wells or groundwater protection systems proposed?

6. Hazardous Materials & Fluid Management

- Describe procedures for:
 - Fuel removal
 - Oil and antifreeze drainage
 - Battery handling
- Will all fluid removal occur:
 - Indoors?
 - On impervious, contained surfaces?
- What spill containment systems are in place:
 - Secondary containment?
 - Spill kits?
 - training protocols?
- Where are hazardous materials stored, and how often are they removed?

7. Environmental Compliance & Permits

- Provide documentation of coordination with:
 - Virginia Department of Environmental Quality
- What specific permits are required:
 - Stormwater (VPDES)?
 - Solid waste handling?

- Wetlands disturbance (if any)?

8. Chesapeake Bay & Watershed Requirements

- Is the site within a Chesapeake Bay Preservation Area?
- If so:
 - Does it include a Resource Protection Area (RPA) or Resource Management Area (RMA)?
- How are required buffers and land disturbance limits being met?
- Provide calculations showing compliance with nutrient and sediment control requirements.

9. Impaired Waters & TMDL Compliance

- Does runoff from the site enter waters listed as impaired by DEQ?
- If yes:
 - How does the project ensure no net increase in pollutant loading?
- Provide analysis showing consistency with applicable TMDLs (Total Maximum Daily Loads).

10. Vehicle Storage & Surface Treatment

- What percentage of the site will be:
 - Impervious (paved)?
 - Gravel?
 - Bare soil?
- Will vehicles be stored on:
 - Paved pads?
 - Compacted gravel?
 - Native soil?
- How is long-term leakage from stored vehicles prevented?

11. Erosion & Sediment Control

- Provide an erosion and sediment control plan for:
 - Initial site disturbance
 - Ongoing operations
- How will sediment runoff be prevented during:
 - Heavy rain events?
 - Seasonal storms?

12. Monitoring, Enforcement & Contingencies

- What ongoing inspection and maintenance plan is proposed?
- Will the applicant agree to:
 - Periodic groundwater testing?
 - Stormwater system inspections?
- What is the spill response plan, including notification procedures?
- What enforcement mechanisms (bonding, conditions, revocation triggers) are acceptable?

MAY MONTHLY REPORT

PLANNING AND ZONING DEPARTMENT – MAY 2026

	2022	2023	2024	2025	2026 YTD	MAY
Zoning Permits	280	393	319	291	110	30
New Dwelling Units	37	32	60	21	5	4
New Code Enforcement Cases Open	424	407	177	152	51	15
Code Enforcement Cases in Compliance/Closed	361	378	112	59	16	3
Code Enforcement Inspections/Reinspections	340	423	388	191	55	18
Land Use Applications	56	36	45	44	15	3
Ordinance Amendments	2	4	1	9	4	1
Sign Permits	41	62	42	36	17	3
Business Licenses	155	148	129	127	42	8
Short-Term Rentals	13	5	5	2	1	0
Administrative Variance	--	4	1	1	0	0
COA Administrative Review	--	39	18	33	6	3
COA Board Review	--	11	15	5	2	0
Solicitor/Itinerant Merchant	--	10	27	19	9	3
Urban Agriculture	--	18	11	4	2	0
Vacation of Alleys, Streets, Right-of-Ways & Easements	--	5	2	9	0	0
Right of Way Utilization Permits	--	46	105	32	46	7
BZA Variance	3	2	0	1	1	1
BZA Appeal	0	0	0	0	2	0
Walk-Ins to Planning & Zoning	--	--	2606	2255	956	204

SPECIAL PROJECTS UPDATES/NEWS

- **Chapter 175 Rewrite:** A rough draft of Chapter 175 was distributed to the Planning Commission August 7, 2024. Review is ongoing.
- **Chapter 148 Rewrite:** Summit provided a presentation of the Draft Subdivision and Land Development Ordinance Chapter 148 to the Planning Commission on April 29, 2026. The Planning Commission held a public hearing on May 20, 2026, and forwarded a recommendation of approval to the Town Council.
- The “Strasburg Road Subdivision Development Plan” off Forest Hill Drive and the “Marshall’s Glen Subdivision Development Plan” have been approved and staff is waiting on the submission of the bond agreement. The applicant for the “Squirrel Hill Final Subdivision Development Plan” is addressing comments from VDOT and street design. The applicants are addressing staff comments for the Heritage Hall Development Plan, the Royal Lane Apartments (36 units), and Harwood Place Phase 1 (45 units).

PC – In May the Planning Commission (PC) held one (1) regular meeting, one (1) work session. At their regular meeting the PC took the following actions:

- Approved the consent agenda to advertise for a public hearing in June for a Special Use Permit application to allow an Automobile Graveyard “Junkyard”, located at 508 Kendrick Lane.
- Public Hearing: An Ordinance Amendment to repeal the current Subdivision and Land Development Ordinance, Town Code Chapter 148, in its entirety and adopt a new Subdivision and Land Development Ordinance – Recommendation of Approval

At their work session the PC reviewed the Draft Subdivision and Land Development Ordinance and continued their review of the Draft Zoning Ordinance.

BAR – In May the Board of Architectural Review (BAR) held one (1) work session and one (1) regular meeting. At the regular meeting the BAR approved replacing wood shake shingles with a standing seam metal roof at 56 Chester Street. At the work session the BAR continued reviewing the Historic District Guidelines.

BZA – The Board of Zoning Appeals (BZA) did not meet in May.

PLANNING COMMISSION WORK SESSION

Wednesday, June 17, 2026 – Immediately Following the Regular Meeting
Warren County Government Center Caucus Room

