

Waste Water Treatment Plant Groundbreaking at 6:00pm



TOWN OF FRONT ROYAL, VIRGINIA TOWN COUNCIL MEETING

Monday, April 13, 2015 @ 7:00pm
Warren County Government Center

1. Pledge of Allegiance
2. Moment of Silence
3. Roll Call
4. Approval of the Regular Council Meeting minutes of March 23, 2015 and Special Meeting Minutes of March 30, 2015
5. Receipt of Petitions and/or Correspondence from the Public
6. Reports:
 - a. Report of special committees or Town officials and Town Manager.
 - b. Requests and inquiries of Council members.
 - c. Report of the Mayor
 - d. Proposals for addition/deletion of items to the Agenda.
7. **CONSENT AGENDA ITEMS** –
 - A. COUNCIL APPROVAL – Proclamation “2015 Administrative Professionals Week and Day”
 - B. COUNCIL APPROVAL – VDOT Local Administration - Happy Creek Road Phase II Project
 - C. COUNCIL APPROVAL – Verizon Wireless Water Tower Site Lease Agreement
 - D. COUNCIL APPROVAL – Postpone First Reading of Chapter 148 Ordinance Amendment
8. **PUBLIC HEARING** – Ordinance to Amend Chapter 175 (*1st Reading*)
9. **COUNCIL APPROVAL** – Resolution Pertaining to Catlett Mountain Recreation Area
10. **COUNCIL APPROVAL** – Budget Amendment for Payment of Invoice for Water and Sewer Facilities on Rockland Road
11. **CLOSED MEETING** - Investment of Public Funds; Consultation with Legal Counsel; Award of a Public Contract

7A

**COUNCIL APPROVAL – Proclamation –
“2015 Administrative Professionals Week and
Day”**



**Town of Front Royal, Virginia
Council Agenda Statement**

Page 1
Item No. 7(A)

Meeting Date: April 13, 2015

Agenda Item: COUNCIL APPROVAL – Proclamation – “2015 *Administrative Professionals Week and Day*”

Summary: Council has received a request from the Town of Front Royal’s Executive Assistant Tina Presley, seeking to proclaim the week of April 19 – 25, 2015 as “*Administrative Professionals Week*,” and Wednesday, April 22, 2015 as “*Administrative Professionals Day*” in the Town of Front Royal.

Budget/Funding: None

Attachments: Proclamation

Meetings: None

Staff Recommendation: Approval ☒ Denial ☐

Should Council wish to remove this item from the consent agenda, the following motion would allow approval of this request:

Proposed Motion: I move that Council approve a Proclamation to proclaim the week of April 19 – 25, 2015 as “*Administrative Professionals Week*” and Wednesday, April 22, 2015 as “*Administrative Professionals Day*” in the Town of Front Royal.

*Note: Motions are the formal & final proposal of Council,
proposed motions are offered by Staff for guidance
*To be clear and concise, motions should be made in the positive

Approved By: JB



International Association of Administration Professionals
Leading Administrative Professionals

PROCLAMATION
2015 Administrative Professionals Week and Day

WHEREAS, Administrative professionals play an essential role in coordinating the office operations of businesses, government, educational institutions, and other organizations often working beside their manager, and

WHEREAS, The work of administrative professionals today requires advanced knowledge and expertise in communications, computer software, office technology, project management, organization, customer service and other vital office management responsibilities, and

WHEREAS, Administrative Professionals Week is observed annually in workplaces around the world to recognize the important contributions of administrative support staff and is sponsored by the International Association of Administrative Professionals, and

NOW THEREFORE I, _____ hereby proclaim the week of April 19 – 25, 2015 as Administrative Professionals Week, and Wednesday, April 22, 2015 as Administrative Professionals Day, saluting the valuable contributions of administrative professionals and all office professionals in the workplace. And I call on all employers to support continued training and development for administrative staff, recognizing that a well-trained workforce is essential for success in today's business world.

APPROVED:

ATTEST:

Timothy W. Darr, Mayor

Jennifer E. Berry, Clerk of Council

This proclamation was adopted by the Town Council of the Town of Front Royal, Virginia _____.

7B

**COUNCIL APPROVAL – VDOT Local
Administration for Happy Creek Road Phase
II Project**



**Town of Front Royal, Virginia
Council Agenda Statement**

Page 1
Item No. 7(B)

Meeting Date: April 13, 2015

Agenda Item: COUNCIL APPROVAL – VDOT Local Administration for Happy Creek Road Phase II Project

Summary: Council is requested to consider approval of the appointment of the Director of Environmental Services, Carl J. Hannigan, Jr. as the appointed Local Responsible Person to administer the Happy Creek Road Phase II Project through the Virginia Department of Transportation (VDOT).

Budget/Funding: None

Attachments: VDOT Forms and Information

Meetings: Work Session held March 30, 2015

Staff Recommendation: Approval ✓ Denial

Should Council wish to remove this item from the consent agenda, the following motion would allow approval of this request:

Proposed Motion: I move that Council approve the appointment of the Director of Environmental Services, Carl J. Hannigan, Jr. as the appointed Local Responsible Person to administer the Happy Creek Road Phase II Project through the Virginia Department of Transportation (VDOT).

*Note: Motions are the formal & final proposal of Council,
proposed motions are offered by Staff for guidance
*To be clear and concise, motions should be made in the positive

Approved By: JB

Request to Administer Project

To: District Office Local Liaison

From: Steven Burke, P.E.

sburke@frontroyalva.com

540-635-8007

(Printed Name of Responsible Local Official Issuing Request)

(Email Address)

(Phone)

Signature (Typed
when e-mailed)

By:

Date:

Locality: Town of Front Royal		Project #: U000-112-158		UPC: 105005	
Project Scope (short narrative): 2 LANE RECONSTRUCTION OF HAPPY CREEK ROAD (PHASE II)					
Local Government Project Delivery Self-evaluation attached: ☐ Yes ☐ No ☐ N/A					
Local Responsible Person*		Name: Carl J Hannigan, Jr		Phone: 540-635-7819	
		Email: jhannigan@frontroyalva.com			
* See Chapter 3.1 of LAP Manual for Responsible Person qualifications					
Phase of project to be administered: ☒ PE ☒ RW ☐ CN ☐ Other; describe:					
State Funding Source(s):		☐ Federal Highway ☒ State Formula (Urban / Secondary) ☐ Other (specify):			
Check as applicable:		Project will be pursued though PPTA: ☐ Project will be administered as Design-Build: ☒			
To be completed by District Office					
The project is: ☐ Tier 1 (provide copy to LAD after District Administrator Approval/Denial) ☐ Tier 2 (Submit with Self-evaluation to LAD for Chief Engineer Review)					
District Local Liaison Include Comments if needed		Recommendation: ☐ Approval ☐ Denial			
		Signature & Date (Typed when emailed)			
District Project Development Engineer/PIM or Construction Engineer Include Comments if needed		Recommendation: ☐ Approval ☐ Denial			
		Signature & Date (Typed when emailed)			
		VDOT Project Coordinator Assigned:			
District Administrator (Tier 1 Projects) / Chief Engineer (Tier 2 Projects)					
☐ Approved ☐ Denied _____ Signature & Date (Typed when emailed)					

Revised July 1, 2012

*Tier 1 projects are defined in I&IM #249 (www.extranet.vdot.state.va.us/locdes/electronic%20pubs/iim/iim249.pdf) and generally are projects which are non-federal oversight, under \$5 Million in Construction Value, and are not Design-Build

Upon completion, provide a copy of this form to the Local Assistance Division Director.

Use Ctrl-Enter to create paragraph breaks within comments.

Local Government: Town of Front Royal
Submittal Date: March 17, 2015
Name of Local Official Submitting Information: Carl J. Hannigan, Jr

Local Government Project Delivery Self-Evaluation for Requests to Administer Federal Aid Projects

Include with Request to Administer Submittal

UPC: 105005; Project #: U000-112-158

Local government administration of federal aid transportation projects can have many benefits and has become an integral part of Virginia's Transportation Construction Program. However, local governments that are considering administering federal aid transportation projects should work closely with their VDOT District Office to ensure that they have, or can obtain, qualified staff and processes ("project delivery systems") to administer federal aid projects. Accordingly, local governments are required to submit the attached self-evaluation to their VDOT District Office concurrent with their request to administer a federal aid project or project to be developed as federal aid. Approval for Tier 1 projects is delegated to the District Administrator. District Administrators may not permanently delegate this authority. Tier 2 project RtA's will be submitted to the Chief Engineer for final approval. Project Tier definitions are defined in VDOT's I&IM #249

(<http://www.extranet.vdot.state.va.us/locdes/electronic%20pubs/iim/iim249.pdf>). Tier 2 projects are all projects with construction costs over \$5 million, all Federal Oversight projects, and all projects procured as Design-Build.

A completed self-evaluation will provide the VDOT District Office sufficient background information regarding the locality's ability to manage significant aspects of a major federal aid project and so that weaknesses or deficiencies in the local government's capabilities may be identified and addressed during the "Request to Administer" process. Weaknesses or deficiencies may not necessarily preclude a locality from administering a federal aid project; however, the locality and the VDOT District Office should work closely to identify actions, such as additional training or consultant procurement, which can reduce project risks and lead to an approval of the project administration request. The District office will also use this evaluation in determining the appropriate level project oversight provided by VDOT staff.

While denials are expected to be uncommon, circumstances which may justify a denial to administer a federal aid project include:

- The locality has no staff experience or training that demonstrates an ability to effectively deliver a federal aid project.
- The locality has a documented and repeated history of failure to meet federal phase obligation dates and cannot provide an acceptable corrective action plan.
- The locality has a documented history of violations to federal and/or state requirements and cannot provide or has not provided an acceptable corrective action plan.

Appeals to denials may be submitted in writing to the VDOT Central Office Local Assistance Division Director.

Local Government: Town of Front Royal
Submittal Date: March 17, 2015
Name of Local Official Submitting Information: Carl J Hannigan, Jr

Local Government Responsible Person (submit one for each RP)

A locality is required to provide a full-time local government employee who is responsible for all major project decisions. This person is referred to as the locality Responsible Person (RP) and may or may not be the project manager. This requirement is outlined in Chapter 3.1 of VDOT's Locally Administered Projects (LAP) Manual. An FHWA memorandum dated August 4, 2011 provides further explanation of this person's duties (www.fhwa.dot.gov/federalaid/110804.pdf).

Identify the full time Local Government Employee assigned as the "Responsible Person":

Name Carl J Hannigan, Jr Title Director of Environmental Services

Is the RP also the Project Manager? ☒ Yes ☐ No (complete the project manager evaluation page)

VDOT is required by federal regulation to ensure that the locality is adequately staffed to ensure the project is satisfactorily completed. Accordingly, local staff must have a working knowledge of the locally administered projects process and those federal regulations affecting federal aid projects. The following provides the experience and training of the Locality Responsible Person:

Select from the following the best choice describing the RP's experience:

☐ The RP has successful experience providing oversight or managing a federal aid project within the previous five years. Identify and describe applicable project(s) on an attachment to include: Project Name and Description; Phases Included (PE/RW/CN), Approximate Date Advertised; Construction Value; Funding Source, if known, etc:

☐ The RP has successful experience participating as a team member, but not a RP, for federal aid projects. Identify and describe applicable project(s) on an attachment to include: Project Name and Description; Phases Included (PE/RW/CN), Approximate Date Advertised; Construction Value; Funding Source, if known, etc:

☒ The assigned RP has no successful experience with federal aid projects, but has provided oversight for a State-aid transportation project, such as Revenue Sharing or Access.

☐ The RP has no experience providing oversight for a transportation project.

Has the RP completed VDOT's Core Curriculum on-line training, found on VDOT's Locally Administered Projects Webpage (<http://www.virginiaadot.org/business/local-assistance-lpt.asp>)?

☐ Yes

☒ No

Describe or attach a list of other formal and/or informal training that qualifies him/her to act as a Responsible Person.

OSHA Level 2

Chemical Spill Response Training

Local Programs Workshop

Guardrail Installation Certification

MUTCD Certification

Mechanical / Schematics and Reading Certification

Road Safety Audits

VDot Flagger Certification

Local Government: Town of Front Royal
Submittal Date: March 17, 2015
Name of Local Official Submitting Information: Carl J. Harrigan, Jr.

General Locality Project Management Experience

The locality must be able to demonstrate "adequate project delivery" systems* to administer a federal-aid project. This requirement is identified in Chapter 2.2 of the VDOT LAP Manual.

Select, from the choices below, that which best describes the locality's project management experience:

☐ The locality has successfully administered one or more federal aid highway improvement project(s) within the previous five years. Briefly describe the project(s) (including project scope, cost, and duration) and provide VDOT UPC and project number if available, in an attachment:

☐ The locality has successfully administered one or more non-highway improvement federal aid project (e.g. sidewalk, streetscape, landscaping, multi-use trail, etc) project(s) within the previous three to five years. Briefly describe the project(s) and provide VDOT UPC and project number if available, in an attachment.

☒ The locality has successfully administered a state aid or capital improvement highway improvement project within the previous five years. Provide a detailed explanation of the scope, cost, and duration of the project in an attachment.

☐ The locality has not successfully administered a transportation-related project or Capital Improvement project in the recent past.

Provide list or description of any additional experiences which will demonstrate the ability of the locality to administer a federal aid project.

Project: 0658-093-185

UPC: 52243

Scope: Adjustment of water and sanitary sewer facilities at Route 658 where intersection was relocated.

Cost: \$28,554.51

Duration: 2-17-11 to 11-1-12

Project: 0000-112

UPC: 105639

Scope: Revenue Sharing of cost of pavement Fox Dr from Old Belmont to the cul-de-sac

Cost: Total \$260,000

Duration: October 2014

Local Government: Town of Front Royal
Submittal Date: March 17, 2015
Name of Local Official Submitting Information: Carl J. Hannigan, Jr.

Consultant Procurement

Federal consultant procurement requirements are outlined in Chapter 11 of the VDOT Locally Administered Projects Manual. Localities receiving federal reimbursement for professional service contracts must procure those professionals in accordance with the federal Brooks Act and Federal Acquisition Regulations.

Will the locality need to procure consultant services at any time to complete their federal aid projects?

☐ yes ☒ no

If yes, select the services which will need to be outsourced:

		COMMENTS, if necessary
Project Management		
Environmental:		
Design:		
PS&E (Including Bid Document)		
Right-of-Way		
Construction		
Engineering/Administration & Inspection		
Other, please specify		

Select, from the options below, that which best describes the locality's understanding and experience using federal professional consultant procurement processes.

☐ The locality has successfully procured professional services in compliance with federal aid requirements within the previous five years. List the most recent projects and services procured in an attachment.

☐ The locality has not procured professional services in compliance with federal aid requirements within the previous five years, but has staff available, who are familiar with those requirements and will oversee the procurement process. Describe the staff experience in an attachment.

☒ The locality has no experience procuring or training in the procurement of professional services in compliance with federal aid requirements.

Provide any additional information which may demonstrate the locality's ability to comply with applicable federal rules and regulations applicable to professional services procurement for federal aid projects.

Local Government: Town of Front Royal
Submittal Date: March 17, 2015
Name of Local Official Submitting Information: Carl J. Hannigan, Jr.

Project Scheduling

Project Scheduling requirements are outlined in VDOT's Locally Administered Projects Manual Sections 10.6 (Appendix A to the Project Administration Agreement) and 12.3.3 (Project Schedules). A defined project schedule which includes major milestones is critical to ensure federal funding is obligated and expended within expected time frames. Adherence to a baseline schedule is critical to ensure that all available federal funds are obligated within each federal fiscal year. The ability to develop and meet a project schedule is critical to a project's success and is a key determination when agreeing to allow a locality to administer a federal aid project.

Does the locality have a written project scheduling process so that a project schedule can be sufficiently developed, maintained, and tracked in accordance with the LAP Manual?

- ☐ Yes
☒ No

Describe the project scheduling approach to be used by the locality, to include any software that will be employed. If the locality will rely on the design consultant to develop a project schedule, how will the locality engage with the consultant to ensure major milestones are met?

Local Government: Town of Front Royal
Submittal Date: March 17, 2015
Name of Local Official Submitting Information: Carl J. Hannigan, Jr.

Construction Phase Work Orders

Localities must develop a process for managing work orders that are compliant with the processes outlined in the LAP Manual. The process must include an independent estimate of costs associated with the work order. This requirement is outlined in Chapter 13.3 of VDOT's Locally Administered Projects Manual.

Does the Locality have a documented work order process that meets the requirements outlined in VDOT's Locally Administered Projects Manual?

- ☐ Yes, (include documentation)
☒ No, however a work order process that meets the requirement outlined in VDOT's Locally Administered Projects Manual will be developed and incorporated into the construction contract.
☐ No
☐ The locality will use VDOT's Construction Directive Memorandum Work Order process and will incorporate it into the construction contract.

Compliance / Audit Findings

Does the Locality have any outstanding findings, as the result of any VDOT, FHWA, or US DOT audit or compliance review, related to any state or federal aid transportation project?

- ☐ Yes
☒ No

If yes, please describe the finding or attach the official report and describe corrective actions pending.

7C

**COUNCIL APPROVAL – Verizon Wireless
Water Tower Site Lease Agreement**



**Town of Front Royal, Virginia
Council Agenda Statement**

Page 1
Item No. 7(C)

Meeting Date: April 13, 2015

Agenda Item: COUNCIL APPROVAL – Verizon Wireless Water Tower Site Lease Agreement

Summary: Council is requested to consider the approval of the Water Tower Site Lease Agreement permitting Verizon to lease space for their wireless communications facilities at and on the Town's Fairground Road Water Tower and property at the offered rental amount, as presented. Council is further requested to authorize the Town Manager to execute the lease on behalf of the Town of Front Royal.

Budget/Funding: None

Attachments: Water Tower Lease Agreement; Letter from Tank Industry Consultants and Letter from Morris & Ritchie and Associates, Inc.

Meetings: Work Session held March 30, 2015

Staff

Recommendation: Approval ✓ Denial

Should Council wish to remove this item from the consent agenda, the following motion would allow approval of this request:

Proposed Motion: I move that Council approve the Verizon Water Tower Site Lease Agreement to lease space for their wireless communications facilities at and on the Town's Fairground Road Water Tower and property at the offered rental amount, as presented. I further move that Council authorize the Town Manager to execute the lease on behalf of the Town of Front Royal.

*Note: Motions are the formal & final proposal of Council,
proposed motions are offered by Staff for guidance

*To be clear and concise, motions should be made in the positive

Approved By: JB

SITE NAME: Nineveh

WATER TOWER SITE LEASE AGREEMENT

This Water Tower Site Lease Agreement ("Lease"), made this ____ day of _____, 2015, between THE TOWN OF FRONT ROYAL, a Virginia municipal corporation, with its principal offices located at 102 E. Main Street, Town Administration Building, Front Royal, Virginia 22630, hereinafter designated LESSOR, and CELLCO PARTNERSHIP, a Delaware general partnership, d/b/a Verizon Wireless, with its principal offices at One Verizon Way, Mail Stop 4AW100, Basking Ridge, New Jersey 07920 (telephone number 866-862-4404), hereinafter designated LESSEE. The LESSOR and LESSEE are at times collectively referred to hereinafter as the "Parties" or individually as the "Party".

WHEREAS, LESSOR is the owner of an elevated water tank situated on 2.3527 acres, more or less, and located at 395 Fairgrounds Road, Warren County, Virginia, more particularly described in that Deed dated October 18, 1996, by and between Montreville Farms, Inc., a Virginia corporation, and the Town of Front Royal, Virginia, recorded among the land records of Warren County, Virginia as Instrument No. 960006020 on October 24, 1996, commonly known as 401 Fairground Road, Front Royal, Warren County, Virginia and identified as Tax Map Number 5-10B ("Property"); and,

WHEREAS, LESSEE, authorized to do business in the Commonwealth of Virginia, is in need of space on a portion of Property for mounting structures on the water tower and for placement on the ground for its communications equipment needs in Warren County to be used for a wireless communications services facility; and,

WHEREAS, LESSOR has determined that renting such space, which will not interfere with the needs of LESSOR or its operations at the Property, will benefit the public and the LESSOR by bringing advanced communication services to the area while minimizing the number of towers erected in and around Front Royal and Warren County, and, therefore LESSOR is willing to lease the Property to LESSEE for its non-exclusive use for the purposes and in accord with the terms and conditions set forth in this Lease.

WITNESSETH

In consideration of the mutual covenants contained herein and intending to be legally bound hereby, the Parties hereto agree as follows:

1. PREMISES. LESSOR hereby leases to LESSEE the following space: (i) a portion of that certain space (the "Antenna Space") on the LESSOR's water tower, ("Tower"), located on the Property for LESSEE's antennas, remote radio heads, tower mounted amplifiers and other appurtenant equipment and mounts therefor, and (ii) land space on the grounds near the base of the Tower sufficient for the installation, operation and maintenance of LESSEE's canopied equipment platform for LESSEE's equipment cabinets and accessory equipment, back-up generator and utility cabinets (collectively, the "Land Space"); together with the non-exclusive access to Land Space seven (7) days a week, twenty-four (24) hours a day, on foot or motor vehicle, including trucks, and for the installation and maintenance of equipment from Fairground Road, to the Land Space; and together with limited access over, through and/or under the Property between the Land Space and the Antenna Space for the installation and maintenance of utility, fiber and transmission wires, poles,

SITE NAME: Nineveh

cables, conduits, cable ports and pipes. The Antenna Space and Land Space are substantially described in Exhibit "A" attached hereto and made a part hereof and are collectively referred to hereinafter as the "Premises".

LESSOR hereby grants permission to LESSEE to install, maintain and operate the radio communications equipment, antennas and appurtenances described in Exhibit "B" attached hereto. Additionally, LESSEE shall have the right to install and maintain a chain link fence, with a gate, around the Land Space as shown on Exhibit "A". So long as the same does not violate any other provision of this Lease, LESSEE reserves the right, without LESSOR's approval, to: (i) replace the aforementioned equipment with similar and comparable equipment provided said replacement does not increase tower loading of said Tower, (ii) modify or add to the frequencies at which LESSEE's equipment is operated by written notice to LESSOR, and (iii) make any additions, modifications and/or replacements to LESSEE's ground-based equipment provided that LESSEE does not increase the space occupied by such ground-based equipment (any of the foregoing referred to herein as "Permitted Alterations"). LESSEE shall accomplish the foregoing without unreasonably interfering with the use or development of the Property by LESSOR or by existing lessees, and shall, upon completion of such construction, erection or installation, at its own expense, repair, to as good as or better than original condition with the exception of normal wear and tear, any damage to the Property resulting from such construction, erection, or installation. LESSOR specifically reserves the right to develop the Property, including leasing space on the Tower and Property to others for any lawful purpose in any manner which does not cause undue interference to LESSEE's non-exclusive use of the Property. LESSEE shall in good faith, at no charge to LESSOR, cooperate in connection with LESSOR's efforts to allow the co-location of other telecommunications and similar facilities on the Property by providing LESSOR or any co-locators non-confidential information regarding LESSEE's equipment, frequencies and radio frequency emissions at the Premises.

2. SURVEY. LESSOR also hereby grants to LESSEE the right to survey the Property and Premises, and said survey shall then become Exhibit "C" which shall be attached hereto and made a part hereof, and shall control in the event of boundary and access discrepancies between it and Exhibit "A". Cost for such work shall be borne by the LESSEE.

3. TERM: RENTAL.

a. This Lease shall be effective as of the date of execution by both Parties, provided, however, the initial term shall be for five (5) years (the "Initial Term"), and shall commence on April 1, 2015 (the "Commencement Date") at which time rental payments shall commence and be due at a total annual rental of Thirty-Six Thousand Dollars (\$36,000) to be paid in equal monthly installments on the first day of the month, in advance, to LESSOR, or to such other person, firm or place as LESSOR may, from time to time, designate in writing at least thirty (30) days in advance of any rental payment date by notice given in accordance with Paragraph 22 below. LESSOR acknowledges and agrees that LESSEE's initial payment(s) of rent may not be paid to LESSOR until forty-five (45) days after LESSEE's receipt of a fully-executed Lease from LESSOR.

b. Upon agreement of the Parties, LESSEE may pay rent by electronic funds transfer and in such event, LESSOR agrees to provide to LESSEE bank routing information for such purpose upon request of LESSEE.

SITE NAME: Nineveh

4. UTILITIES. LESSOR shall, at all times during the Term, provide access to electrical service, telephone service and other utility services to the Land Space, including the right of LESSEE to install and maintain a new meterboard and new mesa cabinet, as well as wires, poles, cable, conduits, cable ports and pipes in those areas within the "Utility Connection Path" as shown on Exhibit "A-2" attached hereto. LESSEE shall contract directly for utilities to be used by LESSEE's installation. LESSEE shall be permitted at any time during the Term, to install, maintain and/or provide access to and use of, as necessary (during any power interruption at the Property), a temporary power source, and all related equipment and appurtenances within the Premises, or elsewhere on the Property in such locations as reasonably approved by LESSOR. LESSEE shall have the right to install conduits connecting the temporary power source and related appurtenances to the Premises.

5. EXTENSIONS. Subject to LESSOR's and LESSEE's agreement to renew the same, at the end of the Initial Term, this Lease may be renewed for up to four (4) additional, five (5) year extension terms ("Extension Term"), during which this Lease shall continue on the same covenants, terms and conditions, provided that LESSEE's annual rental shall increase as set forth in Paragraph 6 below. The Initial Term, plus any agreed upon Extension Term(s), are referred to as the "Term". Notwithstanding any other provision of the Lease, LESSOR will provide LESSEE with six (6) months prior notice before terminating this Lease and or requiring LESSEE to cease operations at the site. Should this provision cause the Lease to go beyond the end of the Initial Term or of an Extension Term, the payment provisions for a month-to-month basis shall apply.

6. EXTENSION RENTALS. The annual rental for the first (1st) Extension Term shall be increased to Forty-One Thousand Four Hundred Dollars (\$41,400); the annual rental for the second (2nd) Extension Term shall be increased to Forty-Seven Thousand Six Hundred Ten Dollars (\$47,610); the annual rental for the third (3rd) Extension Term shall be increased to Fifty-Four Thousand Seven Hundred Fifty-One and 50/100 Dollars (\$54,751.50); and the annual rental for the fourth (4th) Extension Term shall be increased to Sixty-Two Thousand Nine Hundred Sixty-Four and 23/100 Dollars (\$62,964.23).

7. TAXES. LESSEE shall have the responsibility to pay any personal property, real estate taxes, assessments, or charges owed on the Property which is the result of LESSEE's use of the Premises and/or the installation, maintenance, and operation of the LESSEE's improvements. LESSEE shall have the right, at its sole option and at its sole cost and expense, to appeal, challenge or seek modification of any tax assessment or billing for which LESSEE is wholly or partly responsible for payment. LESSOR shall reasonably cooperate with LESSEE at LESSEE's expense in filing, prosecuting and perfecting any appeal or challenge to taxes as set forth in the preceding sentence, including but not limited to, executing any consent, appeal or other similar document.

8. USE. LESSEE shall use the Premises for the purpose of constructing, maintaining, repairing and operating a communications facility ("facilities") and uses incidental thereto. Subject to LESSEE's right to make Permitted Alterations without LESSOR's approval: (i) all improvements, equipment, antennas and conduits shall be at LESSEE's expense and their installation and maintenance shall be in conformity with the design plans attached hereto and made part hereof as Exhibit "C" (the "Construction Drawings"), and the engineering reports attached hereto and made part hereof as Exhibit "D", and (ii) LESSEE shall have the right to replace,

SITE NAME: Nineveh

repair, add or otherwise modify its utilities, equipment, antennas and/or conduits or any portion thereof and the frequencies over which the equipment operates, whether the equipment, antennas, conduits or frequencies are specified or not on any exhibit attached hereto, during the Term, provided that the plans therefor are approved by LESSOR, that the number of antennas, amplifiers, feedlines, and the loading on the Tower is not increased, and that it does not interfere with existing lessees and their facilities. LESSOR shall take no action which would adversely affect the status of the Property with respect to the proposed use thereof by LESSEE. Construction at the Premises shall be in accordance with the Construction Drawings. All construction, installation, use and operation at and of the Premises by LESSEE shall comply with all applicable rules and regulations of the FCC, FAA, and the regulations of any governmental agency (Local, State Federal) including, but not limited to the requirements of the local planning, zoning and electrical codes of Warren County, Virginia. LESSEE, at its sole cost and expense, shall secure all necessary permits and approvals required to permit the construction and operation at the Premises. LESSOR agrees to cooperate with the LESSEE in any applications or submissions required to permit construction and operation at and of the Premises as described and agreed to herein, provided that LESSOR shall be reimbursed for all reasonable expenses incurred in providing such cooperation.

9. INDEMNIFICATION. LESSEE agrees and binds itself to indemnify, keep and hold harmless LESSOR, its officers, agents and employees free and harmless from any and all claims, causes of action, damages or any liability on account of any injury or damage of any type to any persons or property growing out of or resulting from any act or omission of LESSEE, including but not limited to: (1) LESSEE's use of the public ways or areas of the Property or Premises in connection with this Lease; (2) the acquisition, construction, reconstruction, erection, installation, operation, maintenance, repair or extension of LESSEE's facilities; (3) the LESSEE's exercise of any right or privilege granted by or under this Lease; or (4) the failure, refusal or neglect of LESSEE to perform any duty imposed upon or assumed by LESSEE by or under this Lease; provided, however, that LESSEE shall not be obligated to indemnify or hold LESSOR harmless for any claims, causes of action, damages or any liability on account of any injury or damage to the extent that the same result from or arise out of the negligence or willful misconduct of LESSOR or its employees, agents or contractors. In the event that any suit or proceeding shall be brought against LESSOR, either independently or jointly with LESSEE on account of anything set forth herein, LESSEE, upon notice given to it by LESSOR, will defend LESSOR in any such action or other proceeding, at the cost of the LESSEE; and in the event of any settlement or final judgment being awarded against LESSOR, either independently or jointly with LESSEE, then LESSEE shall pay any such settlement or satisfy any such judgment, and will comply with and such order, pay all reasonable costs and expenses of whatever nature and hold LESSOR, its officers, agents and employees harmless therefrom.

10. INSURANCE. LESSEE agrees that during the Term, at its own cost and expense, LESSEE will maintain (i) commercial general liability insurance with limits of not less than \$5,000,000 combined single limit per occurrence for bodily injury (including death) and for damage or destruction to property and \$5,000,000 general aggregate, including contractual liability subject to standard policy provisions and exclusions, (ii) worker's compensation in compliance with statutory requirements of the State of Virginia and employer's liability with a limit of \$1,000,000 each accident, disease/policy limit, and (iii) if LESSEE operates owned, hired or non-owned vehicles on the property, commercial automobile liability insurance with a limit of not less than \$500,000 combined single limit each accident for bodily injury and property damage,

SITE NAME: Nineveh

LESSEE agrees that the general and automobile liability insurance policies will include LESSOR, its officers and employees, as an additional insured as their interests may appear. LESSEE shall furnish to LESSOR a certificate or certificates of insurance showing the type, amount, effective date(s), and date(s) of expiration. Any required insurance shall be effective prior to the beginning of any work by the LESSEE on the Property or Premises.

11. LIMITATION OF LIABILITY. Except for LESSEE's indemnification obligations under Paragraph 9, neither LESSOR nor LESSEE shall be liable to the other for any damages or any type or loss or interruption of any of the other's business or services caused by its acts, omissions, or actions, whether negligent or otherwise. Furthermore, if LESSEE or LESSOR causes interruption of the business of the other, or otherwise breaches this Lease, to the extent that LESSEE or LESSOR may be held liable to the other, such party's liability shall be limited to only the actual and direct costs, and shall specifically exclude any recovery for value of the business of the other as a going concern, present or future expectation of profits, loss of business or profits, or any other related damages.

12. ACCESS TO TOWER. LESSOR agrees the LESSEE shall have free access to the Land Space and limited access to the Antenna Space at all times for the purpose of installing and maintaining the said equipment. LESSOR shall furnish LESSEE with necessary means of access to the Land Space. It is agreed, however, that only authorized engineers, employees or properly authorized contractors of LESSEE or persons under their direct supervision will be permitted access to Premises.

13. TOWER COMPLIANCE; MAINTENANCE; INSPECTION. LESSOR covenants that it will keep the Tower in good repair as required by all Laws (as defined in Paragraph 30 below). The LESSOR shall also comply with all rules and regulations enforced by the Federal Communications Commission with regard to the lighting, marking and painting of towers.

No materials used by LESSEE in the installation of the antennas or transmission lines will cause corrosion or rust or deterioration of the Tower structure or its appurtenances.

All antenna(s) on the Tower must be identified by a marking fastened securely to its bracket on the Tower and all transmission lines are to be tagged at the conduit opening where it enters LESSEE's Land Space.

Upon request of the LESSOR, LESSEE agrees to relocate its equipment on a temporary basis to another location on the Property, hereinafter referred to as the "Temporary Relocation," at no cost to LESSOR, for the purpose of LESSOR performing maintenance, repair or similar work at the Property or on the Tower provided:

- a. The Temporary Relocation is similar to LESSEE's existing location in size and is fully compatible for LESSEE's use, in LESSEE's reasonable determination;
- b. LESSOR gives LESSEE at least ninety (90) days written notice prior to requiring LESSEE to relocate, and provided LESSOR agrees to use reasonable efforts to perform any such maintenance, repair or similar work in a manner that requires as minimal disruption and/or relocation of LESSEE's equipment as reasonably practical

SITE NAME: Nineveh

under the circumstances.

- c. Disruption of LESSEE's use at the Premises is kept to a minimum as reasonably practicable under the circumstances during the relocation and LESSEE is allowed, if necessary, in LESSEE's reasonable determination, to place a temporary installation on the Property during any such relocation; and
- d. Upon the completion of any maintenance, repair or similar work by LESSOR, LESSEE is permitted to return to its original location from the temporary location.

14. INSPECTION. LESSEE shall allow LESSOR or its agent, for the purpose of inspecting the Premises, to enter the Premises or any part thereof at any reasonable time and in a manner so as not to interfere with LESSEE's use of the Premises. Any such inspection shall only be made while LESSOR or its agent is accompanied by a representative of LESSEE. Notwithstanding the foregoing, LESSOR acknowledges that it shall not have access to the interior of LESSEE's equipment cabinets, as the same contain confidential and proprietary technology of LESSEE.

15. INTERFERENCE. LESSEE agrees to install equipment of the type and frequency which will not cause harmful interference which is measurable in accordance with then existing industry standards to any equipment of LESSOR or other lessees of the Property which existed on the Property prior to the date this Lease is executed by the Parties. In the event any after-installed LESSEE's equipment causes such interference, and after LESSOR has notified LESSEE in writing of such interference, LESSEE will take all commercially reasonable steps necessary to correct and eliminate the interference, including but not limited to, at LESSEE's option, powering down such equipment and later powering up such equipment for intermittent testing. In no event will LESSOR be entitled to terminate this Lease or relocate the equipment as long as LESSEE is making a good faith effort to remedy the interference issue. LESSOR agrees that LESSOR and/or any lessees of the Property who currently have non-exclusive possession of the Property will be permitted to install only such equipment, after LESSEE installs the equipment described in Exhibit "B", that is of the type and frequency which will not cause harmful interference which is measurable in accordance with then existing industry standards to the then existing equipment of LESSEE. The Parties acknowledge that there will not be an adequate remedy at law for noncompliance with the provisions of this Paragraph and, therefore, either Party shall have the right to equitable remedies, such as, without limitation, injunctive relief and specific performance.

16. REMOVAL AT END OF TERM. LESSEE shall, upon expiration of the Term, or within ninety (90) days after any earlier termination of the Lease, remove its building(s), antenna(s), equipment, conduits, fixtures and all personal property and restore the Premises to its original condition, reasonable wear and tear and casualty damage excepted. LESSOR agrees and acknowledges that all of the equipment, conduits, fixtures and personal property of LESSEE shall remain the personal property of LESSEE and LESSEE shall have the right to remove the same at any time during the Term, whether or not said items are considered fixtures and attachments to real property under applicable Laws. If such time for removal causes LESSEE to remain on the Premises after termination of this Lease, LESSEE shall pay rent at the then existing monthly rate

SITE NAME: Nineveh

or on the existing monthly pro-rata basis if based upon a longer payment term, until such time as the removal of the building, antenna structure, fixtures and all personal property are completed.

17. HOLDOVER. LESSEE has no right to retain possession of the Premises or any part thereof beyond the expiration of that removal period set forth in Paragraph 15 herein, unless the Parties are negotiating a new lease or lease extension in good faith. In the event that the Parties are not in the process of negotiating a new lease or lease extension in good faith, LESSEE holds over in violation of Paragraph 15 and this Paragraph 16, then the rent then in effect payable from and after the time of the expiration or earlier removal period set forth in Paragraph 16 shall be equal to the rent applicable during the month immediately preceding such expiration or earlier termination.

18. QUIET ENJOYMENT. LESSOR covenants that LESSEE, on paying the rent and performing the covenants herein, shall peaceably and quietly have, hold and enjoy the non-exclusive use of Premises.

19. TITLE; EASEMENT FOR TELECOMM PURPOSE. LESSOR represents and warrants to LESSEE as of the execution date of this Lease, and covenants during the Term that LESSOR is seized of good and sufficient title and interest to the Property and has full authority to enter into and execute this Lease. LESSOR further covenants during the Term that there are no liens, judgments or impediments of title on the Property, or affecting LESSOR's title to the same and that there are no covenants, easements or restrictions which prevent or adversely affect the use or occupancy of the Premises by LESSEE as set forth above. To the extent that LESSOR grants to a third party by easement or other legal instrument an interest in and to that portion of the Tower and/or Property occupied by LESSEE for the purpose of operating and maintaining communications facilities or the management thereof and in conjunction therewith, assigns this Lease to said third party, LESSOR shall not be released from its obligations to LESSEE under this Lease, and LESSEE shall have the right to look to LESSOR and the third party for the full performance of this Lease.

20. INTEGRATION. It is agreed and understood that this Lease contains all agreements, promises and understandings between LESSOR and LESSEE and that no verbal or oral agreements, promises or understandings shall be binding upon either LESSOR or LESSEE in any dispute, controversy or proceeding at law, and any addition, variation or modification to this Lease shall be void and ineffective unless made in writing signed by the Parties. In the event any provision of the Lease is found to be invalid or unenforceable, such finding shall not affect the validity and enforceability of the remaining provisions of this Lease. The failure of either Party to insist upon strict performance of any of the terms or conditions of this Lease or to exercise any of its rights under the Lease shall not waive such rights and such Party shall have the right to enforce such rights at any time and take such action as may be lawful and authorized under this Lease, in law or in equity.

21. GOVERNING LAW. This Lease and the performance thereof shall be governed, interpreted, construed and regulated by the Laws of the State of Virginia.

22. ASSIGNMENT. This Lease may be sold, assigned or transferred by the LESSEE without any approval or consent of the LESSOR to the LESSEE's principal, affiliates, subsidiaries

SITE NAME: Nineveh

of its principal or to any entity which acquires all or substantially all of LESSEE's assets in the market defined by the Federal Communications Commission in which the Property is located by reason of a merger, acquisition or other business reorganization. As to other parties, this Lease may not be sold, assigned or transferred without the written consent of the LESSOR. No change of stock ownership, partnership interest or control of LESSEE or transfer upon partnership or corporate dissolution of LESSEE shall constitute an assignment hereunder.

23. NOTICES. All notices hereunder must be in writing and shall be deemed validly given if sent by certified mail, return receipt requested or by commercial courier, provided the courier's regular business is delivery service and provided further that it guarantees delivery to the addressee by the end of the next business day following the courier's receipt from the sender, addressed as follows (or any other address that the Party to be notified may have designated to the sender by like notice):

LESSOR: The Town of Front Royal
102 E. Main Street
Town Administration Building
Front Royal, Virginia 22630

LESSEE: Celco Partnership d/b/a Verizon Wireless
180 Washington Valley Road
Bedminster, New Jersey 07921
Attention: Network Real Estate

Notice shall be effective upon actual receipt or refusal as shown on the receipt obtained pursuant to the foregoing.

24. SUCCESSORS. This Lease shall extend to and bind the heirs, personal representative, successors and assigns of the Parties hereto.

25. DEFAULT.

a. In the event there is a breach by LESSEE with respect to any of the provisions of this Lease or its obligations under it, including the payment of rent, LESSOR shall give LESSEE written notice of such breach. After receipt of such written notice, LESSEE shall have fifteen (15) days in which to cure any monetary breach and thirty (30) days in which to cure any non-monetary breach, provided LESSEE shall have such extended period as may be required beyond the thirty (30) days if the nature of the cure is such that it reasonably requires more than thirty (30) days and LESSEE commences the cure within the thirty (30) day period and thereafter continuously and diligently pursues the cure to completion. LESSOR may not maintain any action or effect any remedies for default against LESSEE unless and until LESSEE has failed to cure the breach within the time periods provided in this Paragraph.

b. In the event there is a breach by LESSOR with respect to any of the provisions of this Lease or its obligations under it, LESSEE shall give LESSOR written notice of such breach. After receipt of such written notice, LESSOR shall have thirty (30) days in which to cure any such breach, provided LESSOR shall have such extended period as may be required

SITE NAME: Nineveh

beyond the thirty (30) days if the nature of the cure is such that it reasonably requires more than thirty (30) days and LESSOR commences the cure within the thirty (30) day period and thereafter continuously and diligently pursues the cure to completion. LESSEE may not maintain any action or effect any remedies for default against LESSOR unless and until LESSOR has failed to cure the breach within the time periods provided in this Paragraph. Notwithstanding the foregoing to the contrary, it shall be a default under this Lease if LESSOR fails, within fifteen (15) days after receipt of written notice of such breach, to perform an obligation required to be performed by LESSOR if the failure to perform such an obligation interferes with LESSEE's ability to conduct its business on the Property; provided, however, that if the nature of LESSOR's obligation is such that more than fifteen (15) days after such notice is reasonably required for its performance, then it shall not be a default under this Lease if performance is commenced within such fifteen (15) day period and thereafter diligently pursued to completion.

26. REMEDIES. In the event of a default by either Party with respect to a material provision of this Lease, without limiting the non-defaulting Party in the exercise of any right or remedy which the non-defaulting Party may have by reason of such default, the non-defaulting Party may terminate the Lease and/or pursue any remedy now or hereafter available to the non-defaulting Party under the Laws or judicial decisions of the state in which the Premises are located; provided, however, LESSOR shall use reasonable efforts to mitigate its damages in connection with a default by LESSEE.

27. ENVIRONMENTAL. LESSOR will be responsible for all obligations of compliance with any and all environmental and industrial hygiene laws, including any regulations, guidelines, standards, or policies of any governmental authorities regulating or imposing standards of liability or standards of conduct with regard to any environmental or industrial hygiene conditions or concerns as may now or at any time hereafter be in effect, that are or were in any way related to activity now conducted in, on, or in any way related to the Tower or Property, unless such conditions or concerns are caused by the specific activities of LESSEE in the Premises.

28. CASUALTY. In the event of damage by fire or other casualty to the Tower or Premises that cannot reasonably be expected to be repaired within sixty (60) days following same or, if the Property is damaged by fire or other casualty so that such damage may reasonably be expected to disrupt LESSEE's operations at the Premises for more than sixty (60) days, then LESSEE may, at any time following such fire or other casualty, provided LESSOR has not completed the restoration required to permit LESSEE to resume its operation at the Premises, terminate this Lease upon fifteen (15) days prior written notice to LESSOR. Any such notice of termination shall cause this Lease to expire with the same force and effect as though the date set forth in such notice were the date originally set as the expiration date of this Lease and the Parties shall make an appropriate adjustment, as of such termination date, with respect to payments due to the other under this Lease. Notwithstanding the foregoing, the rent shall abate during the period of repair following such fire or other casualty in proportion to the degree to which LESSEE's use of the Premises is impaired.

29. CONDEMNATION. In the event of any condemnation of all or any portion of the Property, this Lease shall terminate as to the part so taken as of the date the condemning authority takes title or possession, whichever occurs first. If as a result of a partial condemnation of the Premises or Tower, LESSEE, in LESSEE's sole discretion, is unable to use the Premises for the

SITE NAME: Nineveh

purposes intended hereunder, or if such condemnation may reasonably be expected to disrupt LESSEE's operations at the Premises for more than sixty (60) days, LESSEE may, at LESSEE's option, to be exercised in writing within fifteen (15) days after LESSOR shall have given LESSEE written notice of such taking (or in the absence of such notice, within fifteen (15) days after the condemning authority shall have taken possession) terminate this Lease as of the date the condemning authority takes such possession. LESSEE may on its own behalf make a claim in any condemnation proceeding involving the Premises for losses related to the equipment, conduits, fixtures, its relocation costs and its damages and losses (but not for the loss of its leasehold interest). Any such notice of termination shall cause this Lease to expire with the same force and effect as though the date set forth in such notice were the date originally set as the expiration date of this Lease and the Parties shall make an appropriate adjustment as of such termination date with respect to payments due to the other under this Lease. If LESSEE does not terminate this Lease in accordance with the foregoing, this Lease shall remain in full force and effect as to the portion of the Premises remaining, except that the rent shall be reduced in the same proportion as the area of the Premises taken bears to the total area of the Premises. In the event that this Lease is not terminated by reason of such condemnation, LESSOR shall promptly repair any damage to the Premises caused by such condemning authority.

30. SUBMISSION OF LEASE/PARTIAL INVALIDITY/AUTHORITY. This Lease becomes effective only upon the full execution of this Lease by the Parties. If any provision herein is declared invalid by a court of law, it shall be considered deleted from this Lease and shall not invalidate the remaining provisions of this Lease. Each of the Parties hereto warrants to the other that the person or persons executing this Lease on behalf of such Party has the full right, power and authority to enter into and execute this Lease on such Party's behalf and that no consent from any other person or entity is necessary as a condition precedent to the legal effect of this Lease.

31. APPLICABLE LAWS. During the Term, LESSOR shall maintain the Property and all structural elements of the Premises in compliance with all applicable laws, rules, regulations, ordinances, covenants, easements, zoning and land use regulations, and restrictions of record (collectively "Laws"). LESSEE shall, in respect to the condition of the Premises and at LESSEE's sole cost and expense, comply with (a) all Laws relating solely to LESSEE's specific and unique nature of use of the Premises; and (b) all building codes requiring modifications to the Premises due to the improvements being made by LESSEE in the Premises.

32. SURVIVAL. Any provisions of this Lease which require performance subsequent to the termination or expiration of this Lease shall also survive such termination or expiration.

33. CAPTIONS. The captions contained in this Lease are inserted for convenience only and are not intended to be part of the Lease. They shall not affect or be utilized in the construction or interpretation of the Lease.

34. EARLY TERMINATION. Notwithstanding anything herein to the contrary, LESSEE shall have the right to terminate this Lease without penalty by providing LESSOR not less than six (6) months prior written notice at any time after the end of the Initial Term if LESSEE determines in good faith that the Premises are no longer technically compatible for its use. The following events or circumstances, while not exhaustive, are examples of what might cause LESSEE to make a determination of technical incompatibility: (i) due to changes in technology or

SITE NAME: Nineveh

LESSEE's network, the rad center for LESSEE's antennas on the Tower is too high or too low for the effective operation of the Premises as part of LESSEE's communications network, (ii) due to changes in technology utilized in LESSEE's network, the Tower cannot accommodate (for structural or technical reasons) the type of equipment that LESSEE desires to operate at the Premises, (iii) improvements constructed on nearby properties are blocking, in whole or in part, LESSEE's transmissions or reception of radio frequencies, and/or (iv) LESSEE's equipment is suffering frequency interference from sources not anticipated as of the date of this Lease. The written notice will contain a detailed description of the technical incompatibility claimed by LESSEE.

[Signature page follows]

SITE NAME: Nineveh

IN WITNESS WHEREOF, the Parties hereto have set their hands and affixed their respective seals the day and year first above written.

WITNESS:

LESSOR:

THE TOWN OF FRONT ROYAL

By: _____

Name: _____

Title: _____

Date: _____

WITNESS:

LESSEE:

CELLCO PARTNERSHIP

d/b/a Verizon Wireless

By: _____

David R. Heverling

Area Vice President Network

Date: _____

APPROVED AS TO FORM:

Douglas W. Napier, Town Attorney

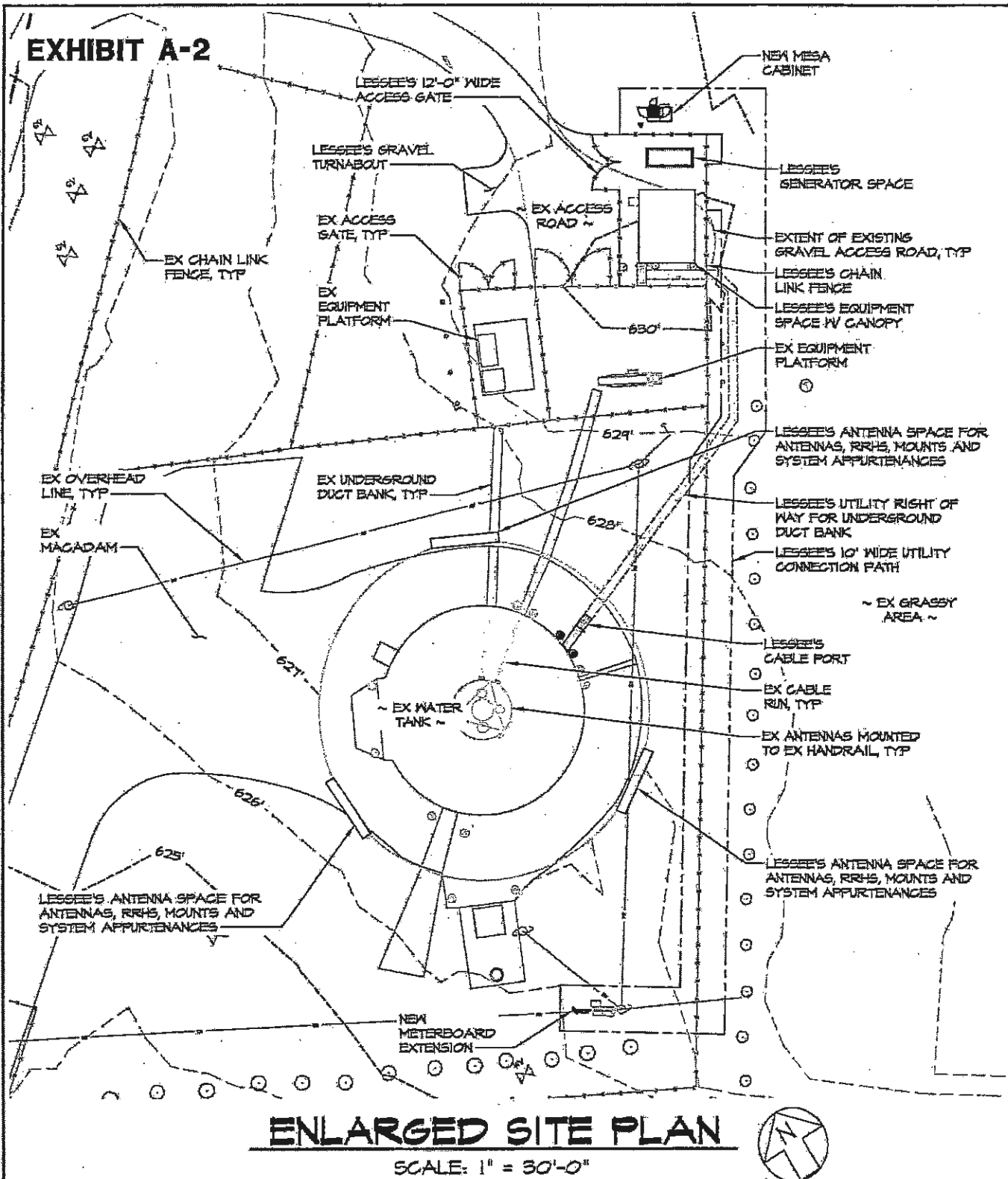
SITE NAME: Nineveh

EXHIBIT "A"

Premises

[see attached]

EXHIBIT A-2



ENLARGED SITE PLAN

SCALE: 1" = 30'-0"



MORRIS & RITCHIE ASSOCIATES, INC.
ENGINEERS, PLANNERS, SURVEYORS AND LANDSCAPE ARCHITECTS

1220-C East Joppa Road, Suite 505
Towson, Maryland 21286
(410) 821-1690
Fax (410) 821-1748

NINEVEH

401 FAIRGROUND RD
FRONT ROYAL, VA 22630
WARREN COUNTY

SCALE:	DATE:	DRAWN BY:	DESIGN BY:	REVIEW BY:	JOB NO.:
AS NOTED	03/23/15	JDO	RJD	BES	10427.1358

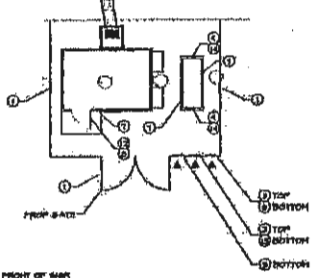
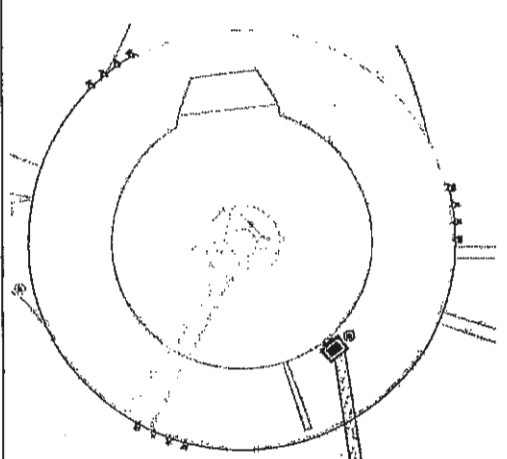
SITE NAME: Nineveh

EXHIBIT "C"

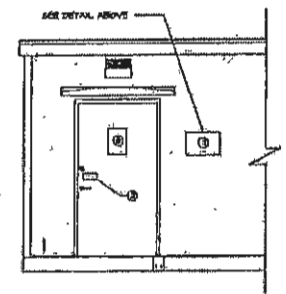
Construction Drawings

[see attached]

A B C D E F G H I J K L M N P Q R



TOWER SITE COMPOUND SIGN PLACEMENT
SCALE: NOT TO SCALE



12x17 SHELTER ENTRANCE SIGNAGE
SCALE: NOT TO SCALE



NO TRESPASSING

VIOLATORS
WILL BE PROSECUTED

1" TALL X 24" WIDE

Verizon wireless

IN CASE OF EMERGENCY
CALL: 800-852-2871

SITE: XXXXXX XXXX

1" TALL X 24" WIDE

NOTICE

1" TALL X 18" WIDE

CAUTION

1" TALL X 18" WIDE

NOTICE

1" TALL X 18" WIDE

Verizon wireless

IN CASE OF EMERGENCY
CALL: 800-852-2871

SITE: XXXXXX XXXX

1" TALL X 18" WIDE

CAUTION-RF SIGN (YELLOW)

1" TALL X 18" WIDE

NOTICE-RF SIGN (BLUE)

1" TALL X 18" WIDE

Verizon wireless-SITE ID SIGN

1" TALL X 18" WIDE

DANGER - LEAD ACID BATTERIES
(SHELTER/BATTERY MOD. OUTDOOR CABINETS)

1" TALL X 18" WIDE

DANGER - DIESEL FUEL

1" TALL X 18" WIDE

EMERGENCY RESPONSE SIGN

1" TALL X 18" WIDE

Verizon wireless

IN CASE OF EMERGENCY
CALL: 800-852-2871

SITE: XXXXXX XXXX

1" TALL X 18" WIDE

NO SMOKING

1" TALL X 18" WIDE

NO SMOKING SIGNAGE

1" TALL X 18" WIDE

Verizon wireless-ASR# SIGN
1" TALL X 18" WIDE

TYPICAL SIGNS AND SPECIFICATIONS
NOT TO SCALE

SIGNAGE NOTES:

1. VERIZON WIRELESS CONSTRUCTION MANAGER WILL PROVIDE ALL SIGNAGE REQUIRED FOR SITE.
2. UNDER THE DIRECTION OF THE VERIZON WIRELESS CONSTRUCTION MANAGER THE GENERAL CONTRACTOR WILL INSTALL THE SIGNS.

