

PLANNING COMMISSION WORK SESSION
Wednesday, July 1, 2026 @ 6 PM
Town Hall – 2nd Floor, East Conference Room

AGENDA

CALL TO ORDER

ROLL CALL

WORK SESSION BUSINESS

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.
2. Zoning Ordinance Draft – Review Articles 8 and 10.
3. Draft Ordinance to Prohibit Data Centers.
4. **2600349** – An Ordinance Amendment to define Outdoor Dining Area in Town Code §175-3, permit outdoor dining as an accessory use in the C-1, Community Business District & C-2, Downtown Business District, and add performance standards under Town Code §175-118.

OTHER

ADJOURNMENT

WORK SESSION BUSINESS ITEM 1

**SPECIAL USE PERMIT
37 WATER STREET – MURAL**

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 Royal

 PHONE: 540-660-5732

 Address: PO Box 85, Front Royal, VA 22630

Email: _____

PROPERTY OWNER:

 Name: Blue Ridge Opportunities

 PHONE: 540-551-0843

 Address: 37 Water Street, Front Royal, VA 22630

Email: _____

PROPERTY DESCRIPTION:

 Property Address: 37 Water Street, Front Royal, VA 22630

 Tax Map 20A8 Section 6 Block C Lot 3

 Subdivision 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 building

 Specific 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: 05/22/2026

 Property Owner Signature: [Signature] Cathy Wolfe 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)

WORK SESSION BUSINESS ITEM 2

ZONING ORDINANCE DRAFT REVIEW ARTICLES 8 AND 10

ARTICLE 8 – USE REGULATIONS (175-107)

DIVISION 8.1 – USES FOR ELDERLY, DAY CARE, BED AND BREAKFAST AND CEMETARIES

Section 8.1.1 - NURSING AND CONVALESCENT HOMES, INCLUDING HOMES FOR THE ELDERLY (175-107)

In addition to the requirements of the district in which the nursing or convalescent home is located, such uses shall meet the following requirements:

- A. All state rules and regulations for the licensing of such uses.
- B. All requirements of the State Health Department and Fire Marshal's office regarding such uses.
- C. Parking requirements as established in Chapter 148.
- D. Architectural barriers, such as stairs, for residents of such establishments shall be overcome to the greatest extent possible. Additional safety features, such as handrails, in various areas shall be installed.

Section 8.1.2 - DAY CARE AND DAY-CARE FACILITIES IN RESIDENTIAL ZONING DISTRICTS BY SPECIAL USE PERMIT (175-107.1)

The following provisions shall apply to day care and day-care facilities located in residential zoning districts:

- A. All day-care operations in residential zoning districts shall be restricted to not more than one hundred (100) children per day-care facility.
- B. All day-care operations and day-care facilities shall be licensed by the Commonwealth of Virginia in accordance with the provisions of Virginia Code Section 63.1-196, as amended, unless otherwise specifically exempted from such licensing requirements under provisions of the Virginia State Code.
- C. Day-care operations in residential districts shall not be permitted in single-family or multi-family residential dwellings.
- D. Day-care operations in residential districts shall be restricted to schools, churches, lodges, hospitals, rest, convalescent or nursing homes, offices or halls which are otherwise permitted by right in the respective residential district in question, or any of the aforementioned facilities which are currently in existence as a nonconforming use, or any of the aforementioned facilities which have previously been approved for non-day-care purposes by Special Use Permit. The day-care operation shall be an ancillary or additional use to the facility in question. Facilities shall not be constructed in residential districts solely for daycare use.

E. All day-care facilities in residential zoning districts shall be required to have a minimum lot size of twenty thousand (20,000) square feet for day-care operations with fifty (50) children or fewer and forty thousand (40,000) square feet for day-care operations with more than fifty (50) children.

F. In assessing the request for a special use permit to conduct day-care operations 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 not located in the facility's front yard, fenced play areas and screening or noise buffers for adjacent properties. 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 children to be cared for at the facility, peak and non-peak traffic patterns, parking, the effects on nearby property and residents, noise and such other factors which the Council deems pertinent in assessing the suitability of any proposed day-care operation in a residential zoning district.

Section 8.1.3 - BED AND BREAKFAST USES IN RESIDENTIAL ZONING DISTRICTS BY SPECIAL USE PERMIT (175-107.2)

The following provisions shall apply to Bed and Breakfast Uses located in residential zoning districts:

A. The minimum lot size for a Bed and Breakfast Home use shall be 1.5 acres if associated uses referenced in Subsection H are proposed on the property. The minimum lot size for a Bed & Breakfast with no associated uses in 0.5 acres.

B. The maximum number of guest rooms shall be ten (10) for Bed & Breakfasts with a lot size of 1.5 acres or greater. The maximum number of guest rooms shall be six (6) for Bed and Breakfasts with a lot size of 0.5 acres to 1.49 acres.

C. No provisions shall be allowed for cooking in individual guest rooms.

D. Parking shall be provided as follows: Two (2) spaces for residents, one (1) space per guest room and spaces for associated uses as determined by the Planning Commission. Tandem or stacked parking arrangements may be approved. Parking for associated uses must be provided on site.

E. The provision of the required parking and the traffic created due to this use shall not adversely impact any adjacent residential uses.

F. The exterior appearance of the structure shall not be altered from its single-family character.

G. Adequate landscaping, distancing and/or restriction of hours of operation shall be provided to buffer the adjacent residential uses from any noise or light generated by this use that is either uncharacteristic of residential neighborhoods or takes place at times uncharacteristic to residential neighborhoods.

H. Associated uses are allowable and may include but not be limited to catered events such as receptions and dinner parties, provided that such associated uses do not adversely impact any adjacent residential uses.

I. The owner must reside on premise.

J. Applicable provisions of the Uniform Statewide Building Code and all other laws, regulations, inspections, and licenses must be met.

K. Each Bed and Breakfast shall be allowed one (1) on premise sign no larger than two feet by two feet (2' x 2').

L. The owner must submit a plat of the property showing the existing conditions and location of the proposed parking.

Section 8.1.4 - BED AND BREAKFAST USES IN COMMERCIAL C-1 AND C-2 ZONING DISTRICTS BY SPECIAL USE PERMIT (175-107.3)

A. The maximum number of guest rooms shall be six (6).

B. No provisions shall be allowed for cooking in individual guest rooms.

C. The owner must reside on premise.

D. The exterior appearance of the structure must not be altered from its single-family character.

E. Parking shall be provided as follows: two (2) spaces for residents and one (1) space per guest room.

F. Applicable provisions of the Uniform Statewide Building Code and all other applicable laws, regulations, inspections, and licenses shall be met.