AGENDA

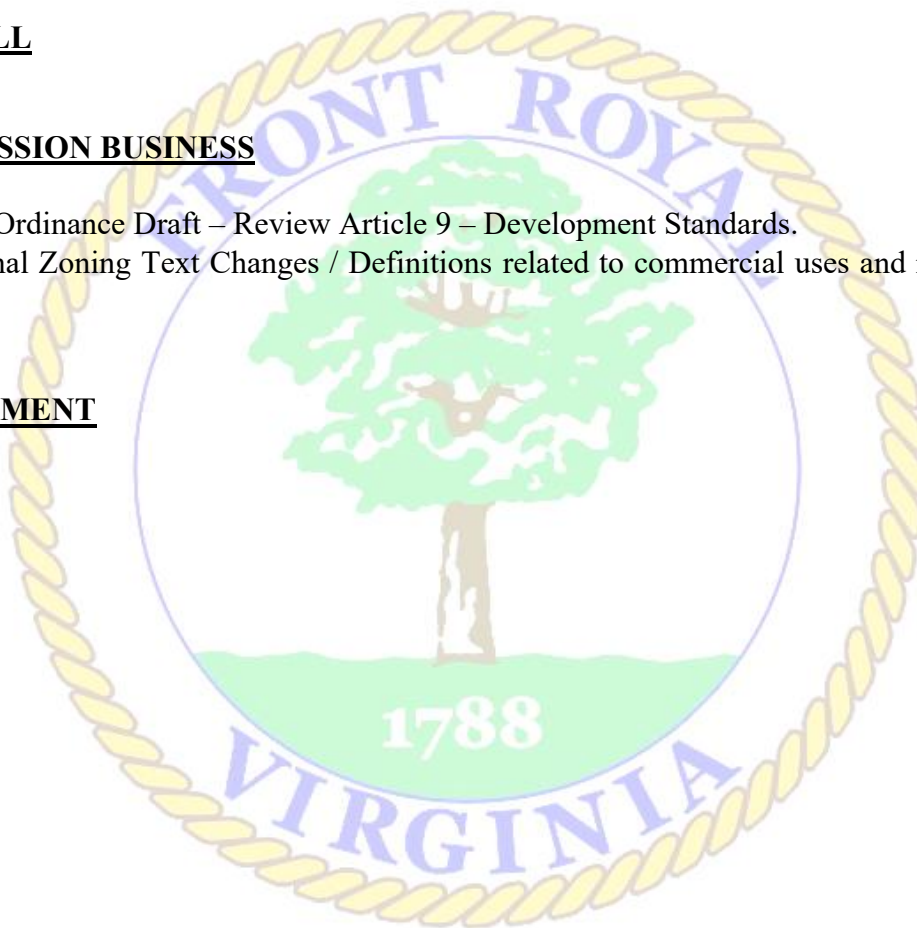
CALL TO ORDER

ROLL CALL

WORK SESSION BUSINESS

- Zoning Ordinance Draft – Review Article 9 – Development Standards.
- Additional Zoning Text Changes / Definitions related to commercial uses and manufactured homes.

ADJOURNMENT



ARTICLE 9 – DEVELOPMENT STANDARDS

DIVISION 9.1 – VISIBILITY AT INTERSECTIONS (175-101)

On a corner lot, nothing shall be erected, placed, planted or allowed to grow, except street signs, utility poles or traffic signs, in such a manner as to impede vision between a height of two and one-half (2 1/2) and ten (10) feet above the center-line grades of the intersecting streets in the area bound by the street lines of such intersecting streets and a line joining the street center lines at a distance of fifty (50) feet from the point of intersection.

DIVISION 9.2 – LANDSCAPING

All landscaping requirements shall be developed in accordance with Town’s adopted Landscape Preservation and Planting Guide. Details may be required at the discretion of the Planning Director.

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DIVISION 9.3 - FENCES (175-102)

A. Fences shall be considered structures for the purposes of zoning approval.

B. No fragile, readily flammable material, such as paper, cloth or canvas, shall constitute a part of any fence, nor shall any such material be employed as an adjunct or supplement to any fence.

~~C.B.~~ Fences on corner lots shall meet the requirements of **Division 9.1**.

C. Fences in residential districts shall not exceed the height of four (4) feet forward of the front plane of the home ~~in the required front yard~~ or six (6) feet in the side or rear yard as measured from the topmost point thereof to the ground or surface, along the center line of the fence.

D. Within commercial zoning districts, fences located within the front yard shall not exceed the height of six (6) feet as measured from the topmost point thereof to the ground or surface, along the center line of the fence. Fences located within commercial zoning districts may be eight (8) feet in height when located within a side or rear yard. The Planning Director may authorize fences in the front yard to be up to eight (8) feet in height when the additional height is determined to be necessary for safety or screening purposes of permitted uses. Appropriate landscape screening may be required for approval of additional fence height in the front yard.

E. Fences surrounding industrial sites, public playgrounds, institutions or schools may not exceed a height of fourteen (14) feet.

F. No fence shall be constructed or altered to include protruding nails, or other materials, that would create a dangerous condition.



ILLUSTRATION 175-102.G.
Typical Example of a Finished Fence Side

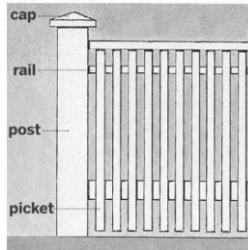


Illustration 9.3-1

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G. Notwithstanding the other requirements of this chapter, a finished fence side shall face toward improved public streets and adjoining lots used for residential purposes. For the purposes of this requirement, a finished fence side shall consist of the side covered with pickets, or similar material, such as, but not limited to, panels, wire, and/or fabric, if any, and opposite of a side with exposed rails, or similar supports, excluding posts and caps, *Illustration 175-102.G.9.3-1. depicts a typical finished side of a fence.*

DIVISION 9.4 – PROFESSIONAL OFFICES (175-108)

Regulations pertaining to professional offices shall be as follows:

- A. Professional offices (doctors, lawyers, engineers and architects, among others) are permitted in the R-3 District after meeting all requirements of this chapter.
- B. All activity and equipment, other than parking, must be housed in a fully enclosed building.
- C. No noise or odor produced as a result of activity in such offices shall be discernible beyond the boundaries of the lot.
- D. All vehicular access to the site shall be from a street which meets Town standards for streets.
- E. No display in the building shall be visible from outside of the building.

DIVISION 9.5 - SHOPPING CENTERS (175-111)

Shopping centers shall be in single ownership, ~~or under a guaranteed unified management control.~~ Shopping centers shall consist of harmonious selection of uses and groupings of buildings, service and parking areas, circulation and open space and shall be subject to the provisions of the Condominium Act of Virginia and shall comply with the following regulations:

A. Permitted principal uses shall be as follows:

- 1. Stores for the sale of goods at retail or the performance of customary personal services or services clearly incidental to retail sales.
- 2. Business, professional or banking offices.
- 3. Restaurants, cafes or similar places serving food and/or beverages.
- 4. Parking areas for transient auto vehicles, but not for the storage of new or used motor vehicles for sale.
- 5. Gasoline service stations, with repairs done within a building.
- 6. Theaters, not including drive-in theaters.

B. Accessory uses are permitted only when they are located on the same lot as the principal permitted use. Such uses must be customary to a commercial district and shall not extend beyond the lot containing the principal use.
~~Permitted accessory uses located on the same lot with the permitted principal use. Only the customary -associated with a commercial district shall be permitted, provided that they are limited to the same lot as the principal uses.~~

C. Area and bulk regulations shall be as follows:

- 1. Lot size: The area for development shall be a minimum of two (2) acres.
- 2. Building height: two (2) stories or thirty-five (35) feet maximum.
- 3. Front yard: thirty (30) feet minimum.
- 4. Side yards: thirty (30) feet minimum.
- 5. Rear yard: thirty (30) feet minimum.
- 6. Lot coverage: ~~twenty-five percent (25%) maximum.~~

Shoppoing Center	Allowed Lot Coverage
Neighborhood/Small Center	Up to 35%
Community Shopping Center	Up to 45%
Urban/Mixed Use	Over 45%

Commented [LN1]: 25% is very low and encourages sprawl. Table allows for more types of shopping centers of different kinds

Commented [LN2]: 25 Percent encourages sprawl. Added more types of shopping centers to modernize code with other jurisdictions.