MRA

WORKING A RETIRED ASSOCIATES, INC.

401 FAIRGROUND ROAD
FRONT ROYAL, VIRGINIA 22601
TEL: 540-794-7200
FAX: 540-794-7201

verizon wireless

NINEVEH
401 FAIRGROUND ROAD
FRONT ROYAL, VIRGINIA 22601

REVISIONS:

NO.	DESCRIPTION	DATE
1	PERMITS DCSB 8/3/11	

DESIGNED BY: JMT
PROJECT NO.: 1061100
DATE: 1/14/2014
SCALE: AS NOTED

TITLE: Site Storage

SECRET

C-3



SECTION 5.2 CUSTOMER REQUIREMENTS

- [illegible]

NOTE: THE VENDOR REPRESENTATIVE SHOULD PROVIDE INFORMATION IN ORDER TO OBTAIN THE APPROVED TEMPLATES, BRACKETS AND TOWER FROM VENDOR APPROVED MANUFACTURERS.

- [illegible]

6. MOVED AGAINST FORMING CLEARANCES AROUND EQUIPMENT CABINET. THE CONCRETE END MEASURES 75.50 INCHES HIGH BY 30.00 INCHES DEEP. THE MAXIMUM DEPTH REQUIRED WITH THE SIDE DOORS OPEN IS 30.00 INCHES. THE MAXIMUM DEPTH WITH FRONT DOORS OPEN IS 30.00 INCHES (SEE DETAIL "A").

7. THE CUSTOMER IS RESPONSIBLE FOR STEERING OUT ALL CONCRETE FROM THE BOTTOM OF THE CURBNET. ALTHOUGH NOT A REQUIREMENT, IT IS HIGHLY RECOMMENDED THAT A HANDHOLE BE PLACED TO TERMINATE THE CONCREITS. IF THE HANDHOLE IS NOT PLACED THE ALL CONCREITS MUST BE TERMINATED AND DROUGHT TO THE EDGE OF THE CONCRETE OR PRECAST PAD FOR

- A. THE CUSTOMER IS RESPONSIBLE FOR PLACING THE (2) FOUR-INCH CONDUITS, (4) ONE-INCH CONDUITS AND (2) THREE QUARTER-INCH CONDUITS ARE REQUIRED FOR GAS SERVICE AND DRAINAGE.

9. THE CUSTOMER IS RESPONSIBLE FOR PROVIDING CONDUIT FROM THE WAREHOUSE OF FULL BOX AT THE JOB LOCATION TO THEIR EQUIPMENT AND OR CABLEHEAD.

- As the chamber is responsible for standing out from the customer owner, a 2-inch customer board, the customer chamber can provide access for up to five (5) 2-inch conduits. The conduits should be placed from the customer chamber to the manifold.

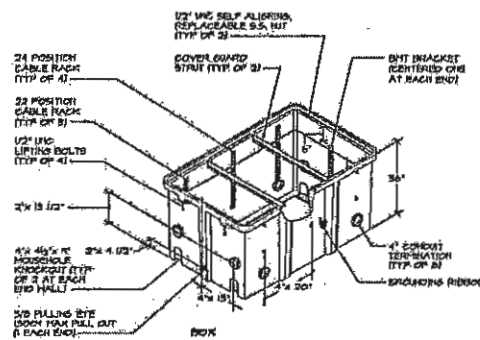
11. THE CUSTOMER IS RESPONSIBLE FOR PLACING SHIELDED CABLES/FIBER FROM THEIR EQUIPMENT TO VERIZON'S CABINET. THE SHIELDS OF THE CUSTOMER'S CABLES OR FIBER ARE TO BE GROUNDED INSIDE THE CABINET.
12. THE CUSTOMER ACCESS CLOSET IN VERIZON'S CABINET ALLOWS SERVICE WIRE TO

- ENTER THROUGH A GABLE GROWS TO TERMINATE ON THE VERGEE RAINFALLS SCARPENED,
IS, PROVIDE A #2 AND GROUNDING CONNECTION TO BOLD-VERGEE GABLES TO THE SITE'S
GROUND RISE (THIS CONNECTION IS TYPICALLY LEFT IN THE RAINFALLS OR PULLBOX).

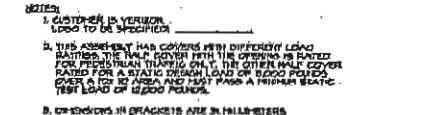
14. THE CUSTOMER IS TO PROVIDE CONFECTIONAL A/C POWER. A DEDICATED 30-AMP 120V CIRCUIT BREAKER IS REQUIRED FOR THE MESA SPAN XL CABINET. THE CIRCUIT BREAKER SERVING THE MESA SPAN XL CABINET SHOULD BE CLEARLY LABELED BOTH THE INSIDE AND OUTSIDE AND PANEL FOR EASE OF IDENTIFICATION. FOR LAMINATED POST INSTALLATIONS, AN A/C CUT OFF SWITCH SHOULD BE MOUNTED ON THE SIDE OF THE RIGHT POST.

19. SPECIAL CONSTRUCTION CHARGES MAY BE APPLICABLE. THESE CHARGES WILL BE APPLIED IN ACCORDANCE WITH THE APPROPRIATE TARIFF OR THROUGH THE IED / SPECIAL ASSEMBLY PROCESS.

16. ELECTRICAL ENGINEER HAS MADE EVERY ATTEMPT TO GET FMSA CABINET AND ALL ASSOCIATED ITEMS CORRECTLY. DUE TO LIMITED EXPERTISE/INSTALLS OF THIS CABINET, ELECTRICAL CONTRACTOR MUST COORDINATE INSTALLATION WITH VERBON LANDLINE PRIOR TO START OF CONSTRUCTION. FAILURE TO COMPLY WILL HOLD ELECTRICAL CONTRACTOR RESPONSIBLE FOR ANY AND ALL NECESSARY CHANGES AT HIS EXPENSE.



DETAIL - MESA CABINET HANDHOLE



NET HANDHOLE
(CUSTOMER OUTLET)



verizon wireless
NINEVAH
FOR PATTERSON RD., FRONT ROW,
JAMES COUNTY, VIRGINIA 22950

[illegible]

Patient: E-6

MORRIS & RITCHIE ASSOCIATES, INC.

ENGINEERS, ARCHITECTS, PLANNERS, SURVEYORS,
AND LANDSCAPE ARCHITECTS



March 10, 2014

Mr. Joe Joyce, P.E.
Verizon Wireless
9000 Junction Drive
Annapolis Junction, MD 20701

Re: Verizon Wireless - Nineveh
401 Fairground Road
Front Royal, Warren County, Virginia 22630
Latitude: 39° 00' 20.34", Longitude: -78° 09' 43.11"
MRA Project No. 10427.1358
Structural Evaluation for Verizon Wireless Installation

Dear Joe:

As requested, Morris & Ritchie Associates, Inc. (MRA) has completed our structural evaluation of the existing 1,000,000 gallon water tank at the above referenced site. The objective of MRA's evaluation was to determine if the existing water tank can structurally support the proposed Verizon Wireless installation and meet the requirements of the 2009 Virginia Uniform Statewide Building Code, the 2009 International Building Code (IBC 2009), the ANSI/TIA-222-G-2-2009 Standard, and the AISC Manual of Steel Construction, Load and Resistance Factored Design.

The structural evaluation of the water tank has been based upon the following information:

- Antenna design and plumbing diagram by Verizon Wireless, location name: Nineveh - FR Water Tank, undated.
- Survey, performed by MRA, dated December 12, 2013.
- Tank mapping, performed by Teltronic Towers Inc. for MRA, dated November 1, 2013.

For a complete list of all existing and proposed appurtenances used in this evaluation refer to the table appended to this report.

We have performed an evaluation of the water tank in the existing and original (as-built tank, with no wireless installations) configurations and compared them against the proposed configuration. We have evaluated the tank based on our extensive experience with similar structures. Based on this comparison, we have determined the following increases in foundation reactions between both the original and existing to the proposed configurations, as indicated in the table below:

COMPONENT	PERCENTAGE INCREASE OVER EXISTING	PERCENTAGE INCREASE OVER ORIGINAL
Total Shear	1.4%	3.4%
Overturning Moment	2.5%	6.6%

1220-C East Joppa Road, Suite 505, Towson, Maryland 21286 Tel: (410) 821-1890 Fax: (410) 821-1748

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(410) 515-9300 (410) 782-8792 (410) 821-1890 (302) 855- 5734 (302) 325-2200 (703) 674-0161 (701) 509-5250

Visit us on the web at www.mragta.com

galvanized metal, and/or thin gage metal items may be damaged by abrasive blast cleaning anytime that tank maintenance or repainting activities occur. For this reason, TIC recommends that antenna and wireless carriers remove their equipment when the tank is next repainted, or if removal is not feasible, that such items be adequately protected from damage.

TIC recommends that a visual inspection be performed immediately following any severe storm or extreme high wind conditions, such as those due to a tornado or hurricane, as antenna equipment, mountings and cable trays/ladders have been known to experience damage in such extreme conditions. Loose or broken components can become projectiles in these high wind conditions.

Please contact me at (630) 226-0745 or lieb@tankindustry.com if there are any questions on the above.

Sincerely,

Tank Industry Consultants

John M. Lieb

John M. Lieb, P.E.
Chief Engineer

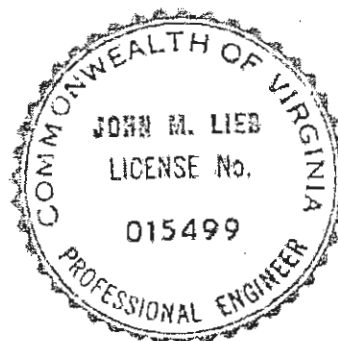
Cc: Stephen W. Meier, P.E., S.E./Gregory R. "Chip" Stein, P.E. – TIC Indianapolis
Sabrina Fleming – TIC Bolingbrook

PROFESSIONAL ENGINEER'S CERTIFICATION

I hereby certify that this report was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer under the laws of the State of Virginia.

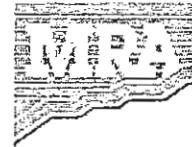
John M. Lieb
John M. Lieb, P.E.

Date: *April 28, 2014*



MORRIS & RITCHIE ASSOCIATES, INC.

ENGINEERS, ARCHITECTS, PLANNERS, SURVEYORS,
AND LANDSCAPE ARCHITECTS

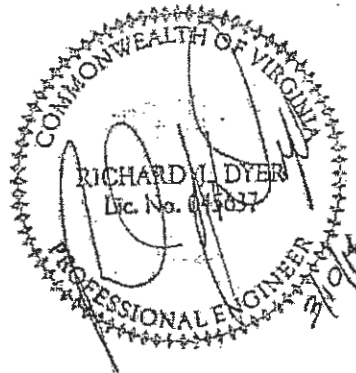


Water Tank Evaluation

Nineveh

401 Fairground Road
Front Royal, Warren County, Virginia 22630
Proposed Verizon Wireless Installation

March 10, 2014



Prepared For:

Verizon Wireless
9000 Junction Drive
Annapolis Junction, MD 20701

MRA Job Number: 10427.1358

1220-G East Joppa Road, Suite 505, Towson, Maryland 21286 Tel: (410) 821-1690 Fax: (410) 821-1748

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(410) 515-9000 (410) 792-9792 (410) 821-1690 (302) 855-5734 (302) 325-2200 (703) 674-0161 (701) 609-5250

Visit us on the web at www.mragta.com

Project Name:	Nineveh				
Project Location:	Warren County, Virginia				
				LEGEND	
				Existing	
				To Be Removed	
				Proposed	
				Reserved	
* Appurtenances types and elevations are approximations used for obtaining gravity & wind loads only. *					
Appurtenance	Carrier	Approximate Elevation	Mount	Feedline Size	Notes
(1) 2" Dia. x 2' Long Omni	Unknown	186' (CL)	Mounted off Steel Framing atop Tank	N/A	Existing
(3) 72"x6"x6" Panel Antenna		182' (CL)	(3) 8' Pipe Mounts Attached to Steel Framing atop Tank	(6) 1-5/8" Coax (External)	Existing
(3) 72"x6"x4" Panel Antenna		175' (CL)	Mounted off Steel Framing atop Tank	N/A	Existing
(3) RFS APXVSP18-G Panel Antenna	Sprint	176' (CL)	(3) 8' Pipe Mounts Attached to Handrail	(3) 1-5/8" Coax (External)	Existing
(3) Alcatel-Lucent 4x40W 1900MHz RRH					
(3) Alcatel-Lucent 2x50W 800MHz RRH					
(6) Antel BXA-70063/8CF Panel Antenna	Verizon Wireless	166' (CL)	(12) Pipe Mounts	(3) 1-1/4" RFS 6x12 Hybriflex (External)	Proposed
(8) Antel BXA-171063-12CF-EDIN Panel Antenna					
(12) Alcatel Lucent 2x50W RRH					
(3) Raycap RCMDC-4750-PF-48 Distribution Boxes					

TIC

TANK INDUSTRY CONSULTANTS

7740 West New York Street
Indianapolis, Indiana 46214
317 / 271-3100 - Phone
317 / 271-3300 - FAX

Bolingbrook, Illinois
630 / 226-0745

El Paso, Texas
915 / 790-0790

Houston, Texas
281 / 367-3511

Pittsburgh, Pennsylvania
412 / 262-1586

April 28, 2014

Dynis - A MasTec Company
9030 Mendenhall Court, Suite H
Columbia, Maryland 21045
Attn: Ms. Ginger Beaudoin

Subject: Antenna Installation Review Report
1,000,000 Gallon Fairground Road Fluted Pedestal Tank
Nineveh Tank, 401 Fairground Road
Town of Front Royal, Virginia
TIC Project 14.082.E1484.002

Ms. Beaudoin,

In fulfillment of Tank Industry Consultants (TIC) proposal of March 21, 2014, this letter report will summarize TIC's review of Morris & Ritchie Associates, Inc. "Water Tank Evaluation", dated March 10, 2014. Morris & Ritchie performed a structural analysis to evaluate the effects on the 401 Fairground Road water tank of proposed new antenna equipment. The proposed new antenna equipment was shown on the following Verizon Drawings dated 1/14/2014.

INTRODUCTION

The following documents were reviewed by TIC in preparing this summary report:

- CS-1: Site Location and Vicinity Plan, Index of Drawings and Code Analysis
- C-1: Site Plan
- C-2: Site Details
- C-3: Site Signage
- S-1: Structure Details
- S-2: Structural Details and Notes
- E-1: Electrical Specifications, Panel Schedule, and Symbols List
- E-2: Power Site Plan, Power Riser, and Notes
- E-3: Grounding Site Plan and Notes
- E-4: Details
- E-5: Details
- E-6: Telco Details
- E-7: Sector Plan and Ductbank Details
- E-8: Hybriflex Details and Diagram.

As described in our March 21, 2014 proposal letter, TIC reviewed the Structural Evaluation Report for the antenna installation on the tank to assess the overall structural effects of the new antennas and also performed Design Review Services to review the methods of mounting the antennas on the tank for potential interferences to the operation and maintenance of the tank. Our conclusions and recommendations with respect to these topics are summarized as follows.

CONCLUSIONS

Structural Evaluation Review

TIC concludes that the structural analysis performed by Morris & Ritchie is consistent with the existing antenna equipment on the tank as well as the proposed new antenna equipment. TIC concurs with Morris & Ritchie's conclusions and recommendations. Note that the review of the structural analysis and the design of the antenna supports to the existing structures assumes that the existing structure has not deteriorated or been damaged since its construction. TIC sees no reason not to accept the structural analysis by Morris & Ritchie.

Design Review Services

TIC concludes that the Verizon drawings are acceptable, providing that the following comments are addressed:

- 1) The installation Contractor must comply with all requirements of the Verizon drawings, including but not limited to the notes on Drawing CS-1 and the construction details on Drawing S-1. Installation of antenna equipment will damage the coatings on the tank and will lead to corrosion and potential failure of these components if not properly repaired. The Contractor must exercise care in the installation of the equipment and repair any damage to the coatings on the inside and outside of the tank.
- 2) Any cables associated with the installation of the new antenna equipment must be routed and attached to the tank so as not to obstruct access to the tank or create a safety risk. In particular, access to ladders and inspection openings must not be obstructed by the cables. Cables must be securely attached using devices designed for the purpose of routing and securing cable runs.

RECOMMENDATIONS

Structural Evaluation

Installation of the proposed new antenna equipment may proceed in accordance with the Verizon drawings without additional structural modifications to the tank or roof handrail. Any deterioration or structural damage to the existing tank should be reported to the Engineer of Record before proceeding with the proposed antenna installation.

Design Review Services

Any new cables associated with the installation of the new antenna equipment should be installed using existing cable trays and mounting devices. All antenna cables should be removed and temporarily supported whenever re-coating of the tank is performed. Note that any cables,



MORRIS & RITCHIE ASSOCIATES, INC.
Architects, Engineers, Planners, Surveyors & Landscape Architects
1220-C East Joppa Road, Suite 505
Towson, Maryland 21286
410-821-1690 Fax: 410-821-1748

STRUCTURAL CALCULATIONS

PROJECT:

Nineveh – Structural Evaluation
401 Fairground Road
Front Royal, Warren County, Virginia 22630

PREPARED FOR:

Verizon Wireless
9000 Junction Drive
Annapolis Junction, Maryland 20701

PREPARED BY:

Morris & Ritchie Associates, Inc.
1220-C East Joppa Road, Suite 505
Towson, Maryland 21286

CONTACT:

Rich Dyer

SITE NAME: Nineveh

EXHIBIT "B"

LESSEE's Equipment

LESSEE is authorized to install and maintain the following equipment along with mounts therefor and other appurtenant and accessory equipment:

Antennas, RRHs, TMAs, Diplexers & Cables:

Up to twelve (12) panel antennas of various dimensions on the Water Tower

Up to twelve (12) remote radio heads, or similar, on the Water Tower

Up to three (3) distribution boxes on the Water Tower

Up to three (3) hybridflex cables, or similar, not to exceed 1-1/4" diameter each, running between the Land Space and the Antenna Space, together with any conduit, pipes, cable ports, trays and ducts therefor

Up to twelve (12) pipe mounts at the top of the Water Tower

Up to two (2) GPS units

Equipment Building and Generator:

10' W x 16' L Equipment Platform with canopy

110 Gallon Back-up Diesel Generator

SITE NAME: Nineveh

EXHIBIT "D"

Tank Industry Consultants "Antenna Installation Review Report"

and

Morris & Ritchie Associates, Inc. "Water Tank Evaluation"

[see attached]

2. THE CONTRACTOR SHALL OBTAIN ALL PERMITS AND COMPLY WITH ALL LAWS, ORDINANCES, RULES AND REGULATIONS OF THE FEDERAL, STATE AND LOCAL GOVERNMENTS, MUNICIPAL AND UTILITY COMPANIES, AND THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY APPROVALS, PERMITS, ORDINANCES AND UTILITY COMPANY SPECIFICATIONS, AND LOCAL AND STATE REQUIREMENTS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PERFORMANCE OF THE WORK. THE WORK PERFORMED SHALL BE SUBJECT TO INSPECTION AND SHALL BE IN STRICT ACCORDANCE WITH ALL CODES, REGULATIONS, AND ORDINANCES.
3. THE ARCHITECT/ENGINEER HAVE MADE EVERY EFFORT TO SET FORTH IN THE CONSTRUCTION AND CONTRACT DOCUMENTS THE SCOPE OF THE WORK. THE CONTRACTOR BIDDING THE JOB IS NEVERTHELESS ADVISED THAT THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE DETAILS AND OF SPECIFICATIONS SHALL NOT EXHAUST BIDD CONTRACTOR FROM COMPLETING THE WORK. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE WORK UNDER THE INTENT OF THESE DOCUMENTS.
5. THE CONTRACTOR OR BIDDER SHALL OBTAIN THE SERVICES OF AN INDEPENDENT ENGINEER OR A VERIFIED REPRESENTATIVE OF ANY CONTROLLED BRANDS TO OBTAIN VERIFICATION OF THE SCOPE OF THE CONTRACTOR'S PROPOSAL OR PERFORMANCE OF WORK. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE WORK. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE WORK. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE WORK.
6. THE SCOPE OF WORK SHALL INCLUDE FURNISHING ALL MATERIALS AND LABOR. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE SCOPE OF THE WORK. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE SCOPE OF THE WORK. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE SCOPE OF THE WORK.
7. THE CONTRACTOR SHALL VISIT THE JOB SITE PRIOR TO THE SUBMISSION OF BIDS OR PERFORMANCE OF WORK. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE SCOPE OF THE WORK. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE SCOPE OF THE WORK. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE SCOPE OF THE WORK.
8. THE CONTRACTOR SHALL OBTAIN AUTHORIZATION TO PROCEED WITH THE CONSTRUCTION PRIOR TO STARTING THE WORK. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE SCOPE OF THE WORK. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE SCOPE OF THE WORK. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE SCOPE OF THE WORK.
9. THE CONTRACTOR SHALL INSTALL ALL EQUIPMENT AND MATERIALS ACCORDING TO THE MANUFACTURER'S INSTRUCTIONS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE SCOPE OF THE WORK. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE SCOPE OF THE WORK. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE SCOPE OF THE WORK.
10. THE CONTRACTOR SHALL PROVIDE A FULL SET OF CONSTRUCTION DOCUMENTS AT THE SITE OPERATED AT THE SITE. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE SCOPE OF THE WORK. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE SCOPE OF THE WORK. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE SCOPE OF THE WORK.
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20. ALL METALLIC LINES EXPOSED TO WEATHER SHALL BE GALVANIZED STEEL OR GALVANIZED FOR FIELD CITY GALVANIZED. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE SCOPE OF THE WORK. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE SCOPE OF THE WORK. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE SCOPE OF THE WORK.

- E-1 SITE LOCATION AND VICINITY PLAIN, INDEX OF DRAWINGS
- E-2 SITE PLAN
- E-3 SITE NOTES
- E-4 SITE SKETCH
- E-5 STRUCTURAL DETAILS
- E-6 STRUCTURAL DETAILS AND NOTES
- E-7 ELECTRICAL SPECIFICATIONS, PANEL, SCHEDULES, AND SCHEDULES LIST
- E-8 POWER, SITE PLAN, INDEX, FLOOR, AND NOTES
- E-9 BUILDING SITE PLAN AND NOTES
- E-10 DETAILS
- E-11 DETAILS
- E-12 TILED DETAILS
- E-13 SECTION, PLAN, AND DETAILING DETAILS
- E-14 NONSTRUCTURAL DETAILS AND DRAWINGS

APPLICABLE BUILDING CODE	IBC 2001
USE CATEGORY	BUSINESS RES
CONSTRUCTION TYPE	CB
FIRE PROTECTION	NC48
EXCLUDED AREA	NO SOL FT.
EXCLUDED FIRE RISK	
EXCLUDED SECTORS	
WET-TO-CONCRETE	YES/NO/NEEDS

THE PROPOSED WIRELESS GENERATOR IS AN OPTIONAL STAND-BY UNIT AND DOES NOT SUPPLY LIFE SAFETY EQUIPMENT. THE GENERATOR IS USED TO BACKUP THE TELEPHONE EXCHANGE EQUIPMENT IN ORDER TO KEEP THE CELL SITE IN FULL OPERATION IN THE EVENT OF NORMAL UTILITY POWER FAIL. TROUBLESHOOTING NPPA TO DOES NOT APPLY.

THIS PROJECT CONSISTS OF THE INSTALLATION OF A VERIZON WIRELESS EQUIPMENT IN THE CITY OF CHICAGO, REPAIRS OF THE SAME, AND ASSOCIATED FIELD AND/OR LABOR TO MAINTAIN THE EXISTING TOWER. WORKER MARK AT A ROAD NUMBER OF 100-00.

DIRECTIONS TO SITE:

- FROM ANNAPOLIS JUNCTION
- TURN LEFT ON RD 100 WEST
- TAKE RT 100 FOR INTERSTATE 45 ROUTE
- TAKE EXIT 277 FOR INTERSTATE 45 AND I-45
- TAKE EXIT 444 ON I-45 FOR STATE ST. HWY 1
- TAKE EXIT 46 FOR US-50 NORTH US-502 NORTH
- TURN RIGHT ON US-502 NORTH
- THE DESTINATION WILL BE ON THE LEFT

VERIZON WIRELESS REVIEW

WIRELESS OFFICE	DATE
REPRESENTATIVE	NAME
OPERATIONS	DATE
WORKING SITE	DATE

REVISIONS:	
DESCRIPTION	DATE
PRINT DATE 1/24/01	
LAST REV.	
PROJECT NO: 19126	
DATE JAN. 24, 2001	
SCALE AS NOTED	
TITLE	
RITE LOCATION AND VICINITY	
PLAT INDEX OF DRAWINGS AND CODE ANALYSIS	
SHEET	
CS-1	

74115124

Project Name: Minervah
Project Location: Front Royal, Virginia 22670

	Description	Length	Width / Height	Center of Pressure	Projected Area	X-Sectional Shape	Shape Factor	Effective Projected Area	Effective Overturning Moment
		(ft)	(ft)	(ft)	(ft ²)			(ft ²)	(ft ³)
Ex Structure:	Shelf	120.00	45.50	60.00	5400.00	Single Curvature	0.6	3276.00	196560.00
	Chimney	50.00	15.00	145.00	2976.09	Double Curvature	0.5	1488.05	215766.80
	Climbing Tube Hatch	4.67	1.00	170.50	4.67	Single Curvature	0.6	2.80	477.40
	Tank Hatch	3.00	0.50	170.25	1.50	Single Curvature	0.6	0.90	153.23
	Tank Hatch	3.00	0.50	170.25	1.50	Single Curvature	0.6	0.90	153.23
	Vent	3.50	2.50	171.25	8.75	Single Curvature	0.6	5.25	899.06
	Handrail (Top Rail)	40.84	0.17	173.99	6.81	Flat	1	6.81	1184.33
	Handrail (Mid Rail)	40.84	0.17	173.99	6.81	Flat	1	6.81	1170.77
	Handrail (Bottom Rail)	40.84	0.33	170.17	13.61	Flat	1	13.61	2316.58
	Handrail (Vertical)	31.00	0.21	173.00	4.38	Flat	1	4.38	752.50
	Handrail (Diagonal)	45.92	0.17	173.00	7.65	Flat	1	7.65	1316.47

Total Effective Wind Area: 4813.15 ft²
Total Effective Overturning Moment: 420750.36 ft³

	Carrier	Manufacturer	Model / Description	Quantity	Length	Width	Center of Pressure	Projected Area	X-Sectional Shape	Shape Factor	Shielding Factor	Aximuth Factor	Effective Projected Area	Effective Overturning Moment
					(ft)	(ft)	(ft)	(ft ²)					(ft ²)	(ft ³)
Ex Antennas/Dishes	Sprint	RFB	APXVSP18-C	3	6.00	0.98	175	17.70	Flat	1	1	0.8	14.16	2478.00
	Unknown		4" Diameter Dish	1			175	13.57	Flat	1	1	0.8	10.02	1759.29
	Unknown		Panel Antenna	3	6.00	0.50	175	9.00	Flat	1	1	0.8	7.20	1260.00
	Unknown		Panel Antenna	3	6.00	0.50	182	9.00	Flat	1	1	0.8	7.20	1310.40
	Unknown		Omni Antenna	1	6.00	0.50	185	3.00	Single Curvature	0.6	1	0.8	1.44	266.40
Ex Equipment	Sprint	Alcatel Lucent	3x10W 1900MHz RRU	3	1.92	1.42	176	8.15	Flat	1	1	0.8	6.52	1146.93
	Sprint	Alcatel Lucent	2x50W 800MHz RRU	3	1.64	1.08	173.5	5.34	Flat	1	1	0.8	4.27	740.56
Ex Feedlines	Sprint		Pipe Mount	3	8.00	0.33	174	8.00	Single Curvature	0.6	1	1	4.80	835.20
	Sprint		Pipe Mount	3	8.00	0.24	174	5.75	Single Curvature	0.6	1	1	3.45	600.30
Ex Mounts	Unknown		Pipe Frame (Vertical)	3	12.00	0.20	176	7.13	Single Curvature	0.6	1	1	4.28	752.40
	Unknown		Pipe Frame (Top Rail)	3	11.76	0.25	182	8.44	Flat	1	1	1	8.44	1536.76
	Unknown		Pipe Frame (Bracing)	6	13.80	0.25	178	20.72	Flat	1	1	1	20.72	3687.59
	Unknown		Pipe Mount	3	6.00	0.24	182	4.31	Single Curvature	0.6	1	1	2.59	470.93

Total Effective Wind Area: 95.11 ft²
Total Effective Overturning Moment: 16814.76 ft³

Prop Antennas/Dishes:	Verizon Wireless	Antel	DXA-70063/8CF	6	7.88	0.93	155	44.15	Flat	1	0.67	0.8	23.60	3667.91
	Verizon Wireless	Antel	DXA-171063-12CF-RDYN	6	6.00	0.51	155	18.40	Flat	1	0.67	0.8	9.96	1528.81
Prop Equipment:	Verizon Wireless	Alcatel Lucent	2x60W RRU	12	3.06	0.88	155	32.52	Flat	1	0.67	0.8	17.38	2693.32
	Verizon Wireless	Raycap	RCMBK-4750-PF-48	3	1.60	1.31	155	8.29	Flat	1	0.67	0.8	3.31	512.19
Prop Mounts:	Verizon Wireless		Pipe Mount	6	8.00	0.29	155	14.00	Flat	1	0.67	1	9.38	1433.00
	Verizon Wireless		Pipe Mount	6	6.00	0.29	155	10.50	Flat	1	0.67	1	7.04	1090.43
Prop Feedlines:														
Reserved Antennas:														
Reserved Equipment:														
Reserved Mounts:														
Reserved Feedlines:														

Total Effective Wind Area: 70.69 ft²
Total Effective Overturning Moment: 10956.35 ft³

	Effective Wind Area (Total)	Overturning Moment
	(ft ²)	(ft ³)
Original:	4813.15	420750.36
Existing:	95.11	16814.76
Proposed/Reserved:	70.69	10956.35

	Percentage Increase Over Existing	Percentage Increase Over Original
Total Shear:	1.4%	3.4%
Overturning Moment:	2.6%	6.0%

** Due to feedlines having a small wind cross section (A_w < 1) when compared to the entire tank structure, TIA-221-G permits the projected areas of the feedlines to be ignored.

7D

**COUNCIL APPROVAL – Postpone First
Reading of Chapter 148**



**Town of Front Royal, Virginia
Council Agenda Statement**

Page 1
Item No. 7(D)

Meeting Date: April 13, 2015

Agenda Item: COUNCIL APPROVAL – Postpone First Reading of Chapter 148 Ordinance Amendment

Summary: Council is requested to postpone taking action on the first reading of the Town Code Amendments to Chapter 148 – Subdivision & Land Development from April 13 to May 26, 2015.

Budget/Funding: None

Attachments: None

Meetings: Work Session held April 6, 2015.

Staff Recommendation: Approval ☒ Denial

Should Council wish to remove this item from the consent agenda, the following motion would allow approval of this request:

Proposed Motion: I move that Council postpone taking action on the first reading of the Town Code Amendments to Chapter 148 – Subdivision & Land Development from April 13 to May 26, 2015.

*Note: Motions are the formal & final proposal of Council,
proposed motions are offered by Staff for guidance

*To be clear and concise, motions should be made in the positive

Approved By: JB

8

**PUBLIC HEARING – Ordinance
Amendment to Chapter 175 (1st Reading)**



**Town of Front Royal, Virginia
Council Agenda Statement**

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Item No. 8

Meeting Date: April 13, 2015

Agenda Item: PUBLIC HEARING – Ordinance to Amend Chapter 175 (*1st Reading*)

Summary: Council is requested to affirm on its first reading and ordinance to amend Chapter 175 of the Front Royal Town Code. The proposed text changes do not include any changes to the Town Zoning Map. The updated language was initiated in order to accommodate proposed changes to Chapter 148 (Subdivision and Land Development Ordinance) and Chapter 156 (Urban Forestry), including the relocation of the parking, site plan and landscaping regulations; as well as, the list of permitted uses and the list of uses permitted with a special use permit, for each district. In addition, regulations that determine the front yard on corner lots are also being revised. Some other minor changes include, but are not limited to, a new definition for the terms Family and Accessory Dwelling, as presented.

Budget/Funding: None

Attachments: Proposed Amendments are available in the Town's Planning and Zoning Department or the Town's website at www.frontroyalva.com

Meetings: Work Sessions held February 17 and March 2, 2015.

Staff Recommendation: Approval ✓ Denial

Proposed Motion: I move that Council affirm on its first reading and ordinance to amend Chapter 175 of the Front Royal Town Code, as presented.

ROLL CALL VOTE REQUIRED

*Note: Motions are the formal & final proposal of Council,
proposed motions are offered by Staff for guidance

*To be clear and concise, motions should be made in the positive

Approved By: JB

ORDINANCE TO AMEND CHAPTER 175 OF THE FRONT ROYAL TOWN CODE PERTAINING TO ZONING

WHEREAS, text changes to Chapter 175 of the Front Royal Municipal Code do not include any changes to the Town Zoning Map; and,

WHEREAS, the updated language was initiated in order to accommodate proposed changes to Chapter 148 (Subdivision & Land Development) and Chapter 156 (Urban Forestry) including the relocation of the parking site plan and landscaping regulations; and,

WHEREAS, the list of permitted uses and the list of uses permitted with a special use permit, for each district, are recognized, as well as regulations that determine front yard on corner lots and other minor changes, specifically to the terms Family and Accessory Dwelling; and,

NOW, THEREFORE, BE IT ENACTED by the Town Council of the Town of Front Royal, Virginia the Chapter 175 of the Front Royal Code be hereby amended as follows:

DRAFT AMENDMENT – VERSION 13

"ZONING ORDINANCE UPDATES"

START -----

Chapter 175

ZONING

Sections:

GENERAL PROVISIONS

175-1 LEGISLATIVE AUTHORITY; INTENT AND PURPOSE

175-2 WORD USAGE

175-3 DEFINITIONS

ZONING MAP; DISTRICTS; BOUNDARIES

175-4 ADOPTION OF ZONING MAP

175-5 IDENTIFICATION OF OFFICIAL ZONING MAP

175-6 CHANGES ON ZONING MAP

175-7 LOCATION OF OFFICIAL ZONING MAP

175-8 REPLACEMENT OF OFFICIAL ZONING MAP

175-9 ENUMERATION OF DISTRICTS

175-9.1 CLASSIFICATION OF ANNEXED TERRITORY

175-9.2 INTERPRETATION OF BOUNDARIES – ZONING MAP

175-9.3 EXCLUDED USES

175-9.4 TEMPORARY EMERGENCY USES

CHILD CARE

~~175-10.1 PERMITTED CHILD CARE~~

175-10 Reserved

AGRICULTURE AND OPEN SPACE PRESERVATION DISTRICT (A-1)

175-10.2 STATEMENT OF INTENT

175-10.3 USES PERMITTED BY RIGHT

175-10.4 USES PERMITTED BY SPECIAL USE PERMIT.

175-10.5 AREA AND FRONTAGE

175-10.6 SETBACK

175-10.7 YARDS

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HIGH GROWTH PERIODS

GENERAL PROVISIONS

175-1 LEGISLATIVE AUTHORITY; INTENT AND PURPOSE

A. By Act of the General Assembly of Virginia as provided in Chapter 22, Article 7, Section 15.2-2280 through 15.2-2316, Code of Virginia, and amendments thereto, the governing body of any county or municipality may, by ordinance, classify the territory under its jurisdiction or any substantial portion thereof into districts of such number, shape and size as it may deem best suited to carry out the purposes of this Article, and in each district it may regulate, restrict, permit, prohibit and determine the following:

(Ord. No. Z-11-00 Amended Virginia Code References 9-25-00-Effective Upon Passage)

1. The use of land, buildings, structures and other premises for agricultural, business, industrial, residential, floodplain and other specific uses.
2. The size, height, area, bulk, location, erection, construction, reconstruction, alteration, repair, maintenance, razing or removal of structures.
3. The areas and dimensions of land, water and airspace to be occupied by buildings, structures and uses and of courts, yards and other open spaces to be left unoccupied by uses and structures, including variations in the sizes of lots based on whether a public or community water supply or sewer system is available and used.
4. The excavation or mining of soil or other natural resources.

B. It is ordained by the Town Council of Front Royal, Virginia, for the purpose of promoting the health, safety or general welfare of the public and of further accomplishing the objectives of Section 15.2-2283, that the following be adopted as the Zoning Ordinance of Front Royal, Virginia, together with the accompanying map, and shall supersede the Zoning Ordinance of Front Royal, Virginia, dated August 1970. To these ends, this chapter has been designed to:

(Ord. No. Z-11-00 Amended Virginia Code References 9-25-00-Effective Upon Passage)

1. Provide for adequate light, air, convenience of access and safety from fire, flood and other dangers.
2. Reduce or prevent congestion in the public streets.
3. Facilitate the creation of a convenient, attractive and harmonious community.

4. Facilitate the provision of adequate police and fire protection, disaster evacuation, civil defense, transportation, water, sewerage, flood protection, schools, parks, forests, playgrounds, recreational facilities, airports and other public requirements.
5. Protect against destruction of or encroachment upon historic areas.
6. Protect against one (1) or more of the following: overcrowding of land, undue density of population in relation to the community facilities existing or available, obstruction of light and air, danger and congestion in travel and transportation or loss of life, health or property from fire, flood, panic or other dangers.
7. Encourage economic development activities that provide desirable employment and enlarge the tax base.

175-2 WORD USAGE

- A. Words used in the present tense include the future tense; words used in the singular number include the plural number, and words in the plural number include the singular number, unless the obvious construction of the wording indicates otherwise.
- B. The word "shall" is mandatory; "may" is permissive.
- C. Unless otherwise specified, all distances shall be measured horizontally and at right angles to the line in relation to which the distance is specified.
- D. The word "building" includes the word "structure;" the word "lot" includes the words "plot" and "parcel."
- E. The word "used" shall be deemed also to include "erected," "reconstructed," "altered," "placed" or "moved."
- F. The terms "land use" and "use of land" shall be deemed also to include "building use" and "use of building."
- G. The word "state" means the Commonwealth of Virginia.
- H. The word "town" means the Town of Front Royal, Virginia.
- I. The word "person" includes a firm, association, organization, partnership, trust, company or corporation as well as an individual.

175-3 DEFINITIONS

For the purpose of this chapter, certain words and terms are herein defined as follows:

ACCESS - A public or private right-of-way providing the ability to enter, approach or pass to and from an area to another area.

ACCESSORY BUILDING/ACCESSORY STRUCTURE - A building or structure that is subordinate to, and located on the same lot as the principal permitted use of the property, of which, the accessory building or accessory structure is used for purposes that are clearly incidental to that of the principal permitted use of the property, and which is not attached by any part of a common wall or roof to the main building, or buildings, if any. ~~A building that is larger than 200 square feet, except for those used for agricultural pursuits, or any building that is connected to utilities, shall not be considered accessory buildings/structures.~~ *An accessory building shall not exceed the height of the main building(s) located on the property; shall not be located within a required yard area that abuts a public road; and shall not be permitted where no main building exists on the property, except in the following: (i) temporary buildings or structures permitted under this chapter, (ii) accessory buildings without utilities that are used for storage purposes and do not exceed 256 square feet, and (iii) buildings, such as barns and silos, used for agricultural purposes.*

ACCESSORY USE - A use of a building, lot or portion thereof which is customarily incidental and subordinate to the principal permitted use of the main building or lot. *Accessory uses shall include the use of accessory buildings as a separate accessory dwelling unit, provided that the lot is at least 12,000 square feet in size, the accessory building complies with the minimum setback and yard area requirements that are required for main buildings within the applicable zoning district, no more than one accessory dwelling is located on the property, and the accessory dwelling unit does not utilize more than 500 square feet.*

ADMINISTRATOR, THE - The official charged with the administration and enforcement of the Zoning Ordinance.

AGRICULTURE/AGRICULTURAL PURSUITS - The tilling of soil, the raising of crops, horticulture, aquaculture, hydroponics, forestry, gardening, apiculture, livestock and fowl keeping and breeding, farm wineries, roadside stands, tenant houses necessary for the operation of a farm, and the production of natural products with resources primarily derived from the land upon which it is produced. Yard maintenance, landscaping, noncommercial gardening and other customary incidental accessory uses shall not be deemed as "agriculture." Where agricultural uses are permitted under Chapter 175 of the Town Code, the provisions of Section 66-5 pertaining to slaughtering of stock shall not apply, provided that this exemption only applies to small scale slaughtering activities on a farm, and does not apply to slaughterhouses.

ALLEY - A public right-of-way which affords only a secondary means of vehicular access to the side or rear of property.

ALL-WEATHER SURFACE - Crushed rock, gravel or similar surface shall constitute an all-weather surface.

AMENDMENT - A change in the Zoning Ordinance and/or Zoning Map granted by the Town Council after review and comment by the Town Planning Commission.

APARTMENT DEVELOPMENT – *A property that includes more than one (1) apartment house.*

APARTMENT HOUSE - A multifamily structure originally intended, arranged or designed to be occupied by three (3) or more families, each in an individual dwelling unit and living independently of each other. The number of families in permanent residence shall not exceed the number of dwelling units provided. Entranceways through the structure to the units may be either common or separate, and each lot on which the building is located shall be held in single ownership, even though individual units may be sold in accordance with this chapter. Such term shall not include "row house" or "townhouse." Each apartment unit shall occupy space on not more than one (1) story in a structure.

ARCHITECT, REGISTERED - A licensed professional architect registered in the Commonwealth of Virginia by the Department of Professional and Occupational Registration as an architect.

ATTIC - The space between the ceiling beams of the top habitable story and the roof rafters. An "attic" shall be considered a half-story and shall be included in the calculation of building height.

AUTOMOBILE GRAVEYARD - See "junkyard."

AUTOMOBILE PARKING LOT, COMMERCIAL - A lot or portion thereof, other than an automobile sales lot, held out or used for the storage or parking of six (6) or more motor vehicles for a consideration, where service or repair facilities are not permitted. Such parking lot shall not be considered an accessory use; nor shall it be used for the storage of dismantled or wrecked vehicles, parts thereof or junk.

AUTOMOBILE SALES LOT - A lot arranged, designed or used for the storage and display for sale of any new or used motor vehicles capable of independent operation or any type of travel trailer and recreational vehicle, provided that the travel trailer and recreation vehicle is unoccupied, and where repair work is done wholly enclosed within a building.

AUTOMOBILE SERVICE STATION - A place of business with pumps and underground storage tanks, having as its purpose the servicing, at retail, of motor vehicles with fuels and lubricants, and including minor repairs and inspections incidental thereto, but not including a general repair shop, paint or body shop, machine shop, vulcanizing shop or any operation requiring the removal or installation of a radiator, engine, cylinder head, crankcase, transmission, differential, fenders, doors, bumpers, grills, glass or other body parts or any body repairing or painting. All repairs shall be conducted within a fully enclosed building.

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.

BABYSITTING - An activity occurring in any private family home in which nine (9) children or fewer, including children residing on the premises and/or related by blood or marriage to the person who maintains the home, are received for care, protection and guidance during any part of the twenty-four-hour day. A town business license is required for the care of any children not related by blood or marriage when such service is provided in a private family home during any eleven (11) days or more, either consecutive or nonconsecutive days, in any given month.

BABYSITTING SERVICE - Any activity occurring in an occupied residence whereby the resident(s) provides day care for children other than those in his/her own immediate family. Such care is limited to that care given to no more than seven (7) children at any given time, other than the children that permanently reside on the premises. A town business license is required for "baby-sitting service".

BASEMENT - A story partly underground and having fifty percent (50%) or more of the total exterior wall area exposed. It shall not be occupied for residential purposes until the remainder of the building has been completed. A "basement" shall be counted as a story for the purpose of height requirements.

BAY WINDOW - A convex window frame and pane(s) that projects outward from a house or other structure, which may project not more than three feet (3') into any required yard area.

BED-AND-BREAKFAST HOME - A single-family, owner-occupied dwelling with ten (10) or fewer guest rooms in which overnight accommodations and breakfast are provided for transient guests, none of whom remain any more than fourteen (14) consecutive nights. A "bed-and-breakfast home" shall also be known as a "Tourist Home".

BLOCK - The property bound on all sides by one (1) side of a street or a combination of a street line, railroad right-of-way, unsubdivided land, river, live stream, stream bed or any other barrier to the continuity of development.

BOARDINGHOUSE - See "Lodging House".

BOARD, THE - The Board of Zoning Appeals of the Town of Front Royal, Virginia.

BUILDING - A structure having a roof, supported by columns or by walls and intended for the shelter, housing or enclosure of any person, animal or chattel.

BUILDING COVERAGE, LOT COVERAGE - All areas on a lot which are under a roof or under projections from buildings.

BUILDING INSPECTOR - An appointed official of the Town of Front Royal, Virginia who is responsible for certifying building inspections.

BUILDING, MAIN - A building in which the principal use of the lot is conducted.

CARETAKER QUARTERS - A dwelling unit located within a building that is used by a business enterprise, and is occupied by the owner or an employee of the business. Only one (1)

caretaker quarters shall be permitted per building, and shall not utilize more than twenty percent (20%) of the ground floor area of the building.

CATERING SERVICES – An establishment that prepares meals or food on premise with pickup/delivery for consumption off-site.

CELLAR - A portion of a building having less than fifty percent (50%) of the total exterior wall area exposed. Such a portion of a building shall not be used for habitation. All portions of the total exterior wall area exposed shall be counted for the purpose of height requirements, but shall not be considered a story.

CEMETERY - A place for burial of the human dead.

CHURCH – Buildings or structures primarily intended for organized religions services and associated accessory uses.

CLINIC - An establishment where human patients who are not lodged overnight are admitted for examination or treatment by physicians or dentists.

COMMISSION, THE - See "Planning Commission".

COMMON OPEN SPACE - An open tract or parcel of land owned in undivided interest, not devoted to structures but directly related and adjunct to a development, as herein provided.

COMMUNITY CENTER (public) - A structure designed and constructed for public use which includes a community meeting room, athletic or exercise facilities or similar uses.

CONVALESCENT HOME - See "nursing home".

COVERAGE - See "building coverage".

DAYCARE - The provision of care, protection and guidance to a group of children separated from their parents or guardian during a part of the day only.

DENSITY - The number of dwelling units permitted on one (1) acre of land as specified herein.

DEVELOPMENT - The process of erecting or causing to be erected buildings or structures on a lot.

DISTRICT - A portion of the Town of Front Royal within which, on a uniform basis, only certain uses of land and buildings are permitted as set forth in this chapter and within which certain lot areas and other uniform requirements are established.

DRIVEWAY - A space or area providing access specifically designated and reserved on a lot for the movement of vehicles from one lot to another or from a lot to a public street. "Driveways" for commercial or industrial properties shall be hard surfaced.

DRIVE-IN EATING ESTABLISHMENT - Any place or premises used for sale, dispensing or serving of food, refreshments or beverages in automobiles, including those establishments where customers may serve themselves and may eat or drink the food, refreshments or beverages in motor vehicles on the premises; a refreshment stand; a fast-food or primarily a carry-out establishment.

DUPLEX - A two-family residential structure, with each unit having its own exterior entrance; the residential units may be arranged one above the other, or be semidetached.

DWELLING - A building or portion thereof which is used or intended to be used exclusively for residential purposes and contains one (1) or more dwelling units.

DWELLING, ATTACHED - A dwelling having any portion of each of two (2) walls in common with adjoining dwellings.

DWELLING, DETACHED - A dwelling which is entirely freestanding on a lot.

DWELLING, MULTIFAMILY - A structure originally arranged or designed to be composed of three (3) or more dwelling units (an apartment house), with the number of families in residence not exceeding the number of dwelling units provided.

DWELLING, SEMIDETACHED - One (1) of two (2) buildings, arranged or designed as dwellings located on abutting walls without openings, and with each building having a separate lot with minimum dimensions required by district regulations.

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.

DWELLING, TEMPORARY - A residence designed as a portable dwelling but not necessarily attached to a permanent foundation.

DWELLING, TWO-FAMILY - A residential building containing not more than two (2) dwelling units, arranged one above the other or side by side, designed for occupancy by not more than two (2) families.

DWELLING UNITS - One (1) room, or rooms connected together, constituting a separate, independent housekeeping establishment for owner occupancy or rental or lease on a weekly, monthly or longer basis and physically separated from any other rooms or dwelling units which may be in the same structure and containing independent cooking and sleeping facilities and containing not less than six hundred (600) square feet of residential floor area. Such units shall meet the requirements of the Building Code of the Town of Front Royal.

EASEMENT - A grant by a property owner of the use of his land by another party for a specific purpose. The initial property owner in the agreement may be compensated for the use of his property.

ENGINEER, REGISTERED - A licensed professional engineer registered in the Commonwealth of Virginia by the Department of Professional and Occupational Registration as an engineer.

~~**FAMILY** - One (1) person, or a group of two (2) or more persons, living together and interrelated by bonds of blood, marriage or legal adoption occupying a dwelling unit or part of a dwelling unit as a separate housekeeping unit with a common set of cooking facilities. The persons constituting a "family" may also include foster children and domestic servants.~~

An individual or group of individuals related by blood, marriage, adoption or guardianship. For the purpose of this chapter, the definition of "family" shall include four (4) or fewer unrelated persons living together as a single housekeeping unit.

FAST-FOOD ESTABLISHMENT - See "drive-in" eating establishment.

FENCE - An artificially constructed barrier, made of any material, including but not limited to posts and wire, boards, or masonry intended to prevent escape or intrusion to make a boundary, or serve as screening.

FLEA MARKET - An assembly of vendors, selling new or used goods in the open air or within temporary structures, which display and sell their wares on the lands of another for a consideration.

FLOODPLAIN - Sections of land, adjacent to bodies of water, which are subject to periodic flooding and inundation as defined or approved by the Department of Housing and Urban Development and/or the Corps of Army Engineers.

FLOOR AREA OF A BUILDING OR BUILDINGS - The sum of the gross horizontal areas of the several floors of all buildings on the lot measured from the exterior faces of exterior walls. "Floor area" shall include the area of basements when used for residential, commercial or industrial purposes when such are permitted, but shall not include a basement or portion of a basement used for storage or housing of mechanical or central heating equipment.

FRONTAGE - See "lot width."

FUNERAL PARLOR, HOME OR MORTUARY - An establishment used for human funeral services, which shall include facilities on the premises for embalming and may or may not include facilities for the performance of autopsies, other surgical procedures or cremation.

GARAGE, COMMUNAL - A garage used for the storage of vehicles for occupants of lots in the same adjacent block or blocks.

GARAGE, PRIVATE - An accessory building used for the storage of vehicles by the occupants of a lot on which such building is located.

GARAGE, PUBLIC - An accessory building, portion of a principal building or principal buildings used only for the storage of four (4) or more vehicles by others than only those occupants of a lot on which such building is located.

GAS STATION AND GASOLINE SALES – See “Automobile Service Station.”

GOVERNING BODY - The Town Council of Front Royal, Virginia.

GOVERNMENT OFFICES AND BUILDINGS – Offices and structures used primarily for conducting the affairs of government. This definition shall include school maintenance shops and work areas.

HARD SURFACE - Concrete, blacktop and macadam or a similar surface.

HEALTH OFFICIAL (OFFICER) - The Director of the Warren County Department of Health or his designated deputy or a representative of the Virginia Department of Health - Warren County.

HEIGHT OF BUILDING - The vertical distance from the established grade of the center of the front of the building to the highest point of the roof surface of a flat roof, to the deck line for a mansard roof and to the mean height level between the eaves and ridge for hip, gable and gambrel roofs.

HOME OCCUPATION - An occupation conducted entirely within an enclosed dwelling and clearly incidental and secondary to the residential occupancy thereof, carried on by a member or members of the family residing on the premises. All "home occupations" shall meet the standards in Section 175-108.1.

HOSPITAL - Any institution receiving inpatients and rendering medical, surgical and/or obstetrical care. This shall include general hospitals and institutions in which service is limited to special fields, such as cardiac, eye, ear, nose and throat, pediatric, orthopedic, skin and cancer, mental, tuberculosis, chronic disease and obstetrics. Such terms shall include group homes serving mentally retarded or other developmentally disabled persons.

HOTEL - A building designed or occupied as the more or less temporary abiding place for fourteen (14) or more individuals who are, for compensation, lodged with or without meals, and in which no provision is made for cooking in individual rooms or suites.