G. The owner must submit a plat of the property showing the existing conditions and the location of proposed parking.

Section 8.1.5 - CEMETERIES IN RESIDENTIAL DISTRICT (R-3) BY SPECIAL USE PERMIT (175-107.4)

The following provisions shall apply to cemetery uses located in residential (R-3) zoning districts:

1. Cemetery uses shall be located within a churchyard and designated on a plat to be submitted with the application.
2. Cemetery uses shall be marked with a fence or stone.
3. The location of cemeteries shall be registered with the Planning and Zoning Department.
4. Cemetery uses shall be set back 150 feet from lot lines.
5. Cemetery uses shall be set back a minimum of 250 yards from a residence if property owner consent is not received to be located closer to the residence (§57-26 Code of Virginia).

6. Cemetery uses shall be set back a minimum of 300 yards from a city, town, or water company well (§57-26 Code of Virginia).

DIVISION 8.2 – TEMPORARY USES AND STRUCTURES

Section 8.2.1 - RECREATIONAL VEHICLES AND TRAVEL TRAILERS (175-100)

A. Recreational vehicles and travel trailers may be stored in a side, corner side, or rear yard of a lot, provided they are stored in a location that meets the minimum yard requirements as would be required for an accessory building of the same dimensions. Except as provided in subsection B below, no recreational vehicles shall be stored closer to a street than the minimum setback line or yard requirement in any district and occupancy shall be prohibited. Other restrictions, as found under Chapter 158, Section 19.1, apply to the parking of recreational vehicles within the public right of way.

B. Temporary parking of recreational vehicles and travel trailers that does not comply with Subsection A may be allowed in the front yard only for the following circumstances:

1. Temporary parking of up to three (3) consecutive days, located entirely on private property, and on a paved driveway, for the sole purposes of cleaning and preparing the unit for use or storage.
2. Temporary parking of up to fourteen (14) days within any calendar month, up to three times during the calendar year, for temporary accommodation of visitors. The vehicle shall not be permanently connected to public utility system. However, the vehicle may be connected to electricity temporarily for charging batteries or other purpose related to the preparation of the vehicle for use.
3. Temporary parking for the purpose of camping where campgrounds are permitted, or permitted by special use permit.
4. Extensions of time to the above restrictions of this subsection may only be granted under the same conditions as found under Division 9.9.E.

Section 8.2.2 - TEMPORARY CONSTRUCTION TRAILERS (175-109)

A. Zoning permits for temporary trailers may be issued by the Zoning Administrator in any zoning district for construction purposes only. Temporary trailers may not be used for residential purposes or sales offices. All permits for temporary construction trailers shall be subject to the following conditions:

1. The Zoning Administrator shall review and approve or deny all requests for temporary construction trailer permits. In assessing a request for a temporary construction trailer permit, the Zoning Administrator shall consider the necessity for such temporary construction trailer, its location and its effects on the surrounding neighborhood and/or adjoining property owners and may require terms and conditions on the location and placement, type and number of trailers, screening and such other reasonable conditions as the Zoning Administrator shall deem necessary.

2. The location of temporary construction trailers on a specific site shall be necessary for the purpose of a construction office or storage.
3. The request for a temporary construction trailer permit shall be filed by the contractor, landowner or State Department of Highways and Transportation as being essential to the construction activity.
4. A minimum area of two thousand (2,000) square feet shall be provided for each temporary construction trailer space.
5. Each temporary construction trailer shall have a minimum of two (2) off-street parking spaces in addition to other parking spaces required by this chapter for other activities.
6. All sanitary facilities must conform to State Health Department trailer camp sanitation requirements.

B. The maximum period allowable for the placement of a temporary construction trailer shall be six (6) months or until completion of the project, whichever is shorter. Applications for renewal for a successive six-month periods may be submitted if additional time is required to complete the project. However, each renewal application must be filed at least thirty (30) days prior to the expiration of the original temporary construction trailer permit

C. The Zoning Administrator, in granting a temporary construction trailer permit, may require the posting of a bond to ensure that the temporary construction trailer will be removed and the site left in good order at the expiration of the permit.

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

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

A. The Town Council in its discretion may grant a Special Use Permit for approval not to exceed one (1) year for the use of a temporary trailer or a temporary manufactured home for specified nonresidential purposes related to the following permitted uses:

1. Hospitals.
2. Schools.
3. Churches.
4. Institutions.
5. Rest, convalescent or nursing homes.
6. Public utilities.
7. Industrial facilities.

B. The Special Use Permit may be granted for any zoning district, provided that the underlying use is permitted in that zoning district. For good cause shown, Council may vote to grant a single extension for an additional period not to exceed one (1) year.

C. All temporary trailers approved under this section for a period of six (6) months or more shall be placed and anchored on a foundation appropriate for a two-year duration. All such foundations shall be skirted.

D. The Special Use Permit application shall specify the event or solution that will terminate the need for the temporary trailer. In assessing the application for a Special Use Permit, Council shall consider the following:

1. The effect on surrounding properties.
2. The effect on community appearance.
3. The stated need for a temporary facility, and the availability of alternative solutions.
4. Traffic and safety factors.
5. Such additional factors as may apply to the site, and the particulars of the application.

DIVISION 8.3 – AUTOMOBILE AND TRUCK USE REGULATIONS

Section 8.3.1 - AUTOMOBILE SERVICE STATIONS (175-110)

The Town Council, upon recommendation from the Planning Commission, may place certain restrictions on automobile service stations in the C-1, C-2, I-1 and I-2 Zones, in addition to the regulations of those zones, based on the following criteria:

A. The effect of such proposed buildings and use upon the character of the neighborhood, traffic conditions, public facilities and other matters pertaining to the public health, safety and general welfare.

B. All appliances for dispensing gasoline installed outside of enclosed buildings shall be located not less than fourteen (14) feet from any property line adjoining the public street and all such appliances shall be installed and maintained in such location as to prevent any part of vehicles being serviced from standing on the street, alley or sidewalk area.

Section 8.3.2 - INOPERATIVE MOTOR VEHICLES (175-110.1)

A. No more than one (1) inoperative motor vehicle, trailer or semitrailer, as defined by Virginia Code Section 46.2-100., which is inoperative, shall be kept outside a completely enclosed building on any property zoned for residential or commercial purposes. Such inoperative vehicle must be fully screened year-round from public view by plantings, fencing or a professionally manufactured car cover. Any inoperative vehicle stored under a car cover shall not be maintained on the same lot for more than six months in a twelve-month period. In no case shall any inoperative vehicles be stored in the required parking spaces for the use or in any required yard adjoining a public street.