D. Supplementary regulations.

1. Off-street parking and loading: Off-street parking shall be provided on the premises at the rate of five (5) parking spaces per one thousand (1,000) gross square feet for every shopping center facility ten thousand (10,000) square feet in size or less. For shopping centers over ten thousand (10,000) square feet, the parking requirement shall be four (4) parking spaces per one thousand (1,000) gross square feet. Parking shall be permitted in the areas required for front, side and rear yard setbacks up to a point of twenty- five (25) feet from any front, side or rear of the lot line of the shopping center. All parking areas shall be suitably paved with permanent hard-surfaced coverings. Off-street loading spaces shall be provided in accordance with [Section 3.124.](#)
2. Access and traffic controls: All means of ingress or egress from the shopping center to any public street or state highway shall be located at least two hundred (200) feet from any other intersecting street or streets and shall be designed to conduct traffic in a safe manner. The developer shall be responsible for the purchase and erection of any necessary traffic control devices and the construction of additional acceleration or deceleration lanes or service walks as may be required by the State Department of Highways and Transportation or by the Town.
3. Interior circulation: Interior access ways shall be designed so as to prevent the blocking of vehicles entering or leaving the site, and shall encourage the smooth movement of vehicles through the site. Areas provided for loading or unloading of trucks and/or other vehicles or for servicing of shops for rubbish collection or other services shall be adequate in size and shall be so arranged that they may be used without blocking or interfering with interior circulation and parking facilities.
4. Lighting: Lighting for buildings, signs, access ways and parking areas shall be so arranged as not to reflect toward public streets or cause any annoyance to surrounding property owners or residents.
5. Shopping cart storage: Establishments furnishing carts or mobile baskets shall provide definite areas on the site for the storage of said carts. Storage areas shall be clearly marked and designated for the storage of shopping carts and/or mobile baskets.
6. Screening: All lot lines abutting residential districts along the side yard or rear yard shall be appropriately screened by fences, walls or year-round planting and/or other suitable enclosures of a minimum height of ~~four~~ six (64) feet. All outdoor storage areas shall be screened or enclosed.
7. Storage of trash or rubbish: Storage areas for trash and rubbish shall be completely screened, and all organic rubbish shall be contained in containers with tightly fitting lids. No such storage shall be permitted within any required yard space.
8. Signs: Signs shall conform to [Article 10.](#)
9. Development plan required:

a. Prior to the issuance of a ~~special permit~~Special Use Permit, ~~a ten (10) copies of a development plan~~concept plan shall be submitted to the Zoning Administrator for review by the Administrator, Planning Commission and Town Council.

b. The ~~Development Plan~~concept plan shall contain the following data, ~~and together with supplementary data for a particular development,~~ as deemed ~~necessary~~sufficient by the Planning Director, Planning Commission, or Town Council.

c. ~~Development~~Concept Plan site information:

- [1] A vicinity map at a scale of not less than one (1) inch equals two thousand (2,000) feet.
- [2] A title insurance policy or attorney's certificate showing the owner or owners of the subject property, marketable title to the subject property in such owner or owners, the source of applicant's title or interest in the subject property and the place of record of the latest instrument in the chain of title for each parcel constituting the tract.
- [3] Total area of the tract.
- [4] Abutting Street names, widths and route numbers.
- [5] Owners, zoning districts and uses of each adjoining tract.
- [6] A topographic map with minimum contour intervals and scale acceptable to the Administrator.
- [7] Development design information.
- [8] A concept plan, illustrating the location and functional relationship between all proposed land uses.
- [9] A land use plan or plans, showing the location and arrangement of all proposed land uses, including the height and number of all buildings both above and below finished grade; the building setbacks and yard areas from the development boundaries and adjacent streets, road and alleys and easements; the proposed traffic circulation pattern, including the location and width of all streets, driveways, walkways and entrances to parking areas; all off-street parking and loading areas; all proposed open space areas, including common open space, dedicated open space and developed recreational open space; and the approximate location of existing and proposed utility systems of sanitary sewer, storm sewer, water, electric, telephone and gas lines, along with any necessary easements.
- [10] A plan or statement showing the location and design of all screening and indicating the type and height of such screening.
- [11] Statements or plans relating to all covenants, restrictions and conditions pertaining to the use, maintenance and operation of common spaces, and the percentage of the tract to be used as open space.

- [12] A statement in tabular form of the anticipated commercial floor area.
- [13] When the development is to be constructed in stages or units, a sequence-of-development schedule showing the order of construction of each principal functional element of such stages or units, the approximate completion date for each stage or unit and a cost estimate of all improvements within each stage or unit.
- [14] A plan or report indicating the extent, timing and estimated cost of all off-site improvements, such as road, sewer and drainage facilities, necessary to construct the proposed development, which plan or report shall relate to the sequence-of-development schedule if the development is to be constructed in stages or units.
- [15] ~~Where required by the Planning Commission, a~~ Traffic-impact analysis, showing the effect of traffic generated by the project on surrounding roads.
- [16] ~~Where required by the Planning Commission, a~~ Fiscal-impact analysis may be required, listing Town revenue generated by the project and Town expenditures resulting from the construction of the project.

DIVISION 9.6 -TOWNHOUSES (Site Plan Requirements) (175-112)

All townhouses shall comply with the following regulations:

A. Area regulations shall be as follows:

1. Minimum lot size for townhouse construction: twenty thousand (20,000) square feet.
2. Minimum lot area per dwelling unit: two thousand five hundred (2,500) square feet.

B. Minimum width shall be as follows:

1. Minimum lot width for development: one hundred twenty-five (125) feet at setback line.
2. Minimum lot width per townhouse unit: twenty (20) feet.
 - a. In the case of a lot at the end of a row of townhouses, the lot width shall be forty (40) feet.
 - b. For corner lots at street intersections, the minimum lot width shall be fifty (50) feet.

~~C.~~ C. Yard Requirements Front Yard

1. The required front yard shall be a minimum of fifteen (15) feet and a maximum of thirty (30) feet from the ultimate street right-of-way.
2. Where off-street parking is located between the principal structure and the street, a minimum unobstructed depth of eighteen (18) feet shall be provided for each parking space.
3. The parking space shall be no closer 5 feet to any building or structure.

4. Garage doors facing a public street shall not project closer to the street than the primary front façade of the dwelling.

D. Yard Requirements Rear Yard

1. The required rear yard shall be a minimum of twenty (20) feet.
2. Where a lot is served by a public or private alley providing vehicular access, the rear yard may be reduced to ten (10) feet.
3. Where a townhouse abuts a residential district (R-1 or R-2) and is not separated by an alley, the rear yard shall be a minimum of thirty-five (35) feet.

E. Side Yard

1. No side yard shall be required for interior townhouse units.
2. End units shall provide a side yard of a minimum of fifteen (15) feet.
3. Corner lots shall provide a side yard of a minimum of twenty (20) feet adjacent to a street.
4. Where a townhouse abuts an R-1 or R-2 district, the side yard shall be a minimum of thirty-five (35) feet.