JUNKYARD - Any land or building used for the abandonment, storage, keeping, collecting or bailing 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.

KENNEL - Any place, private or commercial, equipped and/or used to house, board, breed, handle, train, or otherwise care for five (5) or more dogs six (6) months of age or older.

LAUNDROMAT - A building or part thereof where clothes or other household articles are washed or dry cleaned in self-service machines with a capacity for washing not exceeding twenty-five (25) pounds dry weight and where such washed clothes and articles may also be dried or ironed, and no delivery service is provided in connection therewith.

LAUNDRY - A building, or part thereof, other than a Laundromat, where clothes and other articles are washed, dried, ironed or dry-cleaned.

LODGING HOUSE - A residential building, other than a hotel, motel or bed-and-breakfast home, where lodging is provided for compensation on a regular basis, pursuant to previous arrangements, but which is not open to the public or transient guests. Meals may be provided to the residents in a central location; however, no provisions shall be made for cooking in individual rooms or units. The maximum number of rooms or units shall be controlled by the area requirements of the district in which the use is located, but in no case shall the total number of lodging rooms or units exceed ten (10). A "Lodging House" shall also be known as a "Rooming House" or a "Boarding House."

LOT - A parcel of land occupied or to be occupied by a building and its accessory buildings or by a use and accessory uses, together with such open spaces as are required under the provisions of this chapter, having at least the minimum area required by this chapter for a lot in the zone in which such lot is situated and having its principal frontage on a public or private street approved by the town.

LOT, CORNER - A lot abutting on two (2) or more streets at their intersection.

LOT COVERAGE - The maximum percent of the lot which may be occupied by buildings or structures, including accessory buildings or structures.

LOT DEPTH - The average of the horizontal distances between front and rear lines of a lot measured perpendicular to the street line.

LOT INTERIOR - Any lot other than a corner lot.

LOT OF RECORD - A lot which has been recorded in the office of the Clerk of the Circuit Court.

LOT, THROUGH (DOUBLE FRONTAGE) - A lot, other than a corner lot, which has a frontage on two (2) streets.

LOT, WIDTH OF - The horizontal distance between the side lines of a lot measured along the building setback line.

MAIN BUILDING – A building that is used in conjunction with the principal permitted use of the property.

MANUFACTURE and/or MANUFACTURING - The processing and/or converting of raw, unfinished materials or products, or either of them, into articles or substances of different character or for use for a different purpose.

MANUFACTURED HOME – a residential dwelling built in a factory in accordance with the United States Department of Housing and Urban Development code and the federal Manufactured Home Construction and Safety Standards. A mobile home or home built from one (1) or more modular units are not considered manufactured homes.

MANUFACTURING, HEAVY – The use of land where significant external effects are created, and pose significant risks due to the involvement of explosives, radioactive materials, poisons, pesticides, herbicides, or other hazardous materials in the manufacturing or other process.

MANUFACTURING, LIGHT – The use of land for processing, manufacturing, compounding, assembly, packaging, treatment or fabrication of materials and products, from processed or previously manufactured materials. Light industry is capable of operation in such a manner as to control the external effects of the manufacturing process, such as smoke, noise, soot, dirt, vibration, odor, etc. Uses may include, but are not limited to, a machine shop, the manufacturing of apparel, electrical appliances, electronic equipment, camera and photographic equipment, ceramic products, cosmetics and toiletries, business machines, paper products (but not the manufacturing of paper from pulpwood), musical instruments, medical appliances, tools or hardware, plastic products (but not the processing of raw materials), pharmaceuticals or optical goods, bicycles, and any other product of a similar nature as determined by the Director.

MANUFACTURING, MEDIUM – The use of land where goods or energy are generally mass produced from raw materials on a large scale through use of an assembly line or similar process, usually for sale to wholesalers or other industrial or manufacturing uses. Medium industry produces moderate external effects such as smoke, noise, soot, dirt, vibration, odor, etc.

MINI-STORAGE FACILITY - (also known as mini-warehouse) - a self-service storage building, or group of buildings, consisting of individual, small, self-contained units for the storage of good, materials or supplies.

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.

MODULAR UNIT - A factory-fabricated transportable unit designed to be used by itself or to be incorporated with similar units at a building site into a modular structure. The term is intended to apply to major assemblies and does not include prefabricated panels, trusses, plumbing trees and other supplements incorporated into a structure at the site. Modular units are a permitted construction type when designed to comply with the Virginia Uniform Statewide Building Code, and shall not be considered manufactured homes.

MOTEL - An establishment consisting of a group of living or sleeping accommodations with bathroom and closet space designed for use by transient automobile tourists; less than fifty percent (50%) of the living and sleeping accommodations are occupied or designed for occupancy by persons other than transient automobile tourists.

NONCONFORMING ACTIVITY (USE) - The otherwise legal use of a building, structure or tract of land that does not conform to the use regulations of this chapter for the district in which it is located, either at the effective date of this chapter or as a result of subsequent amendments to the chapter.

NONCONFORMING LOT - An otherwise legally platted lot that does not conform to the minimum area or width requirements of this chapter for the district in which it is located at the effective date of this chapter or as a result of subsequent amendments to this chapter.

NONCONFORMING STRUCTURE - An otherwise legal building or structure that does not conform to the lot area, yard, height, lot coverage or other area regulations of this chapter or is designed or intended for a use that does not conform to the use regulations of this chapter for the district in which it is located, either at the effective date of this chapter or as a result of subsequent amendments to the chapter.

NURSING HOME - Also known as "extended-care home," "rest home", "retirement living facility", or "convalescent home." A nursing facility is any place containing beds for two (2) or more patients, established to render domiciliary and/or nursing care for chronic or convalescent patients and which is properly licensed by the state.

OPEN SPACE, USABLE LANDSCAPED - That space on the same lot and contiguous to the principal building or buildings (except as herein noted) which is either landscaped with shrubs, planted with grass or developed and maintained for recreation, environmental and/or aesthetic purposes, and excludes that portion of the lot which is utilized for off-street parking purposes.

OFF-STREET PARKING AREA - Space provided for vehicular parking outside a right-of-way.

OVERHANG - Any projection, either roof, bay window or similar cantilevered construction, which extends beyond the foundation of a structure. No such construction shall project into any required yard more than three (3) feet, and no such projection shall have a vertical surface whose area is more than twenty-five percent (25%) of the area obtained by multiplying the mean height of the structure by the length of the structure along the yard which is violated. An "overhang" shall be included in the calculation of lot coverage.

PARKING SPACE - An area of not less than nine (9) feet wide by eighteen (18) feet long for each automobile or motor vehicle, such space being exclusive of necessary drives, aisle, entrances or exits and being fully accessible for the storage and parking of vehicles.

PHARMACEUTICAL CENTER - An establishment in which only pharmaceutical services are provided. Its purpose shall be limited to providing the public and various health

professionals with information and articles intended for use in diagnosis, cure, mitigation, treatment or prevention of a disease state, including drugs and medical instruments or devices of the type used under the strict supervision of a physician in the treatment of a specific disease entity. No articles shall be displayed for sale. The square footage of the "pharmaceutical center" shall be limited to a maximum of two thousand (2,000) square feet.

PLANNING COMMISSION - The Planning Commission of the Town of Front Royal, Virginia.

PORCH - Any porch, veranda or gallery (as the terms are commonly and customarily defined) or similar projection from the main wall of a structure, constructed upon the ground, and covered by a roof, canopy or awning; provided that the term shall not include any carport or other such improvement designed for and capable of accommodating the parking of a motor vehicle protected from the elements. An unenclosed porch shall mean a porch with no side enclosure, other than the side of the structure to which the porch is attached, with no screens or windows. An unenclosed porch may project into a front or rear yard not to exceed ten feet (10') nor extend any nearer than fifteen (15') from any front or rear property line. The area of a porch shall be included in the calculation of lot coverage. A porch shall not be considered an overhang, nor vice versa.

PORTABLE STORAGE CONTAINERS - A portable, weather-resistant receptacle designed and used for the storage or shipment of household goods, wares or merchandise, and which shall be considered an accessory building on any lot or parcel within the Town, subject to the provisions of Section 175-109.2

PRINCIPAL PERMITTED USE - A specific use, or uses, of a lot that are permitted on a particular lot, based on the regulations of the underlying zoning district, and the main use, or uses, of the property, as distinguished from an accessory use.

PROFESSIONAL OFFICES - A structure designed for use by a person, or persons, in offering a service which requires specialized knowledge gained by intensive academic preparation such as medicine, law, engineering, dentistry, and other like endeavors.

PUBLIC EVENT - Any temporary activity or entertainment festival that accommodates the assembly of groups or individuals on public property after all required authorizations are obtained from the local, state and/or federal government(s).

PUBLIC FACILITY - Any area, building or structure used or controlled for government purposes, that is owned, held, or operated by any department, branch, or unit of the federal government, the Commonwealth of Virginia or one or more of its local governments, political subdivisions or municipal corporations.

PUBLIC PROPERTY - Property that is owned or operated by a local, state or federal government.

PUBLIC UTILITY - Any person, firm, corporation, municipal department or board duly authorized to furnish and furnishing, under federal, state or municipal regulations, to the public

electricity, gas, steam, communications, telegraph, transportation, water or such other services as may be provided. Where public utilities are permitted under this Chapter, poles, lines, water towers, reservoirs, water and sewer treatment facilities, booster and relay stations, distribution transformers, pipes, meters, and other facilities necessary for the provision and maintenance of public utilities shall be permitted.

RECREATION FACILITY (commercial) - A sports or activity facility which is open to the general public for a fee. These shall include but are not limited to the following: indoor skating rink, bowling alley, arcade, swimming pool, hard and soft courts, health spa, gymnasium, physical fitness center, *dance studios*, or similar uses.

RECREATION FACILITY (public) - Facilities and uses sponsored by the Warren County Parks and Recreation Department and/or the Warren County School Administration and/or other public entities.

RECREATIONAL VEHICLES - Every vehicular-type unit primarily designed as temporary living quarters for recreational, camping, travel or seasonal use, that either has its own motive power or is mounted in, or is towed by another vehicle. The basic entities are: travel, fifth wheel trailer, camping trailer and motor home. The parking and storing of such vehicles is guided by Section 175-100. Such term refers also to travel trailers.

REPAIR - The replacement of existing work with the same kind of materials for the purpose of its maintenance, but not including additional work that would affect safety or affect exit way facilities or a vital element of an elevator, plumbing, gas piping, wiring, ventilating or heating installation or any work that would be in violation of a provision of the Front Royal Building Code or any other law governing building construction.

RESTAURANT - Any building in which, for compensation, food or beverages are dispensed for consumption on the premises, including, among other establishments, cafes, tearooms, confectionery shops and refreshment stands.

REST HOME - See "nursing home."

RESTORATION, BEGINNING OF - After a nonconforming use or structure has been totally or partially destroyed, includes the clearing of debris within thirty (30) days of destruction and applying for a permit to rebuild within eighteen (18) months of said destruction.

RETAIL STORES AND SHOP - Buildings for display and sale of merchandise at retail or for the rendering of personal services, but specifically exclusive of coal, wood, oil and lumberyards, and accessory uses.

ROADSIDE STAND - The commercial sale of agricultural products that are grown, raised, and/or crafted on the same premises in conjunction with the use of the property for agriculture, as defined herein.

ROOMING HOUSE - See "Lodging House."

SCHOOLS - A public school, or a private school certified by the State of Virginia in accordance with the provisions of Virginia Code Section 22.1-319 et seq., or such educational and training institutions as are exempt from state certification under the provisions of Virginia State Code Section 22.1-320, as amended.

SCREENING - Any device, materials, coniferous or deciduous growth, or combination thereof, such as plantings, walls, fences, or earthen berms, of sufficient height and density, as determined by the Zoning Administrator, required to serve as an opaque barrier, to vision, light, or noise between adjoining properties.

SECTIONAL HOME - A dwelling made of two (2) or more modular units transported to the home site, put on a foundation and joined to make a single dwelling. Such units shall meet the requirements of the Building Code of the Town of Front Royal.

SETBACK - The minimum distance by which any building or structure must be separated from the front lot line.

SHOPPING CENTER - Any conglomeration of commercial activities sharing a parcel of land which is held in single ownership and sharing parking facilities.

SIGN - Any display of any letters, words, numerals, figures, devices, emblems, pictures or any parts or combinations thereof by any means whereby the same are made visible for the purpose of making anything known, whether such display be made on, attached to or as a part of a structure, surface or any other thing.

SIGN, AREA OF - The entire area within a circle, triangle, parallelogram or trapezoid enclosing the extreme limits of writing, reproduction, emblem or any figure of similar character, together with any frame or other material or color forming an integral part of the display or used to differentiate the sign from the background against which it is placed, excluding the necessary supports or uprights on which such sign is placed. On double-faced signs, only one (1) display face shall be measured in computing total sign area where sign faces are parallel and are at no point more than two (2) feet from one another.

SIGN, BUSINESS - A sign which directs attention to a business, commodity, service, activity or product sold, conducted or offered upon the premises where such sign is located.

SIGN, HOME OCCUPATION - A sign not exceeding two (2) square feet (on each side) in an area directing attention to a product, commodity or service available on the premises, but which product, commodity or service is clearly a secondary use of the dwelling.

SIGN, IDENTIFICATION - A sign on the premises bearing the name of a subdivision, the name of a group housing project or of a school, college, park, church or other public or quasi-public facility or a professional or firm nameplate, but bearing information pertaining only to the premises on which such sign is located.

SIGN, OUTDOOR ADVERTISING - Any sign of any material and any character whatsoever, (including erection, construction, posting, painting, printing, tacking, nailing, gluing, sticking, carving or other fastening, affixing or making visible in any manner), which is placed for outdoor advertising purposes in any way whatsoever. Such sign is one which is not located on the premises of the activity, product, commodity or service to which it refers. The term "billboard" is covered by this definition.

SIGN, TEMPORARY - A sign applying to a seasonal or other brief activity, such as, but not limited to, summer camps, horse shows, auctions or sale of land.

SPECIAL CHILDCARE SERVICES - *One of the following types of daycare: a licensed summer camp under Virginia Code Section 35.1-1, a public school, a private school not operating as a child-care center outside the scope of regular classes as defined in Virginia Code Section 63.1-195, a facility operated by a hospital on the hospital premises providing care to the children of hospital's employees while such employees are engaged in the performance of work for the hospital, a Sunday School, conducted by a church or religious institution, or a day care facility operated by a church or religious institution where children are cared for during short periods of time while the persons responsible for such children are attending religious services, and babysitting.*

SPECIAL USE PERMIT - A permit granted by the Town Council, upon recommendation from the Planning Commission and after public hearing, for a use permitted by the Council to occupy land and/or a building erected thereon for a specific purpose not permitted by right, but permitted in accordance with standards or conditions established in this chapter or by the Planning Commission and/or Town Council in accordance with procedures established by law.

STOOP - A porch without a roof, cover or overhang, which may project into a front or rear yard for a distance not exceeding ten (10) feet and into a side yard for a distance not exceeding five (5) feet.

STORY - That portion of a building other than a cellar or mezzanine, included between the surface of any floor to the beams of the floor next above it or, if there is not a floor above it, then the space between the floor and the top of the roof beams; a mezzanine shall be deemed a full story when it covers more than thirty-three (33%) of the area of the story beneath the mezzanine or if the vertical distance from the floor next below it to the floor next above it is twenty-four (24) feet or more.

STORY, HALF - A space under a sloping roof which has the line of intersection of roof decking and wall face not more than three (3) feet above the top floor level, and in which space not more than two-thirds (2/3) of the floor area is finished off for use.

STREET; ROAD - A public thoroughfare, except an alley or driveway, which affords vehicular traffic circulation and principal means of access to abutting property.

STRUCTURAL ALTERATION - Any change in the supporting members of a building or structure, such as bearing walls, partitions, columns, beams or girders, or any change in the width or number of exits or any substantial change in the roof.

STRUCTURE - Anything constructed or erected, the use of which requires permanent location on the ground or attachment to something having a permanent location on the ground.

STRUCTURE, OUTDOOR ADVERTISING - Any structure of any kind or character erected or maintained for outdoor advertising purposes, upon which any outdoor advertising sign may be placed, including also outdoor advertising statuary.

STRUCTURE, PRINCIPAL - A structure in which the principal or primary use of the property is carried out.

SUBDIVISION - The division of a parcel of land into two (2) or more lots or parcels for the purpose of transfer of ownership or building development. The term includes resubdivision and, when appropriate to the context of the Front Royal Subdivision Ordinance, shall relate to the process of subdividing or to the land subdivided.

SURVEYOR, LAND - A licensed professional surveyor registered in the Commonwealth of Virginia by the Department of Professional and Occupational Registration as a surveyor.

TECHNOLOGY BUSINESS - A 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 provider.
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. **Outbound or inbound call centers** – Businesses that either market their product through phone calls or businesses that answer consumer questions.
10. **Telecommunications equipment manufacturing, assembly, and service** – Businesses that build, put together or service telecommunications equipment.

THEATER, INDOOR - A building designed and/or used primarily for the commercial exhibition of motion pictures to the general public or used for performance of plays, acts and dramas by actors and/or actresses.

TOURIST HOME - See "Bed-and-Breakfast Home."

TOWNHOUSE - At least three (3) and not more than eight (8) attached dwelling units forming a continuous structure, each unit being separated by unpierced common or party walls of masonry construction going through the roof of said unit void of fenestration or means of ingress or egress from the basement through the roof with individual exterior entrances at grade and with not more than four (4) abutting "townhouses" or dwelling units having the same front yard setback; the setback differential shall be at least three (3) feet. Each "townhouse" unit shall occupy no fewer than two (2) stories in structure.

TRAVEL TRAILER - Any recreational vehicle.

USE - The purpose or activity for which land or buildings thereon is designed, arranged or intended or for which it is occupied or maintained and shall include any manner of performance of such activity with respect to the performance standards of this chapter.

VARIANCE - A relaxation of the terms of the Zoning Ordinance where such "variance" will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of the ordinance will work undue hardships on the property owner; a "variance" is authorized only for height, area and size of a structure or size of yards and open spaces; establishment or expansion of a use otherwise prohibited shall not be allowed by "variance," nor shall a "variance" be granted because of the presence of nonconformities in the zoning division or district or adjoining divisions or districts nor solely for the economic benefit of the person requesting such "variance."

WIRELESS TELEPHONE (CELL PHONE) COMMUNICATIONS TOWERS - Facilities for the proviso of personal wireless services, as defined by 47 U.S.C Section 332 (Section 704 of the Telecommunications Act of 1996), including those Federal Communications Commission licensed commercial wireless telecommunications services such as cellular, personal communications services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), and unlicensed wireless services and common carrier wireless exchange access services.

YARD - An open space of a generally uniform width or depth on the same land with a building or group of buildings, which open space lies between the building or group of buildings and the nearest lot line and is occupied and unobstructed from the ground upward except as otherwise provided herein.

YARD, FRONT - A yard extending across the full width of the lot and lying between the adjacent street right-of-way line and the building setback line.

1139 **YARD, REAR** - A yard extending across the full width of the lot and lying between the rear
1140 property line of the lot and a line drawn generally parallel thereto, at such distance as specified in
1141 this chapter.

1142

1143 **YARD, SIDE** - A yard between the side lot line and a line drawn generally parallel thereto, at
1144 such distance as may be specified herein for any district, and extending from the front yard line
1145 to the rear yard line.

1146

1147 **ZONING ADMINISTRATOR** - See "Administrator."

1148

1149 **ZONING MAP** - The Official Zoning Map of the Town of Front Royal, Virginia, and all
1150 amendments thereto.

1151

1152 **ZONING PERMIT** - A permit issued by the Zoning Administrator to the applicant before the
1153 applicant may proceed with any work affected by any provision of this chapter or begin any uses
1154 of land and/or structures as permitted by this chapter.

1155

ZONING MAP; DISTRICTS; BOUNDARIES

1156 175-4 ADOPTION OF ZONING MAP

1157 The Town of Front Royal is hereby divided into zones or districts, as shown on the Official
1158 Zoning Map, which, together with all explanatory matter thereon, is hereby adopted by reference
1159 and declared to be part of this chapter, together with all future notations, references and
1160 amendments.

1161 175-5 IDENTIFICATION OF OFFICIAL ZONING MAP

1162 The Official Zoning Map shall be identified by the signatures of the Town Council and attested
1163 to by the Secretary of the body, together with the date of the adoption of this chapter.

1164 175-6 CHANGES ON ZONING MAP

1165 A. If, in accordance with the provisions of this chapter and the Code of the Commonwealth of
1166 Virginia, changes are made in district boundaries or other matters portrayed on the Official
1167 Zoning Map, such changes shall be entered on the Official Zoning Map promptly after the
1168 amendment has been approved by the Town Council.

1169

1170 B. No changes of any nature shall be made on the Official Zoning Map or matter shown thereon
1171 except in conformity with the procedures set forth in this chapter or any state law, if applicable.
1172 All changes shall be noted on the Official Zoning Map by date with a brief description of the
1173 nature of the change. Such change shall also be accurately reflected in the minutes of the Town
1174 Council meetings at which the change is adopted.

1175 175-7 LOCATION OF OFFICIAL ZONING MAP

1176 The Official Zoning Map shall be located in a public place, as designated by the Council, and
1177 shall be the final authority as to the current zoning status of land and water areas in the town,
1178 regardless of unofficial copies which may have been made or published from time to time.

1179 **175-8 REPLACEMENT OF OFFICIAL ZONING MAP**

1180 A. In the event that the Official Zoning Map becomes damaged, destroyed, lost or difficult to
1181 interpret because of the nature or number of changes and additions, the Town Council may, by
1182 resolution, adopt a new Official Zoning Map, which shall supersede the prior Official Zoning
1183 Map. The new Official Zoning Map may correct drafting or other errors or omissions in the
1184 prior Zoning Map, but no such correction shall have the effect of amending the original Official
1185 Zoning Map or any subsequent amendment thereof. The new Official Zoning Map shall be
1186 identified by the signatures of the Town Council, attested by the Secretary of that body and
1187 bearing the following words: "This is to certify that this Official Zoning Map supersedes and
1188 replaces the Official Zoning Map adopted as part of Ordinance No. of the Town of
1189 Front Royal, Virginia."
1190

1191 B. Unless the prior Official Zoning Map has been lost or has been totally destroyed, the prior
1192 map or any parts thereof remaining shall be preserved, together with all available records
1193 pertaining to this adoption or amendments.
1194

1195 **175-9 ENUMERATION OF DISTRICTS**

1196
1197 A. For the purpose of this Chapter, the incorporated area of Front Royal, Virginia, is hereby
1198 divided into the following zoning districts:
1199

1200	Agriculture and Open Space Preservation District	A-1
1201	Estate Residential District	R-E
1202	Suburban Residential District	R-S
1203	Residential District	R-1
1204	Residential District	R-1A
1205	Residential District	R-2
1206	Residential District	R-3
1207	Planned Neighborhood Development	PND
1208	Mixed-Use Campus Development	MCD
1209	Community Business District	C-1
1210	Commercial District	C-2
1211	Highway Corridor Business District	C-3
1212	Limited Industrial	I-1
1213	Industrial Employment	I-2

1214 B. In addition to the above-stated zoning districts, following additional districts (overlapping the
1215 above-stated enumerated zoning districts) have been created for portions of the incorporated area
1216 of Front Royal, Virginia, as provided in this Chapter:
1217

1218	Floodplain District
1219	Historic Front Royal District

1220 Entrance Corridor District

1221

1222 (Ord. No. Z-5-91 Amended Entire Section 2-25-91-Effective Upon Passage)

1223 **175-9.1 CLASSIFICATION OF ANNEXED TERRITORY**

1224 Any property coming into the territorial jurisdiction of the Town of Front Royal by annexation or
1225 otherwise shall be temporarily classified in the "Agriculture and Open Space Preservation
1226 District A-1 "which shall apply pending the orderly amendment of the zoning ordinance.

1227 (Ord. No. Z-1-99 Added 1-11-99-Effective Upon Passage)

1228 **175-9.2 INTERPRETATION OF BOUNDARIES**

1229 Unless district boundary lines are fixed by dimensions or otherwise clearly shown or described,
1230 and where uncertainty exists with respect to the boundaries of any of the aforesaid districts as
1231 shown on the Zoning Map, the following rules shall apply:

1232

1233 A. Where district boundaries are indicated as approximately following or being at right angles to
1234 the center lines of streets, highways, alleys, railroad main tracks or existing lot lines, such center
1235 lines or lines at right angles to such center lines shall be construed to be such boundaries, as the
1236 case may be.

1237 B. Where a district boundary is indicated to follow a river, creek or branch or other body of
1238 water, said boundary shall be construed to follow the center line at low water or at the limits of
1239 the jurisdiction, and in the event of change in the shoreline, such boundary shall be construed as
1240 moving with the actual shoreline.

1241 C. If no distance, angle, curvature, description or other means is given to determine a boundary
1242 line accurately and the foregoing provisions do not apply, the same shall be determined by the
1243 use of the scale shown on said Zoning Map. In case of subsequent dispute, the matter shall be
1244 referred to the Board of Zoning Appeals which shall determine the boundary.

1245

1246 **Section 175-9.3 EXCLUDED USES.**

1247 Within each zoning district of this chapter, uses that are not expressly listed as permitted, or
1248 permitted with a special use permit, shall be deemed excluded. The use of property by a use that
1249 is excluded from the underlying zoning district shall be a violation of this chapter, except where
1250 such use is established as a legally nonconforming use.

1251

1252 **Section 175-9.4 TEMPORARY EMERGENCY USES**

1253 Despite the other provisions of this chapter, Town Council may authorize temporary housing and
1254 temporary emergency response facilities when necessary to respond to the public needs during a
1255 local, state or national disaster caused by either natural or man-made events. If such uses are
1256 temporarily established in the future by action of Town Council, the time period they are
1257 authorized for shall be specified with the action of approval.

1258

1259

1260

CHILD CARE

(Adopted 10-23-89 by Z-5-89)

1261 **~~175-10.1 PERMITTED CHILD CARE~~**

1262 ~~Baby-sitting, child-care facilities operated by a hospital on the hospital's premises which provide~~
1263 ~~care of the children of the hospital's employees while such employees are engaged in performing~~
1264 ~~work for the hospital, Sunday Schools conducted at a church or religious facility and child care~~
1265 ~~provided by a religious organization at a church or religious facility where children are cared for~~
1266 ~~during short periods of time while persons responsible for such children are attending religious~~
1267 ~~services are permitted in all zoning districts, subject to any licensing or regulatory provisions~~
1268 ~~required by the Commonwealth of Virginia, if applicable.~~

1269

1270

1271 **AGRICULTURE AND OPEN SPACE PRESERVATION DISTRICT (A-1)**

1272 (Adopted 2-25-91 by Z-6-91)

1273 **175-10.2 STATEMENT OF INTENT (A-1)**

1274 The A-1 District is composed of large contiguous parcels of at least ten (10) acres in size used
1275 for agricultural pursuits and other uses involving preservation of open spaces, including parks
1276 and forested areas. The standards set forth for this district are designed to promote and protect
1277 open spaces and agricultural and forested areas. Development is to be discouraged, and the only
1278 structures permitted shall be those which are directly related to agriculture and the open space
1279 uses provided herein.

1280 **175-10.3 USES PERMITTED BY RIGHT (A-1)**

1281 Subject to the standards and requirements set forth in this Chapter, except as prohibited or
1282 restricted by separate restrictions of record that may pertain to property within the A-1 District,
1283 the following uses of land and buildings are permitted by-right in the A-1 District:

1284

RESIDENTIAL

1285 Manufactured home, subject to the standards of Section 175-10.10.C.

1286 Single family dwelling, provided that only one single family dwelling may be permitted
1287 per parcel.

1288

1289

COMMERCIAL

1290 --

1291

INDUSTRIAL

1292 --

1293

ORGANIZATIONAL

1294 --

1295

MISCELLANEOUS

1296

1297

Accessory uses, structures and buildings.

1298

Agriculture, excluding tenant housing and all slaughtering activities subject to the standards of Section 175-10.10.A.

1299

1300

Cemeteries.

1301

Home occupations.

1302

Open space and conservation areas.

1303

Public facilities.

1304

Public parks and playgrounds.

1305

Public utilities.

1306

Signs, as set forth in Section 175-106.

1307

Special childcare services.

1308

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

1309

Administrator.

1310

1311 175-10.4 USES PERMITTED BY SPECIAL PERMIT (A-1)

1312

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

1314

1315

1316

RESIDENTIAL

1317

1318

Tenant housing for an agricultural use.

1319

1320

1321

COMMERCIAL

1322

Commercial outdoor recreation, including athletic and park facilities, amphitheaters, stadiums, botanical gardens, campgrounds and seasonal recreational facilities, subject to the standards of Section 175-10.10.D.

1323

1324

1325

Flea Markets, subject to the standards of Section 175-10.10.B.

1326

Hospitals.

1327

1328

1329

INDUSTRIAL

1330

--

1331

ORGANIZATIONAL

1332

1333

Churches.

1334

Schools.

1335

1336

1337

MISCELLANEOUS

Wireless telephone communication towers, and similar communication facilities, subject to the standards found under Section 175-110.4.

Any use permitted under Section 175-10.3, or specifically listed above under this subsection, that proposes to occupy a building or structure that exceeds the height requirements of Section 175-10.9, 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.

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

B. In assessing the granting of a special permit, the Town Council shall consider the effect on surrounding properties, hazards which may result if the proposed use is granted, traffic congestion, noise, noxious fumes or odors, effects on the surrounding landscape and the aesthetics of appearance and any and all other matters deemed relevant to the proposed special permit and its effects on the community.

175-10.5 AREA AND FRONTAGE (A-1)

A. The minimum lot area shall be ten (10) acres.

B. The minimum public street frontage shall be one hundred fifty (150) feet. Upon application for a special permit to the Front Royal Town Council, the minimum public street frontage may be waived where the lot in question has acceptable private road access to a public street and the Council finds that such access is adequate for the uses employed upon the property and that no hazard or undue traffic congestion will be caused or created as the result.

175-10.6 SETBACK (A-1)

Structures shall be located one hundred (100) feet or more from any public street right-of-way which is fifty (50) feet or greater in width or one hundred twenty (120) feet or more from the center of any street right-of-way less fifty (50) feet in width. A minimum width at the setback line shall be two hundred (200) feet.

175-10.7 YARDS (A-1)

A. The minimum width of side yards for all structures shall be fifty (50) feet.

B. The minimum width for rear yards for all structures shall be fifty (50) feet.

175-10.8 LOT COVERAGE (A-1)

The maximum total coverage for all structures shall not exceed fifteen percent (15%) of the lot area. The total impervious coverage shall be limited to thirty percent (30%) of the lot area.

175-10.9 HEIGHT (A-1)

- A. Except for uses that are categorized under subsection B, shown below, and uses that obtain approval of an alternative maximum height, as may be authorized in accordance with Section 175-10.4, the maximum height in the A-1 District shall be thirty-five (35) feet.
- B. Buildings and structures related to agricultural pursuits, including, but not limited to, barns and silos, as well as church spires and cupolas, may be erected to a height of sixty (60) feet from grade.

175-10.10 STANDARDS (A-1)

- A. Slaughtering activities. All slaughtering activities in the A-1 District shall comply with the following standards.
1. Such activity shall not be conducted within one hundred fifty (150) feet of the property boundary.
 2. No frequent or repetitive emission of noises or odors of such intensity and character as to interfere with the health, welfare and comfort of the public or neighboring land owners at or beyond the property line shall be permitted.
- B. Flea Markets. Where flea markets are permitted by approval of a special use permit, the following standards shall be complied with, in addition to any conditions placed on the special use permit, and Section 98-46 of the Town Code.
1. Adequate water and sanitary facilities shall be provided if found necessary based on the size, frequency and duration of the market.
 2. A minimum fifty (50) foot setback shall be maintained from all property lines.
 3. No adverse effect on adjoining properties, including but not limited to excessive or untimely noise or lighting, overflow parking, or visual problems potentially affecting property values or marketability, is found.
 4. No manufactured buildings shall be permitted.
 5. All tables, facilities and structures shall be maintained in a well-kept and attractive manner.
 6. All temporary structures or facilities, including but not limited to canopy frames, except as provided in sub-section B.5. above, table extensions and display shelving, shall be removed during the hours that the market is not in operation.
 7. Operation of the market shall be confined to Saturday, Sunday, and Holidays, unless other dates are specifically approved by the Town Council in conjunction with the Special Permit. The hours of operation shall be posted on the property.
 8. Open air markets shall only be conducted during the months of April through October. During the period from November 15 to March 15, all tables and other temporary fixtures shall be removed. Such fixtures may be stored on the site, provided they are located within a completely enclosed building or otherwise screened from public view.
- C. Manufactured housing. Manufactured housing shall be permitted on individual parcels or lots in the A-1 District, provided the following standards are met:
1. The manufactured housing unit shall have a minimum width of nineteen (19) or more feet.

- 1419 2. The manufactured housing unit shall be attached to a permanent foundation in the
1420 ground.
- 1421 3. The manufactured housing unit shall have the appearance and character of
1422 conventional, site-built, single-family housing.
- 1423 4. Such manufactured housing units shall meet all applicable Building Code
1424 requirements.
- 1425
- 1426 D. Commercial outdoor recreation, hospitals, schools and churches. Where commercial
1427 outdoor recreation, hospitals, schools and/or churches are permitted by special use permit the
1428 following standards shall be complied with, in addition to any conditions placed on the special
1429 use permit.
- 1430 1. A minimum of 50% of the lot area shall be designated as open space.
- 1431 2. Buildings and structures used in association with outdoor recreation, hospital,
1432 school and churches shall be setback from adjoining property lines by a distance
1433 of 200 feet, except that the setback specified under Section 175-10.06 shall apply
1434 along property lines abutting a public road or the Shenandoah River.
- 1435 3. Amphitheaters, stadiums and other similar activities that involve the outdoor
1436 gathering of large groups of people shall submit a traffic impact study for
1437 evaluation by the Town during the special use permit application process if the
1438 total number of attendees is anticipated to exceed 2,500 persons. Gatherings of
1439 people above 2,500 may only be permitted by the Town on a temporary basis.
- 1440 4. All outdoor lighting shall be reviewed and approved during the special use permit
1441 process. If outdoor lighting is authorized by special use permit, such lighting
1442 shall be designed so that light fixtures and the light that they emit minimize light
1443 glare to adjoining properties and the night-sky.
- 1444 5. Campgrounds, and similar facilities, shall comply with all requirements of the
1445 Virginia Department of Health, except that in no circumstance shall a
1446 campground not be provided with public bathroom facilities with either public
1447 utilities or an approved independent well and sanitary sewer system.
- 1448 6. The hours of operation for outdoor activities shall be defined on any special use
1449 permit that may be approved by the Town.
- 1450
- 1451

ESTATE RESIDENTIAL DISTRICT (R-E)

(Adopted 5-9-05 by Z-3-05)

175-10.11 STATEMENT OF INTENT (R-E)

1455 The R-E Estate Residential District is composed of quiet, very low-density residential areas, on
1456 estate-sized lots connected to public water and sewer, plus undeveloped areas where similar
1457 residential construction appears likely to occur. The standards set forth for this district are
1458 designed to stabilize and protect the essential character of the areas so delineated, to answer a
1459 need in the Town for executive-styled residential development on public water and sewer on
1460 larger lots than are traditional or currently being developed, to promote and encourage a suitable
1461 environment for family life where there are children and executive-style families, to provide
1462 areas for suitable expansion of the town as facilities are provided and to prohibit all commercial
1463 activities. Development is, therefore, limited to executive-style concentration, and permitted uses

1464 are limited to single-unit dwellings, plus selected additional uses, such as public facilities that
1465 serve the residents of the district. Mobile homes or rooming houses are prohibited.

1466 **175-10.12 USES PERMITTED BY RIGHT (R-E)**

1467 *Subject to the standards and requirements set forth in this Chapter, except as prohibited or*
1468 *restricted by separate restrictions of record that may pertain to property within the R-E District,*
1469 *the following uses of land and buildings are permitted by-right in the R-E District:*

1470 **RESIDENTIAL**

1471 *Single-family dwellings, detached.*

1472
1473 **COMMERCIAL**

1474 --

1476 **INDUSTRIAL**

1477 --

1478 **ORGANIZATIONAL**

1479 --

1480 **MISCELLANEOUS**

1481 *Accessory uses, structures and buildings.*

1482 *Home occupations.*

1483 *Open space and conservation areas.*

1484 *Public facilities.*

1485 *Public parks and playgrounds.*

1486 *Public utilities.*

1487 *Signs, as set forth in Section 175-106.*

1488 *Special childcare services.*

1489 *Such other uses as determined similar to one or more enumerated uses by the Zoning*
1490 *Administrator.*

1491

1492

1493 ~~A. Only one (1) main building and its accessory buildings may be erected on any lot or parcel of~~
1494 ~~land in the Estate Residential District R-E.~~

1495

1496 ~~B. Uses permitted by right are as follows:—~~

1497

1498 ~~1. Single family dwellings.~~

1499

2. ~~Off-street parking for permitted uses in this district as set forth in Section 175-104.~~

3. ~~Accessory buildings; provided that accessory buildings not to exceed the principal structure in height may be built in any yard, but any such building or buildings shall not occupy more than ten percent (10%) of the required yard. Any such building shall not be nearer than twenty-five (25) feet to any lot line. No accessory building shall be constructed upon a lot until the construction of the main building has actually been commenced, and no accessory building shall be used except for the temporary storage of construction materials unless the main building on a lot is completed and used.~~

4. ~~Public utilities: poles, lines, distribution transformers, pipes, meters and other facilities necessary for the provision and maintenance of public utilities, including water and sewerage systems.~~

5. ~~Signs as set forth in Section 175-106.~~

6. ~~Travel trailers or recreational vehicles shall be stored only within garages or permitted accessory structures.~~

7. ~~Fences as set forth in Section 175-102.~~

8. ~~Home Occupations.~~

175-10.13 USES PERMITTED BY SPECIAL PERMIT (R-E)

Uses permitted by special permit are as follows:

A. ~~Day care, and day-care facilities as set forth in the Town Code Section 175-107.1.~~

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

RESIDENTIAL

--

COMMERCIAL

Day care, and day-care facilities as set forth in the Town Code Section 175-107.1.

INDUSTRIAL

--

ORGANIZATIONAL

--

MICELLANEOUS

Any use permitted under Section 175-10.13, or specifically listed above under this subsection, that proposes to occupy a building or structure that exceeds the height requirements of Section 175-10.19, 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.

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

175-10.14 MODEL HOMES AND SALES OFFICES (R-E)

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

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

B. The model home shall be a custom site-built home similar in type and size to the other homes sold in the development and shall be used as a residential dwelling after expiration of the model home zoning permit.

C. Only one (1) sales office shall be approved for a development, regardless of the number of phases. A sales office must be located in a model home in the event that the development has an approved model home. Such sales offices shall be restricted to the marketing of residential dwellings at the specific development in question, and no other business whatsoever shall be conducted on the premises.

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

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

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

G. The maximum allowable period for the operation of a model home or sales office shall be one (1) year. Applications for renewal for successive six-month periods may be submitted if additional time is necessary to complete sales within the development. All renewal applications must be filed at least thirty (30) days prior to the expiration of the original model home or sales office permit.

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

175-10.15 AREA AND FRONTAGE (R-E)

Area and frontage regulations shall be as follows:

A. Minimum area per lot: one (1) acre.

B. Minimum width at setback line: one hundred seventy-five (175) feet.

175-10.16 SETBACK (R-E)

Structures shall be located one hundred (100) feet or more from any street right-of-way. A vacant lot may be assumed to be occupied by a building having a minimum setback.

175-10.17 YARDS (R-E)

A. Side: Each side yard shall be a minimum of fifty (50) feet.

B. Rear: Each rear yard shall be a minimum of seventy-five (75) feet.

C. Front: The required depth of the front yard shall be as provided in Section 175-10.16.

D. Accessory buildings shall be setback from side and rear property lines by no less than twenty-five (25) feet.

175-10.18 LOT COVERAGE (R-E)

The maximum building coverage shall be twelve percent (12%).

175-10.19 HEIGHT (R-E)

A. Buildings may be erected up to four (4) stories, but not to exceed fifty-five (55) feet in height.

B. No accessory building shall be more than two (2) stories high. All accessory buildings shall be less than the main building in height.

175-10.20 CORNER LOTS (R-E)

A. Of the two (2) sides of a corner lot, the front shall be deemed to be either of the two (2) sides fronting on streets.

B. The side yard on the side facing the side street shall be one hundred (100) feet or more for both main and accessory buildings.

C. Each corner lot shall have a minimum width at the setback line of two hundred twenty-five (225) feet.

SUBURBAN RESIDENTIAL DISTRICT (R-S)

(Adopted 5-9-05 by Z-4-05)

175-10.21 STATEMENT OF INTENT (R-S)

The R-S Suburban Residential District is composed of quiet, low-density residential areas, on suburban-sized lots, plus undeveloped areas where similar residential construction appears likely to occur. The standards set forth for this district are designed to stabilize and protect the essential character of the areas so delineated, to answer a need in the Town for residential development on larger lots on public water and sewer than are traditional or currently being developed, to promote and encourage a suitable environment for family life where there are children, to provide areas for suitable expansion of the town as facilities are provided and to prohibit all commercial activities. Development is, therefore, limited to suburban-style concentration, and permitted uses are limited to single-unit dwellings, plus selected additional uses, such as public facilities that serve the residents of the district. Mobile homes or rooming houses are prohibited.

175-10.22 USES PERMITTED BY RIGHT (R-S)

~~A. Only one (1) main building and its accessory buildings may be erected on any lot or parcel of land in the Suburban Residential District R-S.~~

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

RESIDENTIAL

Single-family dwellings, detached.

COMMERCIAL

--

INDUSTRIAL

--

ORGANIZATIONAL

--

MISCELLANEOUS

*Accessory uses, structures and buildings.**Home occupations.**Open space and conservation areas.**Public facilities.**Public parks and playgrounds.**Public utilities.**Signs, as set forth in Section 175-106.**Special childcare services.**Such other uses as determined similar to one or more enumerated uses by the Zoning Administrator.*~~B. Uses permitted by right are as follows:—~~~~1. Single-family dwellings.~~~~2. Parks and playgrounds.~~~~3. Off-street parking for permitted uses in this district as set forth in Section 175-104.~~~~4. Accessory buildings; provided, that, accessory buildings not to exceed the principal structure in height may be built in a rear yard, but any such building or buildings shall not occupy more than twenty percent (20%) of the required rear yard. Any such building shall not be nearer than fifteen (15) feet to any side or rear lot line or shall not be nearer to any side or rear lot line than one-half (1/2) the total height of the accessory building, whichever is greater. When a garage is entered from an alley, such building shall not be located closer than fifteen (15) feet to the alley line. No accessory building shall be constructed upon a lot until the construction of the main building has actually been commenced, and no accessory building shall be used except for the temporary storage of construction materials unless the main building on a lot is completed and used.~~~~5. Public utilities: poles, lines, booster and relay stations, distribution transformers, pipes, meters and other facilities necessary for the provision and maintenance of public utilities, including water and sewerage systems.~~~~6. Signs as set forth in Section 175-106.~~~~7. Travel trailers shall be stored beyond the minimum setback line, and occupancy shall be prohibited.~~

8. ~~Fences as set forth in Section 175-102.~~

9. ~~Home Occupations.~~

175-10.23

USES PERMITTED BY SPECIAL PERMIT (R-S)

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

RESIDENTIAL

--

COMMERCIAL

Bed and Breakfasts, as set forth in Section 175-107.2.

Day care, and day-care facilities as set forth in the Town Code Section 175-107.1.

INDUSTRIAL

--

ORGANIZATIONAL

Churches.

Public Libraries.

Schools.

MICELLANEOUS

Any use permitted under Section 175-10.22, or specifically listed above under this subsection, that proposes to occupy a building or structure that exceeds the height requirements of Section 175-10.29, 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.

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

Uses permitted by special permit are as follows:

A. ~~Day care, and day-care facilities as set forth in the Town Code Section 175-107.1.~~

B. ~~Bed and Breakfast Uses as set forth in Town Code Section 175-107.2.~~

C. ~~Schools.~~

D. ~~Churches~~

E. ~~Public libraries.~~

1750 **175-10.24 MODEL HOMES AND SALES OFFICES (R-S)**

1751 Model homes and sales offices for the marketing of residential dwellings within a specific
1752 development in the R-S Suburban Residential District shall be permitted in an R-S Suburban
1753 Residential Zoning District upon approval of a zoning permit by the Zoning Administrator,
1754 subject to the following conditions:
1755

1756 A. The Zoning Administrator shall review and approve or deny all requests for permits
1757 authorizing model homes and sales offices for the marketing of residential dwellings within a
1758 specific development. In assessing a request for a permit, the Zoning Administrator shall
1759 consider the necessity for the model home and/or sales office, its location and its effects on the
1760 surrounding neighborhood and/or adjoining property and may require terms and conditions on
1761 the location, appearance and such other reasonable conditions as the Zoning Administrator shall
1762 deem necessary.
1763

1764 B. The model home shall be a standard site-built home similar in type and appearance to the
1765 other homes sold in the development and shall be used as a residential dwelling after expiration
1766 of the model home zoning permit.
1767

1768 C. Only one (1) sales office shall be approved for a development, regardless of the number of
1769 phases. A sales office must be located in a model home in the event that the development has an
1770 approved model home. Such sales offices shall be restricted to the marketing of residential
1771 dwellings at the specific development in question, and no other business whatsoever shall be
1772 conducted on the premises.
1773

1774 D. The request for a model home and/or sales office shall be filed by the developer.
1775

1776 E. Each model home and/or sales office shall have a minimum of four (4) off-street parking
1777 spaces in addition to other parking spaces required by this chapter.
1778

1779 F. All model homes and sales offices must be connected to town water and sewer and must
1780 provide rest room facilities for the public.
1781

1782 G. The maximum allowable period for the operation of a model home or sales office shall be one
1783 (1) year. Applications for renewal for successive six-month periods may be submitted if
1784 additional time is necessary to complete sales within the development. All renewal applications
1785 must be filed at least thirty (30) days prior to the expiration of the original model home or sales
1786 office permit.
1787

1788 H. The Zoning Administrator, in granting a model home or sales office permit, may require the
1789 posting of a bond to insure that the model home and sales office terms and conditions are
1790 adhered to and to ensure that the operations cease and the site is left in good order at the
1791 expiration of the permit.
1792

1793 **175-10.25 AREA AND FRONTAGE (R-S)**

1794 Area and frontage regulations shall be as follows:
1795

1796 A. Minimum area per lot: one-half ($\frac{1}{2}$) acre (twenty-one thousand seven hundred eighty square
1797 feet).

1798 B. Minimum width at setback line: one hundred fifty (150) feet.
1799

1800 **175-10.26 SETBACK (R-S)**

1801 Structures shall be located fifty (50) feet or more from any street right-of-way which is fifty (50)
1802 feet or greater in width or seventy-five (75) feet or more from the center of any street right-of-
1803 way less than fifty (50) feet in width; however, no building need be set back more than the
1804 average of the setback of the immediately adjoining structures on either side. A vacant lot may
1805 be assumed to be occupied by a building having a minimum setback.
1806

1807 **175-10.27 YARDS (R-S)**

1808 A. Side: The minimum total width of the side yards shall be fifty (50) feet, with no one (1) side
1809 yard being less than twenty (20) feet.

1810 B. Rear: Each rear yard shall be a minimum of fifty (50) feet.

1811 C. Front: The required depth of the front yard shall be as provided in Section 175-10.16.

1812 *D. Accessory buildings shall be setback from side and rear property lines by no less than fifteen*
1813 *(15) feet.*
1814

1815 **175-10.28 LOT COVERAGE (R-S)**

1816 The maximum building coverage shall be twenty-five percent (25%).
1817

1818 **175-10.29 HEIGHT (R-S)**

1819 A. Buildings may be erected up to three and one-half ($3 \frac{1}{2}$) stories, but not to exceed forty-five
1820 (45) feet in height.
1821

1822 B. A public or semipublic building, such as a school, church or library, may be erected to a
1823 height of sixty (60) feet from grade, provided that required front, side and rear yards shall be
1824 increased one (1) foot for each foot in height over fifty (50) feet.
1825

1826 C. Church spires, belfries, cupolas, municipal water towers, chimneys, flues, flagpoles, television
1827 antennas and radio aerials are exempt. Parapet walls may be up to four (4) feet above the height
1828 of the building on which the walls rest.
1829

1830 D. No accessory building which is within twenty (20) feet of any party-lot line shall be more than
1831 one (1) story high. All accessory buildings shall be less than the main building in height.

1832

1833 **175-10.30 CORNER LOTS (R-S)**

1834 A. ~~Of the two (2) sides yards of a corner lot, the front shall be deemed to be the shortest of the~~
1835 ~~two (2) sides fronting on streets.~~

1836

1837 Of the two (2) or more yards of a corner lot with frontage along multiple streets, the front
1838 yard shall be established by the following criteria:

1839

1840 1. For new subdivision applications, the front yard shall be identified by the applicant on the
1841 subdivision site plan and approved by the Town on the approved final plat.

1842 2. For new construction on existing corner lots where no front yard is designated on the
1843 approved final plat, the property owner shall determine the front yard on the Zoning
1844 Permit application and shall be approved by the Town on the approved Zoning Permit.

1845 3. For existing structures, the front yard shall be the yard with frontage that the front façade
1846 of the primary building faces.

1847 4. The approved front yard established by this Code Section shall only be changed by
1848 review and approval of a revised final plat approved by the Planning Commission. Such
1849 future requests shall be approved if the Planning Commission determines that the
1850 proposed front yard is consistent with other properties along the same street frontages.

1851

1852 B. The side yard setback on the side facing a side street shall be fifty (50) feet or more for both
1853 main ~~and accessory~~ buildings, and fifty (50) feet or more for accessory buildings.

1854

1855 C. Each corner lot shall have a minimum width at the setback line of one hundred (100) feet.

1856

1857 D. The rear yard setback if facing a street shall be fifty (50) feet or more for both main and
1858 accessory buildings.

1859

1860

1861

RESIDENTIAL DISTRICT (R-1)1862 **175-11 STATEMENT OF INTENT (R-1)**

1863 The R-1 District is composed of quiet, low-density residential areas, plus undeveloped areas
1864 where similar residential construction appears likely to occur. The standards set forth for this
1865 district are designed to stabilize and protect the essential character of the areas so delineated, to
1866 promote and encourage a suitable environment for family life where there are children, to
1867 provide areas for suitable expansion of the town as facilities are provided and to prohibit all
1868 commercial activities. Development is, therefore, limited to relatively low concentration, and
1869 permitted uses are limited to single-unit dwellings, plus selected additional uses, such as schools,
1870 parks, churches and certain public facilities that serve the residents of the district. Mobile homes
1871 or rooming houses are prohibited.

1872

1873 175-12 USES PERMITTED BY RIGHT (R-1)

1874 ~~A. Only one (1) main building and its accessory buildings may be erected on any lot or parcel of~~
1875 ~~land in Residential District R-1.~~

1876

1877 A. *Subject to the standards and requirements set forth in this Chapter, except as prohibited*
1878 *or restricted by separate restrictions of record that may pertain to property within the R-*
1879 *1 District, the following uses of land and buildings are permitted by-right in the R-1*
1880 *District.*

1881

1882

RESIDENTIAL

1883

1884 *Single-family dwellings, detached*

1885

1886

COMMERCIAL

1887

1888

--

1889

INDUSTRIAL

1890

--

1891

ORGANIZATIONAL

1892

Churches

1893

Public libraries

1894

Schools

1895

MISCELLANEOUS

1896

Accessory uses, structures and buildings.

1897

Home occupations.

1898

Open space and conservation areas.

1899

Public facilities.

1900

Public parks and playgrounds.

1901

Public utilities.

1902

Signs, as set forth in Section 175-106.

1903

Special childcare services.

1904

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

1905

Administrator.

1906

1907

1908 B. ~~Uses permitted by right are as follows:~~

1909

1910 1. ~~Single-family dwellings.~~

1911 — 2. ~~Schools.~~

- 1912 ~~3. Churches.~~
1913 ~~4. Parks and playgrounds.~~
1914 ~~5. Off-street parking for permitted uses in this district as set forth in Section 175-104.~~
1915 ~~6. Accessory buildings, including portable storage containers as set forth in Section 175-~~
1916 ~~109.2~~
1917
1918 a. ~~Accessory buildings with a height not to exceed the height of the principal structure for~~
1919 ~~such structures less than or equal to one and one-half (1 1/2) stories or two-thirds (2/3) of~~
1920 ~~the height of any other principal structure, and with a ground floor area (footprint) not to~~
1921 ~~exceed the ground floor area (footprint) of the principal structure, may be built in the rear~~
1922 ~~yard. Any such building or buildings shall not occupy more than thirty percent (30%) of~~
1923 ~~the required rear yard. Any such building shall not be nearer than five (5) feet to any side~~
1924 ~~or rear lot line, or shall not be nearer to any side or rear lot line than one-half (1/2) the~~
1925 ~~total height of the accessory building, whichever is greater. When a garage is entered~~
1926 ~~from an alley, such building shall not be located closer than five (5) feet to the alley line.~~
1927 ~~No accessory building shall have more than one (1) story to its structure, excluding~~
1928 ~~the roof. A story shall have a maximum permitted height of ten (10) feet. No accessory~~
1929 ~~building shall be constructed upon a lot until the construction of the main building has~~
1930 ~~actually been commenced, and no accessory building shall be used except for the~~
1931 ~~temporary storage of construction materials unless the main building on a lot is completed~~
1932 ~~and used.~~
1933
1934 b. ~~For lots with an area of one-half (1/2) acre or more, accessory buildings not to exceed~~
1935 ~~the principal structure in height may be built in a rear yard, but any such building or~~
1936 ~~buildings shall not occupy more than thirty percent (30%) of the required rear yard. Any~~
1937 ~~such building shall not be nearer than five (5) feet to any side or rear lot line or shall not~~
1938 ~~be nearer to any side or rear lot line than one-half (1/2) the total height of the accessory~~
1939 ~~building, whichever is greater. When a garage is entered from an alley, such building~~
1940 ~~shall not be located closer than five (5) feet to the alley line. No accessory building shall~~
1941 ~~be constructed upon a lot until the construction of the main building has actually been~~
1942 ~~commenced, and no accessory building shall be used except for the temporary storage of~~
1943 ~~construction materials unless the main building on a lot is completed and used.~~
1944
1945 7. ~~Public utilities: poles, lines, booster and relay stations, distribution transformers, pipes,~~
1946 ~~meters and other facilities necessary for the provision and maintenance of public utilities,~~
1947 ~~including water and sewerage systems.~~
1948 8. ~~Signs as set forth in Section 175-106.~~
1949 9. ~~Travel trailers shall be stored beyond the minimum setback line, and occupancy shall be~~
1950 ~~prohibited.~~
1951 10. ~~Fences as set forth in Section 175-102.~~
1952 11. ~~Public libraries.~~
1953 12. ~~Home Occupations.~~
1954

175-12.1

USES PERMITTED BY SPECIAL PERMIT (R-1)

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

RESIDENTIAL

COMMERCIAL

Bed and Breakfasts, as set forth in Section 175-107.2.