B. For the purpose of this section, the word "inoperative" shall mean:

1. A motor vehicle, pursuant to Virginia Code §15.2-904.A.(ii), which for a period of 60 days or longer has been partially or totally disassembled by the removal of tires and wheels, the engine, or other essential parts required for operation of the vehicle.
2. A motor vehicle, pursuant to Virginia Code §15.2-904.A.(iii), on which there are displayed neither valid license plates nor a valid inspection decal.

C. The provisions of this section shall not apply to a person, firm or corporation which has been regularly and continuously licensed and engaged in the business of an automobile dealer, salvage dealer or scrap processor at the property in question since June 26, 1970.

D. The owners of property zoned for residential or commercial purposes shall at the demand of the Town Council or its designated agent remove from their property any such inoperative motor vehicles, trailers or semitrailers that are not kept within a fully enclosed building or structure. Notice of the demand shall be sent to the property owner by first class mail to the owner's address as it appears in the Town tax records. In the event that the inoperative vehicle has not been placed in a fully enclosed building or structure, fully screened year- round from public view by plantings, fences or a professionally manufactured car cover, or removed from the property within ten (10) days from the date the notice was sent, then the Town or its designated agent may remove the inoperative vehicle, and thereafter dispose of the same upon furnishing the vehicle owner with ten (10) days' written notice. If the vehicle owner cannot be determined, the property shall be disposed of in accordance with Town Code Section 124-1 et seq.

E. The cost of inoperative vehicle removal, storage and/or disposal shall be chargeable to the owners of the vehicle or the owners of the premises, and may be collected by the Town as taxes and levies are collected. Every cost authorized by this section which is assessed against the owners of the premises shall constitute a lien against the property from which the vehicle was removed, and shall continue to constitute a lien until actual payment in full has been made to the Town.

Section 8.3.3 TRUCKS AND SEMITRAILERS (175-110.2)

A. In the zoning districts listed below in this subsection, it shall be unlawful for any person, firm or corporation to keep, park or store upon any lot in R-1, R-1A, R-2, R-3 Residential Zoning Districts or any residential portion of a PND or MCD District, any tractor truck or semitrailer designed to be used with a tractor truck, as defined in Virginia Code Section 46.2-100, or any truck with a registered gross weight in excess of twelve thousand (12,000) pounds. These provisions shall apply regardless of whether such a vehicle is kept, parked or stored in the open or within an enclosed structure.

1. R-1 District
2. R-1A District
3. R-2 District
4. R-3 District
5. PND District (only within areas approved solely for residential use)

B. The provisions of subsection 8.3.3.A. shall not apply to any of the following vehicles:

1. School buses, church buses and other buses engaged in public transportation.
2. Pickup trucks with a registered gross weight of twelve thousand (12,000) pounds or less.
3. Panel truck with a registered gross weight of twelve thousand (12,000) pounds or less.
4. Motor homes, camping trailers and recreational vehicles as defined in Virginia Code Section 46.2-100. See Section 8.2.1 for recreational vehicle regulations.
5. Trailers of every type, except semitrailers designed to be used with a tractor truck.
6. Hospital mobile units and fire and rescue vehicles.
7. Vehicles owned and operated by public utilities.
8. Farm vehicles used in agricultural pursuits on parcels of land one (1) acre or larger.

C. The provisions of subsection 8.3.3.A. shall not apply to any vehicle which comes upon property for pickups, deliveries and service to property made in the regular course of business or which comes upon the property in the course of construction, maintenance or improvement to the property or adjoining streets and facilities.

D. Other than areas where semitrailers are restricted, as listed above under subsection A, trailers may be used for temporary storage; provided that, (i) the location of the semitrailer(s) is not located in the required yard area adjacent to any public street, (ii) the location of the semitrailer(s) does not interfere with required parking, vehicular mobility and vehicular maneuvering, (iii) the location is on an all-weather surface material, (iv) all fire and building code requirements are complied with, (v) a zoning permit is obtained from the Town, and (vi) no more than one trailer for temporary storage shall be permitted on property in any commercial zoning district. A 6' high opaque fence, hedge, landscape screen, wall, building wall, or berm may be used for screening to prevent view of a trailer used for temporary storage.

Section 8.3.4 - MOTOR VEHICLE PAINTING AND BODY WORK (175-110.3)

Motor vehicle body work and painting establishments shall comply with the following requirements:

A. All work shall be conducted in a completely enclosed building.

B. Used or damaged equipment removed from vehicles during the process shall be stored indoors, in a completely screened enclosure or shall be deposited in an approved covered outdoor collection receptacle for appropriate off-site disposal.

C. Temporary overnight outdoor storage and parking of vehicles waiting for repair or pickup shall be permitted. All damaged vehicles shall be stored indoors or in a completely screened enclosure. No long-term storage (sixty (60) days or more) shall be permitted.

D. A certificate of compliance with the Virginia Uniform Statewide Building Code shall be obtained for the use prior to commencement of the activity.

E. All hazardous waste material, including paint, oil, antifreeze, etc., shall be disposed of only with a licensed hazardous waste removal firm.

F. The facility shall be equipped with adequate filtering to ensure that no overspray or particulate matter from the operation shall be discernible beyond the property line.

G. Notwithstanding the provisions of Article 11 pertaining to the definition of junkyard, authorization for the outdoor storage of up to eight (8) vehicles intended to be salvaged for parts may be made as part of the Special Use Permit approval. Such vehicles shall be confined to a defined storage area that is effectively screened from public view.