F. Parking Configuration Options

Townhouse developments may utilize one or a combination of the following parking configurations:

1. Front-Loaded Parking

- a. Parking spaces may be located within the front yard, provided the minimum depth requirement is met.
- b. Driveways shall directly access a public street or provide access to public street.

2. Rear-Loaded Parking (Alley Access)

- a. Parking may be located to the rear of the unit and accessed via an alley.
- b. Rear garages and parking pads are permitted.

3. Common or Shared Parking

- a. Required parking may be provided in common parking areas serving multiple units.

G. Design Flexibility

- a. A mix of parking configurations within a single development is permitted.
- b. The Town may approve alternative layouts that meet the intent of this section and provide safe, functional access and parking.

Minimum yard requirements shall be as follows:

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~~1. Front yard: forty (40) feet from the road right-of-way line. Required parking may be located in a front yard, but not closer than ten (10) feet to the ultimate street right-of-way and not closer than ten (10) feet to any townhouse unit.~~

~~2. Rear yard: forty (40) feet for each townhouse dwelling.~~

~~3. Side yard: twenty (20) feet for each end unit; thirty (30) feet for each corner lot at street intersections. When a townhouse abuts an R-1, or R-2 District, the side yard shall be thirty-five (35) feet.~~

D. Maximum building height shall be as follows:

1. Two and one-half (2.5) stories (not including basement), but not to exceed thirty-five (35) feet.

E. Minimum parking space shall be as follows:

1. There shall be two (2) off-street parking spaces for each townhouse unit.

2. An off-street parking space shall be a minimum of ~~ten by twenty (10 x 20)~~ nine by eighteen (9 x 18) feet.

~~3. No parking space shall be located closer than ten (10) feet to any townhouse unit.~~

F. Other regulations for all townhouse construction:

1. There shall be no more than eight (8) townhouse units constructed in a continuous series.

2. Each dwelling shall be separated by a noncombustible party wall going through the roof, with a fire resistance of not less than two (2) hours duration.

3. Each townhouse shall front on a public or private street approved by the Town.

4. Concrete curb and gutters shall be installed along both sides of all new streets within the development. However, should a new street act as a boundary for townhouse developments, curb and gutter need only be installed on the side of the street adjacent to the development.

5. Walkways of four (4) feet in width, constructed of concrete or brick, shall be installed from parking areas to all townhouse structures served by such parking areas.

6. The radii of cul-de-sac shall be at least fifty (50) feet. No more than twenty-five (25) dwelling units shall be located on any cul-de-sac.

~~7. Accessory buildings structures are not permitted, except that on any lot there may be an enclosed storage shed~~ shall not exceeding seven (7) feet in height nor exceeding ten (10) feet in length by ten (10) feet in width.

8. A ten-foot easement along the side and rear of each townhouse structure shall be provided in addition to the side yard in all townhouse developments.

9. Variation in townhouse design. The facades of dwelling units in a townhouse structure shall be varied by changed front yards of two (2) to four (4) ~~not less than three (3)~~-feet and variation in materials and design so that not more than four (4) abutting units will have the same front yard depth and the ~~same or essentially the same~~ architectural treatment of facades and rooflines. Balconies and roofed porches may encroach up to five (5) feet into the front yards.

~~10. As determined by the Planning Commission and approved of by the Town Council, parking, as shown on the site plan, may be permitted in the rear of properties and access to such spaces may be permitted over an alley.~~

G. Special regulations for townhouse developments of one (1) acre and over. For townhouse developments of one (1) acre or more, the following regulations shall apply in addition to those previously noted:

1. Parking areas shall be set back at least thirty (30) feet from property lines of the development.
2. There shall be provided ~~twenty-five hundredths (0.25)~~ one hundred (100) square feet of usable open space (not including parking or driveway areas) devoted to recreational use for every ~~one-four hundred (400)~~ square foot of gross residential floor area. This space shall take the form of parks or play areas, etc. Usable open space shall not include front, rear or side yard areas of individual townhouse units.

3. Management of open space:

- a. All open space shall be preserved for its intended purpose as expressed in the final site plan.
- b. Should the units be for rental purposes, the developer or rental agent shall be responsible for maintenance and management of open space.
- c. Should the units be for sale, there shall be an establishment of a nonprofit association, corporation, trust or foundation of all individuals or corporations owning residential property within the planned development to ensure the maintenance of open spaces.
- d. When the development is to administer open space through an association, nonprofit corporation, trust or foundation, said organization shall conform to the following requirements:
 - [1] The developer must establish the organization prior to the sale of any lots and/or units.
 - [2] Membership in the organization shall be mandatory for all residential property owners, present or future, within the planned community, and said organization shall not discriminate in its members or shareholders.
 - [3] The organization shall manage all open space and recreational and cultural facilities, shall provide for the maintenance, administration and operation of said land and

improvements and any other common land within the planned community and shall secure adequate liability insurance on the land.

[4] The organization shall conform to the Condominium Act, Code of Virginia 1950, as amended.

4. The horizontal distance between groups of townhouses shall be:

- a. Two (2) times the average height of the two (2) groups of townhouses for front or rear walls facing front or rear walls.
- b. One and one-half (1 1/2) times the average height for front or rear walls facing side walls.
- c. Equal to the height of the highest building for side walls facing side walls.

5. Access and service shall be provided in the front of each townhouse. Parking may be provided on the lot, as carports, as an integral part of the townhouse or a joint parking facility for a group of townhouses with such deed restrictions as are necessary to determine ownership and maintenance of common parking facilities and methods of assigning charges for maintenance, snow removal and repairs.

6. Usable open space devoted to recreational use as herein required shall be designed for use by tenants of the development and shall be improved and equipped by the developer in accordance with plans submitted and approved by the Town Planning Commission.

7. Screening shall be provided of sufficient height and density to screen the site from adjoining residential districts whether R-1 or R-2. A planting plan specifying type, size and location of existing and proposed planting material shall be submitted with the application for the permit. Screening shall be at least six (6) feet in height.

8. Parking facilities:

- a. Required parking spaces shall be provided on the same lot as the building served or within three hundred (300) feet of property. All parking shall be off-street.
- b. All access drives shall be at least fifteen (15) feet from any building on the lot and from exterior lot lines.
- c. Parking areas shall not be designed or located so as to require or encourage cars to back into a public street in order to leave the lot.
- d. Entrance and exit ways to parking areas shall have a minimum width of twelve (12) feet for each lane of traffic entering or leaving the site, but shall at no time exceed thirty (30) feet in width at the point of intersection with the street.
- e. All dead-end parking lots shall be designed to provide sufficient back-up area for the end stalls of the parking area.

- f. All access ways and parking areas shall be paved with a hard surface, a double-surface treatment or concrete covering.
- g. Entrance and exit ways and interior access ways shall be designed so as to prevent the blocking of vehicles entering or leaving the site.