Day care, and day-care facilities as set forth in the Town Code Section 175-107.1.

INDUSTRIAL

ORGANIZATIONAL

Community Centers.

Fire and Rescue Squads and Police Stations.

MICELLANEOUS

Any use permitted under Section 175-12, or specifically listed above under this subsection, that proposes to occupy a building or structure that exceeds the height requirements of Section 175-17, 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.

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

Uses permitted by special permit are as follows:

A. ~~Day care, and day-care facilities as set forth in the Town Code Section 175-107.1.~~

B. ~~Bed and Breakfast Uses as set forth in Town Code Section 175-107.2.~~

C. ~~Community Centers (public).~~

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

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

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

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

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

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

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

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

G. The maximum allowable period for the operation of a model home or sales office shall be one (1) year. Applications for renewal for successive six-month periods may be submitted if additional time is necessary to complete sales within the development. All renewal applications must be filed at least thirty (30) days prior to the expiration of the original model home or sales office permit.

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

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

2045 **175-13 AREA AND FRONTAGE (R-1)**

2046 Area and frontage regulations shall be as follows:

2047

2048 A. On-lot water and sewer:

2049 1. Minimum area per lot: forty thousand (40,000) square feet.

2050 2. Minimum width at setback line: one hundred (100) feet.

2051

2052 B. Public water or public sewer:

2053 1. Minimum area per lot: thirty thousand (30,000) square feet.

2054 2. Minimum width at setback line: eighty (80) feet.

2055

2056 C. Public water and public sewer:

2057 1. Minimum area per lot: ten thousand (10,000) square feet.

2058 2. Minimum width at setback line: seventy-five (75) feet.

2059 **175-14 SETBACK (R-1)**

2060 Structures shall be located thirty-five (35) feet or more from any street right-of-way which is
2061 fifty (50) feet or greater in width or fifty-five (55) feet or more from the center of any street
2062 right-of-way less than fifty (50) feet in width; however, no building need be set back more than
2063 the average of the setback of the immediately adjoining structures on either side. A vacant lot
2064 fifty (50) feet or more in width may be assumed to be occupied by a building having a minimum
2065 setback.

2066 **175-15 YARDS (R-1)**

2067 A. Side: The minimum total width of the side yards shall be twenty-five (25) feet, with no one
2068 (1) side yard being less than ten (10) feet.

2069

2070 B. Rear: Each rear yard shall be a minimum of thirty (30) feet.

2071

2072 C. Front: The required depth of the front yard shall be as provided in Section 175-14. On lots
2073 of less than two (2) acres in size or where the front yard provided for any single-family dwelling
2074 is less than 150 feet, the main or front building facade and entrance shall be oriented toward the
2075 front yard of the property, unless an administrative variance is granted pursuant to Section 175-
2076 147.1.

2077

2078 *D. Accessory buildings shall be setback from side and rear property lines by no less than five (5)*
2079 *feet.*

2080

2081 **175-16 LOT COVERAGE (R-1)**

2082 The maximum building coverage shall be thirty percent (30%).

2083 **175-17 HEIGHT (R-1)**

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

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

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

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

175-18 CORNER LOTS (R-1)

~~A. Of the two (2) sides yards of a corner lot, the front shall be deemed to be the shortest of the two (2) sides fronting on streets.~~

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

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

B. The side yard setback on the side facing a side street shall be thirty (30) feet or more for both main and accessory buildings, and thirty-five (35) feet or more for accessory buildings.

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

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

2127
2128**RESIDENTIAL DISTRICT (R-1A)**

(Adopted 4-24-95 by Z-6-95)

2129 **175-18.1 STATEMENT OF INTENT (R-1A)**

2130 The R-1A District is designed to accommodate single-family residential development of a
2131 medium density on smaller individual lots. The standards for this district are designed to
2132 stabilize and protect the character of the designated areas and to protect and encourage a suitable
2133 environment for family life.

2134 **175-18.2 USE REGULATIONS (R-1A)**

2135 A. *Subject to the standards and requirements set forth in this Chapter, except as prohibited*
2136 *or restricted by separate restrictions of record that may pertain to property within the R-*
2137 *1A District, the following uses of land and buildings are permitted by-right in the R-1A*
2138 *District:*

2139
2140**RESIDENTIAL**2141
2142*Single-family dwellings, detached.*2143
2144**COMMERCIAL**2145
2146

--

2147

INDUSTRIAL

2148

--

2149

ORGANIZATIONAL2150
2151*Churches*
Schools

2152

MISCELLANEOUS2153
2154*Accessory uses, structures and buildings.*
Home occupations.

2155

Open space and conservation areas.

2156

Public facilities, excluding Fire and Rescue Squads & Police Stations

2157

Public parks and playgrounds.

2158

Public utilities.

2159

Signs, as set forth in Section 175-106.

2160

Special childcare services.

2161

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

2162

Administrator.

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

RESIDENTIAL

--

COMMERCIAL

Day care, and day-care facilities as set forth in the Town Code Section 175-107.1.

INDUSTRIAL

--

ORGANIZATIONAL

Fire and Rescue Squad & Police Stations.

Public Libraries.

Community Center.

MICELLANEOUS

Any use permitted under Section 175-10.18.2.A, or specifically listed above under this subsection, that proposes to occupy a building or structure that exceeds the height requirements of Section 175-10.18.4, 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.

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

~~A. Uses permitted by right — Only one (1) main building and its accessory buildings may be erected on any lot or parcel of land in Residential District R-1A.~~

~~— 1. Single-family dwellings.~~

~~— 2. Schools.~~

~~— 3. Churches.~~

~~— 4. Parks and playgrounds.~~

~~5. Public utilities, including poles, lines, booster and relay stations, distribution transformers, pipes, meters and other facilities necessary for the provision and maintenance of public utilities, including water and sewerage systems.~~

~~B. Uses permitted by special permit~~

~~1. Fire and police stations.~~

~~2. Public libraries.~~

2209 ~~3. Day care and day care facilities as set forth in Section 175-107.1.~~

2210 ~~4. Community Centers (public).~~

2211

2212 (Ord. 4-08 Added "4" 7-28-08-Effective Upon Passage)

2213

2214 ~~C. Uses permitted subject to standards~~

2215 ~~1. Home occupations subject to the standards of Section 175-108.1.~~

2216 ~~2. Model homes and sales offices as provided in Section 175-12.2.~~

2217

2218 ~~D. Accessory uses permitted~~

2219 ~~1. Off-street parking for uses permitted in this district as set forth in Section 175-18.7.~~

2220 ~~2. Signs as set forth in Section 175-106.~~

2221 ~~3. Fences as set forth in Section 175-102.~~

2222 ~~4. Accessory buildings and uses customarily incidental to permitted uses. The footprint of~~
2223 ~~an accessory structure shall not exceed the footprint of the principal structure.~~

2224 ~~5. Portable storage containers as set forth in Section 175-109.2~~

2225

2226 (Ord. No. 19-05 Added (5) 7-25-05-Effective Upon Passage)

2227

2228 ~~E. Prohibited uses All commercial and industrial activities are expressly prohibited in this~~
2229 ~~district. No tractor truck, semitrailer or truck with a registered gross weight in excess of twelve~~
2230 ~~thousand (12,000) pounds may be kept, parked or stored, in the open or within an enclosed~~
2231 ~~structure, upon any lot located within this district. See Section 175-110.2 for specific~~
2232 ~~exemptions.~~

2233 175-18.3 AREA (R-1A)

2234 Notwithstanding the provisions of Section 175-128, all newly established uses, with the
2235 exception of single-family dwellings, shall be required to meet the minimum area requirements
2236 at the time of establishment of the use.

2237

2238 A. Minimum lot size:

2239 1. Single family dwellings: seven thousand (7,000) square feet.

2240 2. Schools: twenty thousand (20,000) square feet.

2241 3. Churches: twenty thousand (20,000) square feet.

2242 4. Parks and playgrounds: five thousand (5,000) square feet.

2243 5. Public utilities: no regulation.

2244 6. Other public facility uses: twenty thousand (20,000) square feet.

2245 B. Minimum lot width:

2246 1. Single-family dwellings:

2247 a. Corner lots: seventy (70) feet.

2248 b. Interior lots: fifty (50) feet.

2249 2. Parks and playgrounds and public utilities: no regulation.

2250 3. All other uses: one hundred (100) feet.

2251

2252 C. Minimum district size: three (3) acres.

2253 **175-18.4 HEIGHT(R-1A)**2254 A. Single-family dwellings: thirty-five (35) feet maximum.

2255

2256 B. Public or semipublic buildings: forty-five (45) feet maximum, provided that the required
2257 front, side and rear yards are increased by two (2) feet for each foot in height over thirty-five
2258 (35) feet.

2259

2260 C. Exemptions from height requirements:

2261 1. Church spires.

2262 2. Belfries.

2263 3. Cupolas.

2264 4. Municipal water towers.

2265 5. Chimneys.

2266 6. Flues.

2267 7. Flagpoles.

2268 8. Television antennas.

2269 9. Radio aerials.

2270

2271 D. Accessory buildings and structures:

2272

2273 1. On lots with an area of less than five-tenths (0.5) acre: two-thirds (2/3) height of principal
2274 structure.2275 2. On lots with an area of five-tenths (0.5) acre or more: not to exceed height of principal
2276 structure or thirty-five (35) feet, whichever is less.2277 **175-18.5 MINIMUM YARD DIMENSIONS (R-1A)**2278 A. Single-family dwellings:

2279 1. Front setback: twenty-five (25) feet.

2280 2. Side: seven (7) feet.

2281 3. Corner side: twenty-five (25) feet.

2282 4. Rear: twenty-five (25) feet.

2283

2284 B. Other principal structures:

2285 1. Front setback: twenty-five (25) feet.

2286 2. Side: fifteen (15) feet.

2287 3. Rear: thirty (30) feet.

2288 4. Corner side: twenty-five (25) feet.

2289

2290 C. Accessory buildings and structures:

2291 1. Front setback: thirty (30) feet.

2292 2. Side: five (5) feet or fifty percent (50%) of building height, whichever is greater.

2293 3. Rear: five (5) feet or fifty percent (50%) of building height, whichever is greater.

2294 4. Corner side: twenty-five (25) feet.

2295

2296 D. Notwithstanding the provisions above, the front setback on any lot located within a block that
2297 is fifty percent (50%) or more developed shall conform with any consistently established setback
2298 along the block.

2299

2300 E. The main or front building facade and entrance for any single-family dwelling shall be
2301 oriented toward the front yard of the property, unless an administrative variance is granted
2302 pursuant to Section 175-147.1.

2303

2304 **175-18.6 LOT COVERAGE (R-1A)**

2305 A. Maximum building coverage: thirty-five percent (35%).

2306 B. Accessory building coverage: thirty percent (30%) of any required yard.

2307 **175-18.7 OFF-STREET PARKING (R-1A)**

2308 A. Space requirements:

2309 1. Single-family dwellings: two (2) spaces per unit.

2310 2. Churches/assembly area: one (1) space per four (4) fixed seats in the main assembly or
2311 one (1) per one hundred (100) net square feet.

2312 3. Schools: one (1) space per employee plus parking space for assembly areas as provided in
2313 Subsection A (2) above.

2314 4. Libraries: one (1) space per one thousand (1,000) gross square feet.

2315

2316 B. Location: Minimum setback for driveways and parking: three (3) feet from side and rear
2317 property lines for parking areas with fewer than fifteen (15) spaces. All parking areas with
2318 fifteen (15) or more spaces shall meet the requirements of Section 148-48.

2319

2320 C. Parking spaces where one car is parked behind another car are permitted in this district for
2321 individual dwelling units.

2322

2323 **RESIDENTIAL DISTRICT (R-2)**

2324 **175-19 STATEMENT OF INTENT (R-2)**

2325 The R-2 District is composed of medium-density concentrations of residential uses and open
2326 areas where similar development appears likely to occur. The standards for this district are
2327 designed to stabilize and protect the essential character of the area so designated and to protect
2328 and encourage, insofar as compatible with the intensity of land use, a suitable environment for
2329 family life. Development is, therefore, limited to low- to medium-density concentrations, and
2330 permitted uses are limited to single-family- and two-family-type dwellings plus selected
2331 additional uses, such as schools, parks, churches and certain public facilities that serve the
2332 residents of the district. Home occupations, as defined by this chapter, are permitted. Mobile
2333 homes are prohibited.

2334 175-20 USES PERMITTED BY RIGHT (R-2)

2335 *Subject to the standards and requirements set forth in this Chapter, except as prohibited or*
2336 *restricted by separate restrictions of record that may pertain to property within the R-2 District,*
2337 *the following uses of land and buildings are permitted by-right in the R-2 District:*

2338

2339

2340

RESIDENTIAL

2341

Duplexes.

2342

Single-family dwellings, detached.

2343

Two-family dwellings.

2344

2345

2346

COMMERCIAL

2347

--

2348

INDUSTRIAL

2349

--

2350

ORGANIZATIONAL

2351

Churches

2352

Schools

2353

MISCELLANEOUS

2354

Accessory uses, structures and buildings.

2355

Home occupations.

2356

Open space and conservation areas.

2357

Public facilities.

2358

Public parks and playgrounds.

2359

Public utilities.

2360

Signs, as set forth in Section 175-106.

2361

Special childcare services.

2362

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

2363

Administrator.

2364

2365

2366

~~A. Only one (1) use and its accessory buildings and/or uses may be erected on any lot or parcel~~
2367 ~~of land in Residential District R-2.~~

2368

2369

~~B. Uses permitted by right are as follows:~~

2370

2371

~~1. Single-family dwellings.~~

2372

~~— 2. Two-family dwellings.~~

- 2373 — 3. Duplexes.
2374 — 4. Schools.
2375 — 5. Churches.
2376 — 6. Playgrounds.
2377 — 7. Home occupations.
2378 — 8. Off street parking for permitted uses in this district as set forth in Section 175-104.
2379 — 9. Accessory buildings, including portable storage containers as set forth in Section 175-
2380 109.2.
2381
2382 a. Accessory buildings with a height not to exceed the height of the principal structure
2383 for such structures less than or equal to one and one half (1 1/2) stories or two thirds
2384 (2/3) of the height of any other principal structure and with a ground floor area
2385 (footprint) not to exceed the ground floor area (footprint) of the principal structure may
2386 be built in the rear yard. Any such building or buildings shall not occupy more than
2387 thirty percent (30%) of the required rear yard. Any such building shall not be nearer
2388 than five (5) feet to any side or rear lot line or shall not be nearer to any side or rear lot
2389 line than one half (1/2) the total height of the accessory building, whichever is greater.
2390 When a garage is entered from an alley, such building shall not be located closer than
2391 five (5) feet to the alley line. No accessory building shall have more than one (1) story
2392 to its structure, excluding the roof. A story shall have a maximum permitted height of
2393 ten (10) feet. No accessory building shall be constructed upon a lot until the
2394 construction of the main building has actually been commenced, and no accessory
2395 building shall be used except for the temporary storage of construction materials unless
2396 the main building on a lot is completed and used.
- 2397 b. For lots with an area of one half (1/2) acre or more, accessory buildings not to exceed
2398 the principal structure in height may be built in a rear yard, but any such building or
2399 buildings shall not occupy more than thirty percent (30%) of the required rear yard.
2400 Any such building shall not be nearer than five (5) feet to any side or rear lot line or
2401 shall not be nearer to any side or rear lot line or shall not be nearer to any side or rear
2402 lot line than one half (1/2) the total height of the accessory building, whichever is
2403 greater. When a garage is entered from an alley, such building shall be not located
2404 closer than five (5) feet to the alley line. No accessory building shall be constructed
2405 upon a lot until the construction of the main building has actually been commenced,
2406 and no accessory building shall be used except for the temporary storage of
2407 construction materials unless the main building on a lot is completed and used.
- 2408 10. Public utilities: poles, lines, booster and relay stations, distribution transformers, pipes,
2409 meters and other facilities necessary for the provision and maintenance of public utilities,
2410 including water and sewerage systems.
- 2411 11. Signs as set forth in Section 175-106.
- 2412 12. Travel trailers shall be stored beyond the minimum setback line and shall be prohibited
2413 from occupancy

2414 ~~13. Fences as set forth in Section 175-102.~~

2415 **175-20.1 USES PERMITTED BY SPECIAL PERMIT (R-2)**

2416 *The following uses are permitted within the R-2 District only by approval of a special use permit,*
2417 *except as prohibited or restricted by separate restrictions of record that may pertain to property*
2418 *within the R-2 District:*

2419

2420

RESIDENTIAL

2421

2422

--

2423

2424

COMMERCIAL

2425

Bed and Breakfast Uses set forth in Town Code Section 175-107.2.

2426

Day care, and day-care facilities as set forth in the Town Code Section 175-107.1.

2427

Nursing homes, as set forth in Section 175-107.

2428

2429

2430

INDUSTRIAL

2431

--

2432

2433

ORGANIZATIONAL

2434

Fire and Rescue Squad & Police Stations

2435

Public Libraries

2436

Community Center (public)

2437

2438

2439

MICELLANEOUS

2440

Any use permitted under Section 175-20, or specifically listed above under this subsection, that proposes to occupy a building or structure that exceeds the height requirements of Section 175-26, 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.

2441

2442

2443

2444

2445

2446

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

2447

2448

2449

2450

Uses permitted by special permit are as follows:

2451

2452

A. ~~Rest, convalescent or nursing homes as set forth in Section 175-107.~~

2453

2454

B. ~~Day care and day-care facilities as set forth in the Town Code, Section 175-107.1.~~

2455

2456

C. ~~Bed and Breakfast Uses set forth in Town Code Section 175-107.2.~~

2457

2458 ~~D. Community Centers (public).~~
2459

2460 **175-20.2 MODEL HOMES AND SALES OFFICES (R-2)**

2461 Model homes and sales offices for the marketing of residential dwellings within a specific
2462 development shall be permitted in an R-2 Residential Zoning District upon approval of a zoning
2463 permit by the Zoning Administrator, subject to the provisions and conditions set forth in Town
2464 Code 175-12.2.
2465

2466 **175-21 AREA (R-2)**

2467 The minimum lot area in R-2 Residential Districts shall be as follows:

2468

2469 A. The minimum lot size for a duplex structure is eight thousand (8,000) square feet. A duplex
2470 lot may be further subdivided into separate parcels for each dwelling unit of the duplex, provided
2471 that the resulting lot size for each duplex dwelling unit is a minimum of four thousand (4,000)
2472 square feet.

2473

2474 B. The minimum lot size for all other uses is eight thousand (8,000) square feet.

2475

2476 **175-22 SETBACK (R-2)**

2477 Structures shall be located thirty (30) feet or more from any street right-of-way which is fifty
2478 (50) feet or greater in width or fifty-five (55) feet or more from the center of any street right-of-
2479 way less than fifty (50) feet in width; however, no building need be set back more than the
2480 average of the setbacks of the immediately adjoining structures on either side. A vacant lot fifty
2481 (50) feet or more in width may be assumed to be occupied by a building having a minimum
2482 setback.

2483 **175-23 FRONTAGE (R-2)**

2484 The minimum lot width at the setback line shall be seventy (70) feet.

2485 **175-24 YARDS (R-2)**

2486 A. Side: Each side yard shall be a minimum of ten (10) feet.

2487 B. Rear: Each rear yard shall be a minimum of twenty-five (25) feet.

2488 C. Front: The required depth of the front yard shall be as provided in Section 175-22. The main
2489 or front building facade and entrance for any residential structure shall be oriented toward the
2490 front yard of the property, unless an administrative variance is granted pursuant to Section 175-
2491 147.1.

2492 *D. Accessory buildings shall be setback from side and rear property lines by no less than five (5)*
2493 *feet. No accessory building is permitted within a required front yard.*
2494

2495 **175-25 LOT COVERAGE (R-2)**

2496 The maximum building coverage shall be thirty-five percent (35%).

2497 **175-26 HEIGHT (R-2)**

2498 A. Buildings may be erected up to two and one-half (2 1/2) stories, but not to exceed thirty-five
2499 (35) feet in height.

2500

2501 B. A public or semipublic building, such as a school, church or library, may be erected to a
2502 height of sixty (60) feet from grade, provided that required front, side and rear yards shall be
2503 increased one (1) foot for each foot in height over thirty-five (35) feet.

2504

2505 C. Church spires, belfries, cupolas, municipal water towers, chimneys, flues, flagpoles, television
2506 antennas and radio aeriels are exempt. Parapet walls may be up to four (4) feet above the height
2507 of the building on which the walls rest.

2508

2509 D. Accessory buildings over one (1) story in height shall be at least ten (10) feet from any lot
2510 line. All accessory buildings shall be less than the main building in height.

2511 **175-27 CORNER LOTS (R-2)**

2512 A. ~~Of the two (2) sides yards of a corner lot, the front shall be deemed to be the shortest of the~~
2513 ~~two (2) sides fronting on streets.~~

2514

2515 Of the two (2) or more yards of a corner lot with frontage along multiple streets, the front
2516 yard shall be established by the following criteria:

2517

2518 1. For new subdivision applications, the front yard shall be identified by the applicant on the
2519 subdivision site plan and approved by the Town on the approved final plat.

2520 2. For new construction on existing corner lots where no front yard is designated on the
2521 approved final plat, the property owner shall determine the front yard on the Zoning
2522 Permit application and shall be approved by the Town on the approved Zoning Permit.

2523 3. For existing structures, the front yard shall be the yard with frontage that the front façade
2524 of the primary building faces.

2525 4. The approved front yard established by this Code Section shall only be changed by
2526 review and approval of a revised final plat approved by the Planning Commission. Such
2527 future requests shall be approved if the Planning Commission determines that the
2528 proposed front yard is consistent with other properties along the same street frontages.

2529

2530 B. The side yard setback on the side facing a side street shall be twenty-five (25) feet or
2531 more for both main and accessory buildings, and thirty (30) feet or more for accessory
2532 buildings.

2533

2534 C. Each corner lot shall have a minimum width at the setback line of one hundred (100) feet.

2535

2536 D. The rear yard setback if facing a street shall be fifty (50) feet or more for both main and
2537 accessory buildings.
2538
2539

2540 **RESIDENTIAL DISTRICT (R-3)**

2541 **175-28 STATEMENT OF INTENT (R-3)**

2542 The R-3 Residential District is composed of medium-to-high density concentrations of
2543 residential uses. The standards for this district are designed to stabilize and protect the essential
2544 character of the area so designated and to promote and encourage, insofar as compatible with the
2545 intensity of land use, a suitable environment for families desiring the amenities of apartment
2546 living and the convenience of being closest to shopping, employment centers and other
2547 community facilities. Development is, therefore, limited to medium- to high-density
2548 concentration, and permitted uses are limited to single-family, two-family and multifamily
2549 dwellings, plus selected additional uses, such as schools, parks, churches and certain public
2550 facilities. Home occupations, as defined by this chapter, are permitted. Mobile homes are
2551 prohibited.
2552

2553 **175-29 USES PERMITTED BY RIGHT (R-3)**

2554 A. *Subject to the standards and requirements set forth in this Chapter, except as prohibited*
2555 *or restricted by separate restrictions of record that may pertain to property within the R-*
2556 *3 District, the following uses of land and buildings are permitted by-right in the R-3*
2557 *District:*
2558

2559 **RESIDENTIAL**

2560 *Duplexes.*

2561 *Single-family dwellings, detached*

2562 *Townhouses developed on sites of twenty thousand (20,000) square feet up to one (1)*
2563 *acre as set forth in Section 175-112.*

2564 *Two-family dwellings.*
2565
2566

2567 **COMMERCIAL**

2568 *Hospitals and other semipublic facilities of an institutional nature.*

2569 *Pharmaceutical centers as set forth in Section 175-108.*

2570 *Professional offices as set forth in Section 175-108.*

2571 *Nursing homes, as set forth in Section 175-107.*
2572

2573 **INDUSTRIAL**

2574 --

2575

ORGANIZATIONAL

Churches

2577

Schools

2578

MISCELLANEOUS

2579

2580

Accessory uses, structures and buildings.

2581

Home occupations.

2582

Open space and conservation areas.

2583

Public facilities.

2584

Public parks and playgrounds.

2585

Public utilities.

2586

Signs, as set forth in Section 175-106.

2587

Special childcare services.

2588

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

2589

Administrator.

2590

2591 A. Only one (1) use and its accessory buildings and/or uses may be erected on any lot or parcel
2592 of land in Residential District R-3.

2593

2594 B. Uses permitted by right are as follows:

2595

2596

1. Single family dwellings.

2597

— 2. Two family dwellings.

2598

— 3. Duplexes.

2599

4. Townhouses developed on sites of twenty thousand (20,000) square feet up to one (1) acre
2600 as set forth in Section 175-112.

2601

— 5. Schools.

2602

6. Churches, lodges, hospitals and other public and semipublic facilities of an institutional
2603 nature.

2604

— 7. Rest, convalescent or nursing homes as set forth in Section 175-107.

2605

— 8. Parks and playgrounds.

2606

— 9. Professional offices as set forth in Section 175-108.

2607

— 10. Pharmaceutical centers as set forth in Section 175-108.

2608

— 11. Home Occupations.

2609

— 12. Off-street parking for uses permitted in this district as set forth in Section 175-104.

2610

13. Accessory buildings, including portable storage containers as set forth in Section 175-
2611 109.2:

2612

a. Accessory buildings with a height not to exceed the height of the principal structure for
2613 such structures less than or equal to one and one-half (1 1/2) stories or two-thirds (2/3)
2614 of the height of any other principal structure and with a ground floor area (footprint) not
2615 to exceed the ground floor area (footprint) of the principal structure may be built in the
2616 rear yard. Any such building or buildings shall not occupy more than thirty percent
2617 (30%) of the required rear yard. Any such building shall not be nearer than five (5) feet

to any side or rear lot line, or shall not be nearer to any side or rear lot line than one-half (1/2) the total height of the accessory building, whichever is greater. When a garage is entered from an alley, such building shall not be located closer than five (5) feet to the alley line. No accessory building shall have more than one (1) story to its structure, excluding the roof. A story shall have a maximum permitted height of ten (10) feet. No accessory building shall be constructed upon a lot until the construction of the main building has actually been commenced, and no accessory building shall be used except for the temporary storage of construction materials unless the main building on a lot is completed and used.

- b. For lots with an area of one-half (1/2) acre or more, accessory buildings not to exceed the principal structure in height may be built in a rear yard, but any such building or buildings shall not occupy more than thirty percent (30%) of the required rear yard. Any such building shall not be nearer than five (5) feet to any side or rear lot line or shall not be nearer to any side or rear lot line than one-half (1/2) the total height of the accessory building, whichever is greater. When a garage is entered from an alley, such building shall not be located closer than five (5) feet to the alley line. No accessory building shall be constructed upon a lot until the construction of the main building has actually been commenced, and no accessory building shall be used except for the temporary storage of construction materials unless the main building on a lot is completed and used.

14. Public utilities, including poles, booster and relay stations, distribution transformers, pipes, meters and other facilities necessary for the provision and maintenance of public utilities, including water and sewerage facilities.

15. Government Offices and Buildings.

16. Signs as set forth in Section 175-106.

17. Fences as set forth in Section 175-102.

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

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

RESIDENTIAL

Apartments as set forth in Section 175-113.

Townhouses on sites over one (1) acre, as set forth in Section 175-112.

COMMERCIAL

Bed and Breakfast Uses set forth in Town Code Section 175-107.2.

Community Centers (public).

2660 *Conversion of a structure originally designed and intended for occupancy as a single-*
2661 *family dwelling into a structure with more than one (1) dwelling.*

2662 *Day care, and day-care facilities as set forth in the Town Code Section 175-107.1.*

2663 *Nursing homes, as set forth in Section 175-107.*

2664

2665 **INDUSTRIAL**

2666 --

2667

2668 **ORGANIZATIONAL**

2669 *Art galleries and museums.*

2670 *Fire and Rescue Squad & Police Stations*

2671 *Public Libraries*

2672 *Community Center (public)*

2673

2674

2675 **MICELLANEOUS**

2676 *Any use permitted under Section 175-29, or specifically listed above under this*
2677 *subsection, that proposes to occupy a building or structure that exceeds the height*
2678 *requirements of Section 175-36, subject to the requirements of Section 175-136.*

2679 *Additional heights approved by a special use permit shall be required to increase the*
2680 *required setback and yard area requirements by an equivalent distance from each*
2681 *property line.*

2682 *Lodging houses, rooming houses and boarding houses.*

2683 *Such other uses as determined similar to one or more enumerated uses by the Zoning*
2684 *Administrator.*

2685

2686 Uses permitted by special permit shall be as follows:

2687

2688 A. Townhouses on sites of one (1) acre or more as set forth in Section 175-112.

2689

2690 B. Apartments as set forth in Section 175-113.

2691

2692 C. ~~Conversion of a structure originally designed and intended for occupancy as a single-family~~
2693 ~~dwelling into a structure with more than one (1) dwelling.~~

2694

2695 D. ~~Day care and day-care facilities as set forth in the Town Code Section 175-107.1.~~

2696

2697 E. ~~Temporary manufactured homes for a specified period not exceeding one (1) year on hospital~~
2698 ~~sites for nonresidential uses related to hospital operations. For good cause shown, Council may~~
2699 ~~vote to grant a single extension for a period not to exceed one (1) year.~~

2700

2701 F. ~~Lodging houses, rooming houses and boarding houses.~~

2702

2703 G. ~~Community Centers (public).~~

2704

2705 H. ~~Bed & Breakfast Uses as set forth in Section 175-107.2.~~

2706 ~~I. Recreation Facilities (Public).~~

2707

2708 **175-30.1 MODEL HOMES AND SALES OFFICES (R-3)**

2709 Model homes and sales offices for the marketing of residential dwellings within a specific
2710 development shall be permitted in an R-3 Residential Zoning District upon approval of a zoning
2711 permit by the Zoning Administrator, subject to the provisions and conditions set forth in Town
2712 Code Section 175-12.2.

2713 **175-31 AREA (R-3)**

2714 The minimum lot area in R-3 Residential Districts shall be as follows:

2715

2716 A. The minimum lot size for a duplex structure is seven thousand five hundred (7,500) square
2717 feet. A duplex lot may be further subdivided into separate parcels for each dwelling unit of the
2718 duplex, provided that the resulting lot size for each duplex dwelling unit is a minimum of three
2719 thousand seven hundred fifty (3,750) square feet.

2720

2721 B. The minimum lot size for townhouses shall be as stated in the Town Code Section 175-112.

2722

2723 C. The minimum lot size for apartments shall be as stated in the Town Code Section 175-113.

2724

2725 D. The minimum lot size for all other uses is six thousand (6,000) square feet. An additional one
2726 thousand five hundred (1,500) square feet shall be required for each additional dwelling unit
2727 above one (1) for all residential uses other than townhouses, apartments and duplexes.

2728 **175-32 SETBACK (R-3)**

2729 Structures shall be located thirty (30) feet or more from any street right-of-way which is fifty
2730 (50) feet or greater in width or fifty-five (55) feet or more from the center of any street right-of-
2731 way less than fifty (50) feet in width; however, no building need be set back more than the
2732 average of the setbacks of the immediately adjoining structures on either side. A vacant lot fifty
2733 (50) feet or more in width may be assumed to be occupied by a building having a minimum
2734 setback.

2735 **175-33 SETBACK WIDTHS (R-3)**

2736 A. The minimum lot width at the setback line shall be sixty (60) feet.

2737

2738 B. Notwithstanding the provisions of Subsection A, the minimum lot width at the setback line
2739 shall be consistent with the established lot width at the setback line for abutting lots fronting the
2740 same road or street on either side of the lot to be subdivided, provided as follows:

2741

1. Subsection B shall only apply in cases of new subdivision or resubdivision involving the creation of four (4) or fewer new lots.
2. Subsection B shall only apply in cases where the aforesaid abutting lots were established and in existence prior to April 10, 1978.
3. Under no circumstances shall the minimum lot width at the setback line for newly created lots be less than fifty (50) feet, regardless of the setback width of the abutting lots.
4. All corner lots shall be governed by the provisions of Section 175-37c.
5. Where abutting lots have differing widths at their setback lines, the minimum setback width for newly created lots shall be consistent with the larger of the two abutting lots, or sixty (60) feet, whichever is lesser.
6. An "abutting lot" is defined as a lot sharing a common side yard boundary with the lot to be subdivided and fronting the same street as the lot to be subdivided.

175-34 YARDS (R-3)

- A. Side: Each side yard shall be a minimum of seven (7) feet.
- B. Rear: Each rear yard shall be a minimum of twenty-five (25) feet.
- C. Front: The required depth of the front yard shall be as provided in Section 175-32. The main or front building facade and entrance for any single-unit residential structure, including duplexes and townhouses, shall be oriented toward the front yard of the property, unless an administrative variance is granted pursuant to Section 175-147.1.

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

175-35 LOT COVERAGE (R-3)

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

175-36 HEIGHT (R-3)

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

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

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

175-37 CORNER LOTS (R-3)

A. Of the two (2) sides yards of a corner lot, the front shall be deemed to be the shortest of the two (2) sides fronting on streets.

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

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

B. The side yard setback on the side facing a side street shall be twenty (20) feet or more for both main and accessory buildings, and thirty (30) feet or more for accessory buildings.

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

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

PLANNED NEIGHBORHOOD DEVELOPMENT DISTRICT (PND)

(Adopted 4-11-05 by Z-1-05)

175-37.1 STATEMENT OF INTENT (PND)

Pursuant to Sections 15.2-2201 and 15.2-2286 of the Code of Virginia, the Town Council of the Town of Front Royal establishes the Planned Neighborhood Development (PND) zoning ordinance to allow planned neighborhood development on large tracts of land characterized by

unified site design for a variety of housing types and densities, clustering of buildings, common open space, and a mix of building types and land uses in which project planning (as permitted herein) and density calculation are performed for the entire development rather than on an individual basis. The purposes of the ordinance are to provide an alternative form of development that:

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

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

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

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

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

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

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

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

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

175-37.2 EVALUATION CRITERIA (PND)

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

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

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

- 2865 C. Includes a network of circulation systems for various transportation modes that connect to the
2866 surrounding area.
2867
- 2868 D. Conserves a minimum of 25% open space, incorporating a system of parks, open spaces,
2869 recreational facilities, and public amenities within the development which enhance the total plan
2870 of development.
2871
- 2872 E. Efficiently utilizes land to protect and preserve natural features such as trees, streams, and
2873 topographic features.
2874
- 2875 F. Provides a mechanism to relate the type, design and layout of proposed development to the
2876 specific characteristics of the particular parcel.
2877
- 2878 G. Exhibits consistency with the Town's Comprehensive Plan and provides overall benefits to
2879 the Town.
2880
- 2881 H. Demonstrates adequate capacity of public facilities and utilities to serve the development.
2882
- 2883 I. Minimizes traffic impacts upon the surrounding traffic network.

2884 **175-37.3 PERMITTED USES (PND)**

- 2885 A. All planned neighborhood developments shall permit the following residential and accessory
2886 uses:
2887
- 2888 1. Detached single-family dwellings;
 - 2889 2. Two-family dwellings;
 - 2890 3. Multi-family dwellings;
 - 2891 4. Townhouses with a maximum of eight units per structure;
 - 2892 5. Accessory buildings or uses as defined in Town Code Section 175-3;
 - 2893 6. Recreation or park facilities;
 - 2894 7. Retirement living facilities (handicapped accessible)
 - 2895 8. Municipal buildings or uses;
 - 2896 9. Public utilities: poles, lines, booster and relay stations, distribution transformers, pipes,
2897 meters and other facilities necessary for the provision and maintenance of public utilities,
2898 including water and sewerage systems. Such utilities shall be buried or otherwise
2899 screened in accordance with design standards of the development;
 - 2900 10. Home Occupations as set forth in Section 175-108;
 - 2901 11. Public libraries;
 - 2902 12. Schools; and
 - 2903 13. Churches.
 - 2904 14. *Special childcare services.*
 - 2905 15. *Open space and conservation areas.*
 - 2906 16. *Such other uses as determined similar to one or more enumerated uses by the Zoning*
2907 *Administrator.*
2908

B. Planned neighborhood developments shall permit the following community and institutional uses under the terms set forth in Section 175-37.9, Density Bonus:

1. Day care centers; and
2. Community Halls

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

1. Neighborhood-oriented commercial businesses;
2. Personal services;
3. Business or professional offices; and
4. Neighborhood restaurants; and
5. Banks, branch banks and financial institutions.

D. Planned neighborhood developments may include the following uses provided such uses are either specifically approved as part of the original development plan or approved by special use permit in accordance with Section 175-136 if proposed subsequent to approval of the Master Land Use Plan.

1. Bed and Breakfast home
2. Assisted Living Facility or other nursing home as permitted in the R-3 District.
3. Automotive fuel facilities in conjunction with neighborhood retail stores, provided adequate demonstration is made that the facility can be supported by the neighborhood in which it is located without attracting additional traffic into the neighborhood. Such facilities shall not include the storage or sale of automobiles, automotive mechanical or body repair work, painting, welding or other activities not normally associated with the dispensing of gasoline.
4. *Art galleries and museums.*

E. Except as otherwise specified for PND's, proposed uses within a PND shall be subject to the provisions set forth for such use in the Zoning Ordinance (Chapter 175 of the Town Code).

F. Prohibited Uses.

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

175-37.4 STANDARDS (PND)

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

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

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

D. Allowable base residential density. Overall residential density shall not exceed the overall allowable residential density of the parcel or parcels involved prior to the re-zoning, dedicated to uses other than the commercial uses set forth in Sections 175-37.3 B and C. This base residential density may be increased at the Town Council's discretion up to a maximum of 6.0 dwelling units per acre.

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

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

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

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

A. Concept Plan:

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

Upon review and recommendation by the Planning Commission the Director of Planning shall forward the Concept Plan to the Town Council for review and comment. The Town Council may approve, deny or approve conditionally with stated

modifications. Approval of a Concept Plan is only an expression of apparent favor to be used in preparation of the PND Master Land Use Plan and does not authorize construction of improvements.

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

- a. Location map showing existing zoning and ownership of property and adjacent land;
- b. Identification of principal natural features and/or unique site design features;
- c. Relationship of the proposal with surrounding utilities and public facilities to serve the tract at the ultimate proposed densities;
- d. The location and size of the components of the PND, including the general layout of the road system within the project, location of use areas within the project planned for particular uses or mixtures of uses and their acreage, residential densities, and the interior open space system and preservation areas;
- e. Written description of the use areas;
- f. A statement demonstrating consistency with the Town of Front Royal Comprehensive Plan, suitability of the tract for the type and intensity of the activities proposed, the anticipated availability of adequate road networks, and the objectives stated in Section 175-37.1.

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

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

4. A vicinity map drawn at a scale of between one (1) inch equals two hundred 2,000 feet and showing the relation of the property.
5. Topographic map with contour lines at vertical intervals of not greater than five (5) feet at a minimum scale of one inch to 200 feet;
6. A site analysis map of existing conditions, including but not limited to the location and delineation of sensitive environmental features, any 100-year floodplain, watercourse, non-tidal wetlands, areas greater than 15-percent slope, and significant geologic formations or man-made features, existing structures and public facilities, historic landmarks, existing zoning on-site and surrounding areas;
7. The overall scheme of development including general layout of proposed land uses at a scale of one (1) inch equals two hundred (200) feet;
8. The location and acreage of recreation areas, open space and conservation areas, parks within the development;
9. The location, acreage and type of nonresidential areas and uses, and community/ public uses.
10. For each residential area shown, the total number of units in each by type and density;
11. An access and circulation plan showing the general location of all existing and proposed streets and easements of right-of-way, bridges, culverts, railroads, and utility transmission lines;
12. A traffic analysis and description of the base existing conditions and traffic volumes for the connecting external road network serving the site, projected average daily traffic for all new streets within the subdivision based on the proposed land uses and the traffic growth on adjacent highways, trip generation rates for peak hours by development and phase, and internal/external trip distribution and intersection and capacity analysis, identifying off-site access and traffic control improvements generated by the traffic demands of the proposed project at full development;
13. The proposed general location of all building areas and other improvements, except single-family and two-family dwellings and accessory buildings;
14. Notations showing the total gross development acreage, the net development acreage, acreage devoted to each land use category, the number of dwelling units and overall development density of the project;
15. General intent and schematic plans for water, sanitary sewer, storm water management, electrical services, and other utilities;
16. An approximate development schedule/phasing plan;

17. A general description of proposed agreements, provisions, or covenants that govern the use, maintenance, and continued protection of property to be held in common ownership.

18. Municipal boundaries through the property.

19. A narrative statement demonstrating consistency with the Town of Front Royal Comprehensive Plan, suitability of the tract for the type and intensity of the activities proposed, and the planning purposes to be achieved by the proposed PND as stated in Section 175-37.1, the design theme and major elements, principal site features, and environmental components integrated into the plan.

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

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

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

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

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

- a. To encourage development that enhances the character of the town;
- b. To enhance and protect property values by encouraging excellent design;
- c. To encourage architectural freedom, imagination and variety, and to encourage creative design solutions that will enhance the town's visual appearance.
- d. To promote harmonious unified development within a planned neighborhood.

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

1. Relationship of Building Site:

- a. The proposed non-residential development shall be designed and sited to accomplish a desirable view as observed from adjacent streets.
- b. Parking areas shall be enhanced with decorative elements, building wall extensions, plantings, berms, or other appropriate means to screen parking areas from view from the streets and adjacent properties.

2. Relationship to Adjoining Areas:

- a. Adjacent buildings of different architectural styles shall be made compatible by use of screens, sight breaks, materials and other methods.
- b. Landscaping shall provide a transition to adjoining property and screening between residential and commercial uses, and for off-street commercial parking and loading areas from public view.
- c. Texture, building lines and mass shall be harmonious with adjoining property. Monotonous texture, lines and mass shall be avoided.

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

- a. Quality of design and landscaping, and compatibility with surrounding uses for proposed nonresidential development. Architectural style is not restricted.
- b. Materials and finishes of good, sound architectural quality that are harmonious with adjoining buildings.
- c. Suitable materials for the type and design of the building. Materials that are architecturally harmonious shall be used for all exterior building walls and other exterior building components.
- d. Building components, such as windows, doors, eaves, and parapets with appropriate proportion and relationships to one another.
- e. Use of harmonious colors and compatible accents.
- f. Mechanical equipment or other utility hardware on roof, ground, or buildings screened from view with materials harmonious with the building.
- g. Non-Monotonous design with visual interest provided by variation in detail, form, and siting.
- h. Exterior lighting used as part of the architectural concept. Fixtures, standards, and all exposed accessories harmonious with the building design.
- i. Landscaping treatment creating unity of design, enhance architectural features, strengthen vistas, and provide shade.
- j. Plant materials selected for interest in its structure, texture, and color and for its ultimate growth using indigenous plants and those that are hardy, harmonious to the design and of good appearance.

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

4. Signs:

- a. Signs shall conform to the provisions of Section 175-106 for residential districts and this section, except that signs erected on poles shall not be permitted.

- b. Every sign shall be of appropriate scale and proportion in relation to the surrounding buildings.

- c. Every sign shall be designed as an integral architectural element of the building and site to which it relates.

- d. The colors, materials, and lighting of every sign shall be harmonious with the building and site to which it relates.

- e. The number of graphic elements on a sign shall be held to the minimum needed to convey the sign's principal message and shall be in proportion to the area of the sign.

- f. Each sign shall be compatible with signs on adjoining plots or buildings.

- g. Logos shall conform to the criteria for all other signs.

- h. A coordinated, unified sign plan shall be utilized for direction and information within the PND.

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

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

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

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

3220 175-37.6 OPEN SPACE STANDARDS (PND)

3221 A. Planned neighborhood developments shall reserve a minimum of 25 percent of the acreage of
3222 the parcel as dedicated natural open space.

3223

3224 B. Up to 25 percent of this requirement may be satisfied with land covered by water or by
3225 stormwater detention or retention basins (dry ponds shall not be permitted as open space), if the
3226 Town Council determines that such a water body or basin is suitable for the purposes set forth in
3227 Section 175-37.1. The dedicated open space shall not be included in subdivision lots. Dedicated
3228 open space shall include the land necessary to provide access to the open space.

3229

3230 C. Land characterized as conservation lands in Section 175-37.4.E. of this ordinance may be
3231 used to fulfill the minimum open space requirement up to a maximum of 50 percent of the total
3232 dedicated natural open space within a planned neighborhood development.

3233

3234 D. Dedicated open space shall have shape, dimension, character, location, and topography to
3235 accomplish the open space purposes specified in Section 175-37.1 and to ensure appropriate
3236 public access.

3237 E. Dedicated open space land shall be shown on the planned neighborhood development
3238 Concept Plan and Master Land Use Plan and shall be labeled to specify that the land has been
3239 dedicated to open space purposes. The plans and final plat shall specify that the open space land
3240 shall not be further subdivided or developed and is permanently reserved for natural open space
3241 purposes.

3242

3243 F. The open space shall be conveyed by the applicant as a condition of plat approval and may be
3244 conveyed by any of the following means as determined by the Town Council:

3245

3246 1. Deeded in perpetuity to the Town of Front Royal or other governmental agency for the
3247 purposes herein.

3248

3249 2. Reserved for common use or ownership of all property owners within the development by
3250 covenants in the deeds approved by the Town Attorney. A copy of the proposed deed
3251 covenants shall be submitted with the application.

3252

3253 3. Deeded in perpetuity to a private, non-profit, tax-exempt organization legally constituted
3254 for conservation purposes under terms and conditions that ensure the perpetual protection
3255 and management of the property for conservation purposes. A copy of the proposed deeds
3256 and relevant corporate documents of the land trust shall be submitted with the application.

3257

3258 4. Deeded to a property owner's association within the development upon terms and
3259 conditions approved by the Town Attorney that will ensure the continued use and
3260 management of the land for the intended purposes. The formation and incorporation by the
3261 applicant of one or more appropriate property owners' associations shall be required prior
3262 to plat approval. A copy of the proposed property owner's deed and the by-laws and other
3263 relevant documents of the property owner's association shall be submitted with the

3264 application. The following shall be required if open space is to be dedicated to a property
3265 owner's association:

3266
3267 a. Covenants providing for mandatory membership in the association and setting forth the
3268 owner's rights, interests, and privileges in the association and the common land, must
3269 be included in the deed for each lot or unit;

3270
3271 b. The property owners' association shall have the responsibility of maintaining the open
3272 space and operating and maintaining recreational facilities;

3273
3274 c. The association shall have the authority to levy charges against all property owners to
3275 defray the expenses connected with the maintenance of open space and recreational
3276 facilities; and

3277
3278 d. The applicant shall maintain control of dedicated open space and be responsible for its
3279 maintenance until 75% of occupancy permits for residential units have been issued and
3280 development is sufficient to support the association.

3281
3282 G. The owner/developer shall convey or restrict the open space land by a deed instrument
3283 reviewed and approved by the Front Royal Town Attorney to ensure that the land will be held
3284 and managed in perpetuity for open space purposes and shall not be further developed.

3285
3286 H. If the planned neighborhood development is developed in phases, the provision of dedicated
3287 natural open space shall be phased with the construction of dwelling units and other
3288 improvements to ensure that a proportionate share of the total dedicated open space is preserved
3289 with each phase.

3290
3291 I. Streets and other impervious surfaces shall be excluded from the calculation of the minimum
3292 dedicated open space requirement; however, lands occupied by bike paths, landscaped grounds,
3293 or similar common recreational development (excluding tennis courts, golf courses, and
3294 buildings) may be counted as dedicated open space, provided that impervious surfaces constitute
3295 no more than 5 percent of the total required open space.

3296
3297 J. Open space shall be permanently dedicated for one of more of the following uses: natural
3298 resource conservation, recreational facilities, wetland and water course preservation, selective
3299 forestry, wildlife habitat, undeveloped parklands or scenic preservation.

3300 **175-37.7 OFF-STREET PARKING (PND)**

3301 A. The number, design, location and construction of parking lots, bays, spaces and drives shall
3302 conform to the applicable requirements of Sections 175-104 and 175-105 Zoning Ordinance and
3303 Section 148-48 of the Subdivision and Land Development Ordinance. Parking for commercial
3304 land uses shall also comply with Section 175-45 of the Front Royal Town Code.

- 3305
3306 1. Parking areas shall be planted with trees a minimum of two inches in caliper measured six
3307 inches above ground level, so that there is at least one tree per ten parking spaces within

3308 the parking lot. Such trees must be protected by curbing or other means against damage
3309 by vehicles. A minimum planting area, equivalent to 162 square feet per tree, shall be
3310 provided.

3311

3312 2. Parking areas shall have a landscaped island at each end of each row of vehicle spaces. No
3313 more than 15 spaces shall be laid out without an intermediate landscape island. Such
3314 planting islands shall be not less than nine feet wide in the direction parallel to the row and
3315 not less than 18 feet long in the direction perpendicular to the row. Each such island shall
3316 have a suitable poured-in-place concrete curb, or approved equal, and shall be planted
3317 with grass or ground cover. All hydrants shall be located in such islands.

3318 **175-37.8 LANDSCAPING AND SCREENING (PND)**

3319 A. Screening of Uses: Commercial, institutional, and community uses shall be screened from
3320 residential uses within and abutting the planned neighborhood development by a buffer yard 20
3321 feet in width containing a minimum of three canopy trees, six understory trees, and nine shrubs
3322 per 100 feet of length (or an amount creating an equivalent effect and approved with the
3323 landscape plan) along the perimeter of the lot line abutting a residential use.

3324 B. Screening along Public Roadways: Uses within a planned neighborhood development which
3325 abut an arterial street as defined in Section 148-26(C)(3) shall be screened by a buffer yard of 20
3326 feet in width containing a minimum of three canopy trees, six understory trees and nine shrubs
3327 per 100 feet of frontage (or an amount creating an equivalent effect and approved with the
3328 landscape plan). Canopy trees shall be deciduous shade trees planted with a minimum of two
3329 and one-half inches in caliper at six inches above the ground with a mature height of at least 35
3330 feet. Understory trees shall be deciduous shade or fruit trees planted at minimum one and ½ inch
3331 in caliper at six inches above the ground with a mature height of at least 12 feet.

3332

3333 C. Existing Vegetation: Notwithstanding any other provisions of this ordinance, existing
3334 vegetation shall be retained and maintained to the extent feasible in order to permit existing
3335 vegetation to fulfill or contribute to buffer and screening requirements. In lieu of strict
3336 compliance with the above buffer yard requirements, a developer may submit a detailed
3337 landscaping plan that will afford a degree of buffering and screening comparable to that provided
3338 by these regulations in making use of existing and new vegetation. For developments utilizing
3339 more than 10 percent existing vegetation as a density bonus credit, a Certified Arborist shall
3340 provide a detailed description of the existing vegetation with notation of specimen trees, to
3341 certify compliance. The Arborist report shall be accompanied by the proposed measures for
3342 ensuring preservation during and after construction in accordance with the preservation criteria
3343 stated in the Town of Front Royal Landscape Preservation and Planting Guide.

3344

3345 D. Screening of Refuse Collection Facilities: Uses, except single-family homes within a planned
3346 neighborhood development shall provide secure, safe, and sanitary facilities for the storage and
3347 pickup of refuse. Such facilities shall be convenient to collection and shall be appropriate to the
3348 type and size of use being served. All refuse storage facilities shall be screened on three sides by
3349 a solid wooden fence or masonry wall and a tight evergreen hedge. The fourth side shall be
3350 angled to minimize the view of the refuse collection facility or shall be screened by an opaque
3351 gate made of durable materials. The screening shall be of sufficient height and design to

effectively screen the facility from the view from nearby residential uses, streets, adjacent properties, and recreational facilities.

175-37.9 DENSITY BONUSES (PND)

Residential density bonuses up to a density of 6.0 dwelling units per acre dedicated to uses other than the commercial uses set forth in Sections 175-37.3(B) and (C) may be approved and granted at the discretion of the Town Council upon a finding that a proposed density bonus promotes the purposes of the Planned Neighborhood Development and provides additional public benefit. Each of the following amenities and any other amenities or proffered conditions will be evaluated by the Town Council and used in negotiations with the applicant:

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

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

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

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

D. Community and Institutional Uses:

Day Care Center: In a PND with 75 or more residential units, a parcel may be designated, dedicated and developed for use as a day care center. This lot shall have a minimum of 100 square feet per residential unit within the PND, and be developed in accordance with the requirements of Town Code Section 175-107.1.

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

E. Developed Recreational Facilities: Such facilities may include, but shall not be limited to, tot lots and pocket parks, ball fields, courts or other athletic facilities, swimming pools, public pedestrian plazas or arcades with benches, water fountains and reflecting pools, terraces, sculptures, public art, involving unique design features and amenities. To be considered for a

3392 density bonus, such recreational facilities shall be developed at a minimum ratio of three acres
3393 per 100 units, in addition to the minimum requirement in Section 15.

3394 F. Enhanced streetscapes: Streets s developed with widened sidewalk area, substantial
3395 landscaping above the required minimum, approved traffic calming measures, pedestrian-
3396 oriented features, and bicycle parking facilities may be considered for a density bonus.

3397 G. Other: Additional density bonuses may be granted based upon such other innovative factors
3398 as may be proposed by the applicant and accepted by the Town Council in its sole discretion.

3399 **175-37.10 TRAFFIC IMPROVEMENTS (PND)**

3400 Where a proposed planned neighborhood development borders on an existing street whose right-
3401 of-way, traffic carrying capacity, or sight lines are inadequate to safely and efficiently
3402 accommodate the traffic generated by the proposed development, the Town Council shall require
3403 the applicant to dedicate land for needed realignment or widening, and to undertake or fund the
3404 needed street improvements.