DIVISION 8.4 - SHORT-TERM RENTALS (175-151)

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. The one-time application fee shall be \$400.
- 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 10 people unless approved by Council.
- E. Parking for the use shall be located in driveways or other designated and approved parking areas.
- 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 2015 or 2018 Uniform Statewide Building Code (2018 Version required usage beginning July 1, 2022); 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.
- 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 8.5 – HOME OCCUPATIONS (175-108.1)

All home occupations shall meet the following standards:

- A. The use shall be clearly incidental to the principal use of the property for residential purposes and shall not change the exterior appearance of the dwelling unit, or change the character of the neighborhood.
- B. Operators of home occupations must be residents on the same parcel, or parcels, where the home occupation is located. Notwithstanding subsection B, nonresident employees may also work for the home occupation, but no more than one (1) nonresident employee may work from the parcel, or parcels, at the same time.
- C. No outdoor display, sales or storage of goods, materials or equipment shall be permitted. except that, the Zoning Administrator may authorize up to two (2) business vehicles, including any vehicle used by a nonresident employee. Indoor storage is permitted, provided that it does not violate the other restrictions of this section, including, but not limited to, changing the appearance of the dwelling unit, changing the character of the neighborhood, or increasing traffic.
- D. No wholesale or retail business shall be permitted unless it is conducted entirely by mail and/or telephone and does not involve the bulk shipment/delivery of merchandise to and from the premises; provided, however, that articles produced by the home occupation operators may be sold on the premises.
- E. Provided that the other requirements of this section are complied with, home occupations shall include, but shall not be limited to, the following uses: home offices, computer repair services, artist studios, instructional services/tutoring, dressmaking, babysitting/babysitting services, or small item repair services. Uses that are restricted from being classified as home occupations shall include, but shall not be limited to, the following uses: motor vehicle repair, beauty/barber shops (with more than one (1) customer at a time), restaurants, animal hospitals/kennels, retail sales, and dance studios.
- F. In the instance of a home occupation involving a nonresident employee, at least one (1) additional off-street parking place shall be provided.

G. No home occupation shall create greater vehicular or pedestrian traffic than is otherwise normal for the district in which it is located.

H. No home occupation shall create noise, dust, vibrations, smells, smoke, glare, electrical interference, fire hazard or any other hazard or nuisance to any greater or more frequent extent than that usually experienced in the district on residentially used zoning lots where no home occupation exists.

I. Notwithstanding other regulations within this Chapter, signs are not permitted for home occupations, except that the Zoning Administrator may authorize a sign for the following circumstances.

1. When the sign is located on an authorized business vehicle and does not exceed ten (10) square feet in size.
2. When the sign is located within the C-1, C-2, C-3, I-1, I-2, or MCD Zoning District, subject to the following conditions.
 - a. Shall not exceed four (4) square feet in size.
 - b. Shall not exceed six (6) feet in height, if freestanding.

ARTICLE 10 – SIGNS

Commented [AD1]: This is LGAV MSO with GS/LK comments incorporated.

DIVISION 10.1- GENERAL PROVISIONS

Sec. 1. – Purpose and intent.
Sec. 2. – Definitions.
Sec. 3. – Permit required.
Sec. 4. – Permit not required.
Sec. 5. – Prohibited signs.
Sec. 6. – Measurements of sign area.
Sec. 7. – Maintenance and removal.
Sec. 8. – General requirements.
Sec. 9. – Non-conforming signs.
Sec. 10. – Non-commercial signs.
Sections 11-20. – Reserved.

DIVISION 10.2- SIGN REGULATIONS BY USE AND DISTRICT

Sec. 21. – Residential district signs.
Sec. 22. – Commercial district signs.
Sec. 23. – Industrial district signs.

DIVISION 10.3.- GENERAL PROVISIONS

Section 10.3.1. – Findings, purpose and intent; interpretation.

- (a) Zoning ordinances shall be for the general purpose of promoting the health, safety or general welfare of the public. Signs obstruct views, distract motorists, displace alternative uses for land, and pose other problems that legitimately call for regulation. The purpose of this article is to regulate the size, color, illumination, movement, materials, location, height and condition of all signs placed on private property for exterior observation, thus ensuring the protection of property values, the character of the various neighborhoods, the creation of a convenient, attractive and harmonious community, protection against destruction of or encroachment upon historic areas, and the safety and welfare of pedestrians and wheeled traffic, while providing convenience to citizens and encouraging economic development. This article allows adequate communication through signage while encouraging aesthetic quality in the design, location, size and purpose of all signs. This article shall be interpreted in a manner consistent with the First Amendment guarantee of free speech. If any provision of this article is found by a court of competent jurisdiction to be invalid, such finding shall not affect the validity of other provisions of this article which can be given effect without the invalid provision.

- (b) Signs not expressly permitted as being allowed by right or by special use permit under this article, by specific requirements in another portion of this chapter, or otherwise expressly allowed by the governing body are forbidden.
- (c) A sign placed on land or on a building for the purpose of identification, protection or directing persons to a use conducted therein shall be deemed to be an integral but accessory and subordinate part of the principal use of land or building. Therefore, the intent of this article is to establish limitations on signs in order to ensure they are appropriate to the land, building or use to which they are appurtenant and are adequate for their intended purpose while balancing the individual and community interests identified in subsection (a) of this section.
- (d) These regulations are intended to promote signs that are compatible with the use of the property to which they are appurtenant, landscape and architecture of surrounding buildings, are legible and appropriate to the activity to which they pertain, are not distracting to motorists, and are constructed and maintained in a structurally sound and attractive condition.
- (e) These regulations distinguish between portions of the City/County/Town designed for primarily vehicular access and portions of the City/County/Town designed for primarily pedestrian access.
- (f) These regulations do not regulate every form and instance of visual speech that may be displayed anywhere within the jurisdictional limits of the City/County/Town. Rather, they are intended to regulate those forms and instances that are most likely to meaningfully affect one or more of the purposes set forth above.
- (g) These regulations do not entirely eliminate all of the harms that may be created by the installation and display of signs. Rather, they strike an appropriate balance that preserves ample channels of communication by means of visual display while still reducing and mitigating the extent of the harms caused by signs.

Section 10.3.2. - Permit required.

- (a) *In general.* A sign permit is required prior to the display and erection of any sign except as provided in section 4 of this Article.
- (b) *Application for permit.*
 - (1) An application for a sign permit shall be filed with the City/County/Town [Community Development Department or equivalent] on forms furnished by that department. The applicant shall provide sufficient information to determine if the proposed sign is permitted under the zoning ordinance and other applicable laws, regulations, and ordinances. An application for a temporary sign shall state the dates intended for the erection and removal of the sign.
 - (2) The City/County/Town Zoning Administrator or designee shall promptly process the sign permit application and approve the application, reject the application, or notify the applicant of deficiencies in the application within 21 calendar days after receipt. Any complete application that complies with all provisions of this zoning ordinance, the building code, and other applicable laws, regulations, and ordinances shall be approved.
 - (3) If the application is rejected, the City/County/Town shall provide a list of the reasons for the rejection in writing. An application shall be rejected for non-

compliance with the terms of the zoning ordinance, building code, or other applicable law, regulation, or ordinance.