~~h. Any other requirements deemed necessary by the Planning Commission or Town Council for the public safety shall be complied with.~~

9. Drainage:

- a. A storm runoff and drainage system shall be installed by the developer in accordance with sound engineering practice so as to adequately drain the project site, to adequately dispose of all runoff and drainage away from the project site and so as not to permit excess flow of water across streets or adjoining properties. Plans for such drainage systems shall be submitted with the application for the permit and shall be subject to approval by the Town Engineer, who may request assistance from other agencies.
- b. All provisions of existing Town ordinances and regulations regarding storm drainage shall be complied with.

10. Lighting: Lighting for buildings, access ways and parking areas shall be so arranged as not to reflect toward public streets or cause any annoyance to building occupants or surrounding property owners or residents.

11. Storage of trash and rubbish: Exterior storage areas for trash and rubbish shall be well screened on three (3) sides with evergreen plantings, and trash shall be contained in vermin-proof containers. Interior storage areas for trash and rubbish shall at all times be kept in an orderly and sanitary fashion.

~~12. Site plan review and approval: Site plans for new townhouses shall be reviewed by the Planning Commission and approved or rejected by the Town Council. Such plans shall be drawn in accordance with the requirements of Chapter 148.~~

DIVISION 9.7 - APARTMENTS (175-113)

All apartment developments shall comply with the following regulations:

A. Area regulations: The minimum lot size for apartment developments is ten thousand (10,000) square feet for an apartment structure having three (3) units, with an additional two thousand (2,000) square feet of lot area for each additional unit above three (3).

B. The minimum lot width shall be one hundred twenty-five (125) feet at the setback line.

C. Minimum yard requirements shall be as follows:

- 1. Front yard: - forty (40) feet from road right-of-way. Required parking may be located in a front yard, but not closer than ten (10) feet to the ultimate street right-of-way.
- 2. Rear yard: - forty (40) feet.

3. Side yard: - thirty-five (35) feet on each side.

D. Maximum building height shall be three (3) stories, but not to exceed ~~thirty-five~~ forty-two (~~42~~35) feet.

E. Other regulations for all apartment construction:

1. Each apartment structure and/or apartment parking area shall have parking areas on a dedicated public street or on an access easement meeting State Department of Transportation and Town standards.
2. Concrete curb and gutters shall be installed along both sides of all new streets within the development. However, should a new street act as a boundary for an apartment development, curb and gutter need only be installed on the side of the street adjacent to the development.
3. Walkways of four (4) feet in width, constructed of concrete or brick, shall be installed from parking areas to all apartment structures served by such parking areas.
4. The radii of cul-de-sac shall be at least fifty (50) feet. No more than twenty-five (25) dwelling units shall have sole principal access on any cul-de-sac.
5. Minimum parking space. There shall be two (2) off-street parking spaces for each unit. An off-street parking space shall be a minimum of ~~ten by twenty (10 x 20)~~ nine by eighteen (9 x 18) feet.

F. Special regulations for apartment developments of one (1) acre and over. For apartment developments of one (1) acre or more, the following regulations shall apply in addition to those previously noted:

1. Parking areas shall be set back at least thirty (30) feet from property lines of the development.
2. There shall be provided twenty-five hundredths (0.25) square feet of usable open space (not including parking or driveway areas) devoted to recreational use for every one (1) square foot of gross residential floor area. This space shall take the form of parks or play areas, etc.

3. Management of open space:

- a. All open space shall be preserved for its intended purpose as expressed in the final site plan.
- b. Should the units be for rental purposes, the developer or rental agent shall be responsible for maintenance and management of open space.
- c. Should the units be for sale, there shall be an establishment of a nonprofit association, corporation, trust or foundation of all individuals or corporations owning residential property within the planned development to ensure the maintenance of open spaces.
- d. When the development is to administer open space through an association, nonprofit corporation, trust or foundation, said organization shall conform to the following requirements:

- [1] The developer must establish the organization prior to the sale of any lots.
- [2] Membership in the organization shall be mandatory for all residential property owners, present or future, within the planned community, and said organization shall not discriminate in its members or shareholders.
- [3] The organization shall manage all open space and recreational and cultural facilities, shall provide for the maintenance, administration and operation of said land and improvements and any other common land within the planned community and shall secure adequate liability insurance on the land.
4. The horizontal distance between apartment structures shall be:
- a. Two (2) times the average height of the two (2) groups of apartments for front or rear walls facing front or rear walls;
 - b. One and one-half (1 1/2) times the average height for front or rear walls facing side walls; and
 - c. Equal to the height of the highest building for side walls facing side walls.
5. Parking may be provided in a joint parking facility for a group of apartments with such deed restrictions as are necessary to determine ownership and maintenance of common parking facilities and methods of assigning charges for maintenance, snow removal and repairs.
6. Usable open space devoted to recreational use as herein required shall be designed for use by tenants of the development and shall be improved and equipped by the developer in accordance with plans submitted and approved by the Town Planning Commission and Town Council.
7. Screening shall be provided of sufficient height and density to screen the site from adjoining residential districts whether R-1 or R-2. A planting plan specifying type, size and location of existing and proposed planting material shall be submitted with the application for the permit. Screening shall be at least six (6) feet in height.
8. Parking facilities:
- a. Number of spaces. Off-street parking, whether garage or on lot, shall be provided on the premises ~~at the rate of two (2) spaces for each apartment unit~~ as shown in following table.

Apartment Type	Requirement
Studio/Efficiency	1.0 space
1 Bedroom	1.5 spaces
2 Bedroom	2.0 spaces
3+ Bedroom	2.5 spaces
Visitor Parking	.25 spaces per unit rounded up

- b. Location. Required parking spaces shall be provided on the same lot as the building served.
- c. All access drives shall be at least fifteen (15) feet from any building on the lot and from exterior lot lines.
- d. Parking areas shall not be designed or located so as to require or encourage cars to back into a public street in order to leave the lot.
- e. Entrance and exit ways to parking areas shall have a minimum width of twelve (12) feet for each lane of traffic entering or leaving the site, but shall at no time exceed thirty (30) feet in width at the street line.
- f. All dead-end parking lots shall be designed to provide sufficient back-up area for the end stalls of the parking area.
- g. All access ways and parking areas shall be paved with a hard-surface, double-surface treatment or concrete covering.
- h. Entrance and exit ways and interior access ways shall be designed so as to prevent the blocking of vehicles.
- i. Any other requirements deemed necessary by the Planning Commission or Town Council for the public health and safety shall be complied with.

9. Drainage:

- a. A storm runoff and drainage system shall be installed by the developer in accordance with sound engineering practice so as to adequately drain the project site, to adequately dispose of all runoff and drainage away from the project site and so as not to permit excess flow of water across streets or adjoining properties. Plans for such drainage system shall be submitted with the application for the permit and shall be subject to approval by the Town Engineer, who may seek assistance from other agencies.
 - b. All provisions of existing Town ordinances and regulations regarding storm drainage shall be complied with.
10. Lighting: Lighting for buildings, access ways and parking areas shall be so arranged as not to reflect toward public streets or cause any annoyance to building occupants or surrounding property owners or residents.
11. Storage of trash and rubbish: Exterior storage areas for trash and rubbish shall be well screened on three (3) sides with evergreen plantings and contained in vermin-proof containers. Interior storage areas for trash and rubbish shall at all times be kept in an orderly and sanitary fashion.