3405 **175-37.11 DIMENSIONAL STANDARDS (PND)**

3406 A. Building Separation: No structure under 30 feet in height shall be located within 15 feet of
3407 any other structure. Buildings higher than 30 feet shall be separated by a distance equivalent to
3408 50 percent of the height of the tallest building.

3409
3410 B. Height Limits: The height limits within a planned neighborhood development shall be the
3411 same as the height limits set forth in Section 175-36 for structures in the R-3 residential district.

3412 C. Except as otherwise specifically required by Sections 175-37.01 through 175-37.19,
3413 modifications to the following design standards may be authorized by the Town as part of the
3414 rezoning or conditional rezoning application process, provided they are specifically approved,
3415 with the modified design standards taking precedence over the design standards of Chapter 148
3416 and Chapter 175 of the Town Code.

- 3417 1. Lot Area
3418 2. Lot Width
3419 3. Setbacks and Yard Area
3420 4. Building Height
3421 5. Building Separation

3422

3423 **175-37.12 PERIMETER BOUNDARY (PND)**

3424 A. No portion of a building, structure, or parking area, shall be located within 55 feet of abutting
3425 property that is not part of the proposed planned neighborhood, unless the zoning of the adjacent
3426 property permits uses similar to the proposed Planned Neighborhood District use to be located

abutting the common boundary. Where proposed PND uses are similar to uses permitted on the adjacent property, the minimum separation shall be that same as required for the zoning district on the adjacent property.

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

C. The minimum front yard requirement of the R-1 zoning district shall apply for a minimum of 200 feet from the border of a planned neighborhood development and adjoining property that share frontage on the same side of a street.

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

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

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

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

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

1. There shall be a minimum of two and one-half parking spaces for each unit. The shared use of such overflow parking with other uses and activities is encouraged.
2. Walkways of four feet in width, constructed of concrete, stone brick or similar masonry material, (not including asphalt), shall be installed from parking areas to multiplex units served by such parking areas.
3. The minimum size of each individual unit shall be no less than 600 net square feet.

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

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

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

175-37.14 UTILITIES (PND)

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

175-37.15 ACCESSORY STRUCTURES (PND)

Accessory structures shall not be located within any front yard or within five feet of any other structure and shall comply with the requirements of Town Code Section 175-26D.

175-37.16 NEIGHBORHOOD RECREATIONAL USES (PND)

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

175-37.17 COMMERCIAL USES DEVELOPMENT STANDARDS (PND)

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

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

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

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

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

D. Commercial structures shall comply with the height requirements in Code Section 175-50.

E. Commercial uses shall comply with the Performance Standards stated in Code Section 175-52.

F. Parking for commercial uses shall be in accordance with Town Code Section 175-104.

175-37.18 DEVELOPMENT REVIEW (PND)

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

A. Development Plan: A Development Plan shall be submitted for all proposed commercial, residential, community facility, institutional, or multi-family residential development within a Planned Neighborhood Development. The Development Plan shall be drawn to scale and shall be accompanied by a narrative, as appropriate. The Development Plan shall comply with the provisions of Sections 175-111 through 175 – 122 and Section 148-20 of the Code of Front Royal, Virginia, unless otherwise provided for herein, and the following:

1. All information required for the master plan submission.
2. A development schedule. If phasing is proposed, indication of the proposed phasing schedule, along with a plan indicating phased sections.
3. A landscape plan prepared by a certified landscape architect or land surveyor shall be submitted with each site development plan application. The development plan shall identify proposed trees, shrubs, ground cover, natural features such as rock outcroppings, other landscaping elements and planting details. When existing natural growth is proposed to remain, the applicant shall include in the plans a description of the landscaping to be retained, a statement from a certified arborist that the material is

desirable and healthy, and the proposed methods to protect the retained trees and growth during and after construction.

4. Proposed number of dwelling units by residential types, and the area of non-residential buildings by use type (retail, office, service, etc.).

5. Calculation of the percentage of land area covered by the various land uses, including landscaped areas.

6. Proposed circulation plan showing patterns of vehicular, pedestrian, or other traffic, parking areas (including the number of parking spaces).

7. Notes identifying any deviations from the approved master plan.

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

Revisions to the Site Development Plan may be proposed by the applicant prior to the Town Council's review. The Town Council at its discretion may consider the application with minor revisions as proposed or may return the plan to the Planning Commission for further review.

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

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

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

F. Appearance Review: Appearance Review by the Planning Commission shall be required for all proposed commercial, community, institutional, or multi-family residential development within a planned neighborhood development to ensure conformity with the appearance standards

3590 established by the approved design guidelines for the Planned Neighborhood Development. Such
3591 review shall occur in conjunction with the Site Development Review. Compliance with the
3592 requirements for Appearance Review shall be in addition to all other requirements.

3593 **175-37.19 DEFINITIONS (PND)**

3594 **A. ASSISTED LIVING FACILITY** - A residential facility for two or more persons that
3595 provides nursing assistance and/or support services for residency of elderly and /or disabled
3596 persons, where residents share common meals.

3597
3598 **B. COMMUNITY HALL** - A community hall is a structure designed and constructed for civic
3599 uses and shall include a community meeting room, a library annex, space dedicated to historical
3600 or cultural displays or uses, athletic or exercise facilities, or uses found to be similar in intent and
3601 function with this section.

3602
3603 **C. MULTIPLEX STRUCTURE** - This term shall mean a residential dwelling unit designed
3604 with not more than thirty (30) separate dwelling units for a maximum occupancy by thirty (30)
3605 families living independently of each other

3606
3607 **D. NEIGHBORHOOD RECREATION USE** - This term shall include basketball courts, tennis
3608 courts, playgrounds, tot lots, picnic areas, and the like.

3609
3610 **E. NEIGHBORHOOD RESTAURANTS** - A restaurant of not more than 20 seats, nor five
3611 employees, open for business not later than 10 p.m.

3612
3613 **F. NEIGHBORHOOD-ORIENTED COMMERCIAL** - This term shall include neighborhood-
3614 oriented retail businesses with not more than 15,000 square feet of gross floor area. The term
3615 shall include convenience stores, bookstores, dry cleaners, ice cream stores, barber and beauty
3616 shops, wearing apparel stores, bakeries, drugstores, gift shops, hardware stores, or other use
3617 found to be similar to one or more uses listed herein, but shall not include automobiles sales
3618 operations.

3619
3620 **G. NONTIDAL WETLANDS** - Those wetlands other than tidal wetlands that are inundated or
3621 saturated by surface or ground water at a frequency or duration sufficient to support, and that
3622 under normal circumstances do support, a prevalence of vegetation typically adapted for life in
3623 saturated soil conditions, as defined by the U.S. Environmental Protection Agency pursuant to
3624 Section 404 of the Clean Water Act as amended.

3625
3626 **H. OPEN SPACE** - Common space generally intended for passive recreation and not improved
3627 with a building, structure, vehicular travel lane, driveway, street, sidewalk, or parking area. Open
3628 space may include pedestrian ways, bike paths, trails interconnecting open space areas;
3629 undisturbed natural areas, woodlands, preservation areas; community facilities; landscaped
3630 grounds, buffers; playgrounds and tot lots; swimming and boating areas.

3631
3632 Open space shall not include yards within individual residential lots, yards less than (30) feet
3633 wide between buildings, lands occupied by tennis courts, golf courses, and buildings.

I. PLANNED NEIGHBORHOOD DEVELOPMENT - Planned neighborhood development (PND) is used in two contexts. Depending upon the context, planned neighborhood development refers to the development authorized by the ordinance or a project which is proposed for consideration under this ordinance. This term shall have the same meaning as mixed-use development and planned unit development as defined in the Code of Virginia (1989 Session Virginia Acts of Assembly - Chapter 384).

J. RETIREMENT LIVING FACILITIES - In accordance with Virginia Code Section 36-96.7, residential structures within a planned neighborhood development that are intended to be absent of school age children and which ensures, through covenants, management regulations or other similar legal instruments, enforceable by a homeowners' association or other similar private entity, that at least one of the residents of at least 80% of the units is 55 years of age or older. Such facilities may include extended care or nursing home facilities as defined in Section 175-3 of the Town Code.

COMMUNITY BUSINESS DISTRICT (C-1)

(Amended 10-27-97 by Z-3-97 formerly known as Commercial District C-1)

175-38 STATEMENT OF INTENT (C-1)

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

175-39 USE REGULATIONS (C-1)

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

RESIDENTIAL

*Up to three (3) dwelling units of any type, but not on the ground floor.
Caretaker quarters, provided that, the dwelling is not located on the ground floor.*

COMMERCIAL

*Appliance stores and repair services
Assembly Halls
Automobile and truck sales lots and leasing agencies, in accordance with 175-44.E.
Automobile service stations, in accordance with 175-110.*

- 3677 Bakeries, when products are sold as retail on the premises.
- 3678 Banks, branch banks, and financial institutions.
- 3679 Barber and beauty shops
- 3680 Car washing
- 3681 Catering Services
- 3682 Contractor's offices, display rooms and storage
- 3683 Commuter parking facilities.
- 3684 Department Stores
- 3685 Drugstores
- 3686 Florist shops/floral designers
- 3687 Funeral homes
- 3688 Furniture stores
- 3689 Grocery stores
- 3690 Hardware stores
- 3691 Laundries, Laundromats and dry cleaners
- 3692 Lumber and building supply, with storage under cover
- 3693 Machinery sales and service
- 3694 Motels, hotels, and tourist homes.
- 3695 Newspaper and other printing establishments
- 3696 Personal Services
- 3697 Retail Stores, as defined in Section 175-39.C.
- 3698 Pharmaceutical Center
- 3699 Professional and Business Offices
- 3700 Radio and television broadcasting stations, studios or offices.
- 3701 Recreational Facility, Commercial
- 3702 Restaurants, including drive-in restaurants
- 3703 Special childcare services.
- 3704 Technology business, as defined in Section 175-3, provided that such use does not involve
- 3705 broadcast or communications towers or manufacturing operations.
- 3706 Theatres, Indoor
- 3707 Veterinary hospitals
- 3708 Wearing-apparel stores

3709

INDUSTRIAL

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3714

ORGANIZATIONAL

3715

3716 Art galleries and museums.

3717 Churches.

3718 Public libraries.

3719

3720

MISCELLANEOUS

3721
3722 *Accessory uses, structures and buildings.*
3723 *Home occupations.*
3724 *Open Space*
3725 *Public facilities.*
3726 *Public parks and playgrounds.*
3727 *Public utilities.*
3728 *Signs, as set forth in Section 175-106.*
3729 *Special childcare services.*
3730 *Such other uses as determined similar to one or more enumerated uses by the Zoning*
3731 *Administrator.*
3732
3733

3734 (Ord. No. 3-08 Amended 5-12-07-Effective Upon Passage)
3735

- 3736 1. ~~Appliance stores and repair services.~~
3737 2. ~~Automobile and truck sales lots and leasing agencies, provided that all incidental repair of~~
3738 ~~vehicles is conducted in a building enclosed on all sides.~~
3739 3. ~~Automobile service stations in accordance with 175-110.~~
3740 4. ~~Bakeries when products are sold at retail on the premises.~~
3741 5. ~~Banks, branch banks and financial institutions.~~
3742 6. ~~Barber and beauty shops.~~
3743 7. ~~Billiard parlors and poolrooms.~~
3744 8. ~~Bowling alleys.~~
3745 9. ~~Car washing.~~
3746 10. ~~Churches.~~
3747 11. ~~Contractor's offices, display rooms and storage.~~
3748 12. ~~Commuter parking facilities.~~
3749 13. ~~Department stores.~~
3750 14. ~~Drugstores.~~
3751 15. ~~Dwelling units, in conjunction with business establishments, located above the ground floor~~
3752 ~~only.~~
3753 16. ~~Fire and rescue squad stations.~~
3754 17. ~~Florist shops/floral designers.~~
3755 18. ~~Funeral homes.~~
3756 19. ~~Furniture stores.~~
3757 20. ~~Gasoline Sales (Retail), in accordance with the requirements of Section 175-110.~~
3758 21. ~~Grocery stores.~~
3759 22. ~~Hardware stores.~~
3760 23. ~~Laundries, Laundromats, and dry cleaners.~~
3761 24. ~~Libraries.~~
3762 25. ~~Lumber and building supply (with storage under cover).~~
3763 26. ~~Machinery sales and services.~~
3764 27. ~~Motels, hotels, and tourist homes.~~

3765
3766 (Ord. No. 3-08 Removed "boardinghouses and rooming houses" 5-12-08-Effective Upon Passage)
3767

- 3768 —28. Newspaper and other printing establishments
3769 —29. Professional and public offices, including veterinary hospitals.
3770 —30. Public transportation facilities.
3771 31. Public utilities, including poles, booster and relay stations, distribution transformers, pipes,
3772 meters and other facilities necessary for the provision and maintenance of public utilities.
3773 32. Radio and television broadcasting stations, studios or offices.
3774 33. Recreation Facility (commercial).
3775 34. Restaurants, including drive-in restaurants.
3776 35. Retail stores as defined in Section 175-39D.
3777 36. Single-family and two-family dwellings, in existence on or before September 1, 1997.
3778 37. Theaters, assembly halls.
3779 38. Wearing apparel stores.
3780 39. Such other uses as determined similar to one or more enumerated uses by the Zoning
3781 Administrator.
3782

3783 B. *The following uses are permitted within the C-1 District only by approval of a special use*
3784 *permit, except as prohibited or restricted by separate restrictions of record that may*
3785 *pertain to property within the C-1 District:*
3786

3787 **RESIDENTIAL**
3788

3789 *Apartments or dwelling units, with four (4) or more units or where located on the ground*
3790 *floor, subject to the provisions of Section 175-113.*
3791

3792 **COMMERCIAL**
3793

3794 *Automobile garages, excluding where repairs work is only an accessory use, subject to*
3795 *the requirements of Section 175-110.3 where motor vehicle painting or body work*
3796 *services are provided.*

3797 *Automobile Parking Lots, commercial.*

3798 *Bed & Breakfasts, as set forth in Section 107.3.*

3799 *Day Care Facilities and schools, subject to the provisions of Section 175 -107.1F, and*
3800 *any necessary improvements or changes to address the considerations of that section.*

3801 *Farmers' markets, and flea markets, in accordance with 175-44.F.*

3802 *Kennels*

3803 *Shopping centers as set forth in Section 175-111.*
3804

3805 **INDUSTRIAL**
3806

3807 *Distribution facilities, subject to the standards and criteria for industrial uses provided in*
3808 *Section 175-70.*

3809 *Wholesale establishments with storage and processing, subject to the standards and*
3810 *criteria for industrial uses provided in Section 175-70.*
3811

3812 **ORGANIZATIONAL**
3813

Schools**MICELLANEOUS**

Any use permitted under Section 175-39, or specifically listed above under this subsection, that proposes to occupy a building or structure that exceeds the height requirements of Section 175-41, 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.

Conservation areas.

Communication towers, in accordance with Section 175-110.4

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

Boarding Houses, Clubs & Lodging Houses

Mini-warehouses, subject to the standards of Section 107-44.G.

Nursing homes, as set forth in Section 175-107.

Parking Structures.

Structures with a height between 45 feet and 70 feet, and any residential structure not in conformance with the height limitation of Section 175-41.

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

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

~~B. Subject to the standards and requirements set forth in this Chapter, the following uses may be permitted upon authorization of the Town Council in accordance with Section 175-136.~~

~~1. Shopping centers as set forth in Section 175-111.~~

~~2. Wholesale establishments with storage and processing, subject to the standards and criteria for industrial uses provided in Section 175-70.~~

~~3. Day Care Facilities and schools, subject to the provisions of Section 175-107.1F, and any necessary improvements or changes to address the considerations of that section.~~

~~4. Apartments or dwelling units, with four (4) or more units or where located on the ground floor, subject to the provisions of Section 175-113.~~

~~5. Farmers' markets, and flea markets subject to the following provisions:~~

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

~~b. A minimum twenty-five (25) foot setback shall be maintained from all property lines.~~

- ~~e. No adverse effect on adjoin properties, including but not limited to excessive or untimely noise or lighting, overflow parking, or visual problems potentially affecting property values or marketability, is found.~~
- ~~d. All tables, facilities and structures shall be maintained in a well kept and attractive manner.~~
- ~~e. Any building and metal canopy frame associated with and attached or semi-detached from such building used for the storage or sale of goods and materials and as the market operator's office shall be constructed on a permanent foundation and meet appropriate building code regulations; provide that any such building and metal canopy frame in existence prior to July 1, 2001, shall not be required to be on a permanent foundation or meet building code regulations except as additions and enlargement are made thereon. No trailers or mobile home units shall be permitted.~~
- ~~f. All temporary structures or facilities, including but not limited to canopy frames except as provided in sub-section (e) above, table extensions and display shelving, shall be removed during the hours that the market is not in operation.~~
- ~~g. Operation of the market shall be confined to Saturday, Sunday, and Holidays, unless other dates are specifically approved by the Town Council in conjunction with the Special Permit. The hours of operation shall be posted on the property.~~
- ~~h. Open air markets shall only be conducted during the months of April through October. During the period from November 15 to March 15, all tables and other temporary fixtures shall be removed. Such fixtures may be stored on the site, provided they are located within a completely enclosed building or otherwise screened from public view, in accordance with Section 175-44(A). The provisions of this sub-section (h), shall not be applicable to any flea market in existence and operation as of July 1, 2001.~~
- ~~6. Distribution facilities, subject to the standards and criteria for industrial uses provided in Section 175-70.~~
- ~~7. Structures with a height between 45 feet and 70 feet, and any residential structure not in conformance with the height limitation of Section 175-41.~~
- ~~8. Structures with a gross floor area of 50,000 square feet or more.~~
- ~~9. Automobile garages, involving major repair of motor vehicles.~~
- ~~10. Townhouse-style commercial development, where it is intended to divide the property into individual lots.~~
- ~~11. Automobile Parking Lots, commercial.~~
- ~~12. Parking Structures.~~

3907 ~~13. Communications towers and cable television facilities, with wireless telephone (cell~~
3908 ~~phone) communications tower subject to the supplemental provisions prescribed in~~
3909 ~~Section 175-110.4.~~

3910
3911 ~~14. Conversion of a structure originally designed and intended for occupancy as a single-~~
3912 ~~family dwelling into a structure with more than one (1) dwelling.~~

3913
3914 ~~15. Rest, convalescent or nursing homes as set forth in Section 175-107.~~

3915
3916 ~~16. Motor vehicle painting and body work, subject to the provisions of Section 175-110.3.~~

3917
3918 ~~17. Mini-warehouses, located on property (or that portion of property) setback at least 150~~
3919 ~~feet from the public road, subject to the following provisions:~~

3920
3921 ~~a. No exterior storage shall be permitted.~~

3922
3923 ~~b. No business activities other than rental of storage units and office use shall be conducted~~
3924 ~~on the premises or within the building, except as specifically approved with the special~~
3925 ~~permit approval. The servicing or repair of motor vehicles, trucks, mobile homes, boats,~~
3926 ~~trailers, lawn mowers, or other similar equipment shall not be conducted on the~~
3927 ~~premises. The operation of a mini-warehouse shall in no way be deemed to include a~~
3928 ~~transfer and storage business where the use of vehicles is part of such business.~~

3929
3930 ~~c. When a mini-warehouse is built adjacent to or within 100 feet of a lot in a residential~~
3931 ~~district without an intervening street, a solid wall or fence at least six (6) feet in height~~
3932 ~~with a finished side facing the residential lot shall be erected between the mini-~~
3933 ~~warehouse and the residential lot. However, the wall or fence shall not be required to~~
3934 ~~extend into the front yard required on the lot on which it is located.~~

3935
3936 ~~d. The minimum landscaped open space for a mini-warehouse building shall not be less~~
3937 ~~than .20 times the gross acreage of the lot. Such landscaped open space shall not be~~
3938 ~~open to vehicular traffic, and shall be used to buffer and shield adjacent uses from the~~
3939 ~~mini-warehouse operation. The required amount of open space may be reduced with the~~
3940 ~~special permit approval for the reuse of an existing building/developed property.~~

3941
3942 ~~e. The maximum height of the storage section of a mini-warehouse building shall be~~
3943 ~~twenty-five (25) feet.~~

3944
3945 ~~f. The maximum total storage area in a mini-warehouse building shall be seven thousand~~
3946 ~~five hundred (7,500) square feet.~~

3947
3948 ~~g. The maximum size of an individual storage unit shall be five hundred (500) square feet.~~

3949
3950 ~~18. Lodging houses and boarding houses.~~

3951
3952 ~~19. Kennels~~
3953

3954 ~~20. Bed & Breakfast Uses as set forth in Section 107.3.~~

3955

3956 ~~C. Accessory uses permitted.~~

3957 -

3958 ~~1. Off-street parking for uses permitted in this district.~~

3959 ~~2. Home occupations, subject to the standards of Section 175-108.1.~~

3960 ~~3. Signs, as set forth in Section 175-106.~~

3961 ~~4. Accessory buildings and uses customarily incidental to permitted uses, including portable~~
3962 ~~storage containers as set forth in Section 175-109.2.~~

3963

3964 **DC.** For the purpose of this section, "retail stores" are defined as buildings for the display and
3965 sale of merchandise at retail or for the rendering of personal services, but specifically exclusive
3966 of coal, wood and oil and lumberyards, accessory uses, adult bookstores (stores engaged in the
3967 sale of magazines and other publications of sexually-oriented nature), massage parlors and stores
3968 engaged in the sale of sexual aids, devices and merchandise.

3969

3970 **175-40 AREA REGULATIONS (C-1)**

3971 A. Minimum Lot Size:

3972 1. Residential uses with four (4) or more units = 6,000 s.f first unit; 1,500 s.f each additional
3973 unit.

3974 2. All other uses: 7,500 s.f.

3975

3976 B. Minimum Unit Size: The minimum average unit size (floor area) per dwelling unit, where
3977 fewer than four (4) units are provided shall be three hundred (300) square feet. No dwelling unit
3978 shall have less than two hundred fifty (250) square feet of living area. This living area shall not
3979 include bathroom, closet and storage space.

3980

3981 C. Minimum District Size: Five (5) acres.

3982

3983 D. Minimum Lot Width:

3984

3985 1. Interior Lot: Seventy-five (75) feet.

3986 2. Corner Lot: Ninety (90) feet.

3987 **175-41 MAXIMUM HEIGHT OF BUILDINGS (C-1)**

3988 A. Residential Buildings: 35 feet, except as otherwise provided in this section.

3989

3990 B. Other Principal Buildings: 45 feet except as provided in Section 175-39B.

3991

3992 C. Residential structures may have a maximum overall height of 45 feet, provided that the slope
3993 of the roof exceeds 35 percent and the required yards are increased by one (1) foot for each
3994 foot in height over 35 feet.

3995

D. Exemptions from height requirements:

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

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

~~F. Where the Town approves a structure exceeding 45 feet in height, the maximum height shall be seventy (70) feet and up to six (6) stories. All required yards shall be increased by two (2) feet for each foot over forty-five (45) feet. There shall be a minimum lot size of seven thousand five hundred (7,500) square feet; however, in the case of permitted renovation of a residential use, the lot must be six thousand (6,000) square feet, plus an additional one thousand five hundred (1,500) square feet for each individual dwelling unit above one (1).~~

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

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

1. Front setback:
 - a. Where no parking is provided between the structure and the street: five (5) feet. Provided, however, that no drive aisle shall be located within five (5) feet of any structure having a setback less than fifteen (15) feet.
 - b. Where parking is provided between the structure and the street: fifty (50) feet.
2. Side: 10 feet on one (1) side only.
3. Rear: 15 feet.
4. Corner side: 15 feet.

B. Accessory Structures:

1. Front setback: 25 feet, except that accessory structures shall not be located closer to the street than the principal structure.
2. Side: 5 feet or 50% of building height, whichever is greater.
3. Rear: 5 feet or 50% of building height, whichever is greater.
4. Corner side: 20 feet, except that accessory structures shall not be located closer to the street than the principal structure.

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

- 4040
4041 1. Side yard: 15 feet.
4042 2. Rear yard: 20 feet.
4043 3. No structures, storage, use or parking shall be located in a transitional yard.
4044 4. Transitional yards shall be landscaped in accordance with the provisions of Section 148-
4045 44.
4046
4047 D. Where parking is provided in a perpendicular manner between the principal structure and the
4048 street a minimum parking setback of ten (10) feet and a minimum building setback of fifty (50)
4049 feet shall be provided. The parking setback shall be landscaped in accordance with Section 148-
4050 48(E)(2).
4051
4052 E. The Town Council may waive the setback, yard and lot size requirements for townhouse style
4053 commercial project, approved by special permit, where such waiver is needed to produce a
4054 functional and desirable site layout; provided, however, that no adverse impact to adjoining
4055 property results from the waiver.

4056 **175-43 OPEN SPACE REGULATIONS (C-1)**

- 4057 A. Maximum building coverage for apartment structures exceeding four (4) units: Fifty percent
4058 (50%).
4059 B. Maximum building coverage for all other structures: Seventy - five percent (75%).
4060 C. Maximum impervious surface coverage: Ninety percent (90%), including off-street parking.

4061 **175-44 PERFORMANCE STANDARDS (C-1)**

4062 A. Screening:

- 4063
4064 1. Permitted uses shall be conducted wholly within a completely enclosed building or within
4065 an area enclosed on all sides by a solid masonry wall, a uniformly painted solid board
4066 fence or a dense evergreen hedge at least six (6) feet in height. Public utilities and signs
4067 requiring natural air circulation, unobstructed view or other technical consideration
4068 necessary for proper operation may be exempt from this provision. This exception does
4069 not include storing of any materials.
4070
4071 2. Commercial development shall be permanently screened from adjoining and contiguous
4072 residential district by a wall, fence, evergreen hedge, and/or other suitable enclosure with a
4073 minimum height of five (5) feet. Any area between such enclosure and the property line
4074 shall be landscaped to form a permanent screening area. The requirement for a screening
4075 area may be waived if equivalent screening is provided by existing parks, recreational
4076 areas, or by topographic or other natural conditions.
4077
4078 3. The provision of subsection 2 shall not apply when the (architectural) front of any
4079 commercial building faces the street across from a residential district or when strict
4080 application of the requirement relative to screening can be demonstrated as not serving the
4081 purpose for which it is intended.

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

C. Outdoor Storage/Waste Disposal:

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

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

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

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

1. *Adequate water and sanitary facilities shall be provided if found necessary based on the size, frequency and duration of the market.*
2. *A minimum twenty-five (25) foot setback shall be maintained from all property lines.*

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

4. All tables, facilities and structures shall be maintained in a well-kept and attractive manner.

5. Any building and metal canopy frame associated with and attached or semi-detached from such building used for the storage or sale of goods and materials and as the market operator's office shall be constructed on a permanent foundation and meet appropriate building code regulations; provide that any such building and metal canopy frame in existence prior to July 1, 2001, shall not be required to be on a permanent foundation or meet building code regulations except as additions and enlargement are made thereon. No trailers or mobile home units shall be permitted.

6. All temporary structures or facilities, including but not limited to canopy frames except as provided in sub-section (e) above, table extensions and display shelving, shall be removed during the hours that the market is not in operation.

7. Operation of the market shall be confined to Saturday, Sunday, and Holidays, unless other dates are specifically approved by the Town Council in conjunction with the Special Permit. The hours of operation shall be posted on the property.

8. Open air markets shall only be conducted during the months of April through October. During the period from November 15 to March 15, all tables and other temporary fixtures shall be removed. Such fixtures may be stored on the site, provided they are located within a completely enclosed building or otherwise screened from public view, in accordance with Section 175-44(A). The provisions of this sub-section (h), shall not be applicable to any flea market in existence and operation as of July 1, 2001.

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

1. No exterior storage shall be permitted.

2. No business activities other than rental of storage units and office use shall be conducted on the premises or within the building, except as specifically approved with the special permit approval. The servicing or repair of motor vehicles, trucks, mobile homes, boats, trailers, lawn mowers, or other similar equipment shall not be conducted on the premises. The operation of a mini-warehouse shall in no way be deemed to include a transfer and storage business where the use of vehicles is part of such business.

3. When a mini-warehouse is built adjacent to or within 100 feet of a lot in a residential district without an intervening street, a solid wall or fence at least six (6) feet in height with a finished side facing the residential lot shall be erected between the mini-warehouse and the residential lot. However, the wall or fence shall not be required to extend into the front yard required on the lot on which it is located.

4. The minimum landscaped open space for a mini-warehouse building shall not be less than .20 times the gross acreage of the lot. Such landscaped open space shall not be open to vehicular traffic, and shall be used to buffer and shield adjacent uses from the mini-warehouse operation. The required amount of open space may be reduced with the special permit approval for the reuse of an existing building/developed property.

5. The maximum height of the storage section of a mini-warehouse building shall be twenty-five (25) feet.
6. The maximum total storage area in a mini-warehouse building shall be seven thousand five hundred (7,500) square feet.
7. The maximum size of an individual storage unit shall be five hundred (500) square feet.
8. Buildings used in association with mini-warehousing shall be setback at least 150 feet from the public road.

175-45 — OFF-STREET PARKING (C-1)

A. Space Requirements, except where specifically exempted under Section 175-104.

1. Retail and personal service uses: 1 space per 200 gross square feet.
2. Dwelling units in conjunction with business establishments: 1.5 spaces per unit.
3. Offices, except medical offices: 1 space per 300 gross square feet.
4. Medical offices: 1 space per 200 gross square feet.
5. Apartments: 2 spaces per unit.
6. Hotels/Motels: 1 space per room and 1 additional space for every 10 rooms.
7. Lodging houses/Bed and Breakfast: 1 space per bedroom and an additional 2 spaces for employees.
8. Theaters and Assembly Halls: 1 space per 4 fixed seats in the main assembly area or 1 space per 100 net square feet.
9. Automobile Service Facilities: 2 spaces per service bay, or 2 spaces per 360 gross square feet, with a minimum of 3 spaces.
10. Funeral Homes: 1 space per 4 fixed seats or 1 space per 100 square feet net visitation area, plus 5 employee parking spaces.
11. Other uses not specifically enumerated, see Section 175-104.

B. Minimum setback for driveways and parking:

1. All parking areas adjoining commercial properties: Five (5) feet from side and rear property lines
2. Parking areas with less than fifteen (15) spaces and no more than 4,500 square feet in area: Five (5) feet from public right-of-way except where driveway entrance is located.
3. Parking areas with fifteen (15) or more spaces or greater than 4,500 square feet in area: Ten (10) feet from public right-of-way, except where driveway entrance is located.
4. Parking areas adjoining residential district: Fifteen (15) from side and rear property lines.
5. All parking areas with fifteen (15) or more spaces or greater than 4,500 square feet in area shall meet the requirements of Section 148-48.

~~C. Construction:~~

- ~~1. All driveway entrances shall be constructed to meet the requirements of the Virginia Department of Transportation for commercial entrances.~~
- ~~2. All parking areas greater than 4,500 square feet in area shall be paved.~~

DOWNTOWN BUSINESS DISTRICT (C-2)

(Adopted 2-22-99 by Z-3-99 formerly known as Commercial District C-2)

175-46 STATEMENT OF INTENT (C-2)

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

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

- A. ~~Subject to the standards and requirements set forth in this Chapter, the following uses of land and buildings are permitted by right in the Community Business C-1 District:~~
Subject to the standards and requirements set forth in this Chapter, except as prohibited or restricted by separate restrictions of record that may pertain to property within the C-2 District, the following uses of land and buildings are permitted by-right in the C-2 District:

RESIDENTIAL

*Conversion of existing residential and/or commercial structures into buildings with a greater number of dwelling units.
Single-family and two-family dwellings.*

COMMERCIAL

*Assembly Halls
Bakeries, when products are sold as retail on the premises.
Banks, branch banks, and financial institutions.
Barber and beauty shops
Bed & Breakfasts
Catering Services
Department Stores, 15,000 square feet or less
Drugstores
Florist shops/floral designers
Funeral homes*

- 4260 Furniture stores
- 4261 Grocery stores, 15,000 square feet or less
- 4262 Hardware stores
- 4263 Laundries, Laundromats, and dry cleaners
- 4264 Motels, hotels, and tourist homes.
- 4265 Newspaper and other printing establishments
- 4266 Personal Services
- 4267 Pet Shops, without boarding kennel.
- 4268 Retail Stores, as defined in Section 175-47.B.
- 4269 Professional and Business Offices
- 4270 Radio and television broadcasting stations, studios or offices.
- 4271 Recreational Facility, Commercial
- 4272 Restaurants, excluding drive-in restaurants
- 4273 Technology business, as defined in Section 175-3, provided that such use does not involve
- 4274 broadcast or communications towers or manufacturing operations.
- 4275 Theatres, Indoor
- 4276 Wearing-apparel stores

4277

INDUSTRIAL

4278

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4279

ORGANIZATIONAL

- 4280 Art galleries and museums.
- 4281 Churches, excluding churches with ground level frontage on E. Main Street.
- 4282 Public libraries.

4283

4284

MISCELLANEOUS

4285

- 4286 Accessory uses, structures and buildings.
- 4287 Clubs
- 4288 Home occupations.
- 4289 Open space.
- 4290 Public event, see Chapter 72 for additional permitting requirements for entertainment
- 4291 festivals.
- 4292 Public facilities.
- 4293 Public parks and playgrounds.
- 4294 Public utilities.
- 4295 Signs, as set forth in Section 175-106.
- 4296 Special childcare services.
- 4297 Such other uses as determined similar to one or more enumerated uses by the Zoning
- 4298 Administrator.

4299

- 4300 A. In Downtown Business District C-2, structures to be erected or land to be used shall be for
- 4301 one (1) or more of the following principle uses:

4302

- 4303 1. ~~Retail stores, as defined in Section 175-47B.~~
- 4304 2. ~~Banks and financial institutions.~~
- 4305 3. ~~Restaurants, excluding drive-in restaurants.~~
- 4306 4. ~~Theaters, assembly halls and dance studios.~~
- 4307 5. ~~Hotels, motels, and bed and breakfast homes.~~
- 4308 6. ~~Clubs and lodges.~~
- 4309 7. ~~Churches, when located in free-standing structures.~~
- 4310 8. ~~Pet shops, but excluding boarding kennels.~~
- 4311 9. ~~Radio and television broadcasting stations, studios or offices, excluding broadcasting~~
- 4312 ~~towers.~~
- 4313 10. ~~Governmental offices and buildings.~~
- 4314 11. ~~Fire and rescue squad stations.~~
- 4315 ~~12. Libraries.~~
- 4316 13. ~~Professional, commercial and public offices.~~
- 4317 14. ~~Billiard parlors and poolrooms.~~
- 4318 ~~15. Bowling Alleys.~~
- 4319 16. ~~Recreation Centers.~~
- 4320 ~~17. Newspaper and other printing establishments and associated offices.~~
- 4321 18. ~~Barber and beauty shops.~~
- 4322 19. ~~Public garages and parking lots.~~
- 4323 20. ~~Art galleries and museums.~~
- 4324 ~~21. Bakeries where products are sold at retail on the premises.~~
- 4325 ~~22. Funeral homes.~~
- 4326 23. ~~Conversion of existing residential and/or commercial structures into buildings with a~~
- 4327 ~~greater number of dwelling units.~~
- 4328 24. ~~Personal services (including shoe repair, Laundromats, dry cleaners, beauty shops and~~
- 4329 ~~similar uses).~~
- 4330 25. ~~Public utilities, including poles, booster and relay stations, distribution transformers,~~
- 4331 ~~pipes, meters and other facilities necessary for the provision and maintenance of public~~
- 4332 ~~utilities, including water and sewerage systems.~~
- 4333 26. ~~Technology business, as defined in Section 175-3, provided that such use does not~~
- 4334 ~~involve broadcast or communications towers or manufacturing operations.~~
- 4335 27. ~~Single-family and two-family dwellings.~~
- 4336 28. ~~Public event, see Chapter 72 for additional permitting requirements for entertainment~~
- 4337 ~~festivals.~~
- 4338 29. ~~Such other uses as determined similar to one or more enumerated uses by the Zoning~~
- 4339 ~~Administrator.~~

4340

4341

4342 B. For the purpose of this section, "retail stores" are defined as buildings for the display and sale
 4343 of merchandise at retail or for the rendering of personal services, but specifically exclusive of
 4344 coal, wood and oil and lumberyards, accessory uses, adult bookstores (stores engaged in the sale
 4345 of magazines and other publications of a sexually-oriented nature), and stores engaged in the sale
 4346 of sexual aids, devices and merchandise.

4347

4348 C. Accessory Uses:

4349

- 4350 1. Signs as set forth in Section 175-106.
4351 2. Fences as set forth in Section 175-102.
4352 3. Accessory uses which are clearly incidental to the permitted principal use
4353 4. Home occupations, subject to the standards of Section 175-108.1.
4354 5. Off-street parking for uses permitted in this district.
4355 6. Portable storage containers as set forth in Section 175-109.2.
4356

4357 **175-48 USES PERMITTED BY SPECIAL PERMIT (C-2)**

- 4358 A. *The following uses are permitted within the C-2 District only by approval of a special use*
4359 *permit, except as prohibited or restricted by separate restrictions of record that may*
4360 *pertain to property within the C-2 District:*
4361

4362 **RESIDENTIAL**
4363

4364 *Apartments located in buildings constructed after January 1, 1999, in accordance with*
4365 *the area requirements in Section 175-49.*
4366

4367 **COMMERCIAL**
4368

4369 *Automobile garages, excluding where repairs work is only an accessory use, subject to*
4370 *the requirements of Section 175-110.3 where motor vehicle painting or body work*
4371 *services are provided.*

4372 *Automobile service stations, in accordance with 175-110.*

4373 *Automobile and truck sales lots and leasing agencies, in accordance with 175-52.D.*

4374 *Bed & Breakfasts, as set forth in Section 175-107.3.*

4375 *Day Care Facilities, subject to the provisions of Section 175-107.1F, and any necessary*
4376 *improvements or changes to address the considerations of that section.*

4377 *Farmers' markets, in accordance with 175-52.E.*
4378

4379 **INDUSTRIAL**
4380

4381 --
4382

4383 **ORGANIZATIONAL**
4384

4385 *Schools*
4386

4387 **MICELLANEOUS**
4388

4389 *Conservation areas.*

4390 *Lodging houses and boarding houses*
4391
4392

4393 Uses permitted by special permit shall be as follows:
4394

- 4395 A. ~~Automobile service stations~~, with major repair under cover, as set forth in Section 175-110.
- 4396 B. ~~Farmers' markets~~, subject to the following provisions, any conditions imposed on a special
- 4397 use permit by Town Council, and the requirements of Chapter 78.
- 4398 1. Adequate water and sanitary facilities shall be provided if found necessary based on the
- 4399 size, frequency and duration of the market.
- 4400 2. A minimum twenty five (25) foot setback shall be maintained from all property lines.
- 4401 3. No adverse effect on adjoining properties is found.
- 4402 4. All tables, facilities and structures shall be maintained in a well-kept and attractive
- 4403 manner.
- 4404 5. Any building used for the storage or sale of goods and materials shall be constructed on a
- 4405 permanent foundation and meet appropriate building code regulations. No trailers,
- 4406 manufactured homes, or mobile home units shall be permitted.
- 4407 6. All temporary structures or facilities, including but not limited to canopy frames, table
- 4408 extensions and display shelving, shall be removed during the hours that the market is not
- 4409 in operation.
- 4410
- 4411 C. ~~Day care facilities~~: day care facilities and operations which have been licensed by the State
- 4412 of Virginia in accordance with the requirements of Virginia Code Section 63.1-196, as
- 4413 amended, unless otherwise specifically exempted from such licensing requirements assessing the
- 4414 request for a special permit, the Town Council shall consider the factors as set forth in Town
- 4415 Code Section 175-107.1F, as those factors apply in a commercial zoning district. The Council
- 4416 may require such improvements or changes set forth in Section 175-107.1F.
- 4417
- 4418 D. ~~Schools~~: schools certified by the State of Virginia in accordance with the requirements of
- 4419 Virginia Code Section 22.1-319 et seq., unless otherwise specifically exempted from such
- 4420 licensing requirements under the provisions of the Virginia State Code. In assessing the request
- 4421 for a special permit, the Town Council shall consider the same factors set forth in Town Code
- 4422 Section 175-107.1F, as those factors apply to schools in a commercial zoning district. The
- 4423 Council may require such improvements or changes which it deems necessary to address the
- 4424 considerations set forth in Section 175-107.1F.
- 4425
- 4426 E. ~~Apartments~~, located in buildings constructed after January 1, 1999, in accordance with the
- 4427 area requirements in Section 175-49.
- 4428
- 4429 F. ~~Lodging houses and boarding houses~~.
- 4430
- 4431 G. ~~Bed & Breakfast Uses~~ as set forth in Section 175-107.3.
- 4432
- 4433 H. ~~New and used automobile and truck sales~~ and accessory uses, including but not limited to
- auto detailing, reconditioning and car washes.

4434 **175-49 AREA REGULATIONS (C-2)**

- 4435 A. Minimum Lot Size: There are no area requirements except in the case of new apartment
- 4436 structures, whereby the lot must be three thousand (3,000) square feet, plus an additional one
- 4437 thousand (1,000) square feet for each individual dwelling unit above one (1).
- 4438

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

C. Minimum District Size: Ten (10) acres.

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

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

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

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

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

175-51 FRONTAGE AND YARDS (C-2)

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

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

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

175-52 PERFORMANCE STANDARDS (C-2)

A. Screening:

1. Permitted uses shall be conducted wholly within a completely enclosed building or within an area enclosed on all sides by a solid masonry wall, a uniformly painted solid board fence or a dense evergreen hedge at least six (6) feet in height. Public utilities and signs requiring natural air consideration, unobstructed view or other technical consideration necessary for property operation may be exempt from this provision. This exception does not include storing of any materials.

2. Commercial development shall be permanently screened from any adjoining and contiguous residential district by a wall, fence, evergreen hedge, and/or other suitable enclosure with a minimum height of five (5) feet. Any area between such enclosure and the property line shall be landscaped to form a permanent screening area. The requirement for a screening area may be waived if equivalent screening is provided by existing parks, recreational area, or by topographic or other natural conditions.

3. The provision of subsection 2 shall not apply when the (architectural) front of any commercial building faces the street across from a residential district or when strict application of the requirement relative to screening can be demonstrated as not serving the purpose for which it is intended.

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

C. Outdoor Storage/Waste Disposal:

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

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

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

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

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

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

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

- 1. Adequate water and sanitary facilities shall be provided if found necessary based on the size, frequency and duration of the market.*
- 2. A minimum twenty-five (25) foot setback shall be maintained from all property lines.*
- 3. No adverse effect on adjoining properties is found.*
- 4. All tables, facilities and structures shall be maintained in a well-kept and attractive manner.*
- 5. Any building used for the storage or sale of goods and materials shall be constructed on a permanent foundation and meet appropriate building code regulations. No trailers, manufactured homes, or mobile home units shall be permitted.*
- 6. All temporary structures or facilities, including but not limited to canopy frames, table extensions and display shelving, shall be removed during the hours that the market is not in operation*

~~175-53~~ PLANS REQUIRED (C-2)

~~Before a zoning permit shall be issued or construction begun on any permitted use in this district or a permit issued for a new use, detailed site plans indicating compliance with the substantive provisions of this chapter and in sufficient detail to show the operations and processes shall be submitted to the Zoning Administrator for study. The Administrator may refer these plans to the Planning Commission for its recommendation. Modification of the plans may be required. Such plans shall be drawn in accordance with Sections 175-116 and 175-117.~~

HIGHWAY CORRIDOR BUSINESS DISTRICT (C-3)

(Adopted 12-15-97 by Z-8-97)

175-53.1 STATEMENT OF INTENT (C-3)

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

175-53.2 USE REGULATIONS (C-3)

A. ~~Subject to the standards and requirements set forth in this Chapter, the following uses of land and buildings are permitted by right in the Community Business C-1 District:~~
Subject to the standards and requirements set forth in this Chapter, except as prohibited or restricted by separate restrictions of record that may pertain to property within the C-3 District, the following uses of land and buildings are permitted by-right in the C-3 District:

4564

RESIDENTIAL

4565

4566

Caretaker quarters, provided that, the dwelling is not located on the ground floor.

4567

4568

COMMERCIAL

4569

4570

Appliance stores and repair services

4571

Assembly Halls

4572

Automobile and truck sales lots and leasing agencies, in accordance with 175-44.E.

4573

Automobile service stations, in accordance with 175-110.

4574

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

4575

Banks, branch banks, and financial institutions.

4576

Barber and beauty shops

4577

Billiard parlors and poolrooms.

4578

Bowling alleys.

4579

Commuter parking facilities.

4580

Department Stores

4581

Drugstores

4582

Florist shops/floral designers

4583

Funeral homes

4584

Furniture stores

4585

Grocery stores

4586

Hardware stores

4587

Lumber and building supply, with storage under cover

4588

Machinery sales and service

4589

Motels, hotels, and tourist homes.

4590

Personal Services

4591

Retail Stores, as defined in Section 175-53.2D.

4592

Pharmaceutical Center

4593

Professional and Business Offices

4594

Radio and television broadcasting stations, studios or offices.

4595

Recreational Facility, Commercial

4596

Restaurants, including drive-in restaurants

4597

Technology business, as defined in Section 175-3, provided that such use does not involve broadcast or communications towers or manufacturing operations.

4598

4599

Theatres, Indoor

4600

Veterinary hospitals

4601

Wearing-apparel stores

4602

INDUSTRIAL

4603

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4604

ORGANIZATIONAL

4605

4606 *Art galleries and museums.*
4607 *Churches*
4608 *Boarding Houses, Clubs & Lodging Houses.*
4609 *Public libraries.*

4610
4611
4612 **MISCELLANEOUS**
4613

4614 *Accessory uses, structures and buildings.*
4615 *Home occupations.*
4616 *Open Space*
4617 *Public facilities.*
4618 *Public parks and playgrounds.*
4619 *Public utilities.*
4620 *Signs, as set forth in Section 175-106.*
4621 *Special childcare services.*
4622 *Such other uses as determined similar to one or more enumerated uses by the Zoning*
4623 *Administrator.*
4624
4625

4626 A. Uses permitted by right Subject to the standards and requirements set forth in this Article, the
4627 following uses of land and buildings are permitted by right in the Highway Corridor Business C-
4628 3-District:

- 4629
4630 1. ~~Appliance stores and repair services.~~
4631 2. ~~Automobile and truck sales lots and leasing agencies, provided that all incidental repair of~~
4632 ~~vehicles is conducted in a building enclosed on all sides.~~
4633 3. ~~Bakeries when products are sold at retail on the premises.~~
4634 4. ~~Banks, branch banks and financial institutions.~~
4635 5. ~~Barber and beauty shops.~~
4636 6. ~~Recreation Facility (commercial).~~
4637 7. ~~Churches.~~
4638 8. ~~Commuter parking facilities.~~
4639 9. ~~Department stores.~~
4640 10. ~~Drugstores.~~
4641 11. ~~Florist Shops/Floral Designers.~~
4642 12. ~~Funeral homes.~~
4643 13. ~~Furniture stores.~~
4644 14. ~~Gasoline Sales (Retail), in accordance with the requirements of Section 175-110.~~
4645 15. ~~Grocery stores.~~
4646 16. ~~Hardware stores.~~
4647 17. ~~Lumber and building supply (with storage under cover).~~
4648 18. ~~Machinery sales and services.~~
4649 19. ~~Motels and hotels.~~
4650 20. ~~Private club or lodge.~~
4651 21. ~~Professional and public offices, including veterinary hospitals.~~

- 4652 22. ~~Public utilities, including poles, booster and relay stations, distribution transformers,~~
4653 ~~pipes, meters and other facilities necessary for the provision and maintenance of public~~
4654 ~~utilities.~~
4655 23. ~~Public protection facilities: fire department, rescue squads, police stations or substations.~~
4656 24. ~~Radio and television broadcasting stations, studios or offices.~~
4657 25. ~~Restaurants, including drive-in restaurants.~~
4658 26. ~~Retail stores as defined in Section 175-53.2D.~~
4659 27. ~~Theaters, assembly halls.~~
4660 28. ~~Wearing apparel stores.~~
4661 29. ~~Such other uses as determined similar to one or more enumerated uses by the Zoning~~
4662 ~~Administrator.~~

4663
4664 B. *The following uses are permitted within the C-3 District only by approval of a special use*
4665 *permit, except as prohibited or restricted by separate restrictions of record that may*
4666 *pertain to property within the C-3 District:*

4667 **RESIDENTIAL**
4668
4669 --
4670

4671 **COMMERCIAL**
4672
4673 *Automobile Parking Lots, Commercial.*
4674 *Shopping centers as set forth in Section 175-111.*
4675

4676 **INDUSTRIAL**
4677
4678 *Wholesale establishments with storage and processing, subject to the standards and*
4679 *criteria for industrial uses provided in Section 175-70.*
4680 *Distribution facilities, subject to the standards and criteria for industrial uses provided in*
4681 *Section 175-70.*
4682

4683 **ORGANIZATIONAL**
4684
4685 --
4686

4687 **MICELLANEOUS**
4688
4689 *Communications Towers and cable television facilities, with wireless telephone (cell*
4690 *phone) communications tower subject to the supplemental provisions prescribed in*
4691 *Section 175-110.4.*
4692 *Conservation Areas.*
4693 *Parking Structures.*
4694 *Structures with a gross floor area of 50,000 square feet or more.*
4695 *Structures with a height between 45 feet and 70 feet.*
4696

~~B. Uses permitted by special permit. Subject to the standards and requirements set forth in this Article, the following uses may be permitted upon authorization of the Town Council in accordance with Section 175-136.~~

~~1. Shopping centers as set forth in Section 175-111.~~

~~2. Wholesale establishments with storage and processing, subject to the standards and criteria for industrial uses provided in Section 175-70.~~

~~3. Distribution facilities, subject to the standards and criteria for industrial uses provided in Section 175-70.~~

~~4. Structures with a height between 45 feet and 70 feet.~~

~~5. Structures with a gross floor area of 50,000 square feet or more.~~

~~6. Automobile Parking Lots, Commercial.~~

~~7. Parking Structures.~~

~~8. Communications Towers and cable television facilities, with wireless telephone (cell phone) communications tower subject to the supplemental provisions prescribed in Section 175-110.4.~~

~~C. Accessory uses permitted.~~

~~1. Off street parking for uses permitted in this district.~~

~~2. Signs, as set forth in Section 175-106.~~

~~3. Accessory buildings and uses customarily incidental to permitted uses.~~

~~4. Portable storage containers as set forth in Section 175-109.2.~~

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

175-53.3 AREA REGULATIONS (C-3)

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

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

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

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

A. Principal Buildings: - 45 feet, except as provided in Section 175-53.2B.

B. Exemptions from height requirements

1. Church spires.

2. Belfries.

3. Cupolas.

4. Municipal water towers.

5. Chimneys.

6. Flues.

- 4740 7. Flagpoles.
4741 8. Television antennas.
4742 9. Radio aerials.
4743 10. Parapet walls up to four (4) feet above the height of the building on which the wall rests.
4744
4745 C. Accessory buildings and structures: 35 feet; however, in no case, shall the height of an
4746 accessory structure exceed the height of the principal structure.
4747
4748 D. Where the Town approves a structure exceeding 45 feet in height, the maximum height shall
4749 be seventy (70) feet and up to six (6) stories. All required yards shall be increased by two (2)
4750 feet for each foot over forty-five (45) feet.

4751

4752 **175-53.5 MINIMUM SETBACK AND YARD DIMENSIONS (C-3)**

- 4753 A. Principal Structures, when abutting properties are in a commercial or industrial district
4754
4755 1. Front Setback: Fifty (50) feet.
4756 2. Side: Fifteen (15) feet.
4757 3. Rear: Fifteen (15) feet.
4758 4. Corner Side: Thirty-Five (35) feet.
4759
4760 B. Accessory Structures:
4761
4762 1. Front Setback: 50 feet, except that accessory structures shall not be located closer to the
4763 street than the principal structure.
4764 2. Side: 10 feet or 50% of building height, whichever is greater.
4765 3. Rear: 10 feet or 50% of building height, whichever is greater.
4766 4. Corner Side: 30 feet, except that accessory structures shall not be located closer to the
4767 street than the principal structure.
4768
4769 C. Transitional yards, when located adjoining a residential district.
4770
4771 1. Side Yard: 20 feet.
4772 2. Rear Yard: 25 feet.
4773 3. No structures, storage, use or parking shall be located in a transitional yard.
4774 4. Transitional yards shall be landscaped in accordance with the provisions of Section 148-
4775 44B.

4776 **175-53.6 OPEN SPACE REGULATIONS (C-3)**

- 4777 A. Maximum building coverage: Seventy-five percent (75%)
4778 B. Maximum impervious surface coverage: Ninety percent (90%), including off-street parking.

4779 **175-53.7 PERFORMANCE STANDARDS (C-3)**

A. Screening:

1. Permitted uses shall be conducted wholly within a completely enclosed building or within an area enclosed on all sides by solid masonry wall, a uniformly painted solid board fence or a dense evergreen hedge at least six (6) feet in height. Public utilities and signs requiring natural air circulation, unobstructed view or other technical consideration necessary for proper operation may be exempt from this provision. This exception does not include storing of any materials.
2. Commercial development shall be permanently screened from adjoining and contiguous residential district by a wall, fence, evergreen hedge, and/or other suitable enclosure with a minimum height of five (5) feet. Any area between such enclosure and the property line shall be landscaped to form a permanent screening area. The requirement for a screening area may be waived if equivalent screening is provided by existing parks, recreational areas, or by topographic or other natural conditions.
3. The provision of subsection 2 shall not apply when the (architectural) front of any commercial building faces the street across from a residential district or when strict application of the requirement relative to screening can be demonstrated as not serving the purpose for which it is intended.

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

C. Outdoor Storage/Waste Disposal:

1. No flammable or explosive liquids, solids or gases shall be stored in bulk above ground; provided, however, that tanks or drums of fuel directly connecting to energy devices, heating devices or appliances located on the same lot as the tanks or drums of fuel are excluded from this provision.
2. All fuel, raw materials and products stored outdoors shall be enclosed by a fence adequate to conceal the facilities from any adjacent properties or roadways.
3. No materials or wastes shall be deposited upon a lot in such form or manner that it may be transferred off the lot by natural causes or forces.
4. All refuse containers shall be adequately sized to handle the needs of the facility or development and all material or wastes which might cause fumes or dust, constitute a fire hazard, or may be edible or otherwise attractive to rodents or insects shall be stored only in completely closed containers.