- (c) *Permit fee.* A nonrefundable fee as set forth in the uncodified fee schedule adopted by the City/County/Town Council shall accompany all sign permit applications.
- (d) *Duration and revocation of permit.* If a sign is not installed within six months following the issuance of a sign permit (or within 30 days in the case of a temporary sign permit), the permit shall be void. The permit for a temporary sign shall state its duration, not to exceed 30 days unless another time is provided in the zoning ordinance. The City/County/Town may revoke a sign permit under any of the following circumstances:
 - (1) The City/County/Town determines that information in the application was materially false or misleading;
 - (2) The sign as installed does not conform to the sign permit application; or
 - (3) The sign violates the zoning ordinance, building code, or other applicable law, regulation, or ordinance.
- (e) *Overlay district regulations.* All signs in the Historic Overlay District (HOD) require approval of the Board of Architectural Review (BAR) except when a sign permit is not required.
- (f) *Special use.* A comprehensive sign plan may be approved by special use permit in ____ districts. A comprehensive sign plan may be approved by special use permit in the ____ districts for uses allowed by special use permit. The comprehensive sign plan shall establish the time, manner, and placement of signs, frequency of message changes, the materials, the hours of lighting, the height of signs, the total number of square feet of sign surface, and the number of signs to be placed on a site. Height of signs shall not be modified above the height permitted in the Zoning Ordinance.

Section 10.3.3 - Permit not required.

A sign permit is not required for:

- (1) Signs erected by a governmental body or required by law.
- (2) Flags up to 16 square feet in size not containing any commercial advertising; provided, that no freestanding pole shall be erected in the public right-of-way nor be within five (5) feet of a service drive, travel lane or adjoining street.
- (3) The changing of messages on marquees and the repair of an existing permitted sign, except that repair of a nonconforming sign must comply with § 10.3.8.
- (4) Temporary signs as follows:
 - a. One (1) sign, no more than twelve (12) square feet in area, located on property where a building permit is active.
 - b. On any property for sale or rent, not more than one sign with a total area of up to twelve (12) square feet and a maximum height of six (6) feet when the sign abuts a road with a speed limit of 25 miles per hour or less, and when the sign abuts a road with a speed limit greater than 25 miles per hour not more than one sign with a total area of up to thirty two (32) square feet and a maximum height of eight (8) feet.
 - c. Official notices or advertisements posted or displayed by or under the direction of any public or court officer in the performance of his official or

- directed duties; provided, that all such signs shall be removed no more than ten (10) days after their purpose has been accomplished.
- d. On residential property, one or more temporary signs with a total area of no more than twelve (12) square feet, and which are removed within 90 days after being erected.
 - e. On residential property, window signs, provided that the total extent of window signs do not obstruct more than 25% of the total area of all windows on each building façade.
- (6) Not more than two minor signs per parcel. Additional minor signs are permitted in certain districts with a permit.
 - (7) A-frame signs more than fifty (50) feet from the nearest public right of way.
 - (8) Pavement markings. Any sign applied directly and entirely to and flush with an asphalt, concrete, or similar paved surface.
 - (9) A permanent window sign, provided that the aggregate area of all window signs on each window or door does not exceed twenty-five percent (25%) of the total area of the window or door.

Section 10.3.4. – Prohibited signs

In addition to signs prohibited elsewhere in this Code or by applicable state or federal law, the following signs are prohibited:

- (a) General prohibitions.
 - (1) Signs that violate any law of the Commonwealth relating to outdoor advertising.
 - (2) Signs attached to natural vegetation.
 - (3) Signs simulating, or which are likely to be confused with, a traffic control sign or any other sign displayed by a public authority. Any such sign presents an imminent serious threat to the health, safety and welfare of the public and is subject to immediate removal and disposal by an authorized Town official as constituting a nuisance.
 - (4) Vehicle or trailer signs.
 - (5) Freestanding signs more than 25 feet in height.
 - (6) Signs hanging from supports, except against the face of a building.
 - (7) Any sign displayed without complying with all applicable regulations of this chapter.
- (b) Prohibitions based on materials.
 - (1) Signs painted directly on a building, except where expressly permitted by this chapter.
 - (2) Animated signs. This subsection does not apply to flags expressly permitted under this article or the changing of the message content no more often than once every one hundred twenty (120) seconds.
 - (3) Flashing signs or other signs displaying flashing, scrolling or intermittent lights or lights of changing degrees of intensity, except where such signs are expressly permitted within this article.
 - (4) Signs consisting of illuminated tubing or strings of lights outlining property lines or open sales areas, rooflines, doors, windows or wall edges of any

building, except for temporary decorations not to exceed ninety (90) days per year.

(5) Signs that emit smoke, flame, scent, mist, aerosol, liquid, or gas.

(6) Signs that emit sound.

(7) Any electronic sign that is generated by a series of moving images, such as an LED, digital display, or other video technology, whether displayed on a building, vehicle, or mobile unit.

(8) Strings of flags visible from, and within 50 feet of, any public right-of-way.

(9) Pole signs less than 6 feet in height.

(c) Prohibitions based on location.

(1) Off-premises signs.

(2) Signs erected on public land other than those approved by an authorized City/County/Town official in writing, required by law without such approval, or permitted under Virginia Code § 24.2-310 E. Any sign not so authorized is subject to immediate removal and disposal by any authorized official. Removal of the sign under this provision does not preclude prosecution of the person responsible for the sign.

(3) Signs on the roof surface or extending above the roofline of a building or its parapet wall.

(4) Neon signs, except in windows.

(5) A sign that obstructs free or clear vision, or otherwise causes a safety hazard for vehicular, bicycle, or pedestrian traffic due to its location.

(6) Window signs whose aggregate area on a window or door exceed twenty-five percent (25%) of the total area of the window or door.

Section 10.3.5 - Measurements of sign area and height.

(a) Supports, uprights or structure on which any sign is supported shall not be included in determining the sign area unless such supports, uprights or structure are designed in such a way as to form an integral background of the display; except, however, when a sign is placed on a fence, wall, planter, or other similar structure that is designed to serve a separate purpose other than to support the sign, the entire area of such structure shall not be computed. In such cases, the sign area shall be computed in accordance with the preceding provisions.

(b) In instances where there are multiple tenants or users on a property or in a building, allowable sign area for all parties shall not exceed the maximum sign area computed as if there were a single tenant or user.

(c) *Sign area.*

(1) Sign area is calculated under the following principles:

a. With signs that are regular polygons or circles, the area can be calculated by the mathematical formula for that polygon or circle. With signs that are not regular polygons or circles, the sign area is calculated using all that area within a maximum of three abutting or overlapping rectangles that enclose the sign face.

b. The permitted area of a double-faced sign shall be considered to be the area on one side only. If one face contains a larger sign area than the other, the

larger face shall be used in calculating the sign area. A double-faced sign must have an internal angle between its two faces of no more than 45 degrees.