~~12. Site plan review and approval: Site plans for new apartment buildings shall be reviewed by the Planning Commission and approved or rejected by the Town Council. Such plan shall be drawn in accordance with the requirements of Chapter 148.~~

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DIVISION 9.8 – AUXILIARY DWELLING UNIT (ADU)

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The ADU ordinance permits one (1) Auxiliary Dwelling Unit in the selected zoning districts of R1, R1A, R2, R3 and PND with residential housing, subject to the following:

- A. The Auxiliary dwelling unit must be located on the same lot as a single-family detached dwelling (existing or proposed) and only one (1) ADU is permitted per residential lot.
- B. The property must be owner occupied. The applicant shall submit a notarized statement attesting that they are residing on the property, in either the primary or auxiliary unit.
- C. Detached ADUs cannot exceed 1000 square feet or 80% of the gross floor area of the principal dwelling, whichever is less.
- D. Detached ADUs shall be a minimum of 600 square feet.
- E. The Auxiliary dwelling unit must follow the underlying zoning district requirements (setbacks, lot coverage, appearance, height, etc.). Detached ADUs shall not exceed the maximum lot square foot coverage allowed in the zoning district where the ADU is located.
- F. As part of the application process, Town staff will conduct an inspection prior to final approval.
 - 1. Staff will reach out to the property owner to schedule an annual inspection to recertify the ADU is compliant with code.
 - 2. The Zoning Administrator or designee may inspect a property if there is a complaint registered with the Town or if the official has other reason to believe that the owner or occupants are in violation of the ADU approval.
 - 3. The owner shall make provisions to allow inspections of the property by town personnel during reasonable hours with prior notice.
- G. The ADU shall meet the applicable regulations for safety, health and sanitation through the appropriate County agencies.
- H. Upon transfer of ownership of the subject property, the new owner shall be required to certify in writing to the Zoning Administrator that either:

1. Continued use of the ADU will comply with the conditions of the previous approval for the ADU use or;
2. The ADU will no longer be used as a separate dwelling unit.

DIVISION 9.9 PORTABLE STORAGE CONTAINERS (175-109.2)

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A. Portable Storage Containers - Notwithstanding any contrary provision of the Town Code, portable storage containers located outside of a fully enclosed building or structure shall be permitted in all zoning districts, subject to the following restrictions:

B. In Residential Districts and commercial business districts no more than one (1) portable storage container shall be allowed on a lot of record, and for no longer than a total of thirty (30) days in any consecutive twelve (12) month period. In industrial districts, the use of portable storage containers shall be limited to a period of time not to exceed (90) days, unless the portable storage containers are converted to permanent structures that comply with all applicable zoning and building code requirements.

C. In agricultural districts, on lots where the principal use is a bona fide agricultural activity, and in industrial districts, there shall be no restriction on the number of portable storage containers permitted as accessory uses.

D. In commercial business districts, portable storage containers may be allowed for more than thirty (30) days in any consecutive twelve (12) month period upon approval of a special use permit.

E. In any district, if the owner or lawful occupant of property can demonstrate, to the reasonable satisfaction of the Zoning Administrator, the need to continue the use of a portable storage unit on the property to alleviate an issue or problem to permit or allow the reasonable use or repair of the property occasioned on or to the property due to an act of God (defined herein as a natural disaster or phenomena including a hurricane, tornado, storm, flood, high water, wind-driven water, tidal wave, earthquake, or fire caused by natural or non-negligent accidental causes), the Zoning Administrator may extend the use of portable storage containers on the property for a period of thirty (30) days longer than the corresponding period otherwise allowed in that district. The Town Manager may authorize additional extensions when such extension of time is necessary to permit or allow the reasonable use or repair of the property for the reasons set forth in the above sentence.

F. In residential districts, no portable storage containers shall have dimensions greater than sixteen feet (16') in length, eight feet (8') in height or eight feet (8') in width. Portable storage containers in commercial business districts shall be limited to twenty feet (20') in length, eight feet six inches (8' 6") in height or eight feet (8') in width.

G. No portable storage container shall be located closer than five (5) feet from the side or rear property line.

H. Portable storage containers shall not be located closer than eight (8) feet from required parking spaces, and shall not project into any area required for vehicular mobility and maneuvering.

I. Portable storage containers shall be allowed only upon issuance of a permit by the Zoning Administrator. ~~The fee for such permit shall be set by Town Council by resolution.~~

J. Only one (1) portable storage container per one (1) calendar year period shall be allowed per lot or parcel of record in residential and commercial districts; and only one (1) portable storage container per twelve (12) consecutive month period shall be allowed per owner or lawful occupant of property.

K. Shipping containers, Conex boxes, portable storage containers, or similar prefabricated metal containers in residential districts, originally designed for cargo transport shall not be used as permanent principal or accessory structures. Such containers may be used only for temporary storage in accordance with the temporary use provisions of this section.

L. If portable storage container is to be converted to a permanent structure it must meet building codes.

DIVISION 9.10 - TOBACCO, SMOKE, OR VAPE SHOP PERFORMANCE STANDARDS

A. *Definitions.* For purposes of this section only:

TOBACCO, SMOKE, OR VAPE SHOP shall be defined as a business involving the sale of tobacco products, nicotine vapor products, or alternative nicotine products, as those terms are defined in the Code of Virginia § 18.2-371.2; or hemp products intended for smoking, as such term defined in Code of Virginia § 3.2-4112; or any kratom products as regulated by the Code of Virginia § 59.1-200.

B. *Performance Standards.*

Shall not be located within one thousand (1,000) feet of any child or day care center, as defined in Code of Virginia § 22.1-289.02, or a public, private, or parochial school.

All measurements made to verify compliance shall be made in a straight line, without regard for structures or objects, for one thousand (1,000) feet from the boundaries of the property on which a public or private school or day care center.

DIVISION 9.11 - WIRELESS TELECOMMUNICATION TOWERS (175-110.4 4)

A. The following sites shall be considered by applicants as the preferred order of location of proposed broadcasting or communication facilities:

1. Existing wireless telecommunication towers.
2. Public structures, such as water towers, utility structures, fire stations, bridges, and other public buildings within all zoning districts not utilized primarily for residential uses.

3. New wireless telecommunication towers.

B. No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of Town Council that no other existing tower or structure can reasonably accommodate the applicant's proposed antenna.

C. The maximum height of any wireless telecommunication tower shall be made a condition of the ~~special permit~~ Special Use Permit, but in no event shall exceed one hundred fifty feet (150') above finished grade of the property upon which it stands.