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

D. Landscaping:

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

E. Building location and treatment:

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

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

- A. Space Requirements, except where specifically exempted under Section 175-104.

1. Retail and personal service uses: 1 space per 200 gross square feet.
2. Restaurants:
 - a. Sit-Down: 1 space per 4 seats.
 - b. Carry-Out: 1 space per 50 net square feet of customer service area.
 - c. Drive-Through: 3 spaces plus stacking lanes for six (6) vehicles.
3. Offices, except medical offices: 1 space per 300 gross square feet.
4. Medical offices: 1 space per 200 gross square feet.
5. Furniture/appliance/lumber and building supply: 1 space per 400 gross square feet.
6. Hotels/Motels: 1 space per room and 1 additional space for every 10 rooms.
7. Theaters and Assembly Halls: 1 space per 4 fixed seats in the main assembly area, or 1 space per 100 net square feet.
8. Shopping centers: as provided in Town Code Section 175-111.
9. Indoor court game facilities: 1 space for every two (2) players as designed.
10. Indoor recreation facilities: 1 space per 200 net square feet of improved area.
11. Other uses not specifically enumerated, see Section 175-104.

B. Minimum setback for driveways and parking:

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

C. Construction:

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

MIXED-USE CAMPUS DEVELOPMENT (MCD) DISTRICT

(Adopted 3-12-12 by 7-12)

175-53.9 STATEMENT OF INTENT

The purpose for establishing the MCD District is to implement the policies of the Comprehensive Plan that support the redevelopment or development of large tracts of land for principally non-residential purposes. In addition, the MCD District is intended to encourage greater creativity through regulations that are more flexible than the traditional zoning districts of this Chapter. The regulations of the MCD District are designed to permit development that includes a mixture of commercial, industrial and organizational land uses within a planned campus environment. The regulations herein will protect the health and safety of town citizens

4916 while promoting the public's general welfare through the establishment of new economic
4917 development opportunities for the promotion of jobs, tax revenue, and a vibrant community.

4918

4919 **175-53.10 PERMITTED USES**

4920 A. **By-Right.** Subject to the standards and requirements set forth in this Chapter, except as
4921 prohibited or restricted by separate restrictions of record that may pertain to property within the
4922 MCD District, the following uses of land and buildings are permitted by-right in the MCD
4923 District:

4924 **RESIDENTIAL**

4925 Caretaker quarters

4926 Nursing Homes

4927

4928 **COMMERCIAL**

4929

4930 Appliance stores and repair services

4931 Assembly Halls

4932 Automobile and truck sales lots and leasing agencies

4933 Bakeries

4934 Barber and beauty shops

4935 Car washing

4936 Catering Services

4937 Department Stores

4938 Drugstores

4939 Florist shops/floral designers

4940 Funeral Homes

4941 Furniture stores

4942 Grocery stores

4943 Hardware stores

4944 Hospitals

4945 Laundries, Laundromats and dry cleaners

4946 Lumber and building supply, with storage under cover

4947 Machinery sales and services

4948 Newspaper and other printing establishments

4949 Personal Services

4950 Retail Stores

4951 Pharmaceutical Center

4952 Professional and Public **Business** Offices

4953 Recreational Facility, Commercial

4954 Recreational Facility, Public

4955 Restaurant, except drive-in

4956 Shopping Center

4957 Technology Businesses

4958 Theatres, Indoor

- 4959 Veterinary hospitals
- 4960 Wearing-apparel stores
- 4961 Wireless Telecommunication Facilities

4962

INDUSTRIAL

4964

- 4965 Contractor's offices, display rooms and storage

- 4966 Light Manufacturing

4967

ORGANIZATONAL

4969

- 4970 College or university, without living quarters

- 4971 Community Center

- 4972 Government Offices and Buildings

- 4973 Schools, adult instructional facilities only

- 4974 Churches

- 4975 Parks and Playgrounds

- 4976 Public utilities

- 4977 Public events.

- 4978 Public garage

- 4979 Public transportation terminals

- 4980 Public facilities

- 4981 Commuter Parking Facilities

- 4982 Fire and rescue squad stations

- 4983 Libraries

- 4984 Radio and television broadcasting stations, studios or offices

- 4985 Art galleries and museums

4986

MISCELLANEOUS

4988

- 4989 Accessory uses, structures and buildings

- 4990 Communal Garage

- 4991 Home occupations

- 4992 Open Space and Conservation Areas

- 4993 Parking lot

- 4994 Private Garage

- 4995 *Signs*

- 4996 *Special childcare services.*

4997

- 4998 B. **Special Use Permit.** The following uses are permitted within the MCD District only by approval of a special use permit or where specifically designated on an approved Concept Plan, except as prohibited or restricted by separate restrictions of record that may pertain to property within the MCD District:

5002

RESIDENTIAL

5004

5005 Multi-family
5006 Single-family attached or detached
5007

5008 **COMMERCIAL**

5009
5010 Automobile Repair
5011 Day Care and Day Care Facilities
5012 Motels, hotels, lodging and tourist homes
5013 Gasoline Sales
5014 Restaurant, Drive-In
5015

5016 **INDUSTRIAL**

5017 Distribution facilities
5018 Medium Industrial
5019 Mini-Storage Facility
5020 Wholesale and warehouse establishments
5021

5022 **ORGANIZATIONAL**

5023
5024 College or university, with living quarters
5025 Schools, other than adult instructional facilities
5026

5027 **MISCELLANEOUS**

5028

5029 **175-53.10 REVIEW AND CREATION**

5030

5031 A. The MCD District may only be established for properties that consist of at least 50 contiguous
5032 acres of land area.
5033

5034 B. In addition to the requirements of this Chapter, the following additional information shall be
5035 submitted with an application to rezone, or conditional rezone, property to the MCD District.
5036

5037 1. Concept Plan. A Concept Plan shall be submitted with an application for rezoning or
5038 conditional rezoning. The Concept Plan shall illustrate how the property is intended to be
5039 developed, and how the proposed development will conform to Town ordinances,
5040 including any associated proffers, and the Comprehensive Plan. When illustrating the
5041 intended development, the Concept Plan shall include the location of existing structures,
5042 and the existing and/or proposed location of the following.
5043

- 5044 a. Roads
- 5045 b. Sidewalks and trails
- 5046 c. Recreational facilities and parks
- 5047 d. Open Space
- 5048 e. Stormwater infrastructure
- 5049 f. Topography
- 5050 g. Floodplains

- 5051 h. Wetlands
5052 i. Sinkholes, caves or caverns
5053 j. Hazardous areas
5054 k. Tree canopy
5055 l. Archeological sites and historic structures
5056 m. Endangered species
5057 n. Land uses and building areas
5058 o. Adjacent properties
5059 p. Public and private utilities & easements
5060 q. Other information related to the proposed development that is necessary to assess the
5061 impacts and scope of the project.
5062
- 5063 2. Traffic Impact Analysis (TIA). A detailed TIA shall be prepared and submitted with an
5064 application to rezone, or conditionally rezone, to the MCD District. The TIA shall show
5065 the expected average daily traffic movements over any and all existing and planned
5066 streets within the proposed planned development, including motor vehicle traffic
5067 generated by the uses within the planned development. The traffic impact analysis shall
5068 include vehicle traffic generated by the lots within the planned development and expected
5069 to be generated in the future from the development of any and all adjacent properties to
5070 which and from which additional street connections are reasonably projected to be made
5071 and to which and from which additional traffic is reasonably expected to be generated.
5072 The study shall also include an analysis of the impact of the projected traffic on the
5073 adjacent local, collector and arterial road network, an assessment of the capacity of
5074 nearby intersections and appropriate solutions for improvements to the network (based on
5075 identified traffic problems) in accordance with Institute of Transportation Engineers
5076 (ITE) standards for acceptable street and intersection service levels.
5077
- 5078 3. Phase 1 Environmental Analysis. At a minimum, a Phase 1 Environmental Site
5079 Assessment shall be submitted with a rezoning application to the MCD District. The
5080 Phase I Environmental Site Assessment shall be based on the anticipated use of the
5081 property proposed for development, and shall be prepared by generally accepted national
5082 standards for such assessments, such as those developed by the American Society for
5083 Testing and Materials (ASTM). A Phase II Environmental Site Assessment may be
5084 required at the time of rezoning application, or site plan application, based on the findings
5085 of the Phase 1 Environmental Site Assessment. A Phase II Environmental Site
5086 Assessment shall be prepared in accordance with the regulations of the Environmental
5087 Protection Agency (EPA) and the ASTM. In circumstances where more detailed studies
5088 have been completed and provided to the Town, those studies shall be accepted in lieu of
5089 an Environmental Site Assessment.
5090
- 5091 4. Impact Statement. The applicant shall provide an Impact Statement that provides a
5092 narrative of the existing and proposed land use of the property and describe how it
5093 conforms to the Comprehensive Plan. The Impact Statement shall also identify how the
5094 project will impact the following, and how those impacts are proposed to be mitigated.
5095
5096 a. Fiscal Impacts, capital and operating.

- 5097 b. Impacts to the Quality of Life of citizens.
5098 c. Impacts to Property Values.
5099 d. Impacts to the Environment.
5100 e. Impacts to Archeological and Historic Resources.
5101

5102 **175-53.12 SUBSTANTIAL CONFORMANCE TO CONCEPT PLAN**
5103

5104 The submission of a concept plan with a rezoning application, including all conditions and
5105 elements proposed on the plan, shall be considered as proffers for the conditional rezoning of the
5106 property. Upon approval of the requested conditional rezoning, and acceptance of all conditions,
5107 including the concept plan and all other proffers that may be offered, all future land use activities
5108 shall be in substantial conformance with the concept plan. All future site development plan
5109 applications and subdivision plat applications shall be in substantial conformance with the
5110 concept plan. Minor deviations of the concept plan that do not significantly alter the overall land
5111 use layout, or conflict with specific conditions on the plan, or other proffers, may be considered
5112 in substantial conformance. Major deviations to the concept plan shall undergo the review
5113 process standard for proffer revisions.
5114

5115 **175-53.13 AREA REGULATIONS**
5116

5117 Lot Size & Width. New lots created on property within the MCD District shall not have a
5118 minimum lot size or width, except for corner lots, which shall have a minimum lot width at the
5119 setback line of one hundred (100) feet.
5120

5121 **175-53.14 MAXIMUM HEIGHT**
5122

5123 A. The maximum structural height of buildings used for colleges, universities or hospitals shall
5124 be 5 stories, up to a maximum of 70 feet.
5125

5126 B. The maximum structure height of buildings used for parking garages, hotels, or technology
5127 businesses shall be 4 stories, up to a maximum of 56 feet.
5128

5129 C. Except as authorized under subsection 175.53.12A and 175.53.12B, the maximum building
5130 height shall be 3 stories, up to a maximum of 42 feet.
5131

5132 D. A clear zone void of structures, signage, vegetation, and berms shall be established in areas
5133 determined by the Director to ensure appropriate emergency access for all permitted land uses.
5134 Where a clear zone is required, an easement shall be obtained to establish required clear zone
5135 areas.
5136

5137 **175-53.15 MINIMUM SETBACK AND YARD DIMENSIONS**
5138

5139 A. The following setback and yard dimension requirements shall apply to lots within the MCD
5140 District.
5141

- 5142 1. Yards abutting existing public streets: Thirty (30) feet.

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

175-53.16 STANDARDS

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

A. Open Space Standards

1. At least thirty percent (30%) of the acreage of the property shall be dedicated open space with public access.
2. Up to 25 percent (25%) of the open space required by subsection 175-53.13B.1. may be satisfied with land covered by water.
3. Required open space, including ingress/egress to the required open space, shall not be located within individual building lots.
4. Required open space shall not be further subdivided, and any future development of open space shall only be for the purpose of enhancing the use that it is dedicated for.
5. Open space shall be permanently dedicated for one of more of the following uses: natural resource conservation, or recreational facilities, wetland and water course preservation, selective forestry, wildlife habitat, undeveloped parklands or scenic preservation.
6. The open space shall be conveyed by the applicant as a condition of plat approval and may be conveyed by any of the following means as determined by the Town Council:
 - [a] Deeded in perpetuity to the Town of Front Royal or other governmental agency for the purposes herein.
 - [b] Reserved for common use or ownership of all property owners within the development by covenants in the deeds approved by the Town Attorney. A copy of the proposed deed covenants shall be submitted with the application.
 - [c] Deeded in perpetuity to a private, non-profit, tax-exempt organization legally constituted for conservation purposes under terms and conditions that ensure the perpetual protection and management of the property for conservation purposes. A copy of the proposed deeds and relevant corporate documents of the land trust shall be submitted with the application.

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

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

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

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

B. Lighting Standards.

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

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

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

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

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

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

F. Miscellaneous Standards

1. The gross land area of land devoted to commercial retail shall not exceed forty (40) percent of the gross land area of the development.
2. The gross land area of land devoted to residential uses shall not exceed forty (40) percent of the gross land area of the development.
3. Pedestrian sidewalks, trails, and crosswalks shall be designed to connect clusters of buildings to common areas and retail areas.

4. Common areas shall be provided throughout the project. Common areas shall include amenities such as, but not limited to, pedestrian and bicycle trails, bicycle parking racks, pavilions, gardens, benches, picnic tables, and fountains.

5. Incidental automobile repairs shall be permitted as an accessory use for automobile and truck sales lots and leasing agencies only if the use is located within a fully enclosed building.

LIMITED INDUSTRIAL DISTRICT (I-1)

175-54 STATEMENT OF INTENT (I-1)

The primary purpose of the I-1 District is to permit certain industries in town which do not in any way detract from residential desirability of nearby areas and to permit industries to locate near a labor supply. Mobile homes for residential purposes are prohibited but may be used for certain other uses as stated below.

175-55 USES PERMITTED BY RIGHT (I-1)

A. ~~In the Limited Industrial District I-1, any structure to be erected or land to be used shall be for one (1) of the following uses:~~ *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:*

RESIDENTIAL

Caretaker quarters, provided that, the dwelling is not located on the ground floor.

COMMERCIAL

Automobile and truck sales lots and leasing agencies, in accordance with 175-44.E.

Automobile garage (auto repair)

Automobile service stations (gas stations)

Coal and wood yards, lumberyards and feed/seed stores.

Commuter parking facilities

Contractor's offices, display rooms and storage.

Furniture stores

Lumber and building supply.

Veterinary hospitals

INDUSTRIAL

Distribution facilities

Light Manufacturing.

5319 *Woodworking and upholstery shop.*
5320 *Wholesale*

5321 **ORGANIZATIONAL**

5322 *Laboratory, pharmaceutical and/or medical.*

5323

5324

5325 **MISCELLANEOUS**

5326

5327 *Accessory uses, structures and buildings.*

5328 *Home occupations.*

5329 *Open Space*

5330 *Public facilities.*

5331 *Public parks and playgrounds.*

5332 *Public utilities.*

5333 *Signs, as set forth in Section 175-106.*

5334 *Special childcare services.*

5335 *Such other uses as determined similar to one or more enumerated uses by the Zoning*
5336 *Administrator.*

5337

5338 1. ~~Assembly of electrical appliances, electronic instruments and devices, radios and~~
5339 ~~phonographs, computer instrument and devices; also the manufacture of small parts, such~~
5340 ~~as coils, condensers, transformers, crystal holders and computer parts.~~

5341

5342 2. ~~Automobile assembling, painting, upholstering, repairing, rebuilding, reconditioning,~~
5343 ~~body and fender work~~

5344

5345 3. ~~Blacksmith shop, welding or machine shop, excluding punch presses exceeding twenty-~~
5346 ~~ton-rated capacity and drop hammers.~~

5347

5348 4. ~~Laboratories, pharmaceutical and/or medical.~~

5349

5350 5. ~~Manufacture, compounding, processing, packaging or treatment of such products as~~
5351 ~~bakery goods, candy, cosmetics, dairy products, drugs, perfumes, pharmaceuticals,~~
5352 ~~perfumed toilet soap, toiletries and food products, except fish and meat products,~~
5353 ~~sauerkraut or the refining of fats and oils.~~

5354

5355 6. ~~Manufacture, compounding, assembling or treatment of articles of merchandise from the~~
5356 ~~following prepared materials: bone, cellophane, canvas, ice, cloth, cork, feathers, felt,~~
5357 ~~fiber, fur, hair, horn, leather, paper, plastic, precious or semiprecious stone, shell, straw,~~
5358 ~~textiles, tobacco, wood, yam, paint and fiberglass.~~

5359

5360 7. ~~Manufacture of pottery and figurines or other similar ceramic products, using only~~
5361 ~~previously pulverized clay and kilns fired only by electricity or gas.~~

5362

- 5363 — ~~8. Manufacture of musical instruments, toys, novelties and rubber and metal stamps.~~
5364 —
5365 — ~~9. Building material sales yards and plumbing supplies storage.~~
5366
5367 ~~10. Coal and wood yards, lumberyards and feed and seed stores.~~
5368
5369 ~~11. Oil storage yards.~~
5370
5371 ~~12. Packing plants.~~
5372
5373 ~~13. Contractors' equipment storage yard or plant or rental of equipment commonly used by~~
5374 ~~contractors.~~
5375
5376 ~~14. Cabinets, furniture and upholstery shops.~~
5377
5378 ~~15. Boat building.~~
5379
5380 ~~16. Stone monument works.~~
5381
5382 ~~17. Veterinary hospitals.~~
5383
5384 ~~18. Automobile sales and services, with service repair under cover.~~
5385
5386 ~~19. Automobile service stations, with major repair under cover, as set forth in Section 175-~~
5387 ~~110.~~
5388
5389 ~~20. Wholesale businesses, storage warehouses and distribution plants.~~
5390
5391 ~~21. Junk storage (screened).~~
5392
5393 ~~22. Car washes.~~
5394
5395 ~~23. Accessory uses as defined, including portable storage containers as set forth in Section~~
5396 ~~175-109.2.~~
5397
5398 ~~24. Automobile wrecking yards.~~
5399
5400 ~~25. Off street parking as set forth in Section 175-104.~~
5401
5402 ~~26. Public utility generating, booster or relay stations, transformer substations, transmission~~
5403 ~~lines and towers and other facilities for the provision and maintenance of public utilities,~~
5404 ~~including railroads and facilities and water and sewerage installations.~~
5405
5406 ~~27. Signs as set forth in Section 175-106.~~
5407
5408 ~~28. Fences as set forth in Section 175-102.~~

5409

5410 **175-56 USES PERMITTED BY SPECIAL PERMIT (I-1)**

5411 **A.** *The following uses are permitted within the I-1 District only by approval of a special use*
5412 *permit, except as prohibited or restricted by separate restrictions of record that may*
5413 *pertain to property within the I-1 District:*

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RESIDENTIAL

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COMMERCIAL*Assembly Halls.**Business Offices.**Clubs.**Barber and beauty shops.**Kennels.**Professional Offices.**Recreation facility, commercial.**Restaurant, including drive-in restaurants.**Retail Stores.**Technology Business***INDUSTRIAL***Medium Industrial.***ORGANIZATIONAL**

--

MICELLANEOUS

Any use permitted under Section 175-55, or specifically listed above under this subsection, that proposes to occupy a building or structure that exceeds the height requirements of Section 175-60, 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.**A. Uses permitted by special permit shall be as follows:**

1. ~~Manufactured homes or trailers for certain nonresidential purposes, such as storage.~~
2. ~~Restaurants, retail stores, recreation facility (commercial), office buildings and barber shops.~~
3. ~~Fraternal lodges and meeting halls.~~
4. **Mini-storage facilities, subject to the following provision:**
 - a. ~~No exterior storage shall be permitted.~~
 - b. ~~No business activities other than rental of storage units and manager's office thereof shall be conducted on the premises or within the building, except as specifically approved with the special permit approval. The servicing or repair of motor vehicles, trucks, mobile homes, boats, trailers, lawn repair, or other similar equipment shall not be conducted on the premises. The operation of a mini-warehouse shall in no way be deemed to include a transfer and storage business where the use of vehicles is part of such business.~~
 - c. ~~When a mini-warehouse is built adjacent to or within 100 feet of a lot in a residential district without an intervening street, a solid wall or fence at least six (6) feet in height with a finished side facing the residential lot shall be erected between the mini-warehouse and the residential lot. However, the wall or fence shall not be required to extend into the front yard required on the lot which it is located.~~
 - d. ~~The minimum landscaped open space for a mini-warehouse building shall not be less than .20 times the gross acreage of the lot. Such landscaped open space shall not be open to vehicular traffic, and shall be used to buffer and shield adjacent uses from the mini-warehouse operation. The required amount of open space may be reduced with the special permit approval for the reuse of an existing building/developed property.~~
 - e. ~~The maximum height of the storage section of a mini-warehouse building shall be twenty-five (25) feet.~~
 - f. ~~The maximum total storage area in a mini-warehouse building shall be seven thousand five hundred (7,500) square feet.~~
 - g. ~~The maximum size of an individual storage unit shall be five hundred (500) square feet.~~
 - h. ~~Mini-storage facilities shall provide on-site, screened refuse container areas.~~
 - i. ~~The storage of toxic, hazardous, explosive, or odorous matter or materials is prohibited.~~
5. ~~Kennels, provided that any structure or area occupied by animals shall be no closer than one hundred (100) feet to any agricultural or residential property line, and that dogs shall~~

be confined in an enclosed building from 10:00 o'clock p.m. until 7:00 o'clock a.m., and noise measured at the nearest agricultural or residential property line shall not exceed fifty-five (55) decibels between the hours 10:00p.m. and 7:00 a.m., nor shall exceed sixty (60) decibels measured between 7:00 a.m. and 10:00 p.m.

6. Wireless telephone (cell phone) communications towers and equipment facilities subject to the supplemental provisions prescribed in Section 175-110.4.

B. No special permit shall be granted unless the Front Royal Town Council shall first consider the matters of safety, parking, traffic patterns, the effect of industry on the special permit holder, the effect on surrounding properties and any potential adverse impact on existing industry, prospective industry and the supply and availability of industrial building space for industrial users and shall then determine that the special permit use is appropriate and compatible with the interests of the Limited Industrial District for the location in question.

175-57 AREA (I-1)

The minimum lot area shall be ten thousand (10,000) square feet.

175-58 SETBACK (I-1)

Buildings shall be located twenty (20) feet or more from any street right-of-way which is fifty (50) feet or greater in width or forty-five (45) feet or more from the center line of any street right-of-way less than fifty (50) feet in width.

175-59 FRONTAGE AND YARDS (I-1)

A. The minimum lot width shall be sixty (60) feet.

B. Each side and rear yard shall be a minimum of ten (10) feet. The side and rear yard adjoining or adjacent to a residential district shall be forty (40) feet.

175-60 HEIGHT (I-1)

Buildings may be erected up to a height of forty-five (45) feet. Chimneys, flues, cooling towers, flagpoles, radio or communication towers or their accessory facilities not normally occupied by workmen are excluded from this limitation. Parapet walls are permitted up to four (4) feet above the height of the building on which the walls rest.

175-61 LOT COVERAGE (I-1)

Buildings or groups of buildings with their accessory structures may cover up to seventy percent (70%) of the area of the lot.

175-62 CORNER LOTS (I-1)

- 5540
5541 A. ~~Of the two (2) sides yards of a corner lot, the front shall be deemed to be the shortest of the~~
5542 ~~two (2) sides fronting on streets.~~

5543
5544 Of the two (2) or more yards of a corner lot with frontage along multiple streets, the front
5545 yard shall be established by the following criteria:

- 5546
5547 1. For new subdivision applications, the front yard shall be identified by the applicant on the
5548 subdivision site plan and approved by the Town on the approved final plat.
5549 2. For new construction on existing corner lots where no front yard is designated on the
5550 approved final plat, the property owner shall determine the front yard on the Zoning
5551 Permit application and shall be approved by the Town on the approved Zoning Permit.
5552 3. For existing structures, the front yard shall be the yard with frontage that the front façade
5553 of the primary building faces.
5554 4. The approved front yard established by this Code Section shall only be changed by
5555 review and approval of a revised final plat approved by the Planning Commission. Such
5556 future requests shall be approved if the Planning Commission determines that the
5557 proposed front yard is consistent with other properties along the same street frontages.

- 5558
5559 B. The side yard setback on the side facing a side street shall be twenty (20) feet or more for
5560 both main and accessory buildings, and twenty (20) feet or more for accessory buildings.

- 5561
5562 C. Each corner lot shall have a minimum width at the setback line of one hundred (100) feet.

- 5563
5564 D. The rear yard setback if facing a street shall be fifty (50) feet or more for both main and
5565 accessory buildings.
5566
5567

5568 **175-63 — PLANS REQUIRED; ADDITIONAL REQUIREMENTS (I-1)**

5569 ~~A. Before a building permit shall be issued or construction commenced on any permitted use in~~
5570 ~~this district or a permit issued for a new use, the plans, in sufficient detail to show compliance~~
5571 ~~with substantive provisions of this chapter and the operations and processes, shall be submitted~~
5572 ~~to the Zoning Administrator for study. The Administrator shall refer these plans to the Planning~~
5573 ~~Commission for its recommendation. Modification of the plans may be required. Such plans~~
5574 ~~shall be drawn in accordance with Sections 175-116 and 175-117.~~

5575
5576 ~~B. Permitted uses shall be conducted wholly within a completely enclosed building or within an~~
5577 ~~area enclosed on all sides by a solid, masonry wall, a uniformly painted solid board fence or an~~
5578 ~~evergreen hedge six (6) feet in height. Public utilities and signs requiring natural air circulation,~~
5579 ~~unobstructed view or other technical consideration necessary for proper operation may be~~
5580 ~~exempt from this provision. This exception does not include storing of any materials.~~

5581
5582 ~~C. The Planning Commission may require landscaping within any established or required front~~
5583 ~~setback area. The plans and execution must take into consideration traffic circulation.~~

5584 Landscaping may be permitted up to a height of three (3) feet and to within fifty (50) feet from
5585 the corner of any intersecting streets.

5586

5587 ~~D. Sufficient area shall be provided to adequately screen permitted uses from adjacent business~~
5588 ~~and residential districts and for off-street parking, which shall be in accordance with the~~
5589 ~~provisions set forth in Section 175-104.~~

5590

5591 ~~E. The Administrator shall act on any application received within thirty (30) days after receiving~~
5592 ~~the application. If formal notice in writing is given to the applicant, the time for action may be~~
5593 ~~extended for a thirty-day period. Failure on the part of the Administrator to act on the~~
5594 ~~application within the established time limit shall be deemed to constitute approval of the~~
5595 ~~application.~~

5596

5597

5598

INDUSTRIAL EMPLOYMENT DISTRICT (I-2)

(Adopted 1-23-95 by Z-2-95 Repealed former Heavy Industrial I-2)

5599 **175-64 STATEMENT OF INTENT (I-2)**

5600 The I-2 Industrial Employment District is designed to:

5601

5602 A. Enable the establishment of industrial and employment uses and structures in appropriate
5603 locations of the town.

5604

5605 B. Prevent land or structures from being used in a manner so as to create any dangerous,
5606 injurious, noxious or otherwise objectionable risk of fire, explosion, radioactivity or other
5607 hazardous condition; noise or vibration, smoke, dust, odor or other form of air pollution;
5608 electrical or other disturbance, glare or heat; liquid or solid waste; or other condition that would
5609 detract from the residential and commercial desirability of the adjoining areas.

5610

5611 C. Provide controls and standards for the establishment of industrial and employment uses and
5612 structures in keeping with the purposes of this Article and the Front Royal Comprehensive Plan.

5613 **175-65 USE REGULATIONS (I-2)**

5614 E. *Subject to the standards and requirements set forth in this Chapter, except as prohibited*
5615 *or restricted by separate restrictions of record that may pertain to property within the I-2*
5616 *District, the following uses of land and buildings are permitted by-right in the I-2*
5617 *District:*

5618

5619

RESIDENTIAL

5620

Caretaker quarters, provided that, the dwelling is not located on the ground floor.

5622

5623

COMMERCIAL

5624

Automobile and truck sales lots and leasing agencies, in accordance with 175-44.E.

5625

Automobile garage (auto repair)

5626

5627 *Automobile service stations (gas stations)*
5628 *Coal and wood yards, lumberyards and feed/seed stores.*
5629 *Commuter parking facilities*
5630 *Contractor's offices, display rooms and storage.*
5631 *Furniture stores*
5632 *Lumber and building supply.*
5633 *Veterinary hospitals*

5634 **INDUSTRIAL**

5635 *Distribution facilities*
5636 *Light Manufacturing.*
5637 *Woodworking and upholstery shop.*
5638 *Wholesale*

5639 **ORGANIZATIONAL**

5640 *Laboratory, pharmaceutical and/or medical.*

5641
5642
5643 **MISCELLANEOUS**

5644
5645 *Accessory uses, structures and buildings.*
5646 *Home occupations.*
5647 *Open Space*
5648 *Public facilities.*
5649 *Public parks and playgrounds.*
5650 *Public utilities.*
5651 *Signs, as set forth in Section 175-106.*
5652 *Special childcare services.*
5653 *Such other uses as determined similar to one or more enumerated uses by the Zoning*
5654 *Administrator.*

5655
5656 ~~A. Uses permitted by right: Subject to the standards and requirements set forth in this Article,~~
5657 ~~the following uses of land and buildings are permitted by right in the I-2 Industrial Employment~~
5658 ~~District:~~

- 5659
5660 ~~1. Research and development facilities, excluding biological or chemical activities and/or~~
5661 ~~research and development of manufactured, processed or compounded products.~~
5662
5663 ~~2. Manufacture, production, fabrication, processing, assembling, testing, packing, storing and~~
5664 ~~distribution of:~~
5665
5666 ~~a. Electrical, electronic, computer or mechanical goods.~~
5667 ~~b. Pharmaceuticals, toiletries, medical goods and cosmetics.~~
5668 ~~c. Manufactured goods.~~

- 5669
5670 3. Technology businesses, as defined in Section 175-3.
5671
5672 4. Printing, publishing, engraving, bookbinding and other similar services.
5673
5674 5. Offices for executive, administrative and data processing activities.
5675 —
5676 6. Educational, training and research institutions, including ancillary dormitory, food service,
5677 cultural and institutional uses and activities.
5678
5679 7. Wholesale, warehouse and distribution facilities.
5680
5681 8. Commercial nurseries, greenhouses and garden centers.
5682
5683 9. Public utility generating, booster or relay stations, transformer substations, transmission
5684 lines and towers and other facilities for the provision and maintenance of public utilities,
5685 including railroads and facilities and water and sewerage installations.
5686
5687 10. Public safety facilities, including fire stations, police stations and rescue facilities.
5688
5689 11. Commuter and other off-street parking facilities.
5690
5691 —12. Recycling transfer stations and material processing.
5692
5693 13. Automotive garages, including body work and automotive painting, in a completely
5694 enclosed building or structure.
5695
5696 —14. Broadcasting studio, including radio and television.
5697
5698 —15. Recreation Facility (commercial).
5699
5700 —16. Any use permitted in the I-1 Light Industrial District.

5701
5702 *B. The following uses are permitted within the I-2 District only by approval of a special use*
5703 *permit, except as prohibited or restricted by separate restrictions of record that may*
5704 *pertain to property within the I-2 District:*

5706 **RESIDENTIAL**
5707
5708 --
5709

5710 **COMMERCIAL**
5711

5712 *Airport (including heliports)*
5713 *Assembly Halls.*
5714 *Barber and beauty shops.*

5715 *Business Offices.*
5716 *Catering Services.*
5717 *Clubs.*
5718 *Daycare and daycare facilities.*
5719 *Kennels.*
5720 *Professional Offices.*
5721 *Recreation facility, commercial.*
5722 *Restaurant, including drive-in restaurants.*
5723 *Retail Stores.*
5724 *Technology Business*

5725
5726 **INDUSTRIAL**
5727

5728 *Automobile Graveyard.*
5729 *Hazardous Material Storage.*
5730 *Heavy Manufacturing.*
5731 *Medium Manufacturing.*
5732 *Scrap metal processing.*
5733

5734 **ORGANIZATIONAL**
5735
5736 --
5737

5738 **MICELLANEOUS**
5739

5740 *Any use permitted under Section 175-65.A., or specifically listed above under this*
5741 *subsection, that proposes to occupy a building or structure that exceeds the height*
5742 *requirements of Section 175-67, subject to the requirements of Section 175-136.*
5743 *Additional heights approved by a special use permit shall be required to increase the*
5744 *required setback and yard area requirements by an equivalent distance from each*
5745 *property line.*

5746 *Communications Towers and cable television facilities, with wireless telephone (cell*
5747 *phone) communications tower subject to the supplemental provisions prescribed in*
5748 *Section 175-110.4.*

5749 *Conservation Areas.*

5750 *Mini-warehouses.*

5751 *Parking Structures.*
5752

5753 ~~B. Uses permitted by special permit: Subject to the standards and requirements set forth in this~~
5754 ~~Article, the following uses of land and buildings may be permitted by special permit in the I-2~~
5755 ~~Industrial Employment District:~~

- 5756
5757 1. ~~Research and development of manufactured, processed or compounded products, including~~
5758 ~~but not limited to biological or chemical activities and/or involving the use or keeping of~~
5759 ~~animals for research or experimental purposes.~~
5760

- 5761 —2. Automobile graveyard or junkyard (screened from public view).
5762
5763 —3. Bulk storage of gasoline, other petroleum products and LP gas.
5764
5765 —4. Scrap metal processing and tire recycling.
5766
5767 —5. Manufacture, production, processing, packing and storing of food products.
5768
5769 6. Structures exceeding seventy-five (75) feet in height. An additional two-foot setback shall
5770 be provided for each one (1) foot of building height above seventy-five (75) feet in excess
5771 of the minimum setback requirements.
5772
5773 7. Day care facilities which have been licensed by the Commonwealth of Virginia in
5774 accordance with the requirements of Virginia Code Section 63.1-196, as amended, unless
5775 otherwise specifically exempted by such licensing requirements under the provisions of the
5776 Virginia State Code. In assessing the request for a special permit, the Town Council shall
5777 consider the factors set forth in the Town of Front Royal Code Section 175-107.1F as those
5778 factors apply in an industrial district. The Council may require such improvements or
5779 changes as it deems necessary to address the considerations set forth in Section 175-
5780 107.1F.
5781
5782 —8. Manufactured homes or trailers for certain nonresidential purposes, such as storage.
5783
5784 —9. Airport or heliport, commercial or private.
5785
5786 10. Kennels, provided that any structure or area occupied by animals shall be no closer than
5787 one hundred (100) feet to any agricultural or residential property line, and that dogs shall
5788 be confined in an enclosed building from 10:00 o'clock p.m. until 7:00 o'clock a.m., and
5789 noise measured at the nearest agricultural or residential property line shall not exceed fifty-
5790 five (55) decibels between the hours 10:00 p.m. and 7:00 p.m., nor shall exceed sixty (60)
5791 decibels measured between 7:00 a.m. and 10:00 p.m.
5792
5793 11. Wireless telephone (cell phone) communications towers and equipment facilities subject to
5794 the supplemental provisions prescribed in Section 175-110.4.
5795
5796 12. Catering Services
5797
5798 C. Accessory uses permitted:
5799
5800 —1. Off-street parking as set forth in Sections 175-73 and 175-104.
5801
5802 —2. Signs as set forth in Sections 175-106.
5803
5804 3. Accessory buildings and uses customarily incidental to permitted uses, including portable
5805 storage containers as set forth in Section 175-109.2.
5806
5807 4. Ancillary food and business services, subject to the following criteria:

- 5808
5809 a. ~~Ancillary food and business services shall include the following services provided~~
5810 ~~principally for the convenience of employees of the principal facility or use:~~
5811 ~~photocopying and related business services, drop-off and pickup for dry-cleaning and~~
5812 ~~laundry services, convenience stores, gift shops, branch offices for banks or credit~~
5813 ~~unions, restaurants and exercise facilities.~~
5814
5815 b. ~~The total gross floor area dedicated to ancillary food and business services shall not~~
5816 ~~exceed twenty-five percent (25%) of the total floor space.~~
5817
5818 c. ~~Ancillary food and business services shall be designed and located with the intention of~~
5819 ~~serving the immediate needs and convenience of employees within the principal facility~~
5820 ~~or use.~~
5821
5822 d. ~~Ancillary food and business services shall be located within the same building as the~~
5823 ~~principal use.~~
5824
5825 e. ~~A certificate of occupancy for an ancillary food or business service shall not be issued~~
5826 ~~until certificates of occupancy have been issued for fifty percent (50%) of the floor area~~
5827 ~~within the principal facility or use.~~
5828
5829 5. ~~Employer-sponsored day-care facilities and operations subject to the following criteria:~~
5830
5831 a. ~~The day-care operation shall be ancillary to the industrial facility and shall be intended to~~
5832 ~~serve the dependents of employees of the facility.~~
5833
5834 b. ~~The day-care operation shall be restricted to not more than one hundred (100) children~~
5835 ~~per day-care facility.~~
5836
5837 c. ~~The site shall have safe, on-site drop-off and pickup areas.~~
5838
5839 d. ~~Fenced, outdoor play areas shall be provided and not located in the facility's front yard.~~
5840 ~~Where such play areas are located within one hundred (100) feet of a residential~~
5841 ~~property, vegetative screening shall be provided to ensure minimal noise impact on the~~
5842 ~~adjoining property.~~
5843
5844 D. Prohibited uses:
5845
5846 1. ~~Uses, activities or processes that create an undue risk of fire, explosion, noise, radiation,~~
5847 ~~injury, damage or other physical detriment to any structure, person or natural feature~~
5848 ~~beyond the boundaries of the premises on which the use, activity or process is located.~~
5849
5850 2. ~~Uses, activities or processes that create any dangerous, injurious, noxious or otherwise~~
5851 ~~objectionable noise, smoke, dust, odor, electronic interference with radio or television~~
5852 ~~reception or other forms of air pollution, heat, humidity, liquid or solid refuse or waste,~~

5853 ~~light or glare or other substance, condition, radiation or element in such a manner or in~~
5854 ~~such amount as to violate federal, state or local environmental standards.~~

5855

5856 ~~3. Uses, activities or processes where the principal purpose is to treat, handle, process, burn~~
5857 ~~or incinerate for disposal, waste or refuse generated at other sites or transported to the site~~
5858 ~~for the primary purpose of treatment, processing, burning or incineration for disposal.~~
5859 ~~This does not include recycling facilities where more than fifty percent (50%) of the~~
5860 ~~waste or refuse is processed or otherwise handled for the purpose of recycling. Recycling~~
5861 ~~facilities involving such processes shall be allowed only under special exception.~~

5862 **175-66 AREA REGULATIONS (I-2)**

5863 A. Minimum lot size: twenty thousand (20,000) square feet.

5864 B. Minimum lot width: eighty (80) feet.

5865 C. Minimum district size: ten (10) acres.

5866 **175-67 MAXIMUM HEIGHT OF BUILDINGS (I-2)**

5867 A. All buildings and structures: seventy-five (75) feet, except as provided for in Section 175-
5868 65B(6).

5869

5870

5871 B. Exemptions to height requirements:

5872

5873 1. Chimneys and flues.

5874 2. Cooling towers.

5875 3. Flagpoles.

5876 4. Radio and communications towers.

5877 5. Parapet walls up to four (4) feet above the height of the building on which the wall rests.

5878 6. Water towers.

5879 7. Elevator towers.

5880 **175-68 MINIMUM YARD DIMENSIONS (I-2)**

5881 A. All structures:

5882

5883 1. Front: twenty-five (25) feet.

5884 2. Side: ten (10) feet.

5885 3. Rear: zero (0).

5886 4. Corner side: twenty-five (25) feet.

5887

5888 B. Transitional requirements, when adjoining a residential district

5889

5890 1. Side: forty (40) feet.

5891 2. Rear: forty (40) feet.

5892 3. All transitional yards shall be landscaped in accordance with Section 148-44.

5893 **175-69 LOT COVERAGE (I-2)**

5894 A. Maximum building coverage: - fifty percent (50%).

5895 B. Maximum impervious surface coverage: - seventy-five percent (75%).

5896 **175-70 PERFORMANCE STANDARDS (I-2)**5897 The following performance standards shall apply to all uses within the I-2 Industrial
5898 Employment District:

5899

5900 A. Vibration:

5901

5902 1. No continuous, frequent or repetitive vibrations shall be produced which are discernible to
5903 a person of normal sensitivities, without instruments, on land that is not zoned for
5904 industrial uses.

5905

5906 2. Vibrations from temporary construction and vehicles leaving the property (such as trucks
5907 or trains) are excluded. Vibrations from on-site equipment or vehicles that remain
5908 primarily on-site are included.

5909

5910 3. Vibrations of no more than five (5) minutes in any one (1) day between the hours of 7:00
5911 a.m. and 7:00 p.m. shall not be deemed continuous, frequent or repetitive.

5912

5913 B. Glare: Any operation or activity producing intense light or glare shall be performed in such a
5914 manner as not to create a glare effect across lot lines. Direct illumination from any source shall
5915 be screened from adjoining properties.

5916

5917 C. Heat:

5918

5919 1. Heat from an industrial use shall not at any time cause a temperature increase in the air on
5920 any adjacent property in excess of ten degrees Fahrenheit (10 F.).5921 2. Heat from an industrial use shall not at any time cause a temperature increase in a stream,
5922 wetland, lake or any other body of water, at or beyond the property line of the lot on
5923 which it is located, that would have an adverse effect on any aquatic life.

5924

5925 D. Liquid or solid wastes:

5926

5927 1. No industrial use shall result in the discharge of liquid or solid waste into any public
5928 sewer, private sewage system, public waters or into the ground except in compliance with
5929 applicable federal, state or local laws governing such discharge.

5930

5931 2. There shall be no accumulation outdoors of solid wastes conducive to the breeding of
5932 rodents or insects.

5933

5934 3. All discharges into any public sewer shall comply with the provisions of Section 134-2, et
5935 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 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. All processing, manufacturing, fabrication, production and similar activities shall be conducted wholly within a completely enclosed building or within an area enclosed on all sides by a solid masonry wall or a uniformly-colored solid fence that provides adequate screening from public view. All exterior storage shall be similarly screened on a perpetual basis from public view or screened by dense evergreen planting at least six (6) feet in height beginning at the time of planting.
2. All sites and parking areas shall be landscaped in accordance with the provisions of Sections 148-46, 148-47 and 148-48.
3. 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.

175-71 LOCATIONS FOR DETERMINATION OF PERFORMANCE STANDARDS (I-2)

Measurements may be made at ground level or at habitable levels of buildings. Measurements shall be made at the property boundary of the parcel where the industrial use is located.

175-72 ADMINISTRATION AND ENFORCEMENT OF PERFORMANCE STANDARDS (I-2)

A. Before a building permit or zoning permit shall be issued or construction commenced on any uses in this district or a permit issued for a new use, the development plans shall be submitted to the Zoning Administrator for review. Sufficient detail shall be provided on said plans to show compliance with the substantive provisions of this chapter and compliance of the operations and processes to the performance standards.

B. Determinations of a violation shall be made pursuant to a test using either the senses of the Zoning Administrator and a second municipal official/employee, or using equipment before notice of violation is issued. The operator of an industrial use shall be given written notice of the time and place of the test and given a reasonable opportunity to witness the test.

C. The Zoning Administrator will notify landowners and business operators/tenants in writing of violations and will then seek compliance. When notified of a violation, a landowner or tenant will have the opportunity to demonstrate that the operation predates the application of this Article and is therefore a valid nonconforming use. A finding of violation may be appealed to the Board of Zoning Appeals and then to the courts.

D. If a violation exists and the operator fails to take satisfactory action within two (2) weeks, the Zoning Administrator shall take or cause to be taken such action as is appropriate to cause correction of such violation. Failure to obey lawful orders concerning correction of such violation shall be punishable as provided generally for violations in the Zoning Ordinance and in other laws or regulations affecting the case.

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.

FLOODPLAIN ZONING

(Amended Entire Section 7-11-88 by Z-1-88 and 10-14-08 by 12-08)

175-74 GENERAL PROVISIONS (Floodplain)

A. Statement of Intent: Floodplains are a valuable resource that provide, in addition to flood passage, agricultural land, recreational land, and wildlife habitat. In addition, they provide groundwater recharge and pollution protection services. As such, the Town Plan calls for protecting currently undeveloped floodplains from incompatible development.

B. Purpose: The purpose of these provisions is to prevent: the loss of life and property, the creation of health and safety hazards, the disruption of commerce and governmental services, the extraordinary and unnecessary expenditure of public funds for flood protection and relief, and the impairment of the tax base by:

1. Regulating uses, activities, and development which, alone or in combination with other existing or future uses, activities, and development, will cause unacceptable increases in flood heights, velocities, and frequencies;
2. Restricting or prohibiting certain uses, activities, and development from locating within districts subject to flooding;
3. Requiring all those uses, activities, and developments that do occur in flood-prone districts to be protected and/or flood-proofed against flooding and flood damage; and,
4. Protecting individuals from buying land and structures which are unsuited for intended purposes because of flood hazards.

C. Applicability: These provisions shall apply to all lands within the jurisdiction of the Town of Front Royal and identified as a being in the 1% annual chance of a flood (Special Flood Hazard Area), by the Federal Insurance Administration.

D. Compliance and Liability:

1. No land shall hereafter be developed and no structure shall be located, relocated, constructed, reconstructed, enlarged, or structurally altered except in full compliance with the terms and provisions of this ordinance and any other applicable ordinances and regulations which apply to uses within the jurisdiction of this ordinance.

2. The degree of flood protection sought by the provisions of this ordinance is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study. Larger floods may occur on rare occasions. Flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This ordinance does not imply that districts outside the Floodplain District or that land uses permitted within such district will be free from flooding or flood damages.

3. Records of actions associated with administering this ordinance shall be kept on file and maintained by the Zoning Administrator.

4. This ordinance shall not create liability on the part of the Town of Front Royal or any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made there under.

E. Abrogation and Greater Restrictions: This ordinance supersedes any ordinance currently in effect in flood-prone districts. However, any underlying ordinance shall remain in full force and effect to the extent that its provisions are more restrictive than this ordinance.

F. Severability: If any section, subsection, paragraph, sentence, clause, or phrase of this ordinance shall be declared invalid for any reason whatever, such decision shall not affect the remaining portions of this ordinance. The remaining portions shall remain in full force and effect; and for this purpose, the provisions of this ordinance are hereby declared to be severable.

175-75 DEFINITIONS (Floodplain)

A. BASE FLOOD - The flood having a one percent chance of being equaled or exceeded in any given year.

B. BASE FLOOD ELEVATION - The Federal Emergency Management Agency designated as the Special Flood Hazard Area.

C. BASEMENT - Any area of the building having its floor sub-grade (below ground level) on all sides.

D. BOARD OF ZONING APPEALS - The Board appointed to review appeals made by individuals with regard to decisions of the Zoning Administrator in the interpretation of this ordinance.

E. BREAKAWAY WALL - A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

F. DEVELOPMENT- Any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

G. ELEVATED BUILDING - A non-basement building built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, or columns (posts and piers).

H. ENCROACHMENT - The advance or infringement of uses, plant growth, fills, excavation, buildings, permanent structures or development into a floodplain, which may impede or alter the flow capacity of a floodplain.

I. FLOOD OR FLOODING -

1. A general or temporary condition of partial or complete inundation of normally dry land areas from:

- a. The overflow of inland or tidal waters; or,
- b. The unusual and rapid accumulation or run-off of surface waters from any source.

2. The collapse or subsistence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph (1) (a) of this definition.

J. FLOODPLAIN OR FLOOD-PRONE AREA - Any land area susceptible to being inundated by water from any source.

K. FLOODWAY - The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

L. FREEBOARD - A factor of safety usually expressed in feet above a flood level for purposes of floodplain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization in the watershed.

M. FLOOD-PROOFING - any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents..

N. LOWEST FLOOR - The lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of Federal Code 44CFR §60.3.

O. NEW CONSTRUCTION - For the purposes of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial Flood Insurance Rate Map on or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, *new construction* means structures for which *start of construction* commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

P. RECREATIONAL VEHICLE - A vehicle which is:

1. Built on a single chassis;
2. 400 square feet or less when measured at the largest horizontal projection;
3. Designed to be self-propelled or permanently towable by a light-duty truck; and,
4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational camping, travel, or seasonal use.

Q. SPECIAL FLOOD HAZARD AREA - The land in the floodplain subject to a one (1%) percent or greater chance of being flooded in any given year, commonly known as the one-hundred (100) year floodplain.

R. START OF CONSTRUCTION - The date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, substantial improvement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of the construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

S. SUBSTANTIAL DAMAGE - Damage of any origin sustained by a structure whereby the cost of restoring the structure to it's before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

T. SUBSTANTIAL IMPROVEMENT - Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the *start of construction* of the improvement. This term includes structures which have incurred *substantial damage* regardless of the actual repair work performed. The term does not, however, include any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions.

6248 U. **WATERCOURSE** - A lake, river, creek, stream, wash, channel or other topographic feature
6249 on or over which waters flow at least periodically. Watercourse includes specifically designated
6250 areas in which substantial flood damage may occur.

6251 **175-76 ESTABLISHMENT OF FLOODPLAIN DISTRICTS**

6252 A. Basis of Districts - The various floodplain districts shall include special flood hazard areas.
6253 The basis for the delineation of these districts shall be the Flood Insurance Study (FIS) for the
6254 Town of Front Royal prepared by the Federal Emergency Management Agency, Federal
6255 Insurance Administration, dated June 3, 2008, as amended.
6256

6257 B. The Floodway District is delineated, for purposes of this ordinance, using the criterion that
6258 certain areas within the floodplain must be capable of carrying the waters of the Special Flood
6259 Hazard Area without increasing the water surface elevation of that flood more than one (1) foot
6260 at any point. The areas included in this District are specifically defined in Table 4 of the above-
6261 referenced Flood Insurance Study and shown on the accompanying Flood Boundary and
6262 Floodway Map or Flood Insurance Rate Map.
6263

6264 C. The Flood-Fringe District shall be that area of the Special Flood Hazard Area not included in
6265 the Floodway District. The basis for the outermost boundary of the District shall be the Special
6266 Flood Hazard Area elevations contained in the flood profiles of the above-referenced Flood
6267 Insurance Study and as shown on the accompanying Flood Boundary and Floodway Map or
6268 Flood Insurance Rate Map.
6269

6270 D. The Approximated Floodplain District shall be those areas identified as an A Zone on the
6271 maps accompanying the Flood Insurance Study. In these zones, no detailed flood profiles or
6272 elevations are provided, but the Special Flood Hazard Area boundary has been approximated.

6273 **175-77 OVERLAY CONCEPT (Floodplain)**

6274 A. The Floodplain Districts described above shall be overlays to the existing underlying districts
6275 as shown on the Official Zoning Ordinance Map, and as such, the provisions for the floodplain
6276 districts shall serve as a supplement to the underlying district provisions.
6277

6278 B. If there is any conflict between the provisions or requirements of the Floodplain Districts and
6279 those of any underlying district, the more restrictive provisions and/or those pertaining to the
6280 floodplain districts shall apply.
6281

6282 C. In the event any provision concerning a Floodplain District is declared inapplicable as a result
6283 of any legislative or administrative actions or judicial decision, the basic underlying provisions
6284 shall remain applicable.

6285 **175-78 FLOODPLAIN DISTRICT BOUNDARIES**

6286 A. The boundaries of the Special Flood Hazard Area and Floodplain Districts are established as
6287 shown on the Flood Boundary and Floodway Map and/or Flood Insurance Rate Map which is

6288 declared to be a part of this ordinance and which shall be kept on file at the Town of Front Royal
6289 Planning offices.
6290

6291 B. District Boundary Changes: The delineation of any of the Floodplain Districts may be revised
6292 by the Town of Front Royal where natural or man-made changes have occurred and/or where
6293 more detailed studies have been conducted or undertaken by the U. S. Army Corps of Engineers
6294 or other qualified agency, or an individual documents the need for such change. However, prior
6295 to any such change, approval must be obtained from the Federal Insurance Administration.
6296

6297 C. Interpretation of District Boundaries: Interpretations of the boundaries of the Floodplain
6298 Districts shall be made by the Zoning Administrator. Should a dispute arise concerning the
6299 boundaries of any of the Districts, the Board of Zoning Appeals shall make the necessary
6300 determination.. The person questioning or contesting the location of the District boundary shall
6301 be given a reasonable opportunity to present his case to the Board and to submit his own
6302 technical evidence if he so desires.

6303 **175-79 DISTRICT PROVISIONS (Floodplain)**

6304 A. Permit Requirement: All uses, activities, and development occurring within any floodplain
6305 district shall be undertaken only upon the issuance of a Zoning Permit. Such development shall
6306 be undertaken only in strict compliance with the provisions of the Ordinance and with all other
6307 applicable codes and ordinances, as amended, and the Town of Front Royal Subdivision
6308 Regulations. Prior to the issuance of any such permit, the Zoning Administrator shall require all
6309 applications to include compliance with all applicable state and federal laws.
6310

6311 B. Site Plans and Permit Applications: All applications for development within any floodplain
6312 district and all building permits issued for the floodplain shall incorporate the following
6313 information:
6314

- 6315 1. For structures to be elevated, the elevation of the lowest floor (including basement).
6316 2. For structures to be flood-proofed (non-residential only), the elevation to which the
6317 structure will be flood-proofed.

6318 **175-80 GENERAL STANDARDS (Floodplain)**

6319 In all special flood hazard areas the property owner is ultimately responsible for insuring the
6320 following provisions have been considered:
6321

6322 A. New construction and substantial improvements shall be anchored to prevent floatation,
6323 collapse or lateral movement of the structure.
6324

6325 B. New construction and substantial improvements shall be constructed with materials and utility
6326 equipment resistant to flood damage.
6327

6328 C. New construction or substantial improvements shall be constructed by methods and practices
6329 that minimize flood damage.

6330

6331 D. Electrical, heating, ventilation, plumbing, air conditioning equipment and other service
6332 facilities, including duct work, shall be designed and/or located so as to prevent water from
6333 entering or accumulating within the components during conditions of flooding.

6334

6335 E. New and replacement water supply systems shall be designed to minimize or eliminate
6336 infiltration of flood waters into the system.

6337

6338 F. New and replacement sanitary sewage systems shall be designed to minimize or eliminate
6339 infiltration of flood waters into the systems and discharges from the systems into flood waters.