- c. For projecting signs with a thickness of four inches or more, the sign area also includes the area of the visible sides of the sign, calculated as a rectangle enclosing each entire side view.
- (2) The supports, uprights or structure on which any sign is supported shall not be included in determining the sign area unless such supports, uprights or structure area are designed in such a manner as to form an integral background of the display.
- (d) *Maximum height.* The maximum height for any sign shall be 25 feet unless otherwise specified within this chapter.

Section 10.3.6 - Maintenance and removal.

- (a) All signs shall be constructed and mounted in compliance with the Virginia Uniform Statewide Building Code.
- (b) All signs and components thereof shall be maintained in good repair and in a safe, neat and clean condition.
- (c) The building official may cause to have removed or repaired immediately without written notice any sign which, in his opinion, has become insecure, in danger of falling, or otherwise unsafe, and, as such, presents an immediate threat to the safety of the public. If such action is necessary to render a sign safe, the cost of such emergency removal or repair shall be at the expense of the owner or lessee thereof as provided in chapter ____ of this Code, [Buildings and structures or its equivalent].
- (d) The owner of any advertising sign located on commercial property where the use or business has ceased operating shall, within 60 days of the cessation of use or business operation, replace the sign face with a blank face until such time as a use or business has resumed operating on the property.
- (e) *Sign condition, safety hazard, nuisance abatement, and abandonment.*
 - (1) Any sign which becomes a safety hazard or which is not kept in a reasonably good state of repair shall be put in a safe and good state of repair within 30 days of a written notice to the owner and permit holder.
 - (2) Any sign which constitutes a nuisance may be abated by the City/County/Town under the requirements of Virginia Code §§ 15.2-900, 15.2-906, and/or 15.2-1115.

Section 10.3.7 – General requirements.

- (a) *Placement.* Except as otherwise permitted, all freestanding signs shall be set back from any street right-of-way at least half the height of the sign.
- (b) *Illumination.* All permitted signs may be backlit, internally lighted, or indirectly lighted, unless such lighting is specifically prohibited in this article.
 - (1) In the case of indirect lighting, the source shall be so shielded that it illuminates only the face of the sign. However, shingle signs shall be indirectly illuminated or have shielded direct lighting, unless otherwise prohibited within this chapter.

Indirect lighting shall consist of full cut-off or directionally shielded lighting fixtures that are aimed and controlled so that the directed light shall be substantially confined to the sign to minimize glare, sky glow, and light trespass. The beam width shall not be wider than that needed to light the sign.

- (2) Internal illumination shall be limited to the illumination standards for parking lot lighting in Section 6.9.8. No sign shall be permitted to have an illumination spread of more than .05 foot candle at the lot line, shine into on-coming traffic, affect highway safety, or shine directly into a residential dwelling unit. In no event shall the illumination of any sign resulting from any internal or external artificial light source exceed 100 lumens. All lighting fixtures used to illuminate a sign shall be full-cutoff, as defined by the Illuminating Engineering Society of North America (IESNA), and shall have fully shielded or recessed luminaires with horizontal-mount flat lenses that prevent upward light scatter and protect the dark night sky, in accordance with standards of certifications of the International Dark-Sky Association (IDA). The Planning Director may authorize alternative design standards or certifications that reasonably achieve the purpose of controlling the spillover of light onto adjacent properties and the sky and protecting the public safety by preventing glare from outdoor light.

- (c) *Landscaping.* All non-temporary ground-mounted or monument signs shall be installed with a minimum surround of three (3) feet of regularly maintained floral and shrubbery landscaping in every direction.

Section 10.3.8 - Nonconforming signs.

- (a) Signs lawfully existing on the effective date of this chapter or prior ordinances, which do not conform to the provisions of this chapter, and signs which are accessory to a nonconforming use shall be deemed to be nonconforming signs and may remain except as qualified below. The burden of establishing nonconforming status of signs and of the physical characteristics/location of such signs shall be that of the owner of the property. Upon notice from the zoning administrator, a property owner shall submit verification that sign(s) were lawfully existing at time of erection. Failure to provide such verification shall be cause for order to remove sign(s) or bring sign(s) into compliance with the current ordinance.
- (b) No nonconforming sign shall be enlarged nor shall any feature of a nonconforming sign, such as illumination, be increased.
- (c) Nothing in this section shall be deemed to prevent keeping in good repair a nonconforming sign. Nonconforming signs shall not be extended or structurally reconstructed or altered in any manner, except a sign face may be changed so long as the new face is equal to or reduced in height and/or sign area.
- (d) No nonconforming sign shall be moved for any distance on the same lot or to any other lot unless such change in location will make the sign conform in all respects to the provisions of this article.
- (e) A nonconforming sign that is destroyed or damaged by any casualty to an extent not exceeding fifty (50) percent of its area may be restored within two (2) years after such destruction or damage but shall not be enlarged in any manner. If such sign is so

destroyed or damaged to an extent exceeding fifty (50) percent, it shall not be reconstructed but may be replaced with a sign that is in full accordance with the provisions of this article.

- (f) A nonconforming sign which is changed to becoming conforming or is replaced by a conforming sign shall no longer be deemed nonconforming, and thereafter such sign shall be in accordance with the provisions of this article.
- (g) A nonconforming sign structure shall be subject to the removal provisions of section 175-131. In addition, a nonconforming sign structure shall be removed if the use to which it is accessory has not been in operation for a period of two years or more. Such structure sign shall be removed by the owner or lessee of the property. If the owner or lessee fails to remove the sign structure, the zoning administrator or designee shall give the owner fifteen (15) days' written notice to remove it. Upon failure to comply with this notice, the zoning administrator or designee may enter the property upon which the sign is located and remove any such sign or may initiate such action as may be necessary to gain compliance with this provision. The cost of such removal shall be chargeable to the owner of the property.

Section 10.3.9 – Non-commercial signs.

- (a) *Substitution.* Wherever this Article permits a sign with commercial content, non-commercial content is also permitted subject to the same requirements of size, color, illumination, movement, materials, location, height and construction.

DIVISION 10.4- SIGN REGULATIONS BY USE AND DISTRICT

Section 10.4.1 – Residential district signs.

- (a) Except as otherwise prohibited in this Article, the following signs are permitted as accessory to residential uses in residential districts. Moving signs and electronic message signs are prohibited on residential properties in all residential districts.