D. Wireless telecommunication towers shall conform to each of the following minimum setback and minimum yard requirements:

1. Towers shall have a minimum front, side and rear yard setback equal to the height of the tower; except that, Town Council may allow a reduction to these setback standards when it is designed with breakpoint technology. If the wireless telecommunication tower has been constructed using breakpoint technology, as defined, the minimum setback distance shall be equal to one hundred percent (100%) of the distance from the top of the structure to the height of the breakpoint, plus the standard minimum setback distance for the underlying zoning district; except that, in no case shall the setback be less than ½ the height of the entire tower.
2. Towers guys and accessory structures shall satisfy the minimum setback requirements of the underlying zoning district.
3. Towers shall not be located between the principal structure and a public street.

E. All towers shall be designed, structurally, electrically and in other respects, to accommodate both the applicant's antennas and comparable antennas for at least two (2) additional users.

F. Towers shall be illuminated as required by the Federal Communications Commission (FCC) and/or the Federal Aviation Administration (FAA), but no lighting shall be incorporated if not required by the FCC and/or FAA, other than essential security lighting. Site lighting shall not be directed toward adjacent properties.

G. The use of any portion of a tower for signs other than warning or equipment information signs is prohibited.

H. Before activating the facility into service the applicant/developer shall provide the Town with a certificate by a qualified consultant that the radio frequencies used by the facility shall not interfere with any other pre-existing radio frequencies in use within the coverage area of the facility including, but not limited to, public safety communication frequencies.

I. For any proposed tower, photographs shall be taken of a balloon test, which shall be conducted as follows:

1. The applicant shall provide the Administrator with at least seven (7) days prior notice of the conducting of the test; provided that this deadline may be extended due to inclement weather or by the agreement of the applicant and the Administrator.

2. The test shall consist of raising one or more balloons from the site to a height equal to the proposed facility.
3. The balloons shall be of a color or material that provides maximum visibility.
4. The photographs of the balloon test shall be taken from the nearest residence and from appropriate locations on abutting properties, along each publicly used road from which the balloon is visible, and other properties and locations as deemed appropriate by the Administrator.

J. If antennas are proposed to be added to an existing structure, all existing antennas and other equipment on the structure, as well as all ground equipment, shall be identified by owner, type and size. The method(s) by which the antennas will be attached to the mounting structure shall be depicted.

K. The Town shall require the review of the application by a third-party consultant retained by the Town at the expense of the applicant.

L. The applicant shall execute a letter of intent to allow other parties to share space (co-locate) on their tower and negotiate in good faith with other interested parties, including the Town Council and the Board of Supervisors of Warren County for emergency services radio and telephone facilities.

M. The tower construction shall be of a design that minimizes the visual impact of the tower and related facilities shall be camouflaged and/or screened from view from adjacent properties and rights-of-way to the greatest extent practicable. To this end, the application must provide for the retention of existing stands of trees and the installation of screening where existing trees do not mitigate the visual impact of the facility. Such screening shall, at a minimum, include a double row of evergreen trees at least two inches (2") in diameter at breast height separated by not further than ten feet (10') on center. The Planning Commission may recommend and the Council may require additional trees and screening when the minimum provisions do not mitigate adverse visual impacts of the facility.

N. The electromagnetic fields produced by the facility and any attachments to the tower do not exceed the radio frequency emissions standards established by the American National Standards Institute (ANSI).

O. The tower shall be inspected annually and certified as safe by a private firm acceptable to the Town and contracted for by the applicant. A copy of the inspection report with a certification that the tower is structurally safe and all microwave equipment is in proper working condition shall be provided to the Town Manager.

P. The tower shall be demolished and removed within ninety (90) days after abandonment. In order to ensure the demolition and removal of the tower, the applicant shall post and keep in place a renewable letter of credit or other security with adequate surety in a form acceptable to the Town Attorney and in an amount reasonably determined by the Town to be sufficient to pay for the costs of demolition and removal.

Q. Any equipment cabinet not located within an existing building shall be fenced only with the approval of the Administrator upon finding that the fence: (i) would protect the facility from trespass in areas of high volumes of vehicular or pedestrian traffic or in rural areas, to protect the facility from livestock or wildlife; (ii) would not be detrimental to the character of the area; (iii) would not be detrimental to the public health, safety or general welfare; and (iv) shall assist in the effective screening of the facility.

R. Each tower shall be constructed so that all cables, wiring and similar attachments that run vertically from the ground equipment to the antennas are placed on the pole to face the interior of the property and away from public view, as determined by the Administrator, or so that vertical cables, wiring and similar attachments are contained within the tower's structure.

S. The following shall be submitted to the Administrator after installation of the tower is completed and prior to issuance of a certificate of occupancy: (i) certification by a registered surveyor stating the height of the tower, measured both in feet above ground level and in elevation above mean sea level, using the benchmarks or reference datum identified in the application; and (ii) certification stating that any lightning rod's height does not exceed two (2) feet above the top of the tower and width does not exceed a diameter of one (1) inch.

DIVISION 9.12 – PARKING AND LOADING

Section 9.12.1 - PARKING (175-103)

Every building hereafter erected or moved shall be on a lot adjacent to a public or private street approved by the Town, and all buildings shall be located on lots as to provide safe and convenient access for servicing, fire protection and required off-street parking.

Section 9.12.2 - OFF-STREET PARKING (175-104)

All new uses or developments, and changes of use, shall comply with the off-street parking requirements of Chapter 148.

Section 9.12.3 - OFF-STREET LOADING (175-105)

All new uses or developments, and changes of use, shall comply with the off-street loading requirements of Chapter 148.

Section 9.12.4 – SHORT TERM RENTALS

Short-term rentals shall be permitted in all Zoning Districts by Special Use Permit and shall at a minimum meet the following requirements:

A. The short-term rental owner of a dwelling unit to be used for a short-term rental shall apply for a Special Use Permit through the Department of Planning and Zoning and receive approval from Town Council prior to utilizing the dwelling unit as a short-term rental. Town Council may impose conditions necessary to mitigate adverse effects of the use on neighboring properties.

~~B.B.~~ A one-time application fee shall be twelve hundred dollars (\$1200.00 dollars).

C. Staff will conduct an inspection prior to the issuance of the Special Use Permit approval. Additional inspections will be conducted on a complaint basis to ensure compliance with the performance standards listed in this section, along with any additional conditions imposed by Town Council, if applicable.

D. The maximum number of occupants in the dwelling unit shall be determined by the number of bedrooms; there shall be no more than two (2) adults per bedroom. However, the maximum number of occupants shall not exceed ten (10) people unless approved by Council.

E. An existing residential use property shall be exempt from off-street parking requirements of Town Code Chapter 148-870.

F. There shall be no visible evidence of the conduct of such short-term rentals on the outside appearance of the property.

G. A fire extinguisher shall be provided and visible in all kitchen and cooking areas; smoke detectors shall be installed in all locations as identified in the current Uniform Statewide Building Code; and a carbon monoxide detector must be installed on each floor in every dwelling.

H. The owner of a dwelling used for short-term rentals shall give the Town written consent to inspect any dwelling used for short-term rental to ascertain compliance with all the above performance standards upon a twenty-four-hour notice.