6340

6341 G. On-site waste disposal systems shall be located and constructed to avoid impairment to them
6342 or contamination from them during flooding.

6343

6344 H. Any alteration, repair, reconstruction or improvements to a building that is in compliance with
6345 the provisions of this ordinance shall meet the requirements of "new construction" as contained
6346 in this ordinance.

6347

6348 I. Any alteration, repair, reconstruction or improvements to a building that is not in compliance
6349 with the provisions of this ordinance, shall be undertaken only if said non-conformity is not
6350 furthered, extended, or replaced.

6351

6352 J. Prior to any proposed alteration or relocation of any channels or of any watercourse, stream,
6353 etc., within this jurisdiction a permit shall be obtained from the U. S. Corps of Engineers, the
6354 Virginia Department of Environmental Quality, and the Virginia Marine Resources Commission
6355 (a joint permit application is available from any of these organizations). Furthermore,
6356 notification of the proposal shall be given by the applicant to all affected adjacent jurisdictions,
6357 the Department of Conservation and Recreation (Division of Dam Safety and Floodplain
6358 Management) and the Federal Insurance Administration.

6359

6360 K. The flood carrying capacity within an altered or relocated portion of any watercourse shall be
6361 maintained.

6362 **175-81 SPECIFIC STANDARDS (Floodplain)**

6363 In all special flood hazard areas where base flood elevations have been provided in the Flood
6364 Insurance Study or generated according to Section 175-81.1(A), the following provisions shall
6365 apply:

6366

6367 A. Residential Construction: New construction or substantial improvement of any residential
6368 structure shall have the lowest floor, including basement, elevated no lower than one (1) foot
6369 above the base flood elevation.

6370

6371 B. Non-Residential Construction: New construction or substantial improvement of any
6372 commercial, industrial, or non-residential building shall have the lowest floor, including
6373 basement, elevated to no lower than one (1) foot above the base flood elevation. Buildings

located in all AE and AH zones may be flood-proofed in lieu of being elevated provided that all areas of the building components below the elevation corresponding to the Base Flood Elevation (BFE) plus one foot are water tight with walls substantially impermeable to the passage of water, and use structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied.

C. Elevated Buildings: Enclosed areas, of new construction or substantially improved structures, which are below the regulatory flood protection elevation shall:

1. Not be designed or used for human habitation, but shall only be used for parking of vehicles, building access, or limited storage of maintenance equipment used in connection with the premises. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment (standard exterior door), or entry to the living area (stairway or elevator). The interior portion of such enclosed area shall not be partitioned or finished into separate rooms, except to enclose storage areas;
2. Be constructed entirely of flood resistant materials below the regulatory flood protection elevation;
3. Include, in Zones A and AE measures to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters. To meet this requirement, the openings must either be certified by a professional engineer or architect or meet the following minimum design criteria:
 - a. Provide a minimum of two openings on different sides of each enclosed area subject to flooding.
 - b. The total net area of all openings must be at least one (1) square inch for each square foot of enclosed area subject to flooding.
 - c. If a building has more than one enclosed area, each area must have openings to allow floodwaters to automatically enter and exit.
 - d. The bottom of all required openings shall be no higher than one (1) foot above the adjacent grade.
 - e. Openings may be equipped with screens, louvers, or other opening coverings or devices, provided they permit the automatic flow of floodwaters in both directions.
 - f. Foundation enclosures made of flexible skirting are not considered enclosures for regulatory purposes, and, therefore, do not require openings. Masonry or wood underpinning, regardless of structural status, is considered an enclosure and requires openings as outlined above.

6420 D. Standards for Recreational Vehicle: All recreational vehicles placed on sites must be fully
6421 licensed and ready for highway use (a recreational vehicle is ready for highway use if it is on its
6422 wheels or jacking system, is attached to the site only by quick disconnect type utilities and
6423 security devices and has no permanently attached additions).

6424 **175-81.1 STANDARDS FOR APPROXIMATED FLOODPLAIN**

6425 A. When base flood elevation data or floodway data have not been provided, the Zoning
6426 Administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway
6427 data available from a federal, state, or any other source, in order to administer the provisions of
6428 Section. When such base flood elevation data is utilized, the Zoning Administrator shall obtain:

- 6429
- 6430 1. The elevation (in relation to the mean sea level) of the lowest floor (including the
6431 basement) of all new and substantially improved structures; and,
 - 6432 2. If the structure has been flood-proofed in accordance with the requirements of Section
6433 175-81(B) of this ordinance, the elevation in relation to the mean sea level to which the
6434 structure has been flood-proofed.
- 6435

6436 B. When the data is not available from any source as in Section 175-81.1(A), the lowest floor of
6437 the structure shall be elevated to no lower than one (1) foot above the highest adjacent grade.

6438

6439 C. Base flood elevation data shall be provided for subdivision proposals and other proposed
6440 development proposals that exceed fifty lots or five acres, whichever is the lesser.
6441

6442 **175-81.2 STANDARDS FOR THE FLOODWAY DISTRICT**

6443 The following provisions shall apply within the Floodway District:

6444

6445 Encroachments, including fill, new construction, substantial improvements and other
6446 developments are prohibited unless certification (with supporting technical data) by a registered
6447 professional engineer is provided demonstrating that encroachments shall not result in any
6448 increase in flood levels during occurrence of the base flood discharge. The preceding uses,
6449 activities and development occurring within any floodway district shall be undertaken only upon
6450 the issuance of a Special Use Permit. Development activities in which an increase in the water
6451 surface elevation of the base flood may be allowed, provided that the applicant first applies –
6452 with the Town of Front Royal endorsement – for a conditional Flood Insurance Rate Map
6453 and floodway revision, and receives the approval of the Federal Emergency Management
6454 Agency. However, other activities such as demolition in which there is not an increase in the
6455 water surface elevation, will require a zoning permit in lieu of a special use permit.
6456

6457 **175-81.3 FLOODPLAIN VARIANCES: FACTORS TO BE CONSIDERED**

6458 In passing upon applications for Floodplain Variances, the Board of Zoning Appeals shall satisfy
6459 all relevant factors and procedures specified in other sections of the Zoning Ordinance and
6460 consider the following additional factors:

- 6461
6462 A. The showing of good and sufficient cause.
6463
6464 B. The danger to life and property due to increased flood heights or velocities caused by
6465 encroachments. No variance shall be granted for any proposed use, development, or activity
6466 within any Floodway District that will cause any increase in the Special Flood Hazard Area
6467 elevation.
6468
6469 C. The danger that materials may be swept on to other lands or downstream to the injury of
6470 others.
6471
6472 D. The proposed water supply and sanitation systems and the ability of these systems to prevent
6473 disease, contamination, and unsanitary conditions.
6474
6475 E. The susceptibility of the proposed facility and its contents to flood damage and the effect of
6476 such damage on the individual owners.
6477
6478 F. The importance of the services provided by the proposed facility to the community.
6479
6480 G. The requirements of the facility for a waterfront location.
6481
6482 H. The availability of alternative locations not subject to flooding for the proposed use.
6483
6484 I. The compatibility of the proposed use with existing development and development anticipated
6485 in the foreseeable future.
6486
6487 J. The relationship of the proposed use to the comprehensive plan and floodplain management
6488 program for the area.
6489
6490 K. The safety of access by ordinary and emergency vehicles to the property in time of flood.
6491
6492 L. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood
6493 waters expected at the site.
6494
6495 M. Such other factors which are relevant to the purposes of this ordinance.
6496
6497 The Board of Zoning Appeals may refer any application and accompanying documentation
6498 pertaining to any request for a variance to any engineer or other qualified person or agency for
6499 technical assistance in evaluating the proposed project in relation to flood heights and velocities,
6500 and the adequacy of the plans for flood protection and other related matters.
6501
6502 Variances shall be issued only after the Board of Zoning Appeals has determined that the
6503 granting of such will not result in (a) unacceptable or prohibited increases in flood heights, (b)
6504 additional threats to public safety, (c) extraordinary public expense; and will not (d) create
6505 nuisances, (e) cause fraud or victimization of the public, or (f) conflict with local laws or
6506 ordinances.

6507 Variances shall be issued only after the Board of Zoning Appeals has determined that the
6508 variance will be the minimum required to provide relief from exceptional hardship to the
6509 applicant.

6510 The Board of Zoning Appeals shall notify the applicant for a variance, in writing, that the
6511 issuance of a variance to construct a structure below the Special Flood Hazard Area elevation (a)
6512 increases the risks to life and property and (b) will result in increased premium rates for flood
6513 insurance.

6514 A record shall be maintained of the above notification as well as all variance actions, including
6515 justification for the issuance of the variances. Any variances that are issued shall be noted in the
6516 annual or biennial report submitted to the Federal Insurance Administrator.

6517

6518

6519

HISTORIC DISTRICT OVERLAY AREAS

(Adopted 10-23-78; Amended Entire Section 4-13-92 by Z-5-92)

6520 **175-82**

STATEMENT OF INTENT (Historic District)

6521 A. The intent of this Article is to promote and protect the health, safety, comfort, recreation,
6522 prosperity and general welfare of the community through the identification, preservation and
6523 enhancement of buildings, structures, neighborhoods, landscapes, places and areas which have
6524 special historical, cultural, artistic, architectural or archaeological significance as provided by
6525 ~~Section 15.1-503.2~~ **§15.2-2306** of the Code of Virginia, as amended.

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6527 B. It is hereby recognized that the deterioration, destruction or alteration of said buildings,
6528 structures, places and areas may cause the permanent loss of unique resources which are of great
6529 value to the people of Front Royal, Warren County, the State of Virginia and the nation and that
6530 the special controls and incentives are warranted to ensure that such losses are avoided when
6531 possible.

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6533 C. The purposes of establishing historic resource overlay areas are:

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6535 1. To preserve and improve the quality of life for residents of the Town of Front Royal by
6536 protecting familiar and treasured visual elements in the area.

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6538 2. To promote tourism by protecting historical and cultural resources attractive to visitors
6539 and thereby supporting local business and industry.

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6541 3. To stabilize and improve property values by providing incentive for the upkeep and
6542 rehabilitation of older structures and by encouraging desirable uses and forms of economic
6543 development.

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6545 4. To educate residents on the local cultural and historic heritage as embodied in the Historic
6546 District Overlay Areas and to foster a sense of pride in this heritage.

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6548 5. To promote local historic preservation efforts and to encourage the identification and
6549 nomination of qualified historic properties to the National Register of Historic Places and
6550 the Virginia Landmarks Register.

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6552 6. To prevent the encroachment of additions or new buildings and structures that are
6553 architecturally incongruous with their environs within areas of architectural harmony and
6554 historic character.

6555 **175-83 DEFINITIONS (Historic District)**

6556 As used in this Article, the following terms shall have the meanings indicated:

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6558 **ALTERATION** - Any change, modification or addition to a part of or all of the exterior of any
6559 building or structure.

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6561 **BUILDING** - Any enclosed or open structure which is a combination of materials to form a
6562 construction for occupancy or use.

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6564 **CERTIFICATE OF APPROPRIATENESS (C of A)** - The approval statement signed by the
6565 Secretary of the Board of Architectural Review (BAR) and the Zoning Administrator that
6566 certifies approval by the BAR of the appropriateness of a particular request for the construction,
6567 alteration, reconstruction, repair, restoration, demolition or razing of all or a part of any building
6568 within an historic district overlay area, subject to the issuance of all other permits needed for the
6569 matter sought to be accomplished.

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6571 **CONTRIBUTING PROPERTIES** - Properties so designated on the inventory map of
6572 landmarks and contributing properties, which is adopted as a part of this Article, being generally
6573 those properties which, by reason of form, materials, architectural details and relation to
6574 surrounding properties, contribute favorably to the general character of the part of the historic
6575 district in which they are located but, by reason of recent age, lack of historic significance or
6576 other factors, are not designated as local historic landmarks under the criteria of this Article.

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6578 **DEMOLITION** - The dismantling or tearing down of all or part of any building and all
6579 operations incidental thereto.

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6581 **EXTERIOR FEATURES (ARCHITECTURAL APPEARANCE)** - The architectural style,
6582 general design and general arrangement of the exterior of a building or other structure, including
6583 the color, the kind and texture of the building material and the type and style of all windows,
6584 doors, light fixtures, signs, other appurtenant fixtures and other natural features, such as trees and
6585 shrubbery, that are subject to the public view from a public street, public way or other public
6586 places.

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6588 **HISTORIC DISTRICT OVERLAY AREA or HISTORIC DISTRICT** - Any area delineated
6589 by the Town Council and consisting of public or private property within the town, containing one
6590 (1) or more historic landmarks as established by the Virginia Department of Historic Resources,
6591 or one (1) or more areas, neighborhoods, sites, places, structures, objects, artifacts or buildings in

which historic events occurred or reflecting significantly the lives of historic personages or great ideas or ideals of the people, having special public value because of notable architectural, economic, ethnic, military, natural, political, religious or social factors, such landmarks, buildings, structures or areas having been designated by the Council as being of such historic, architectural or cultural interest and significance as to warrant conservation and preservation. Such designated district or districts shall not extend farther than the property line of the land pertaining to such historical landmarks, sites, buildings, signs, appurtenances, structures or objects.

LOCAL HISTORIC LANDMARK - Any site (including significant trees or other plant life located thereon), building or structure of particular historic significance. "Landmarks" include sites, buildings or structures where the cultural, political, archaeological, spiritual, economic, social or artistic history of the community, state or nation is reflected or exemplified or which are identified with historic personages or with important events in local, state or national history or which embody the distinguishing characteristics of an architectural specimen, inherently valuable for a representation of a period, style or method of construction or a notable work of construction or a notable work of a master designer or architect whose individual genius influenced his age. Listing on the Virginia Landmarks Register and the National Register of Historic Places is encouraged for all "local historic landmarks."

NEW CONSTRUCTION - Any construction within an historic district overlay area that is independent and exclusive of an existing building or structure or part thereof.

NONCONTRIBUTING PROPERTIES - Properties with little historic or architectural value and with little or no contribution to the historic character of the district because of their recent age or alteration in such a way as to destroy their architectural integrity.

RECONSTRUCTION - Any or all work needed to remake or rebuild all or a part of any building to a sound condition but not necessarily of original materials.

REPAIRS - Any work or all work involving the replacement of existing work with equivalent material for the purpose of maintenance but not including any addition, change or modification in construction.

RESTORATION - Any or all work connected with the returning to or restoring of a building or a part of any building to its original condition through the use of original or nearly original materials.

REVIEWING BODIES - All individuals, boards or elected/appointed bodies, given review authority under this Article, including the Zoning Administrator, Board of Architectural Review and Town Council, upon appeal.

SIGNIFICANT CHANGE - A permanent change that alters the general appearance (architectural character) of a building.

6637 **STRUCTURE** - Anything man-made, including but not limited to main buildings, outbuildings,
6638 fences, walls, lampposts, light fixtures, signs, signposts, billboards and paving.

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6640 **SUBSTANTIAL EXTERIOR ALTERATION** - Any change, other than incidental repairs, to
6641 the supporting members of a building or portion thereof, such as the addition, removal or
6642 alteration of bearing walls, columns, beams, girders, roofs or foundations, that are visible on the
6643 exterior of the structure.

6644 **175-84 BOARD OF ARCHITECTURAL REVIEW (Historic District)**

6645 A. Establishment and terms of office:

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6647 1. A Board to be known as the "Board of Architectural Review (BAR)" is hereby established
6648 and shall consist of five (5) voting members who shall be appointed by the Town Council.
6649 All members shall have a demonstrated interest competence or knowledge in historic
6650 preservation. One (1) member shall be a property owner/resident of an historic district
6651 overlay area and one (1) shall have professional training or equivalent experience in
6652 architecture, history, American studies, architectural history, archaeology or planning. All
6653 members shall be residents of Warren County, with knowledge of and demonstrated
6654 interest in the historic character of the Town. These members shall serve terms of four (4)
6655 years each.

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6657 2. BAR members may be reappointed for consecutive terms.

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6659 3. The BAR shall elect from its own membership a Chairman and Vice Chairman, who shall
6660 serve annual terms as such and who may succeed themselves. The Board shall appoint a
6661 Secretary who shall serve at its pleasure.

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6663 4. When a vacancy occurs, a new appointment shall be made by the Town Council for the
6664 unexpired terms within sixty (60) days after the vacancy occurs. The Town Council shall
6665 publicly announce and solicit qualified candidates for Board of Architectural Review
6666 vacancies.

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6668 5. Any appointed member of the BAR may be removed from office by the Town Council for
6669 inefficiency, neglect of duties or malfeasance. An appointment to fill a vacancy shall be
6670 only for the unexpired term on the vacancy.

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6672 6. Members shall make every effort to attend at least one (1) training session annually
6673 sponsored by the Department of Historic Resources, the Preservation Alliance of Virginia
6674 or other organizations that are involved with historic preservation issues, design and
6675 review standards or other work of the BAR.

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6677 B. Duties, powers and responsibilities: The Board of Architectural Review shall have the power
6678 and authority for issuing or denying certificates of appropriateness for construction,
6679 reconstruction, substantial exterior alteration, razing or relocation within the historic district
6680 overlay area. In addition, the Board shall have the following duties:

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1. To assist and advise the Town Council, the Planning Commission and other town departments, agencies and property owners in matters involving historically significant sites and buildings or other properties in historic districts, such as but not limited to appropriate land usage, parking facilities and signs.
 2. To continuously evaluate conditions and to advise owners of historic landmarks or contributing structures or other properties in historic districts on problems of preservation.
 3. To conduct studies deemed necessary by the Town Council or the Planning Commission concerning location of historic districts and means of preservation, utilization, improvement and maintenance of historic assets in the town.
 4. To propose additional historic districts or additions or deletions to districts.
 5. To adopt standards for review to supplement the standards set forth in this Article.
 6. To establish an appropriate system of markers for selected historic sites and buildings, including proposals for the installation and care of such historic markers, and to invite each owner of a building of historical significance to display the marker thereon.
 7. To cooperate with and enlist assistance from the Virginia Department of Historic Resources, the National Trust for Historic Preservation and other interested parties, both public and private, in its efforts to preserve, restore and conserve local historic landmarks, buildings, sites or areas within the town.
 8. To prepare and adopt specific guidelines, illustrated as necessary, for those historic districts which have special characteristics and architectural features that are peculiar to the district and which should be preserved and to make these guidelines available to property owners within each historic district and to the general public. After these historic districts are approved, specific guidelines shall be adopted for such historic districts as may require specific guidelines.
 9. To sponsor public information activities, when deemed appropriate, publicizing historic preservation efforts, which activities may include, but not be limited to, speaking engagements, handouts, press releases and films.
 10. To hold public meetings as often as necessary to fulfill the responsibilities assigned by this Article.
- C. Organization and meetings:
1. The Chairman shall conduct the meetings of the BAR.
 2. The Secretary shall keep the minutes of the meetings and a permanent record of all resolutions, motions, transactions and determinations.

3. All members of the BAR, except for advisory members, shall be entitled to vote; and the decisions of the BAR shall be determined by a majority vote.
4. A quorum of three (3) voting members present is required before the BAR may take any official action.
5. The BAR shall meet within twenty (20) days after notification by the Zoning Administrator of an application for a certificate of appropriateness or a permit requiring action by the BAR.
6. The Board of Architectural Review shall have regularly scheduled meetings at least four (4) times a year. The meetings of the BAR shall be open to the public, and a full and impartial hearing shall be granted. All regularly scheduled meetings shall be conducted in the evening hours for the convenience of the public.
7. The BAR shall vote and announce its decision on any matter properly before it not later than forty-five (45) days after the conclusion of the hearing on the matter, unless the time is extended with the written consent of the applicant.
8. In matters covering the procedures for meetings not covered by this document, the BAR may establish its own rules, provided that they are not contrary to town policy or the intent of this Article.

D. Authority to receive funding and advisory services:

1. All persons interested in the preservation of historic buildings or historic sites in the town are invited to make gifts, devises and bequests to the town to be used for that purpose. All such donations, other than money, shall be subject to acceptance by the Town Council. All donations of money shall be made through the Department of Finance, and it is hereby authorized and directed to receive such donations and to deposit them in a special fund to be known as the "Historic Buildings and Sites Trust Fund, " and shall be used only for the purpose of preserving and promoting the preservation of historic buildings and sites in the town. Expenditures from such fund shall be made by the Town Manager as authorized, from time to time, by the Town Council.
2. The BAR may seek federal, state or private grants or funding to assist in the performance of its duties as herein defined.
3. Within the limits of funds that may be made available to the BAR for the performance of its work, the BAR may obtain services of qualified persons to advise and assist the BAR as required.
4. Upon request of the BAR, with approval by the Town Manager, the departments, boards, commissions, offices and agencies of the town government shall furnish to the Board such available information and render such service as may be required for the exercise of the powers and performance of the duties of the BAR.

6773 175-85 CREATION OF HISTORIC DISTRICTS AND LANDMARKS

6774 A. The Board of Architectural Review shall prepare and recommend for adoption as part of this
6775 Article a district boundary map and an inventory map covering the area or areas to be considered
6776 for inclusion in an historic district overlay area. These maps, when adopted in accordance with
6777 the provisions of the Code of Virginia Section 15.2-2285, shall be as much a part of this Article
6778 as if fully described herein and shall be filed as a part of this Article by the Clerk of the Town of
6779 Front Royal. The inventory map shall delineate local historic landmarks, contributing properties
6780 and noncontributing properties. The inventory and district boundary maps may be amended,
6781 from time to time, in the same manner as the Zoning District Map.

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6783 B. The Board of Architectural Review may propose to the Planning Commission and the Town
6784 Council such amendments as deemed appropriate, including the establishment of historic
6785 districts or revision to existing historic districts. Upon receipt of said proposal, the Council may
6786 initiate such amendment pursuant to Section 175-146. The Board of Architectural Review shall
6787 prepare and submit simultaneously with said proposal a report to substantiate establishment of a
6788 historic district or a proposed amendment. Such report shall establish and define the historic
6789 district boundaries, as delineated upon an appropriate map, as well as describe the historic and/or
6790 architectural significance of the buildings, structures or sites to be protected, and the special
6791 characteristic, qualities and/or fabric to be preserved, and shall describe present trends and
6792 conditions, current and long-range planning and desirable public objectives for preservation. The
6793 report may also include plans for public action in or adjoining a district that is likely to affect its
6794 character or development.

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6796 C. Applications for the creation or expansion of an historic district or for the designation of
6797 landmarks or landmark sites may also be filed by the Planning Commission, the Town Council,
6798 the owner, the contract purchaser with the owner's written consent or the owner's agent or sixty
6799 percent (60%) of the owners of all buildings within a proposed historic district. All requests
6800 shall be made in the same manner as other zoning amendments, as provided for in Section 175-
6801 146.

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6803 D. Any historic district and any historic district map which have been created and adopted by
6804 the Front Royal Town Council prior to the amendment of this Article shall not be repealed but
6805 shall remain intact and in effect, subject now to the provisions of this amended Article.

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6807 E. Any historic district created and adopted by the Front Royal Town Council after February 1,
6808 1993, shall remain in effect, except as amended or modified pursuant to the regulations herein,
6809 for an initial maximum period of ten (10) years from the date of its adoption. Subsequent action
6810 by the Front Royal Town Council shall be made to continue the district beyond the initial ten-
6811 year period.

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6813 F. Upon the presentation of a request to withdraw from an adopted subarea within the historic
6814 district overlay area, with such request having been duly executed by at least sixty-seven percent
6815 (67%) of the owners of taxable parcels (with a vote for each separate tax parcel) within the
6816 designated historic subarea, the Town Council, at its next meeting, shall take appropriate action
6817 to remove the historic district designation. This provision shall be applicable only where the
6818 historic resource overlay area shall have been in place for a period of not less than two (2) years.

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6820 **175-86 CRITERIA FOR SELECTION OF HISTORIC DISTRICTS OR LANDMARKS**

6821 Criteria for evaluating the merits of a given structure or space shall be based on architectural
6822 features as well as historic factors. Certain buildings or areas, although not associated with an
6823 historic personage or event, may be valuable examples of the town's physical and cultural
6824 heritage. Structures of local significance shall be evaluated, as well as those of state and national
6825 significance, and any structures individually listed upon the National Register of Historic Places
6826 or the Virginia Landmarks Register shall be designated upon the Town Register. In addition,
6827 such evaluation shall be based on the following specific matters:

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6829 A. Architectural and landscape style: The evaluation shall respect the qualities of each
6830 architectural and landscape style and shall judge a structure's merit on how well it exemplifies
6831 the distinguishing characteristics of said style. Consideration will be given to:

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6833 1. The significance of the architectural design.

6834 2. The scale and/or interrelationships of the structures and/or environmental features.

6835 3. The significant patterns of development.

6836 4. The quality of workmanship.

6837 5. The amount of surviving original fabric.

6838 6. The original location and use.

6839 7. The remaining outbuildings or dependencies.

6840 8. The surrounding environment; gardens, landscaping and walks.

6841 9. The aesthetic quality.

6842 10. The original integrity of the structure and its details.

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6844 B. Historical and/or cultural significance:- Structures or spaces relating to one (1) or more of the
6845 following criteria will be considered historically or culturally valuable:

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6847 1. Association with an historic personage.

6848 2. Association with an historic event.

6849 3. Work of the leading architect or master craftsman.

6850 4. Site or structure of cultural significance.

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6852 C. In addition, sole or infrequent surviving building types and structures not historic in
6853 themselves but adding to the character of an historic district need to be looked at as potentially
6854 deserving preservation.

6855 **175-87 BOUNDARIES OF HISTORIC DISTRICTS OR LANDMARKS**

6856 A. The boundaries of an historic district or overlay area shall, in general, be drawn to include
6857 areas containing buildings or places in which historic events occurred or having special public
6858 value because of notable architectural or other features relating to the cultural or artistic heritage
6859 of the community of such significance as to warrant conservation and preservation. The district
6860 may include either individual buildings or places of such character and a reasonable distance
6861 beyond, or it may include areas or groupings of structures which have significance relative

to their patterns of development or social and economic or architectural interrelationships even though some structures in the area might not possess significant merit when considered alone. In any case, the location of the district shall be based upon careful studies that describe the characteristics of the area and support the purposes of conservation and preservation.

B. The boundaries of an historic district shall conform to the boundaries of individual lots of record. Where a street is proposed as an historic district boundary, the edge right-of-way adjoining the district shall be deemed the district boundary.

C. Historic districts are created as special overlay districts to be superimposed on other zoning districts contained in these regulations, and are to be so designated on the Official Zoning Map. The uses, housing types, minimum lot requirements, minimum yard requirements, maximum height and accessory uses and accessory signs shall be determined by the regulations applicable to the other districts over which the historic districts superimposed, except as these other districts may be modified by application of the regulations in the historic district.

D. A map delineating the adopted boundaries of each historic district shall be maintained in the office of the Zoning Administrator.

175-88 CERTIFICATE OF APPROPRIATENESS REQUIRED (Historic District)

A. No building or structure within the Chester Street and downtown business areas of the Historic Front Royal District shall be erected, reconstructed, altered or restored unless and until an application for a certificate of appropriateness shall have been approved under the provisions of this Article.

B. No building or structure within the downtown residential area of the Historic Front Royal District or property designated as a local historic landmark shall be erected, reconstructed or undergo substantial exterior alteration unless and until an application for a certificate of appropriateness shall have been approved under the provisions of this ordinance.

C. No building existing in any designated historic district shall be demolished or removed, in whole or in part, unless and until an application or a certificate of appropriateness shall have been approved by the Board of Architectural Review.

D. No application for a certificate of appropriateness to demolish a building in any historic district shall be considered by the BAR until a public hearing has been held thereon, pursuant to the notice of public hearing as required in Section 15.2-2204, Code of Virginia, as amended.

175-89 BOARD REVIEW OF MAJOR ACTIONS (Historic District)

A. The following major actions and any other actions not specifically exempted by the terms of this ordinance or which, in the opinion of the Administrator, may constitute a major permanent and detrimental change to the character of an historic district shall be approved only after a public meeting and favorable action by a majority vote of the Board of Architectural Review:

1. The razing, demolishing or moving of a designated landmark or contributing structure.
2. Construction of any new main building, or an accessory building which exceeds five hundred (500) square feet in size within a designated historic district or on a site adjacent to a designated landmark site.
3. Any addition to or substantial alteration of a designated landmark or structure on a contributing property, which increases the square footage of the structure or otherwise alters substantially its size, height, contour or outline.
4. Any significant change or alteration of the exterior architectural style of a designated landmark or contributing property.
5. Any addition to a non-contributing structure, which alters substantially the size height, contour or outline by increasing the square footage and/or volume of the structure by one hundred percent (100%) or more of the original structure.
6. Any fence or sign that is not in conformance with the design guidelines adopted in accordance with this Article.
7. Any other major actions not specifically covered by the terms of this section but which would have a substantial effect on the character of the Historic District.

B. The Board of Architectural Review shall be guided in its review by the guidelines and criteria established in Section 175-91. The BAR shall have authority to request modifications in order to comply with the guidelines and criteria.

C. The Board of Architectural Review shall not disapprove an application except with respect to the criteria and guidelines set forth in Section 175-91. The BAR shall give reasons for its decisions, shall act promptly on applications before it and shall coordinate its procedures with those of other agencies and individuals charged with the administration of this Article. The BAR shall be strict in its judgment of plans for those structures designated as landmarks and contributing properties but shall be lenient in its judgment of plans for non-contributing properties. For plans involving new construction the Board's concern shall focus on whether such plans are compatible with and enhance the historic or architectural value of surrounding structures or the surrounding area.

D. In all final decisions rendered pursuant to this Article, the BAR shall briefly state its findings in writing, and in the case of disapproval, it may make recommendations to the applicant with respect to the design, texture,, material, color, line, mass, dimension or lighting of the alteration or the improvement involved. The requirements of this section shall be deemed to have been satisfied if such findings and recommendations, if any, are set forth in the regularly maintained minutes of the BAR.

175-89.1 ACTIONS REQUIRING ADMINISTRATIVE REVIEW (Historic District)

A. The following actions will require administrative review by the Zoning Administrator:

1. The razing, demolishing, or moving of a non-contributing structure or a structure which is substantially damaged to the point of being completely uninhabitable.
2. Construction of a new accessory structure less than five hundred (500) square feet in size within a designated historic district or on a site adjacent to a designated landmark site, that is generally in keeping with the character of the historic district and its surroundings.
3. Substantial alteration of a non-contributing structure.
4. Any addition to a non-contributing structure, which increases the size (square footage and/or volume) of the structure by less than one hundred percent (100%) of the original structure.
5. Landscaping, fences and signs in conformance with the design guidelines adopted in accordance with this Article.

B. The Zoning Administrator shall be guided in his decisions by the standards and guidelines adopted by the Board of Architectural Review and shall have authority to request modifications of specific proposal in order that the proposal may comply with said standards and guidelines. In any case where the Administrator is uncertain of his authority to act on a particular application under this section or in any case where the Administrator and the applicant cannot agree on changes in the proposal, the application shall be referred to the Board of Architectural Review for action by said Board. In case of disapproval by the Administrator, the applicant may appeal the Administrator's decision within thirty (30) days thereof to the Board of Architectural Review. The Administrator shall keep a record of his decisions under this section and shall report such decisions to the Board of Architectural Review at its next regular meeting.

175-90 EXEMPTIONS FROM REVIEW (Historic District)

Certain minor actions which are deemed not to permanently affect the character of the historic district are exempted from review for architectural compatibility. Such actions shall include:

1. Repainting resulting in the same **or a similar color** ~~in a different~~ color. (Original painting of masonry surfaces is not exempted from review.)
2. Repair or construction in kind, resulting in no significant changes in appearance or form.
3. Addition or deletion of storm windows and doors, window gardens, awnings, temporary canopies or similar appurtenances and window air conditioners.
4. Addition or deletion of television or radio antennas, skylights or solar collectors in locations not visible from a public place.

- 6993 5. Installation of plant materials but not including landscape treatment which substantially
6994 alters the contour of a contributing property or involves landscaping or construction of
6995 fences, pools and the like that affect the appearance of a contributing property.
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6997 6. Permitted outside storage in a residential or commercial district that does not require
6998 structural changes.
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7000 7. Improvements, alterations and renovations that can be accomplished without obtaining a
7001 building permit, except fences, signs, and window replacement.
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7003 8. Any changes to a structure that are not visible from a public street, alley or public place.
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7005 9. Temporary window signs.

7006 **175-90.1 AUTHORITY TO STOP WORK (Historic District)**

7007 The Zoning Administrator shall have authority to order that work be stopped and that an
7008 appropriate application be filed or reviewed in any case where, in his opinion, the action may
7009 produce arresting and spectacular effects, violent contrasts or materials or colors and intense and
7010 lurid colors or patterns or a multiplicity of incongruous details clearly inconsistent with the
7011 character of the present structures or with the prevailing character of the surroundings and the
7012 historic district or when it appears that the work does not conform to the list of administrative
7013 review or exempted actions stated herein and, in fact, is more extensive than originally
7014 represented.

7015 **175-91 GUIDELINES AND CRITERIA FOR REVIEW (Historic District)**

- 7016 A. All reviewing bodies shall be guided by the following guidelines and criteria:
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7018 1. The historic archaeological or architectural value and significance of a structure and its
7019 relationship to the historic value of the surrounding area.
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7021 2. The age and character of the historic structure, its condition, and its probable life
7022 expectancy and the appropriateness of the proposed changes to the period or periods
7023 during which the structure was built.
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7025 3. The general compatibility of the site plan and the exterior design arrangement, texture and
7026 materials proposed to be used.
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7028 4. The view of the structure or area from a public street or road, present or future.
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7030 5. The present character of the setting of the structure or area and its surroundings.
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7032 6. The probable effect of proposed construction on trees, wooded areas or historic sites.
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7. Any other factors, including aesthetic factors, which the reviewing bodies deem to be pertinent.

8. The appropriateness of the exterior architectural features of such building or structure to the compatibility with the exterior architectural features of landmarks, buildings or structures in the district, taking into consideration the following:

- a. General design.
- b. Character and appropriateness of design.
- c. Form.
- d. Proportion and scale.
- e. Mass.
- f. Configuration.
- g. Arrangement.
- h. Texture.
- i. Material
- j. The permanent color of exterior materials (excluding paint).
- k. The relationship of such elements to similar features of structures in the immediate surroundings.
- l. Congruity with the character of the Historic District.

B. The reviewing bodies shall not adopt or impose any specific architectural style in the administration of this Article.

C. The reviewing bodies shall also be guided by the purposes for which landmarks, landmark sites and historic districts are designated and by the particular standards and considerations contained in the Secretary of the Interior's Standards for Rehabilitation.

175-92 ISSUANCE OF CERTIFICATE OF APPROPRIATENESS (Historic District)

A. Within fifteen (15) days of approval for construction or alteration pursuant to 175-88, a certificate of appropriateness signed by the Zoning Administrator and bearing the date of issuance but subject to the provisions of 175-92B, shall be made available to the applicant.

B. Any certificate of appropriateness issued pursuant to 175-88 shall expire of its own limitations twelve (12) months from the date of issuance if the work authorized by said certificate has not commenced and, further, if any such work is suspended or abandoned for a period of twelve (12) months after being commenced. Any period or periods of time during which the right to use any such certificate is stayed pursuant to this Article shall be excluded from the computation of the twelve- month period.

175-93 BUILDING DEMOLITION AND RELOCATION (Historic District)

A. No historic landmark, building or structure within any historic district shall be razed, demolished or moved until the razing, demolition or movement thereof is approved by the Board of Architectural Review or approved on appeal as provided herein.

B. Notwithstanding the provisions of Subsection A, the owner of a historic landmark, building or structure shall, as a matter of right, be entitled to raze or demolish such a building or structure, provided that:

1. He has applied to the Town Council for such right;
2. The owner has, for the period of time set forth in the time schedule hereinafter contained and at a price reasonably related to its fair market value, made a bona fide offer to sell such building or structure and the land pertaining thereto to any person, firm, corporation, government or agency thereof or political subdivision or agency thereof which gives reasonable assurance that it is willing to preserve and restore the building or structure and the land pertaining thereto. In order to demonstrate the making of a bona fide offer to sell, the owner shall file a notice with the Zoning Administrator identifying the property and stating the offering price and the name of the real estate agent, if any. No time period set forth herein shall begin to run until said notice has been filed. Within five (5) days of receipt, copies of the notice shall be delivered by the Zoning Administrator to the members of the Town Council, the members of the Planning Commission and the Town Manager; and
3. No bona fide contract, binding upon all parties thereto, shall have been executed for the sale of any such building or structure and the land pertaining thereto prior to the expiration of the applicable time period set forth in the time schedule hereinafter contained. Any appeal from the decision of the BAR, whether instituted by the owner or by any other proper party, notwithstanding the provisions herein pertaining to a stay on appeal, shall not affect the right of the owner to make the bona fide offer to sell. No offer to sell shall be made more than one (1) year after the final decision of the BAR, but thereafter the owner may renew his request to the BAR to approve the razing or demolition of the historic landmark, building or structure. The time schedule for offers to sell shall be as follows:

OFFERING PRICE

MINIMUM OFFER-TO-SELL Period (Months)

Less than \$25,000.00	3
\$25,000.00 to \$39,999.99	4
\$40,000.00 to \$54,999.99	5
\$55,000.00 to \$74,999.99	6
\$75,000.00 to \$89,999.99	7
\$90,000.00 or more	12

4. For the purpose of this Article, a bona fide offer to sell shall be defined as a selling price not greater than ten percent (10%) more than the fair market value appraisal of a certified land appraiser employing appropriate, recognized appraisal criteria for the area in question. The town shall retain the right to contest the bona fide nature of the offer as follows: the reasonable relationship of the offering price to the fair market value of the historic landmark, building or structure, by filing injunctive proceedings in the Warren

7122 County Circuit Court, whenever the town obtains an appraisal of the property in question
7123 by a certified land appraiser at a value at least ten percent (10%) below the offering price
7124 asked by the owner, regardless of any conflicting appraisal obtained by the property
7125 owner.

7126 **175-94 APPEALS (Historic District)**

7127 A. Any applicant aggrieved by a final decision of the Board of Architectural Review may appeal
7128 said decision to the Front Royal Town Council, provided that such appeal is filed, in writing,
7129 with the Town Clerk within ten (10) days after the final decision is rendered by the BAR. The
7130 Town Council will hear the matter at its next regularly scheduled meeting and will render its
7131 decision on the appeal at the following regularly scheduled meeting. The Council, in its
7132 discretion, may consider additional evidence and submissions during the period between
7133 meetings and at the second regularly scheduled meeting prior to rendering its decision.
7134

7135 B. Any applicant aggrieved by a final decision of the Board of Architectural Review following
7136 the decision rendered on appeal to the Front Royal Town Council, may appeal said decision to
7137 the Circuit Court of Warren County, Virginia, by filing a petition at law setting forth the alleged
7138 illegality of the BAR's action, provided that such petition is filed with the Circuit Court within
7139 thirty (30) days after the appealed decision of the Front Royal Town Council. The filing of said
7140 petition with the Circuit Court shall stay the decision of the BAR pending the outcome of
7141 the appeal, except that the filing of such petition shall not stay the decision of the BAR if such
7142 decision denies the right to raze or demolish an historic landmark, building or structure. The
7143 Circuit Court may reverse or modify the decision of the BAR, in whole or in part, if the Court
7144 finds, upon review, that the decision is arbitrary and constitutes an abuse of discretion. The
7145 Circuit Court may also affirm the decision of the BAR.

7146 **175-95 MAINTENANCE, PUBLIC SAFETY AND PERMITTED USES (Historic District)**

7147 A. Nothing in this Article shall allow the BAR to prevent the routine maintenance or repair of
7148 any exterior elements of any building or structure so long as there is no change in form or
7149 materials; nor shall anything in this Article be construed to prevent the construction,
7150 reconstruction, alteration or demolition of any exterior elements that the authorized municipal
7151 officers shall certify as required by public safety.
7152

7153 B. Nothing in this Article shall be construed to prevent any use of any land, building or structure
7154 permitted by the regulations prescribed in this Chapter for the district in which such land,
7155 building or structure is otherwise located. Due to peculiar conditions of design and construction
7156 in historic neighborhoods where buildings and structures are often built close to the lot lines, it is
7157 in the public interest to retain a neighborhood's historic appearance by granting variances to
7158 normal yard requirements, where appropriate and where it is deemed that such a variance will
7159 not adversely affect neighboring properties. The BAR may recommend to the Board of Zoning
7160 Appeals that such variance to standard yard requirements be made.

7161 **175-96 YARD VARIANCES (Historic District)**

7162 Due to peculiar conditions of design and construction in historic neighborhoods where buildings
7163 and structures are often built close to the lot lines, it is in the public interest to retain a
7164 neighborhood's historic appearance by granting variances to normal yard requirements, where
7165 appropriate and where it is deemed that such a variance will not adversely affect neighboring
7166 properties. The BAR may recommend to the Board of Zoning Appeals that such variance to
7167 standard yard requirements be made.

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7172 **175-97 REAL ESTATE TAX EXEMPTION FOR REHABILITATION (Historic District)**

7173 A. A partial exemption of real estate taxes for a period of ten (10) years shall be provided for the
7174 substantial rehabilitation of any structure [fifty (50) years or older] within a designated historic
7175 resource overlay area or to a structure which is listed on the National Register of Historic Places.
7176 For the purposes herein, substantial rehabilitation shall involve an investment of at least forty
7177 percent (40%) of the pre-rehabilitated assessed value of the structure.

7178

7179 B. The partial exemption shall be equal to the increase in assessed value resulting from the
7180 rehabilitation. Rehabilitations cannot replace the original structure. Increases in total square
7181 footage may be permitted up to a maximum of fifty (50%) percent of the original structure.

7182

7183 C. The exemption shall commence on January 1 of the year following completion of the
7184 rehabilitation and shall run with the real estate for a period of ten (10) years. An increase in an
7185 assessment occurring after the first year of the exemption shall not result in an increase in the
7186 exemption.

7187

7188 D. No property shall be eligible for such exemption unless the appropriate certificate of
7189 appropriateness and building permits have been acquired and the Zoning Administrator and
7190 Commissioner of the Revenue have verified that the rehabilitation indicated on the application
7191 has been completed. Such rehabilitation shall be completed within two (2) years of issuance of
7192 the building permit for the work, except that the deadline for completion may be extended for up
7193 to two (2) additional years if the Zoning Administrator determines that reasonable progress has
7194 been made towards completion of the project.

7195

7196 **175-98 EXEMPTION FOR PUBLIC WORKS (Historic District)**

7197 The Front Royal Town Council may exempt public structures, works, utilities and buildings from
7198 compliance with this Article where public safety is endangered or an emergency situation arises.
7199 Retroactive approval for emergency work undertaken shall be sought within thirty (30) days

7200 following completion of the work. All work shall strive to maintain architectural compatibility
7201 within the historic district for its public works and structures.

7202

7203

7204

7205

ENTRANCE CORRIDOR OVERLAY DISTRICT (EC)

(Adopted 10-11-99 by Z-7-99)

7206 175-98.1 STATEMENT OF INTENT (EC)

7207 Pursuant to Section 15.2-2306 of the Code of Virginia 1950, as amended, the intent of this
7208 Entrance Corridor Overlay District (EC) is to promote and protect the health, safety, comfort and
7209 general welfare of the community through establishing high quality design criteria. The
7210 implementation of these criteria will help to stabilize and improve property values; to protect and
7211 enhance the Town's attractiveness to tourists and other visitors; to sustain and enhance the
7212 economic benefits accruing to the Town from tourism; and to support and stimulate
7213 complimentary development appropriate to the historic and architectural character of the Town.
7214 Benefits attributable to the promotion of superior design and appearance of structures
7215 constructed along the arterial entrance corridor will ultimately promote the public health, safety
7216 and general welfare of the citizens of the Town of Front Royal.

7217 175-98.2 ESTABLISHMENT OF DISTRICTS (EC)

7218 The Entrance Corridor Overlay District (EC) will overlay all other zoning districts where it is
7219 applied so that any parcel of land lying in an EC shall also lie within one (1) or more other land
7220 use districts. The regulations and requirements of both the underlying district(s) and the EC shall
7221 apply. However, when the regulations applicable to the EC conflict with the regulations of the
7222 underlying district, the more restrictive regulations shall apply.

7223 175-98.3 DISTRICT BOUNDARIES (EC)

7224 A. EC boundaries shall be designated on the official zoning map of the Town of Front Royal.

7225

7226 B. The district boundaries shall be designated as the full depth of all parcels of land contiguous
7227 to the following public highways, *and located within the corporate boundaries of the Town:*

7228

7229 1. U.S. Route 340 from *Interstate 66* ~~the northern corporate limit~~ to the southern corporate
7230 limit, except those properties lying within the adopted boundaries of the Historic Front
7231 Royal District.

7232

7233 C. Any property or project partially located within the EC shall be considered to be fully located
7234 within the EC and subject to the regulations herein.

7235 175-98.4 REVIEW FOR DESIGN COMPLIANCE (EC)

7236 A. When Required: Any building or structure to be erected, reconstructed or enlarged shall be
7237 reviewed for compliance with the provisions of the EC. The provisions of this ordinance shall
7238 not apply to the regular maintenance of structures within the EC. Single-family detached

7239 dwellings or any structures existing as of January 1, 1999 that are expanded by not more than
7240 100% of their heated square footage as of January 1, 1999 are excluded from the review
7241 requirements of the EC.

7242
7243 B. Review Board: The review board responsible for the review and approval of projects in
7244 accordance with the EC shall be the Front Royal Planning Commission. Such review shall take
7245 place in conjunction with the review of the site development plan for the property.

7246 **175-98.5 SITE AND DESIGN STANDARDS (EC)**

7247 A. Outside storage/display of goods: Outside storage or display of goods, except automotive
7248 and similar large item sales, shall be completely screened from the view of the corridor roadway.

7249
7250 B. Utilities: Utility lines, including electric, cable and telephone, to serve the development
7251 project shall be installed underground. All junction and access boxes shall be screened. All
7252 utility pad fixtures, meter boxes, etc. shall be shown on the site plan and integrated with the
7253 architectural elements of the site.

7254
7255 C. Fences: Fences exceeding four (4) feet in height shall be located in the side and rear yards
7256 only. Chain link fences, including those with slats, are discouraged, particularly where visible
7257 from the public right-of-way. No chain link fence shall be permitted in the front yard in the EC.

7258
7259 D. Mechanical equipment: Mechanical equipment shall be shielded and screened from the
7260 public view and designed to be perceived as an integral part of the building.

7261
7262 E. Integrated development: All buildings within the property shall be developed as a cohesive
7263 entity, ensuring that building placement, architectural treatment, vehicular and pedestrian
7264 circulation and other development elements work together functionally and aesthetically.
7265 Architectural treatment shall be designed so that all building facades of the same building
7266 (whether front, side, or rear) that are visible from the public right-of-way, shall consist of similar
7267 architectural treatment in terms of materials, quality, appearance and detail.

7268
7269 F. Orientation: Building facades and entrances should be oriented in a manner toward the
7270 primary means of vehicular access.

7271
7272 G. Building bulk and mass: All buildings and parking areas should be designed with treatments
7273 to break up the mass and bulk. The treatment of buildings shall include vertical architectural
7274 treatment at least every 25-30 feet to break down the scale of the building into smaller
7275 components. Any facade with a blank wall shall be screened in a manner consistent with the
7276 requirements of environmental planting screens in Section 148-44. Architectural details shall
7277 continue on all facades visible from the public right-of-way. Large expanses of blank walls
7278 facing the street are inappropriate.

7279
7280 H. Scale and proportion: New construction should relate to the dominant proportions of
7281 buildings in the immediate area. The ratio of height to width and the ratio of mass (building) to

7282 void (openings) should be balanced. The scale and mass of a proposed project should relate to
7283 nearby buildings or the streetscape.

7284

7285 I. Materials: Building materials shall be typical of those prevalent in Front Royal/Warren
7286 County, including, but not limited to, stucco, brick, architectural block, wood siding and standing
7287 seam metal roofs. Inappropriate materials include reflective glass and metal wall panels. No
7288 facade visible from the adjoining property or the roadway shall be constructed of unadorned
7289 cinder block, unadorned concrete, corrugated metal or sheet metal.

7290

7291 J. Color: The permanent color of building materials (to be left unpainted) shall resemble the
7292 predominate tones, primarily earthen tones, prevalent in the historic areas of the community.
7293 Garish and striking colors shall be avoided.

7294

7295 K. Adjoining Historic Properties: New construction on properties that adjoin designated historic
7296 properties should seek to incorporate the scale, massing and treatment of the historic property
7297 into the new construction. Efforts shall be made to relate to the building height, when in
7298 proximity to the principle historic structure. New construction shall not overshadow the
7299 adjoining historic property.

7300

7301 L. Lighting: All outdoor lighting fixtures shall be down-directed, with light trespass not to
7302 exceed 0.5 foot-candles at the property line. All island canopy ceiling fixtures shall be recessed.

7303

7304 **175-98.6 ADOPTION OF STANDARDS AND GUIDELINES (EC)**

7305 The Front Royal Planning Commission may adopt written standards and guidelines to illustrate
7306 and clarify the design standards herein, provided that such standards and guidelines are
7307 consistent with the intent and provisions of the EC.

7308 **175-98.7 APPEALS (EC)**

7309 Any decision made under the provisions of this Section may be appealed to the Front Royal
7310 Town Council, following the process outlined in Section 175-94 (A), by any applicant aggrieved
7311 by such decision. Further appeal may be made to the Circuit Court, pursuant to Section 15.2-
7312 2306.A.3 of the Code of Virginia 1950, as amended.

7313

7314 **SUPPLEMENTARY PROVISIONS**

7315 **175-99 WIDENING OF STREETS OR HIGHWAYS**

7316 Whenever there shall be plans in existence, approved by either the State Department of
7317 Highways and Transportation or by the Front Royal Town Council for the widening of any street
7318 or highway, the Commission may recommend additional front yard setbacks for any new
7319 construction or for any structures altered or remodeled adjacent to the future planned right-of-

7320 way in order to preserve and protect the right-of-way for such proposed street or highway
7321 widening.

7322 **175-100 RECREATIONAL VEHICLES AND TRAVEL TRAILERS**

7323 A. Recreational vehicles may be stored in a side or rear yard of a lot, provided they are stored in
7324 a location that meets the minimum yard requirements as would be required for an accessory
7325 ~~structure~~ building of the same dimensions. Except as provided in subsection B below, no
7326 recreational vehicles shall be stored closer to a street than the minimum setback line or yard
7327 requirement in any district and occupancy shall be prohibited.
7328

7329 B. Temporary parking of recreational vehicles, *that does not comply with subsection A*, may be
7330 allowed for a maximum of fourteen (14) days within any calendar month, within the driveway
7331 located on a lot, provided that such driveway is paved and the vehicle is located completely on
7332 private property. The recreational vehicle parking shall be for the purpose of cleaning and
7333 preparing the unit for use or storage. Such temporary parking may also be used for the limited
7334 accommodation by visitors for a maximum of 14 days in any given calendar year. The vehicle
7335 shall not be permanently connected to public utility system. However, the vehicle may be
7336 connected to electricity temporarily for charging batteries or other purpose related to the
7337 preparation of the vehicle for use.
7338

7339 **175-101 VISIBILITY AT INTERSECTIONS**

7340 On a corner lot, nothing shall be erected, placed, planted or allowed to grow, except street signs,
7341 utility poles or traffic signs, in such a manner as to impede vision between a height of two and
7342 one-half (2 1/2) and ten (10) feet above the center-line grades of the intersecting streets in the
7343 area bound by the street lines of such intersecting streets and a line joining the street center lines
7344 at a distance of fifty (50) feet from the point of intersection.

7345

7346 **175-102 FENCES**

7347 A. No fragile, readily flammable material, such as paper, cloth or canvas, shall constitute a part
7348 of any fence, nor shall any such material be employed as an adjunct or supplement to any fence.
7349

7350 B. Fences on corner lots shall meet the requirements of Section 175-101.
7351

7352 C. Fences in residential districts shall not exceed the height of four (4) feet in the required front
7353 yard or six (6) feet in the side or rear yard as measured from the top most point thereof to the
7354 ground or surface, along the center line of the fence.
7355

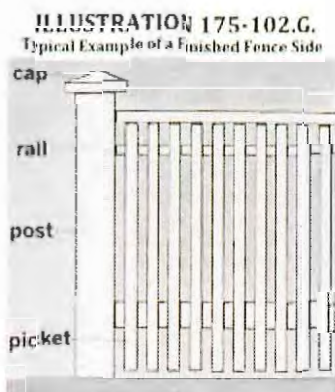
7356 D. Within commercial zoning districts, fences located within the front yard shall not exceed the
7357 height of six (6) feet as measured from the top most point thereof to the ground or surface, along
7358 the center line of the fence. Fences located within commercial zoning districts may be eight (8)
7359 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.

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. depicts a typical finished side of a fence.



175-103 ACCESS TO STREETS, SERVICES, FIRE PROTECTION AND PARKING

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.