TYPE	Flags	Temporary	Permanent
Size (each/total)	16 s.f./no limit	16 s.f./16 s.f.	3 s.f./3 s.f.
Illumination	As required by law	None	Indirect
Setback	Height of flagpole	None	None
Maximum Height	25 ft.	4 ft.	4 ft.
Location	Flag pole $\leq$ 8" diameter	Freestanding, portable, wall, or window	Wall or window sign or affixed to mailbox
Duration	Unlimited	90 days	Unlimited

(b) Except as provided otherwise in this Article, the following signs are permitted as accessory to non-residential uses in residential districts. Moving signs are prohibited as accessory uses for non-residential uses in all residential districts. Note: The tables below are not populated. Please excuse stating the obvious.

TYPE	Flags	Temporary signs	Changeable Message signs	Other permanent signs
Size (each/total)				
Illumination				
Setback				
Maximum Height				
Materials				
Duration				

Section 10.4.2 – Commercial district signs.

(a) *Generally.* Except as provided otherwise in this Article, the following signs are permitted as accessory uses in commercial districts. In addition, up to one minor sign per business is permitted as a wall sign.

TYPE	Freestanding	Wall	Flags	Temporary signs
Size (each/total)				
Maximum Number				
Illumination				
Setback				
Maximum Height				
Materials				
Duration				

(b) *Window signs.* Window signs are permitted up to 25% of the area of a window and count toward the maximum square footage of wall signs. Window signs are permitted only on the first floor of a building unless the business advertised is only on the floor where the window sign is displayed.

Section 10.4.3 – Industrial district signs.

Except as provided otherwise in this Article, the following signs are permitted as accessory uses in industrial districts. In addition, up to one minor sign per business is permitted as a wall sign.

TYPE	Freestanding	Wall	Flags	Temporary signs
Size (each/total)				
Maximum Number				
Illumination				
Setback				
Maximum Height				
Materials				
Duration				

Window signs are permitted up to 25% of the area of a window and count toward the maximum square footage of wall signs. Window signs are permitted only on the first floor of a building unless the business advertised is only on the floor where the window sign is displayed.

WORK SESSION BUSINESS ITEM 3

DRAFT ORDINANCE TO PROHIBIT DATA CENTERS

AMENDMENT TO 175-3 (DEFINITIONS)

The following definition needs to be added to chapter 175-3 of the Town of Front Royal Zoning:

DATA CENTER – An industrial use facility, premises, or dedicated portion thereof utilized primarily for the storage, management, processing, hosting, and transmission of digital data and information. Such facilities typically contain a high density of networked computer servers, data storage devices, telecommunications equipment, specialized cooling systems, electrical substations, and emergency backup infrastructure. This definition encompasses any facility dedicated primarily to commercial data hosting, cloud computing services, artificial intelligence (AI) training or inference, high-performance computing (HPC), cryptocurrency mining, blockchain validation, or digital asset verification infrastructure. The term “Data Center” shall not include standard, incidental server rooms or information technology infrastructure wholly ancillary, subordinate, and incidental to an otherwise permitted primary business, commercial, healthcare, or institutional use.

Crypto currency mining, blockchain transaction validation, and digital asset verification operations that meet one or more of the thresholds set forth herein shall be classified as a Data Center regardless of whether the operator characterizes such activity as a manufacturing, industrial, or production use.

A facility or portion thereof shall be classified as a Data Center if it meets one or more of the following operational or structural thresholds in support of a primary data processing or hosting use:

1. An electrical power demand or allocated capacity (critical IT load) for information technology and computing equipment of 500 kilowatts or greater, as measured by the utility service entrance capacity allocated or contracted for IT and computing loads, the capacity of installed uninterruptible power supply (UPS) or power distribution units serving computing equipment, or as documented in building permit applications, electrical engineering drawings, or utility interconnection agreements. Where actual load is below this threshold at the time of application but the facility is designed or permitted to accommodate future capacity at or above this threshold, the facility shall be classified as a Data Center.
2. Industrial-grade uninterruptible power supply (UPS) systems, backup generators, or other redundant power infrastructure installed and operated for the primary purpose of providing continuous, uninterruptible power to high-density computing or data processing equipment, where such infrastructure is present in conjunction with at least one of thresholds (1), (3), or (4) below, and is not merely incidental to a primary non-computing commercial, healthcare, or institutional use.
3. Specialized mechanical or liquid cooling systems, including but not limited to dedicated air handlers, cooling towers, chillers, or direct-to-chip or immersion liquid

- cooling infrastructures, engineered specifically to maintain operating temperatures for high-density computing arrays; or
4. A contiguous or aggregate floor area of 5,000 square feet or greater dedicated primarily to housing computing, processing, or data storage equipment, provided that this threshold shall not serve as a standalone trigger and shall only apply where the facility also satisfies at least one of thresholds (1), (2), or (3) above.

Commercial or industrial facilities utilizing advanced automation, robust power infrastructure, or localized cooling systems for the manufacturing, processing, sale, or distribution of tangible goods shall not be construed to be a Data Center. The presence of computerized machinery or internal IT infrastructure necessary to support primary industrial operations does not constitute a Data Center, including within semiconductor fabrication facilities, automated fulfillment and distribution centers, and similar advanced manufacturing or logistics uses. The term 'Data Center' shall not be construed to include accessory data processing, server closets, or computer operations integrated within and supporting primary commercial or healthcare uses such as corporate offices or hospitals. The foregoing exclusions shall not apply to any portion of a facility in which computing infrastructure or capacity is made available to commercial third parties for fee-based hosting, co-location, or data processing services, which portion shall remain subject to this definition. Manufacturing and industrial exclusions shall not be construed to apply to cryptocurrency mining, blockchain transaction validation, or digital asset verification operations, regardless of whether the operator characterizes such activity as a manufacturing, industrial, or production use.

TECHNOLOGY BUSINESS – A non-Data Center business consisting of one or more than one in combination of the following:

1. Electronic Information Operations and Providers – Businesses that assist other businesses to better manage their paper documents by putting them in an electronic database that can easily be viewed by a larger group of people.
2. Internet Service Providers – Businesses that provide Internet service to businesses or residents.
3. Software Design and Development - Businesses that design software or businesses that develop the design of specific software.
4. Computer and Peripheral Sales and Assembly - Businesses that assemble computers or sell the hardware associated with computers.
5. Content Developers - Businesses that design and build computer systems.
6. Internet Based Sales and Services - Businesses whose primary trade is based on the Internet, be it sales or service providers.
7. Hardware Design, Manufacture, Assembly, and Development – Businesses that manufacture, assemble, or develop hardware design for computers.
8. Telecommunications Based Video Service Providers – Businesses that use video-conferencing or cable connections for employees to telecommute.
9. Telecommunications Equipment Manufacturing, Assembly, and Service – Businesses that build, put together or service telecommunications equipment.