I. A property management plan demonstrating how the short-term rental will be managed and how the impact on neighboring properties will be minimized shall be submitted for review and approval as part of the permitting process to the Planning Department. The plan shall include local points of contact available to respond immediately to complaints, clean up garbage, manage unruly tenants and utility issues, etc. It shall also be posted in a visible location in the short-term rental. The contact numbers shall be provided to Town staff, public safety officials and, if applicable, the HOA of the subdivision. The plan must be provided as part of the rental contract.

J. If the property is located within a subdivision governed by a homeowners' association, the Planning Department must receive proof that a notification to operate the short-term rental was sent to the HOA.

K. The owners of the rental shall provide an emergency evacuation plan for the dwelling and the neighborhood.

L. A copy of Chapter 106 of the Town of Front Royal Code relative to noise must be provided at the short-term dwelling.

M. All outdoor burning shall be in compliance with Chapter 78 of the Town of Front Royal Code. Failure to comply with the approved conditions and/or supplemental regulations will subject the permit to revocation by the Zoning Administrator at any time.

N. Failure to comply with the approved conditions and/or supplemental regulations will subject the permit to revocation by the Zoning Administrator at any time.

DIVISION 9.13 – DESIGNATED SPECIAL PURPOSE HOUSING

The following provisions shall apply to Designate Special Circumstance Housing (DSCH):

A. All DSCH, with the exception of individuals with developmental disabilities in any residential zoning district, shall have no more than eight (8) individuals along with one (1) or more staff member(s). Congregate Living with one or more staff members may be approved in R-2 and R-3 residential areas via SUP on a case-by-case basis as state and local laws and regulations allow. Case-by-case evaluation includes type/size of home, acceptable number of residents, location, zoning district and other mitigating factors considered in the SUP application.

B. All DSCH facilities shall be licensed by the appropriate state agency(s).

C. DSCH operations in residential districts shall be restricted to structures that are permitted by right in the respective residential district in question, or any facilities which are currently in existence as a nonconforming use. Page 3 of 4D. Any newly constructed DSCH facilities shall comply with all of the standards that exists in the residential zoning district where the structure will be located.

E. All DSCH in residential zoning districts shall be required to submit a management plan addressing staffing, resident services, security, and community engagement. This shall include:

1. A plat of the parcel and all buildings and structures thereon, both permanent and temporary.
2. Access control points and any fencing and screening for the parcel and all buildings and structures.
3. The use and occupancy of each room or space inside a building or structure, including accommodations for sleeping, accommodations for sanitary health and hygiene (e.g. sinks, toilets, latrines, showers, or washing stations); and accommodations for food preparation.
4. The size of emergency ingress points, egress points, and evacuation routes.
5. Smoke alarms, carbon monoxide alarms, and fire extinguishers.
6. An operations information statement that shall include, at minimum, the following:
 - a. The name of the operating entity, its articles of incorporation or similar organizational document and its bylaws, if any, and a statement of the operating entity's experience providing emergency housing, transitional housing, permanent supportive housing, or social service delivery.
 - b. Anticipated dates, days, and hours of operation.

- c. Maximum intended number of overnight occupants, which shall at all times be in compliance with all applicable provisions of building, fire, health, and zoning codes.
- d. List of requirements for admission of occupants.
- e. Description of each staff position, qualifications necessary for each position, and a statement of the anticipated number of staff serving in such positions.
- f. Statement of intention, or not, to provide occupants meals, minor medical care, job counseling, and services to help occupants transition to more permanent housing, and if so, whether provision of each will be on or offsite.
- g. Pet care plan as required.

After SUP approval, any changes to the management plan must be submitted to Front Royal Planning and Zoning for impact assessment.

F. The SUP applicant must submit a plat of the property showing the existing conditions and location of the proposed parking and any anticipated parking waivers.

G. DSCH use of the property shall not change the general exterior appearance of the dwelling unit or change the character of the neighborhood.

H. In assessing the request for a special use permit to operate in residential zoning districts, the Council shall consider and may require the availability of safe on-site drop-off and pickup areas, outdoor play areas, fenced play areas, and pet accommodations. The Council shall also consider the nature and suitability of the proposed facility, the size, location and characteristics of the grounds or yard, the safety of the occupants at the facility, parking, the effects on nearby property and residents, and such other factors which the Council deems pertinent in assessing the suitability of any proposed DSCH operation in a residential zoning district.

**ADDITIONAL ZONING TEXT CHANGES / DEFINITIONS RELATED
TO COMMERCIAL USES AND MANUFACTURED HOMES**

Additional Zoning Text Changes

1. Add definition and by right use to Commercial areas (C1, C2 and C3) to allow a use called Commercial Event Space.
 - a. **COMMERCIAL EVENT SPACE (or ASSEMBLY HALL)** - A building, facility, or designated portion thereof, operated for profit or non-profit purposes, leased or made available to individuals or groups for private or public social gatherings. These gatherings include, but are not limited to, weddings, receptions, banquets, anniversaries, corporate meetings, civic functions, and entertainment events. This use may include on-premises food preparation or catering facilities, and the indoor or outdoor consumption of beverages, subject to all applicable local and state regulations. This definition does not include places of worship, schools, or public municipal facilities.
2. In accordance with new laws requiring Manufactured Housing being allowed anywhere residential housing is located the following changes are proposed;
 - a. DEFINITIONS (Article 11):
 - b. Was:
 - i. **DWELLING, SINGLE-FAMILY** - A single residential dwelling unit, other than a mobile home or manufactured home, designed for occupancy by one (1) family, and not located on the same lot as another dwelling unit.
 - c. Is:
 - i. **DWELLING, SINGLE-FAMILY** — A building containing one (1) dwelling unit designed for and occupied by not more than one (1) family, with independent living, sleeping, cooking, and sanitation facilities, and not located on the same lot as another principal dwelling unit. A single-family dwelling may include a site-built dwelling or a manufactured home constructed in accordance with applicable federal and state standards and installed in compliance with all applicable building and zoning requirements.
 - d. Was
 - i. **MANUFACTURED HOME** - A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use

with or without a permanent foundation when connected to the required utilities. For floodplain management purposes the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days.

e. Is:

- i. **MANUFACTURED HOME** — A structure subject to federal regulation, which is transportable in one or more sections; is eight body feet or more in width and forty body feet or more in length in the traveling mode, or is 320 or more square feet when erected on site; is built on a permanent chassis; is designed to be used as a single-family dwelling, with or without a permanent foundation, when connected to the required utilities; and includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure.

f. Was

- i. **MOBILE HOME** - A residential dwelling built in a factory before the federal Manufactured Home Construction and Safety Standards went into effect on June 15, 1976. New or replacement mobile homes are not permitted within the Town.

g. Is:

- i. **MOBILE HOME** — A transportable residential structure built prior to June 15, 1976, on a permanent chassis and designed for use as a dwelling with or without a permanent foundation when connected to required utilities. Replacement mobile homes are not permitted within the Town.