HIGH-PERFORMANCE COMPUTING (HPC) - A computing use involving networked or clustered systems performing large-scale, parallel processing of complex computations at levels substantially exceeding typical business or institutional computing, and characterized by high-density equipment, significant power demand, and specialized cooling. This definition excludes routine business IT, office computing, and accessory on-site data processing.

COMPUTER INFERENCE (or COMPUTATIONAL INFERENCE) - A computing process in which a trained model or algorithm applies learned patterns or rules to input data to generate predictions, classifications, recommendations, or other outputs, typically without modifying the underlying model parameters. This includes real-time or batch processing operations commonly associated with artificial intelligence, machine learning deployment, and automated decision-making systems.

Add the following to Chapter 175

(New) 175.55 — Prohibited Uses in Industrial Districts

A. Data Centers

Update:

1. Renumber 175-55 USES PERMITTED BY RIGHT (I-1) to 175.56
2. Update current 175.55 paragraph following header to add designator “A”.

Was:

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

Is:

- A.** Subject to the standards and requirements set forth in this Chapter, except as prohibited or restricted by separate restrictions of record that may pertain to property within the I-1 District, the following uses of land and buildings are permitted by-right in the I-1 District:
3. Delete Current heading 175-56.
4. Renumber Current first paragraph after current 175-76 from **A to B**.
5. Renumber 175-57 to 175-56 and continue to renumber number sequences to end of document.

WORK SESSION BUSINESS ITEM 4

2600349 – AN ORDINANCE AMENDMENT TO DEFINE OUTDOOR DINING AREA IN TOWN CODE §175-3, PERMIT OUTDOOR DINING AS AN ACCESSORY USE IN THE C-1, COMMUNITY BUSINESS DISTRICT & C-2, DOWNTOWN BUSINESS DISTRICT, AND ADD PERFORMANCE STANDARDS UNDER TOWN CODE §175-118.

Draft Ordinance: Outdoor Dining Regulations

AN ORDINANCE TO AMEND CHAPTER 175 (ZONING) AND CHAPTER 142 (STREETS AND SIDEWALKS) OF THE CODE OF THE TOWN OF FRONT ROYAL, VIRGINIA, TO DEFINE AND REGULATE OUTDOOR DINING AREAS AS AN ACCESSORY USE TO PERMITTED FOOD ESTABLISHMENTS.

Amendment to § 175-3 (Definitions)

OUTDOOR DINING AREA — An outdoor space on the same lot as, or contiguous to, a legally established food establishment (such as a restaurant or cafe) used for the consumption of food or beverages. All furniture, umbrellas, and structures must be temporary, unattached, and easily removable at the end of daily business hours.

§ 175-39 Permitted Uses in the C-1

Miscellaneous

Outdoor Dining Area

§ 175-42 Permitted Uses in the C-2

Miscellaneous

Outdoor Dining Area

§ 175-118 (Outdoor Dining Performance Standards)

A new section, Section 175-118, is hereby added to Chapter 175 to read as follows:

§ 175-118. Outdoor Dining General Requirements.

Outdoor dining areas shall be permitted by-right as an accessory use to any lawful restaurant, cafe, or food establishment in the C-1, C-2, and applicable mixed-use zoning districts, subject to compliance with the following standards:

1. The outdoor seating footprint cannot exceed 50% of the restaurant's indoor dining floor area.
2. Seating must not block building exits, emergency escape routes, or fire equipment.
3. Establishments must follow the Virginia Construction Code requirements. At least one outdoor table must be fully accessible to individuals with disabilities.
4. Operators must use planters, ropes, or removable railings to cleanly separate the dining area from nearby pedestrian or vehicle traffic.
5. Outdoor seating may only operate during the establishment's normal indoor business hours.

6. Amplified music or loudspeakers are prohibited in outdoor spaces unless a separate permit is issued, and all operations must meet Chapter 106 (Noise) limits.
7. Establishments must keep the area clean, free of litter, and provide adequate trash receptacles.

DRAFT

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
planning@frontroyalva.com

Permit: # _____
Fee Amt: _____
Date Paid: _____
Date Received: _____

APPLICATION FOR ANNUAL OUTDOOR DINING PERMIT

Permit Year: 20____ **Application Date:** _____ **Fee:** \$50.00 (ANNUAL RENEWAL)

1. Business and Applicant Information:

Name of Business: _____

Business Address: _____

Zoning District: ☐ C-1 (Community Business) ☐ C-2 (Downtown Business)

☐ Other: _____

Phone: _____ Email Address: _____

2. Location of Outdoor Seating:

- ☐ **Private Property:** Seating will be located on a private patio, deck, or parking area owned/leased by the business.
- ☐ **Public Property (C-2 Only):** Seating will extend onto the public sidewalk or public right-of-way.
 - **Note:** Requires a signed Sidewalk Encroachment Agreement and Proof of Liability Insurance naming the Town as an additional insured.

3. Proposed Setup Details:

- **Total Indoor Dining Area (Sq. Ft.):** _____
- **Total Outdoor Dining Area (Sq. Ft.):** _____ (Must not exceed 50% of indoor area.)
- **Total Number of Outdoor Tables:** _____
- **Total Number of Outdoor Seats:** _____
- **Type of Furniture / Barriers to be Used:** _____
- **Are any outdoor tables ADA accessible?** ☐ Yes ☐ No (At least one (1) table must be ADA accessible.)

4. **Required Attachments Checklist:**

- [] **Site Layout Sketch:** A basic drawing showing the exact location of tables, chairs, barriers, building exits, and the remaining clear pedestrian pathway (minimum four (4) feet required on public sidewalks).
- [] **Valid Business License:** Copy of current Town of Front Royal Business License, Professional License, and Occupational License (BPOL) .
- [] **Certificate of Insurance:** (Only for public sidewalk setups) Proof of \$1,000,000 general liability insurance naming the Town of Front Royal as an additional insured.

5. **Applicant Signature & Agreement:**

By signing below, I certify that all outdoor furniture, umbrellas, and barriers will be completely removed at the end of each business day. I agree to maintain a clean, letter-free area and keep all walkways clear in compliance with §175-118 of the Town Code.

Applicant Signature: _____

Date: _____