175-104 OFF-STREET PARKING

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

~~A. There shall be provided at the time of erection of any main building or at the time any main building is enlarged or at the beginning or enlargement of any use minimum off-street parking space with adequate provisions for entrance and exit. One hundred sixty-two (162) square feet [nine by eighteen (9 x 18) feet] of lot or floor area shall be deemed to be parking space for one (1) vehicle. All parking spaces and access driveways shall be covered with an all-weather surface, unless as otherwise herein provided, and shall be graded and drained to dispose of surface water. However, no surface water from any parking area shall be permitted to drain onto adjoining property.~~

~~B. A parking space shall be at least three (3) feet from a side or rear property line, and no parking space for multiple-family dwelling shall be less than ten (10) feet from a residential structure.~~

C. ~~There shall be provided at the time of the erection of any principal building or structure or at the time that any principal building or structure is altered, enlarged or increased in size not less than the parking space in amounts stated herein. Minimum off-street parking space required may be reduced when the capacity and use of a particular building is changed in such a manner that the new use or capacity would require less space than before the change. Should a nonconforming structure or use be enlarged or extended or should a use or structure be nonconforming because of parking requirements, additional parking requirements need only be based on the requirements for the enlarged or expanded portion.~~

D. ~~The parking spaces required for one and two family dwellings shall be located on the same lot as the dwelling; the parking spaces required for other land use shall be located on the same lot as the principal use or on a lot which is within three hundred (300) feet of the premises they are to serve, such distance to be measured along lines of public access to the property. However, before such off-site parking facilities are approved, a written agreement thereto assuring their retention for such purposes shall be properly drawn and executed by the parties concerned, approved as to form by the Town Attorney and shall be filed with the Zoning Administrator.~~

E. ~~Collective provisions of off-street parking facilities for two (2) or more structures or uses is permissible, provided that the total number of parking spaces is at least equal to the sum of the minimum number of required spaces computed separately for each use. Collective parking is subject to all previously stated parking requirements.~~

F. ~~Specific requirements.~~

1. ~~The parking requirement for the following uses shall be as follows:~~

a. ~~Residential: two (2) parking spaces per dwelling unit. Townhouse parking requirements shall be governed by the provisions of Town Code Section 175-112.~~

b. ~~Motels/hotels: one (1) parking space per room and one (1) additional parking space for every ten (10) rooms.~~

c. ~~Lodging/boarding/bed and breakfast: one (1) parking space per room and an additional two (2) spaces for employees.~~

d. ~~Shopping centers: as provided in Town Code Section 175-111.~~

e. ~~Commercial/retail: one (1) parking space per two hundred (200) gross square feet.~~

f. ~~Furniture/appliance/lumber and building supply: one (1) parking space per four hundred (400) gross square feet.~~

g. ~~Wholesale/storage and contractors facilities: one (1) parking space per one thousand (1,000) gross square feet for nonpublic areas; one (1) parking space per one hundred (100) net square feet for public sales areas.~~

- 7446 h. ~~Self-service storage facilities: one (1) parking space per twenty (20) individual units,~~
7447 ~~and one (1) additional space per three hundred (300) gross square feet of office area.~~
7448
- 7449 i. ~~Art galleries/museums: one (1) parking space per three hundred (300) gross square~~
7450 ~~feet.~~
7451
- 7452 j. ~~Professional offices: one (1) parking space per three hundred (300) gross square feet.~~
7453
- 7454 k. ~~Medical/dental offices: one (1) parking space per two hundred (200) gross square feet.~~
7455
- 7456 l. ~~Indoor recreation facilities: one (1) parking space per two hundred (200) gross square~~
7457 ~~feet.~~
7458
- 7459 m. ~~Bowling alleys: three (3) parking spaces per alley.~~
7460
- 7461 n. ~~Outdoor recreation facilities: one (1) parking space per two hundred (200) net square~~
7462 ~~feet of improved area.~~
7463
- 7464 o. ~~Outdoor court game facilities: one (1) parking space for every two (2) players as~~
7465 ~~designed. For example, a tennis court shall be considered to be designed for four (4)~~
7466 ~~players.~~
7467
- 7468 p. ~~Personal service facilities: one (1) parking space per two hundred (200) gross square~~
7469 ~~feet.~~
7470
- 7471 q. ~~Churches/theaters/other assembly buildings/auditoriums: one (1) parking space per~~
7472 ~~four (4) fixed seats in the main assembly area or one (1) parking space per one~~
7473 ~~hundred (100) net square feet.~~
7474
- 7475 r. ~~Day care/nursery facilities: one (1) parking space per employee and one (1) parking~~
7476 ~~space for every ten (10) children.~~
7477
- 7478 s. ~~Nursing/convalescent homes: one (1) parking space for every four (4) beds, and one~~
7479 ~~(1) parking space per employee.~~
7480
- 7481 t. ~~Hospitals: one (1) parking space for every two (2) beds, and one (1) parking space for~~
7482 ~~each employee, excluding medical doctors.~~
7483
- 7484 u. ~~Funeral homes: one (1) parking space for every four (4) fixed seats or one (1) parking~~
7485 ~~space per one hundred (100) square feet net visitation area, plus five (5) employee~~
7486 ~~parking spaces.~~
7487
- 7488 v. ~~Restaurants (sit-down): one (1) parking space for every four (4) seats.~~
7489
- 7490 w. ~~Restaurants (carry-out): one (1) parking space per fifty (50) net square feet of~~
7491 ~~customer service area.~~

- 7492
7493 ~~x. Restaurants (drive-through): three (3) parking spaces plus stacking lanes for six (6)~~
7494 ~~vehicles.~~
7495
7496 ~~y. Industrial uses/office component: one (1) parking space per three hundred (300) gross~~
7497 ~~square feet of office area.~~
7498
7499 ~~z. Industrial uses/manufacturing/distribution areas: one (1) parking space per employee~~
7500 ~~and one (1) space for every vehicle used on site, plus one (1) parking space per~~
7501 ~~delivery/loading bay.~~
7502 —
7503 ~~aa. Automobile/motor vehicle service facilities: two (2) spaces per service bay or two (2)~~
7504 ~~spaces for every three hundred sixty (360) square feet. Every such facility shall have~~
7505 ~~a minimum of three (3) parking spaces.~~
7506
7507 ~~bb. Car sales/rental facilities: one (1) parking space per each two thousand five hundred~~
7508 ~~(2,500) square feet of open sales display area and one (1) parking space per~~
7509 ~~employee. In addition, there shall be two (2) parking spaces per service bay or two~~
7510 ~~(2) parking spaces for every three hundred sixty (360) square feet of service bay area.~~
7511 ~~There shall be a minimum of three (3) spaces for the service bay areas of these~~
7512 ~~facilities.~~
7513
7514 ~~cc. Car wash (self service): one (1) parking space for drying vehicles, plus two (2)~~
7515 ~~stacking spaces per car wash bay.~~
7516
7517 ~~dd. Car wash (automatic): two (2) parking spaces for drying vehicles, plus five (5)~~
7518 ~~stacking spaces per car wash bay.~~
7519
7520 ~~ee. Libraries: one (1) parking space per one thousand (1,000) gross square feet.~~
7521
7522 ~~ff. Public/private schools: one (1) parking space per employee, plus parking space for~~
7523 ~~school auditoriums as required in Subsection F(1)(q).~~
7524
7525 ~~gg. Greenhouse and landscape nursery facilities: one (1) parking space per four hundred~~
7526 ~~(400) square feet of structured public selling area; one (1) parking space per one~~
7527 ~~thousand (1,000) square feet of greenhouse/warehouse/plant storage areas; and one~~
7528 ~~(1) parking space for each company vehicle.~~
7529
7530 ~~hh. Veterinary Hospitals and Kennels: One (1) parking space per three hundred (300)~~
7531 ~~gross square feet.~~
7532
7533 ~~ii. Any other commercial use not specifically enumerated shall have one (1) parking~~
7534 ~~space per two hundred (200) gross square feet.~~
7535
7536 2. ~~Every reference herein to a parking space per employee shall be calculated on the basis of~~
7537 ~~the maximum number of employees on the site any one time.~~

3. ~~Gross square feet, as used herein and in Sections 175-111 and 175-112, shall be defined as the sum of the gross horizontal areas of the several floors of the building or buildings on a lot measured from the exterior faces of exterior walls or from the center line of party walls separating two (2) buildings.~~

4. ~~Net square feet, as used herein, shall be the gross square feet within a structure or facility that is relegated to a specific use.~~

5. ~~Every parking area shall be designed in accordance with the provisions and requirements of Town Code Section 148-48.~~

~~G. Parking space already provided to meet off-street parking requirements for stores, office buildings and industrial establishments lying within three hundred (300) feet of the place of public assembly, as measured along lines of public access, which are not normally in use on Sundays or between the hours of 6:00 p.m. and 12:00 midnight on other days may be used to meet not more than seventy-five percent (75%) of the off-street parking requirements of a church or other similar place of public assembly.~~

~~H. Any flea market, farmers' market or other open-air commercial activity not listed above shall provide one (1) parking space for each one hundred (100) square feet of land to be used by said flea market, farmers' market or other commercial activity in its open-air operations. The amount of land to be used shall be designated by the respective open-air business in its application for a special permit. If no special permit is required under this chapter, the land to be used shall be designated in the application for a business license. No business shall then use more land than has been designated in its application for special permit or business license without the filing of a new application for a special permit or business license as required herein and then complying with the parking space requirements of this section.~~

~~I. For every commercial or industrial parking area located within fifteen (15) feet of the side or rear boundary of a residentially-zoned lot or a lot with a residential use, an opaque ornamental fence or masonry wall with a minimum height of four (4) feet shall be erected and maintained. The provisions of this section shall not compel such fence or wall to extend into the required front yard of the premises.~~

~~J. Every parcel of land hereafter used as a parking area shall have an all-weather surface. It shall have appropriate guards where needed, as determined by the Zoning Administrator. Lights used to illuminate parking areas shall be so arranged and hooded as to confine all direct light rays entirely within the boundary lines of the parking area.~~

~~K. Off-street parking shall not be required on any lot fronting on that portion of Main Street which extends from Royal Avenue to Happy Creek or upon that portion of Jackson Street which extends between South Royal Avenue and Church Street.~~

~~L. Off-street parking requirements may be waived by special permit on any lot fronting on that portion of Peyton Street which extends from Chester Street to Crescent Street. In considering the~~

special permit, the Council shall evaluate handicapped access, traffic patterns and the effect on surrounding properties. As a condition to special permit approval, the Council may require a lesser number of off-street parking spaces to be supplied by the applicant than otherwise would be required under this section.

M. Off-street parking requirements may be waived by special permit for structures existing at the time of the adoption of this subsection on lots fronting the west side of Chester Street between East Main Street and Peyton Street. In considering the special permit, the Council shall evaluate handicapped access, traffic patterns and the effect on surrounding properties. As a condition to special permit approval, the Council may require a lesser number of off-street parking spaces to be supplied by the applicant than otherwise would be required and may require that there be no reduction in existing off-street parking spaces for the existing structure.

N. Off-street parking requirements shall be waived by the Zoning Administrator for expansion of an existing use for any property located within the Historic Front Royal District where the following criteria are met:

1. The development activity proposed includes the retention and/or the substantial renovation of a contributing structure in the district.
2. The square footage of additions or new construction shall not be more than twice that of the original structure.
3. The proposed project has been found by the Board of Architectural Review to be in keeping with the scale of development in the surrounding area and with the character of the district as a whole.
4. All efforts have been made to provide parking whenever possible.

175-105 OFF-STREET LOADING

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

A. On the same premises with every building, structure or part thereof erected and occupied for uses involving the receipt or distribution of vehicles, materials or merchandise, there shall be provided and maintained on the lot adequate space for standing, turning, loading and unloading services in order to avoid interference with public use of the streets and alleys.

B. Such space or spaces shall be a minimum of fifteen (15) feet wide and fifty-five (55) feet in length, with a minimum clear height of fifteen (15) feet. Off-street truck loading space shall be provided at a rate of one (1) space for the first ten thousand (10,000) square feet or less of gross floor area, plus a minimum of one (1) additional space for each additional forty thousand (40,000) square feet of gross floor area or part thereof. For the purpose of this section, "gross floor area" shall also include gross outdoor storage area, whether covered or uncovered.

7627 **175-106 SIGNS**7628 A. General Provisions:

7629

7630 1. Purpose and Intent: The purpose of this section is to regulate the size, location, height and
7631 construction of all signs placed for public observance; to protect the public health, safety,
7632 convenience and general welfare; to facilitate the creation of a convenient, attractive and
7633 harmonious community; to protect property values; and to further the urban design and
7634 economic development objective of the town plan. To these ends, these regulations are
7635 intended to promote signs that are:

7636

7637 a. Compatible with the landscape/streetscape and architecture of surrounding buildings,
7638 including historic sites and structure;

7639 b. Legible and appropriate to the activity to which they pertain;

7640 c. Not distracting to motorists; and

7641 d. Constructed and maintained in a structurally sound and attractive condition.

7642

7643 2. Applicability: These sign regulations shall apply to all signs erected within the Town of
7644 Front Royal following the effective date of this ordinance.

7645

7646 3. Sign Permit Required: Except as provided herein, no sign shall be erected, installed, used,
7647 altered, relocated, replaced or reconstructed until a sign permit has been issued (and a
7648 certificate of appropriateness, if applicable). For the purpose of this Ordinance, all signs
7649 are considered accessory uses and accessory structures. Unless specifically qualified, all
7650 signs shall be located on the same lot with the principal use to which they pertain.

7651

7652 4. Special Definitions: For the purposes of these sign regulations, unless the context
7653 otherwise requires, the following terms shall have the meanings established below:

7654

7655 **ANIMATED SIGN** - A sign or part of a sign that moves or appears to move, including, but
7656 not limited to propellers, discs, digital screens, projections and flashing lights, but
7657 specifically excluding the hands of a clock, clocks, digital displays of only the time, date and
7658 temperature, weather vanes, and flags.

7659

7660 **ARTISTIC MURAL** - A work of art (as a painting) applied to and made integral with a
7661 building wall that is prepared by a skilled artist and shows imaginative skill in arrangement
7662 or execution.

7663

7664 **AWNING SIGN** - A sign placed, painted or printed directly on the surface of an awning.

7665

7666 **BANNER** - A temporary sign applied to cloth, paper, balloons or fabric of any kind.
7667 Governmental flags or symbolic flags of religious, charitable, public or nonprofit
7668 organizations shall not be considered banners.

7669

7670 **BILLBOARD SIGN** - See "off-premise sign."

7671

- 7672 **CANOPY SIGN** - A sign attached or otherwise affixed to a canopy.
7673
- 7674 **CHANGE OF USE** - Any change from one business activity to another, except a name
7675 change for a specific established business activity.
7676
- 7677 **CHANGEABLE COPY SIGN** - A sign or part of a sign that is designed so that characters,
7678 letters or illustrations can be changed or rearranged without altering the face or surface of
7679 the sign.
7680
- 7681 **DIRECTIONAL SIGN** - An on-premises sign designed to guide vehicular and/or pedestrian
7682 traffic by using such words as "Entrance," "Exit," "Parking," "One Way" or
7683 similar directional instruction, but not including any advertising message.
7684
- 7685 **DIRECTORY SIGN** - A sign on which the names and locations of occupants or the use of a
7686 building or group of buildings is given.
7687
- 7688 **FLAG** - Any fabric, cloth, canvas or any non-rigid lightweight material that can be easily
7689 folded or rolled and attached to or designed to be flown from a flagpole or similar device and
7690 containing distinctive colors, patterns or symbols.
7691
- 7692 **FLAG SIGN** - A flag used as a sign
7693
- 7694 **FLAG SIGN, TRADITIONAL** - A flag sign, excluding a sign on a "feather flag", that does
7695 not exceed fifteen (15) square feet in area, and no one side exceeding a length of five feet
7696 (5').
7697
- 7698 **FLAG SIGN, NON-TRADITIONAL** - A flag sign other than a traditional flag sign. A
7699 "feather flag" is an example of a non-traditional flag sign.
7700
- 7701 **FLASHING SIGN** - A sign used for identification, direction, advertising or promotion that
7702 includes lights which flash, blink or turn on and off intermittently.
7703
- 7704 **FREESTANDING SIGN** - See "ground-mounted sign."
7705
- 7706 **GROUND-MOUNTED SIGN** - A sign which is supported by structures or supports in or
7707 upon the ground and independent of any support from any building.
7708
- 7709 **IDENTIFICATION SIGN** - A sign which displays only the address and name or crest,
7710 insignia or trademark, occupation or profession of an occupant or the name of any building
7711 on the premises.
7712
- 7713 **ILLUMINATED SIGN** - A sign illuminated in any manner by an artificial light source,
7714 whether internally or externally lit, including neon.
7715

INSTITUTIONAL BULLETIN BOARD SIGN - A sign containing a surface upon which is displayed the name of a religious institution, school, library, community center or similar institutional or community service use and the announcement of its service.

MARQUEE - A permanent structure projecting beyond a building wall at an entrance to a building or extending along and projecting beyond the building's wall and generally designed and constructed to provide protection against the weather.

MARQUEE SIGN - A sign attached to and made part of a marquee or any other similar projection from a building.

MONUMENT SIGN - A sign affixed to and made an integral part of a structure built on-grade that does not involve the use of poles as its major sign support and is less than eight (8) feet in height.

OFF-PREMISES SIGN - A sign which directs attention to a business, commodity, service or establishment conducted, sold or offered at a location other than the premises on which the sign is erected.

PORTABLE SIGN - Any sign, except an exempt sign, that is not permanently affixed to the ground or another structure and is capable of being moved by mechanical or non-mechanical means.

PROJECTING SIGN - Any sign, other than a wall, awning or marquee sign, which is affixed on a building wall perpendicularly, typically by use of brackets.

RE-FACE - The act of creating a new sign message by replacing or refurbishing the non-structural components or surface of an existing lawful sign, without creating a new nonconformity to the requirements of this chapter.

ROOF SIGN - A sign erected or constructed, in whole or in part, upon or above the highest point of a building with a flat roof, or the lowest portion of a roof for any building with a pitched roof.

SANDWICH BOARD SIGN - A two-sided, self supporting sign attached at the top with the two sides separated by approximately 45 degrees.

SIGN - Any device employing letters, words, symbols, etc., used or intended to attract the attention of the public from streets, sidewalks or other outside public rights-of-ways. For the purposes of this Article, the term "sign" shall include all structural members.

SIGN AREA - The surface area encompassed within any regular geometric figure (square, rectangle, circle, triangle, etc.) which would enclose all parts of the sign, excluding structural supports.

TEMPORARY SIGN - A sign or advertising display designed or intended to be displayed for a short period of time. Unless otherwise specified within this section, a temporary sign may only be used two (2) times within a 12-month period, and for a total time of ninety (90) days or fewer during the same 12-month period of time.

WALL SIGN - A sign attached to a wall, or painted on or against a flat vertical surface of a structure, which displays only one (1) advertising surface.

WINDOW SIGN - All signs attached to or applied directly onto the internal or external surface, or set back less than one (1) foot from the interior surface, of any window in view of the general public from outside the structure.

5. Prohibited Signs: The following signs are expressly prohibited unless specifically stated otherwise

- a. Billboards and Off-premise signs.
- b. Portable Signs, except sandwich board signs, as defined above, but including signs displayed on a stationary vehicle.
- c. Changeable Copy Signs, except for approved institutional bulletin boards and gas station fuel price signs as permitted by this ordinance, and where such signs are incorporated as an element within another permanent sign, provided that the changeable copy area does not exceed twenty (20) square feet or fifty percent (50%) of the total sign area, whichever is less.
- d. Simulated Traffic Signs or any sign which may be confused with or obstruct the view of any authorized traffic sign or signal.
- e. Animated Signs, including but not limited to propellers and discs. This prohibition shall not apply to the hands of a clock, a weather vane or flags.
- f. Flashing Signs, except for time and temperature signs.
- g. Glaring Signs or signs with light sources of such brightness as to constitute a hazard, as determined by the Zoning Administrator.
- h. Strings of lights outlining property lines, sales areas or any portion of a structure, unless part of an approved sign or sign structure. This prohibition shall not apply to seasonal decorations.
- i. Roof Signs.
- j. Signs affixed to a tree, other natural vegetation, rocks, public utility poles or public signs.

- 7806 k. Signs that obstruct the visibility of intersections or block any window, door, fire
7807 escape, stairway or any opening intended for light, air or access to any building.
7808
- 7809 l. Signs erected in or over a public right-of-way or on public land, except as allowed in
7810 the Historic Overlay District, or as specifically approved by the Town Council.
7811
- 7812 m. Home Occupation Signs, except an address or identification sign as provided in
7813 Section 175-106A(6)(a) below.
7814
- 7815 n. Non-traditional Flag Signs, except when used as a temporary sign, as regulated by this
7816 Chapter.
7817
- 7818 o. Offensive Signs, including signs that include obscene, indecent or profane language.
7819
- 7820 6. Exempt Signs: Sign permits shall not be required for the following signs; however, all
7821 other applicable regulations of this ordinance shall apply.
7822
- 7823 a. Address or Identification sign. Signs indicating the address and/or names of occupants
7824 of premises, not exceeding two (2) square feet in area.
7825
- 7826 b. Changing the message content of an approved directory, institutional bulletin board,
7827 theater marquee or changeable copy element of an approved sign.
7828
- 7829 c. Commemorative plaques and historical markers erected by a recognized historical
7830 agency or governmental body.
7831
- 7832 d. Flags, emblems and insignia of any governmental agency or religious, charitable,
7833 public or nonprofit organization; provided, however, that no single flag shall exceed
7834 fifty (50) square feet in area and no single zoning lot shall display more than three (3)
7835 such flags. If the total area of such flags exceeds seventy-two (72) square feet, the
7836 excess area shall be included in the sign area calculations for the zoning lot.
7837
- 7838 e. Traditional Flag Signs, provided that the following conditions are met:
7839
- 7840 [1] Only one (1) exempt traditional flag sign per parcel shall be allowed.
7841 [2] Each exempt traditional flag sign shall be a maximum of fifteen (15) square feet in
7842 area.
7843 [3] Words or letters used on an exempt traditional flag sign shall only communicate the
7844 language "Open" or "Open for Business", and within the Historic District Overlay
7845 District may also identify a non-profit organization or town government.
7846 [4] Compliance with Section 175-106B.3 when located within the public right-of-way
7847 on property within the Historic Overlay District.
7848 [5] Shall be located within fifty (50) feet from the building entrance.
7849
- 7850 f. Handicapped Parking Space Sign.
7851

- 7852 g. Directional Signs, not exceeding three (3) square feet in area and located on private
7853 property. Such signs exceeding 2 1/2 feet in height shall be located no closer than 10
7854 feet from the curb line of abutting streets.
7855
- 7856 h. Security and Warning signs. Signs posted on private property warning the public
7857 against trespassing or similar messages, provided that any such sign does not exceed
7858 1.5 square feet in area.
7859
- 7860 i. Private Drive Signs, one (1) per drive entrance, not exceeding two (2) square feet in
7861 area, with the message content limited to the words "Private Drive" and the address of
7862 any residences utilizing the private roadway.
7863
- 7864 j. Public Signs, including traffic, utility, parking, directional, identification, public event
7865 and festival signs approved by the Town Council and other signs displayed for
7866 governmental purposes.
7867
- 7868 k. Seasonal and temporary displays of patriotic, religious or civic character on private
7869 property, not advertising a product or service.
7870
- 7871 l. Signs not visible beyond the boundaries of the lot or parcel upon which they are
7872 located or from any public right-of-way.
7873
- 7874 m. Temporary political campaign signs on private property not to exceed eight (8) square
7875 feet in area and six (6) feet in height. Such signs shall be removed within five (5) days
7876 after the election.
7877
- 7878 n. Sandwich Board Signs, subject to the requirements of Section 175-106A.9.e.
7879
- 7880 o. Temporary private yard sale signs, not exceeding three (3) in number per yard sale and
7881 not placed in a public right-of-way.
7882
- 7883 p. Temporary real estate signs, located on the premises, not exceeding five (5) square feet
7884 in area for single-family residential districts or eight (8) square feet in area for other
7885 zoning districts. No real estate sign shall exceed a height of six (6) feet. One (1) real
7886 estate sign shall be permitted per property, except for corner lots, which may have two
7887 (2) such signs. Temporary real estate signs shall be removed within seven (7) days of
7888 the settlement or lease of the property.
7889
- 7890 q. Temporary window signs shall cover no more than fifty percent (50%) of the window
7891 area and shall not be displayed above the first floor. Such signs shall not remain in
7892 place for more than eight (8) weeks.
7893
- 7894 r. Vehicle safety inspection signs not exceeding ten (10) square feet in area. Such signs
7895 may be either a wall sign or attached to an existing authorized ground-mounted sign
7896 structure [one (1) per business] not to exceed the height of the ground mounted sign.
7897

- s. The re-facing of a sign, as defined, except when located within the Historic Overlay District or Entrance Corridor.

7. Signs Requiring Temporary Sign Permit: The following signs shall require the issuance of a temporary sign permit by the Zoning Administrator prior to their erection. The permit shall cite the length of time any such sign may be displayed. If, after the expiration of the temporary sign permit, such signs are not removed, the town may remove them and charge the costs of removal to the enterprise or proprietor responsible.

- a. Special Sales Events Signs, exceeding a 14-day display period, announcing such events and grand openings, new management and going-out-of-business sales. Such signs, shall be attached to an existing principal structure or sign pole, shall not exceed twenty (20) square feet in area.

- b. Temporary and Seasonal Produce, Fireworks and Tree Stand Signs. The total area of all such signs shall not exceed twenty (20) square feet, nor shall any sign exceed six (6) feet in height.

- c. Construction Signs not to exceed one (1) per street frontage, limited to a maximum height of eight (8) feet. The total area of all such signs shall not exceed twelve (12) square feet. Such signs shall be removed within fourteen (14) days following completion of construction.

- d. Temporary Residential Subdivision and Model Home Identification Signs. One (1) sign may be erected for not more than two (2) years at each principal entrance to the development. Such signs shall not exceed eight (8) feet in height or sixteen (16) square feet in area. In addition, one (1) model home sign of not more than four (4) square feet may be maintained at each model home.

- e. Temporary Signs on vacant lots announcing an upcoming event (such as "Coming Soon"). Such signs shall not exceed twenty (20) square feet in size and may be displayed on a given property for one (1) period, not to exceed ninety (90) days, within a twelve-month period.

8. General Sign Standards:

- a. Determination of Sign Height and Setback. The height of a sign shall be measured from the average elevation of the street to which the sign is oriented. The setback shall be measured from the property boundary to the closest point of the sign.

- b. Number of Sign Faces. No sign shall have more than two (2) sign faces.

- c. Determination of Sign Area. The area of signs shall include the area enclosing the face of the sign, including all frames or other components not otherwise used for support.

d. Area of Signs with Two (2) Sign Faces. The area of a sign with two (2) sign faces shall be computed according to the following:

- [1] Sign faces separated by an interior angle of forty-five degrees (45 degrees) or greater, both sign faces shall be included.
- [2] Sign faces separated by an interior angle of less than forty-five degrees (45° degrees), one (1) sign face shall be included; provided, however, that the area of the largest sign face shall be used when two (2) faces are unequal in area.

9. Development Standards for Permitted Sign Type: All new signs and all existing signs which are replaced, reconstructed, extended or changed structurally shall comply with the following development standards:

a. Ground mounted sign: Development Standards.

- [1] Road Frontage Requirements: Ground mounted signs up to the maximum allowable size shall be permitted on lots with 100 feet or more of lot width. Where a lot has less than 100 feet of lot width, a ground mounted sign shall not exceed thirty-two (32) square feet in size.
- [2] Minimum Clearance: Where a ground mounted sign is located within twenty-five (25) feet of an intersecting developed street, or Town- maintained alley, a minimum ten (10) foot clearance from the ground to the bottom of the sign shall be provided. For a monument sign, the placement of the sign shall conform with the requirements of Section 175-101.
- [3] Maximum Height: Twenty (20) feet or the height of the principal structure, whichever is less; provided, however, that the maximum height of any ground-mounted sign serving two (2) or more business uses within 1,000 feet of the right-of-way for Interstate 66 shall be twenty-five (25) feet.

b. Projecting Sign: Development Standards.

- [1] Frontage Requirements: Eighteen (18) feet of ground level frontage.
- [2] Angle of Projection: Ninety (90°) degrees.
- [3] Limit on Projection: Six (6) feet.
- [4] Projection over Right-Of-Way. No sign outside the Historic Overlay District shall project over the public right-of-way, unless specifically approved by the Town Council.
- [5] Minimum Clearance: Seven (7) feet vertical clearance, measured from the established grade directly below the sign to the closest point of the sign.
- [6] Maximum Height: Fourteen (14) feet or the lowest point of the roof, whichever is lowest.

c. Wall Sign - Development Standards:

- 7991 [1] Placement, Generally: No wall sign shall cover, cross or otherwise hide columns,
7992 belt courses or other decorative architectural features of the building, including
7993 balconies.
- 7994 [2] Maximum Height of Wall Signs: Twenty (20) feet or the lowest point of the roof,
7995 whichever is less; provide, however, that the maximum height of any wall sign for
7996 a business structure located within 1,000 feet of the right-of-way for Interstate 66
7997 shall be fifty-five (55) feet.
- 7998
- 7999 [3] Limit on Projection: Twelve (12) inches.
- 8000
- 8001 [4] Permanent Window Signs: Additional Restrictions. Permanent window signs shall
8002 be limited in area to twenty-five percent (25%) of the window area or twenty-five
8003 (25) square feet, whichever is less, and shall be included in the sign area
8004 calculations.
- 8005

8006 d. Awning, Canopy and Marquee Signs: Development Standards.

8007

- 8008 [1] Location: Parallel to the face and not projecting above or below the face of the
8009 awning, canopy or marquee.
- 8010 [2] Limit on Projection: To within one (1) foot of the vertical placement of curbs, but
8011 shall in no way interfere or obstruct either pedestrian or vehicular traffic. No such
8012 sign outside the Historic Overlay District shall project over the public right-of-
8013 way, except as approved by the Town Council.
- 8014

8015 e. Sandwich Board Signs: Development Standards

8016

- 8017 [1] Location: Shall be located within fifty (50) feet from the building entrance on the
8018 same property, and may not be located within the public right-of-way unless a
8019 Right-of-Way Utilization Permit is granted by the Town.
- 8020 [2] Duration of Use: The signs may only be displayed during business hours.
- 8021 [3] Number: Only one (1) sandwich board sign shall be permitted per business.
- 8022 [4] Appearance: Spray painted lettering on plain plywood, or similar materials, is not
8023 permitted.
- 8024

8025 f. Traditional Flag Signs: Development Standards

8026

- 8027 [1] Location: Shall only be located on private property, except where a Right-of-Way
8028 Utilization Permit is granted by the Town.
- 8029 [2] Maximum Height: Twenty (20) feet.
- 8030 [3] Visibility at Intersections: Compliance with Section 175-101.
- 8031 [4] Frontage Requirements: Eighteen (18) feet of ground level frontage.
- 8032 [5] Projection: If a projecting sign, compliance with Section 175-106A.9.b.
- 8033

8034 10. Construction and Maintenance Standards:

8035

- a. Building Code Compliance. All signs shall be constructed in compliance with the Virginia Uniform Statewide Building Code. All illuminated signs shall comply with the National Electrical Code.
- b. Condition of Signs. All signs and components shall be maintained in good repair and in a safe, clean and attractive condition.
- c. Repair or Removal of Nuisance Signs. Any sign which is declared to be an immediate or imminent hazard to life or property may be caused to be immediately removed or repaired. All costs associated with the removal or repair shall be charged to the owner of the premises or to the owner of the sign.
- d. Removal of Obsolete Signs. Any sign which is obsolete because of discontinuation of the advertised activity or any other reason which would cause the sign to be obsolete shall be removed within thirty (30) days.

11. Nonconforming Signs:

a. Nonconforming Sign, generally: Any sign which was lawfully in existence at the time of the effective date of this Ordinance, which does not conform to the provisions herein, shall be deemed a nonconforming sign and may remain except as qualified in Section 175-106A.11.b., herein. No non-conforming sign shall be enlarged, extended or structurally reconstructed in any manner, unless it is in conformance with these sign regulations. However, a nonstructural sign face may be changed to a new sign face.

b. Removal of Nonconforming Signs: Nonconforming signs may remain, provided that they are kept in good repair, except for the following:

[1] Damage or Destruction of Nonconforming Sign: A nonconforming sign which is destroyed or damaged to the extent exceeding fifty percent (50%) of its appraised value shall not be altered, replaced or reinstalled unless it is in conformance with these sign regulations. If the damage or destruction is fifty percent (50%) or less of the appraised value, the sign may be restored within two (2) years of the destruction but shall not be enlarged in any manner. The present day replacement cost of an identical new sign, as determined by a sign contractor or manufacturer, shall be considered the appraised value.

[2] Damage or Destruction of Use: A non-conforming sign shall be removed if the structure or use to which it is accessory is destroyed or demolished to the extent exceeding fifty percent (50%) of the principal structure's appraised value.

B. Signs Permitted by Zoning Districts:

1. Agricultural and Residential Zoning Districts; Permitted Signs:

a. General Regulations:

- [1] Minimum Setback: Ten (10) feet from all public rights-of-way unless further restricted by provisions of this section.
- [2] Illumination of Signs in Residential Districts: The following signs may be illuminated, by white light only: institutional bulletin boards and residential development identification signs.

b. Signs for Permitted Uses:

- [1] Single-Family and Two-Family Dwellings: None, except for those signs exempt from permit requirements.
- [2] Residential Developments: Permanent subdivision or development identification signs indicating only the name and/or address of the premises. The identification sign shall be a ground mounted or monument sign, and the maximum sign area shall be determined as follows:
- [a] Development of (20) units or less: One (1) ground mounted sign, not to exceed sixteen (16) square feet in area or eight (8) feet in height, at each major street entrance.
- [b] Development of (21) units or more: one (1) ground-mounted sign at each major street entrance not to exceed twenty-four (24) square feet in area or eight (8) feet in height.
- [c] Where signs are incorporated as part of a monumental entrance structure, such as a gateway, archway or freestanding entry columns, the lettering or signage incorporated therein may be physically divided and still considered as one (1) entrance sign. The total of all lettering or signage shall not exceed the maximum allowed in this Section.
- [3] General Farming Activities: Two (2) ground mounted farm signs per property up to eight (8) feet in height, with a combined area not to exceed twenty-four (24) square feet.
- [4] Institutional Signs and Bulletin Boards: One (1) ground-mounted or wall sign per use, not to exceed twenty-four (24) square feet in area and eight (8) feet in height for ground-mounted signs or ten (10) feet in height for wall-mounted signs. The Town Council may, by special permit, approve an increase in size to thirty-two (32) square feet. In addition to the signs otherwise allowed by this section, any educational institution located on not less than fifty (50) contiguous acres and with road frontage on not fewer than four (4) public streets may have up to four (4) ground-mounted identification signs, facing outwards from the grounds of the institution, each not to exceed seventy-five (75) square feet in area and eight (8) feet in height. Two (2) of such signs may have a second face, on the side facing into the institution.

- 8128 [5] Professional Office, Nursing Homes and Bed & Breakfast Homes: One (1) sign
8129 not to exceed twenty-four (24) square feet per principal structure and eight (8) feet
8130 in height.
8131
- 8132 [6] Medical and Professional Centers: Facilities located within a center of at least two
8133 (2) acres in size and including five (5) or more functions or offices planned as an
8134 integrated development shall be authorized to erect signs based on the following:
8135
- 8136 [a] Signs for Individual Establishments or Functions Within Center: Same as for
8137 multiple businesses, as outlined in Section 175-106B.2.c.
8138 [b] Center Identification Sign: One (1) ground mounted or monument style sign
8139 per street frontage with an area of one (1) square foot per four (4) linear feet
8140 of lot frontage on which the sign is to be erected, up to a maximum of sixty
8141 (60) square feet. The center identification sign shall display only the name and
8142 address of the center, and establishments located therein. No other ground
8143 mounted signs shall be permitted on that same road frontage within the center.
8144
- 8145 c. Signs for Accessory Uses:
8146
- 8147 [1] Accessory Management or Rental Offices: One (1) sign up to four (4) feet in area
8148 and four (4) feet in height.
8149 [2] Other Accessory Uses: one (1) sign up to four (4) square feet in area and four (4)
8150 feet in height.
8151
- 8152 2. Business and Industrial Zoning Districts: Permitted Signs.
8153
- 8154 a. Signs in Business and Industrial Districts: General Regulations:
8155
- 8156 [1] Development and Construction Standards: All signs requiring a permit shall
8157 comply with the development, construction and maintenance standards of Sections
8158 175-106A.9. and 175-106A.10.
8159 [2] Signs Facing Residential Areas: Any sign erected within one hundred (100) feet of
8160 either the principal structure of an existing residential use or the boundary of a
8161 residential zoning district shall be non-illuminated and limited to thirty-two (32)
8162 square feet in area.
8163
- 8164 [3] Minimum setback of ground Mounted and Monument Signs: Five (5) feet from any
8165 public right- of-way, service drive or entrance.
8166
- 8167 b. Signs for Individual Businesses: A single business located on one (1) lot or separate
8168 businesses located on separate road frontages may erect signs as follows:
8169
- 8170 [1] Maximum Number of Signs Per Business: Five (5); however, only through lots as
8171 defined in Section 175-3 shall be permitted to have more than one (1) ground-
8172 mounted sign, with only one (1) sign erected on each street frontage. For structures
8173

with a gross floor area of 50,000 square feet or more permitted by Special Permit, additional unlimited wall signs may be permitted, within the maximum area permitted by Section 175-106B.2.b[3], as part of a coordinated design package, reviewed in conjunction with the Special Permit. Such structures previously granted a Special Permit may apply for additional signage by amendment to the Special Permit.

- [2] Types of Signs Permitted: Wall, ground mounted, monument style, projecting, window, awning, canopy, marquee, permitted temporary, sandwich board, and traditional flag.

- [3] Maximum Size of Signs:

- [a] Wall or Marquee Sign: One (1) square foot per linear foot of building width on which the sign is to be attached, up to a maximum of sixty (60) square feet of signage on any building elevation which fronts on a public street or parking area; provided, however, that the maximum size of any wall sign for a business located within 1,000 feet of the right-of-way of Interstate 66 shall be 120 square feet. In addition to the basic 60 square feet sign area, structures permitted by Special Permit with a gross floor area of 50,000 square feet or more, may be permitted to increase the total wall sign area, calculated as described herein, not to exceed 120 square feet of additional area, for a maximum total of 180 square feet. Such additional sign area shall be permitted only as part of a coordinated design package reviewed in conjunction with the Special Permit application. Such structures previously granted a Special Permit for increased building area may apply for additional sign area by amendment to the Special Permit. Artistic murals containing business or product advertising may be approved for a size exceeding sixty (60) square feet by special permit, pursuant to Section 175-136, when located outside the Historic Overlay District or by the Board of Architectural Review, pursuant to Section 175-88, when located within the Historic Overlay District.

- [b] Ground Mounted or Monument Signs: On lots with 100 feet or more of lot width, one (1) square foot per three (3) linear feet of lot width on the side where the sign is to be located, up to a maximum size of sixty (60) square feet and a maximum height of twenty (20) feet. Lots with less than 100 feet of lot width shall conform to the maximum size in Section 175-106A.9.a.[1]. On shared signs permitted pursuant to Section 175-106B.2.h, a maximum size of sixty (60) square feet per sign and a maximum height of twenty-five (25) feet for the sign structure including all sign faces.

- [c] Awning or Canopy Sign: One (1) square foot per linear foot of the awning or canopy, up to ten (10) square feet.

- [d] Projecting Sign: One (1) square foot per linear foot of building width on which the sign is to be attached, up to sixteen (16) square feet.

8220 [e] Traditional Flag Sign: Maximum of fifteen (15) square feet, and no one side
8221 exceeding a length of five (5) feet.

8222 [f] Sandwich Board Sign: 2' wide and 4' high
8223

8224 c. Signs for a Single Lot Having Two or More Businesses: Multiple businesses located on
8225 a single lot may erect signs as follows:
8226

8227 [1] Maximum Number of Signs Per Lot: A lot shall be permitted to have erected
8228 either one (1) projecting sign and one (1) ground mounted sign on a street
8229 frontage, but not both.
8230

8231 [2] Maximum Number of Signs Per Business With An Individual Outside Entrance:
8232 Two (2), except that one (1) additional sign for a corner unit facing a street or
8233 parking lot is permitted. For structures with a gross floor area of 50,000 square
8234 feet or more permitted by Special Permit, additional unlimited wall signs may be
8235 permitted within the maximum area permitted by Section 175-106B.2.b[3][a], as
8236 part of a coordinated package, reviewed in conjunction with the Special Permit.
8237 Such structures previously granted a Special Permit may apply for an unlimited
8238 number of signs by amendment to the Special Permit.
8239

8240 [3] Types of Signs Permitted: Wall, ground mounted, monument style, projecting,
8241 awning, canopy, window, marquee, traditional flag or permitted temporary.
8242

8243 [4] Maximum Size of Signs: Same as for individual businesses [Section 175
8244 106B.2.b. or multiple businesses located on a single lot [Section 175-106B.2.c.2.
8245

8246 [5] Directory Sign: One (1) up to sixty (60) square feet in area and twenty (20) feet in
8247 height. A ground mounted directory sign precludes the use of any other ground
8248 mounted sign on that same street frontage.

8249 [6] Wall Signs For Individual Businesses Sharing A Common Entrance: One (1) wall
8250 sign, not to exceed twelve (12) square feet, is permitted for each business tenant.
8251

8252 [7] Tenant Spaces Under Canopied Walkway: Where tenant spaces are recessed
8253 under a canopied walkway, one additional double-faced projecting sign [not to
8254 exceed six (6) square feet] located under the canopy adjacent to the main entry of
8255 the individual tenant may be permitted.
8256

8257 d. Signs for Commercial, Office and Industrial Centers: Commercial, office or industrial
8258 uses located within a center or park of at least two (2) acres in size and including five
8259 (5) or more establishments planned as an integrate development shall be authorized to
8260 erect signs based on the following:
8261

8262 [1] Signs for Individual Establishments Within Center: the same as for individual or
8263 multiple businesses, as appropriate [Section 175-106B.2.b. or c., respectively].
8264

[2] Center Identification Sign: One (1) ground mounted or monument style sign per street frontage, with an area of one (1) square foot per four (4) linear feet of lot frontage on which the sign is to be erected, up to a maximum of sixty (60) square feet. Upon request by the owner or owners of the center or park, and with submission of a master plan showing all proposed signage within the center or park, the Planning Commission may approve, or approve with conditions, an increase to the maximum size for a Center Identification Sign up to a maximum area of 150 square feet, and an increase to the maximum number of Center Identification Signs up to a total of two (2), provided that the total square feet of the two (2) signs does not exceed 150. In review of such a request, the Planning Commission will consider the sign(s) appearance, impact(s) to adjacent properties, proximity to other ground-mounted signs, visibility from adjacent roads, and the overall size of the development. The center identification sign shall display only the name and address of the center and establishments located therein. No other ground-mounted signs, other than exempt signs, shall be permitted on that same road frontage within the center or park.

e. Signs For Gasoline Stations: Automobile service and gasoline stations shall comply with all applicable sign regulations within this section; provided, however, that the following additional regulations shall apply:

[1] Changeable Fuel Price Signs: Ground mounted or monument style signs shall be authorized to include changeable fuel price signs indicating the current price of fuel dispensed on the premises. If the fuel price sign is freestanding, it shall be erected as an integral part of the ground mounted sign and shall not be included in the sign area calculations, except for any portion of the price sign that exceeds fifty percent (50%) of the total sign areas.

[2] Gas Pump Signs: Each gas pump shall be permitted a total of one (1) square foot of sign area to identify the product dispensed.

[3] Canopy Signs: A canopy covering gas pumps shall be permitted additional logo signage located on the canopy, not to exceed a total of twenty-four (24) square feet. Such signs shall be included in the maximum number of signs allowed.

f. Signs For Theaters: Theaters are authorized to erect one (1) of the permitted wall or marquee signs with a changeable copy board displaying the name(s) and time(s) of the current motion picture or theatrical production.

g. Signs For Other Uses Within Business and Industrial Employment Districts: In cases where neither the regulations within Section 175-106B.1. or 175-106B.2. specifically address a sign for a permissible use within a business or employment district, the Zoning Administrator shall make a written interpretation of the section, which shall be kept on file and used as a guide for future determinations.

- h. Shared signs for businesses located within 1,000 feet of the right-of-way of Interstate 66: Any two (2) adjacent businesses located within 1,000 feet of the right-of-way of Interstate 66 and which share a common highway entrance shall be authorized to erect one (1) sign structure containing a separate sign for each business which may be erected on the property of either business or partially on each property; provided that such sign structure and the signs thereon comply with the provisions of this section with regard to height and maximum size for each sign on the structure.

3. Signs in the Historic Overlay District:

- a. Certificate of Appropriateness Required: Signs within the Historic Overlay District require the approval of a Certificate of Appropriateness by the Board of Architectural Review prior to the issuance of a sign permit by the Zoning Administrator.
- b. Area, Height and Location of Signs: The area, height and location standards for the underlying zoning district shall be applicable to signs erected in the Historic Overlay District.
- c. Sign Requirements May Be Waived: The Zoning Administrator may authorize the waiver of the sign requirements for setback, spacing, number, frontage, height, area and type of signs within the Historic Overlay District if the Board of Architectural Review approves a specific sign proposal consistent with the character of the building to which it relates and other surrounding properties. In no case, however, may a sign exceed a maximum of sixty (60) square feet.
- d. Additional Review Criteria: Any sign erected within the Historic Overlay District shall also satisfy all applicable standards and guidelines adopted by the Board of Architectural Review.
- e. Signs within the Public Right-of-Way: A sign may be placed within, or project into, the public right-of-way inside of the Historic Overlay District, but only if a Right-of-Way Utilization Permit is issued by the Town.

C. Administration:

1. Sign Permit Procedures:

- a. Applicability: A sign permit shall be required for each sign erected after the effective date of this Article, except for those signs which are specifically excluded from the sign permit requirements as provided in Section 175-106A.6.
- b. Filing of Application; Fees: Applications for sign permits shall be filed by the applicant or his agent with the Zoning Administrator, shall contain information required herein and shall be accompanied by a fee, as established from time to time by resolution of the Town Council.

- 8357 c. Information Required: All applications for sign permits shall contain or have attached
8358 thereto the following information in either written or graphic form:
8359
- 8360 [1] Name, address and telephone number of the sign erector and the sign owner.
8361 [2] Position of the sign in relation to adjacent lot lines, buildings, sidewalks, streets
8362 and intersections.
8363 [3] Type of sign and general description of structural design and construction of
8364 materials to be used.
8365 [4] Purpose of the proposed sign.
8366 [5] Drawings of the proposed sign which shall contain specifications indicating the
8367 height, perimeter and area dimensions, means of support, method of illumination,
8368 colors and any other significant aspect of the proposed sign.
8369 [6] Size and placement of all existing signs to remain on the property.
8370 [7] Any other information requested by the Zoning Administrator in order to carry
8371 out the purpose and intent of these regulations.
8372
- 8373 d. Recording of Sign Permit: The Zoning Administrator shall maintain a record of all sign
8374 permits issued. All sign permits shall be numbered in the order of their issuance.
8375
- 8376 e. Inspections: A final inspection shall be completed after installation of approved signs.
8377 Any discrepancies between the approved sign and the sign as constructed shall be
8378 identified and may result in the halt of construction or sign removal, if so ordered by
8379 the Zoning Administrator.
8380
- 8381 f. Revocations: The Zoning Administrator may revoke a permit or approval if it is found
8382 that there has been concealment or misrepresentation of material facts in either the
8383 application or plans.
8384
- 8385 g. Appeals: Any decision made by the Zoning Administrator while interpreting or
8386 enforcing these sign regulations may be appealed to the Board of Zoning Appeals.
8387
- 8388 2. Temporary Sign Permit Procedures: All signs requiring the issuance of a temporary sign
8389 permit, as established in Section 175-106(A)(7), shall submit all information requested by
8390 the Zoning Administrator prior to the issuance of such permit. The approved permit shall
8391 include the expiration date of the temporary permit. The applicant may request
8392 extensions of said permit for good cause. Temporary signs remaining after the expiration
8393 of the permit shall be considered in violation of this chapter and shall be immediately
8394 removed.
8395
- 8396 3. Expiration of Sign Permits; Signs Not Constructed: A sign permit shall expire and become
8397 null and void if the approved sign is not completely erected within a period of twelve (12)
8398 months from the date the permit was originally issued. The Zoning Administrator may
8399 grant one (1) extension of the sign permit for a period of six (6) months, but in no case
8400 shall a permit be valid for more than a total of eighteen (18) months. Extensions may be
8401 granted only when the proposed sign is in compliance with all current applicable
8402 regulations.

8403
8404 4. Variances to Certain Sign Regulations Not Permitted. Unless specifically authorized
8405 herein, no variance to the standards established for regulating the size of signs shall be
8406 authorized.
8407

8408 **175-107 NURSING AND CONVALESCENT HOMES, INCLUDING HOMES FOR**
8409 **THE ELDERLY**

8410 In addition to the requirements of the district in which the nursing or convalescent home is
8411 located, such uses shall meet the following requirements:

- 8412
8413 A. All state rules and regulations for the licensing of such uses.
8414
8415 B. All requirements of the State Health Department and Fire Marshal's office regarding such
8416 uses.
8417
8418 C. Parking requirements as established ~~in this chapter~~ in Chapter 148.
8419
8420 D. Architectural barriers, such as stairs, for residents of such establishments shall be overcome to
8421 the greatest extent possible. Additional safety features, such as handrails, in various areas shall
8422 be installed.

8423 **175-107.1 DAY CARE AND DAY-CARE FACILITIES IN RESIDENTIAL ZONING**
8424 **DISTRICTS BY SPECIAL PERMIT**

8425 The following provisions shall apply to day care and day-care facilities located in residential
8426 zoning districts:

- 8427
8428 A. All day-care operations in residential zoning districts shall be restricted to not more than one
8429 hundred (100) children per day-care facility.
8430
8431 B. All day-care operations and day-care facilities shall be licensed by the Commonwealth of
8432 Virginia in accordance with the provisions of Virginia Code Section 63.1-196, as amended,
8433 unless otherwise specifically exempted from such licensing requirements under provisions of the
8434 Virginia State Code.
8435
8436 C. Day-care operations in residential districts shall not be permitted in single-family or
8437 multifamily residential dwellings.
8438
8439 D. Day-care operations in residential districts shall be restricted to schools, churches, lodges,
8440 hospitals, rest, convalescent or nursing homes, offices or halls which are otherwise permitted by
8441 right in the respective residential district in question, or any of the aforementioned facilities
8442 which are currently in existence as a nonconforming use, or any of the aforementioned facilities
8443 which have previously been approved for non-day-care purposes by special permit. The day-

8444 care operation shall be an ancillary or additional use to the facility in question. Facilities shall
8445 not be constructed in residential districts solely for daycare use.

8446

8447 E. All day-care facilities in residential zoning districts shall be required to have a minimum lot
8448 size of twenty thousand (20,000) square feet for day-care operations with fifty (50) children or
8449 fewer and forty thousand (40,000) square feet for day-care operations with more than fifty (50)
8450 children.

8451

8452 F. In assessing the request for a special use permit to conduct day-care operations in residential
8453 zoning districts, the Council shall consider and may require the availability of safe on-site drop-
8454 off and pickup areas, outdoor play areas not located in the facility's front yard, fenced play areas
8455 and screening or noise buffers for adjacent properties. The Council shall also consider the nature
8456 and suitability of the proposed facility, the size, location and characteristics of the grounds or
8457 yard, the safety of the children to be cared for at the facility, peak and non-peak traffic patterns,
8458 parking, the effects on nearby property and residents, noise and such other factors which the
8459 Council deems pertinent in assessing the suitability of any proposed day-care operation in a
8460 residential zoning district.

8461 **175-107.2 BED AND BREAKFAST USES IN RESIDENTIAL ZONING DISTRICTS**
8462 **BY SPECIAL PERMIT**

8463 The following provisions shall apply to Bed and Breakfast Uses located in residential zoning
8464 districts:

8465

8466 A. The minimum lot size for a Bed and Breakfast Home use shall be 1.5 acres if associated uses
8467 referenced in Subsection H are proposed on the property. The minimum lot size for a Bed &
8468 Breakfast with no associated uses in 0.5 acres.

8469

8470 B. The maximum number of guest rooms shall be six (6) for Bed & Breakfasts with a lot size of
8471 1.5 acres or greater. The maximum number of guest rooms shall be three (3) for Bed and
8472 Breakfasts with a lot size of 0.5 acres to 1.49 acres.

8473

8474 C. No provisions shall be allowed for cooking in individual guest rooms.

8475

8476 D. Parking shall be provided as follows: Two (2) spaces for residents, one (1) space per guest
8477 room and spaces for associated uses as determined by the Planning Commission. Tandem or
8478 stacked parking arrangements may be approved. Parking for associated uses must be provided on
8479 site.

8480

8481 E. The provision of the required parking and the traffic created due to this use shall not
8482 adversely impact any adjacent residential uses.

8483

8484 F. The exterior appearance of the structure shall not be altered from its single-family character.

8485

8486 G. Adequate landscaping, distancing and/or restriction of hours of operation shall be provided to
8487 buffer the adjacent residential uses from any noise or light generated by this use that is either

8488 uncharacteristic of residential neighborhoods or takes place at times uncharacteristic to
8489 residential neighborhoods.

8490

8491 H. Associated uses are allowable and may include but not be limited to catered events such as
8492 receptions and dinner parties, provided that such associated uses do not adversely impact any
8493 adjacent residential uses.

8494 I. The owner must reside on-premise.

8495 J. Applicable provisions of the Uniform Statewide Building Code and all other laws, regulations,
8496 inspections, and licenses must be met.

8497 K. Each Bed and Breakfast shall be allowed one (1) on-premise sign no larger than two feet by
8498 two feet (2' x 2').

8499 L. The owner must submit a plat of the property showing the existing conditions and location of
8500 the proposed parking.

8501 **107-107.3 BED AND BREAKFAST USES IN COMMERCIAL C-1 AND C-2 ZONING**
8502 **DISTRICTS BY SPECIAL USE PERMIT**

8503 A. The maximum number of guest rooms shall be six (6).

8504 B. No provisions shall be allowed for cooking in individual guest rooms.

8505 C. The owner must reside on premise.

8506 D. The exterior appearance of the structure must not be altered from its single family character.

8507 E. Parking shall be provided as follows: two (2) spaces for residents and one (1) space per guest
8508 room.

8509 F. Applicable provisions of the Uniform Statewide Building Code and all other applicable laws,
8510 regulations, inspections, and licenses shall be met.

8511 G. The owner must submit a plat of the property showing the existing conditions and the location
8512 of proposed parking.

8513 **175-108 PROFESSIONAL OFFICES**

8514 Regulations pertaining to professional offices shall be as follows:

8515

8516 A. Professional offices (doctors, lawyers, engineers and architects, among others) are permitted
8517 in the R-3 District after meeting all requirements of this chapter.

8518 B. All activity and equipment, other than parking, must be housed in a fully enclosed building.

8519

8520 C. No noise or odor produced as a result of activity in such offices shall be discernible beyond
8521 the boundaries of the lot.

8522

8523 D. All vehicular access to the site shall be from a street which meets town standards for streets.

8524 E. No display in the building shall be visible from outside of the building.

8525 **175-108.1 HOME OCCUPATIONS**

8526 All home occupations shall meet the following standards

8527 A. The use shall be clearly incidental to the principal use of the property for residential purposes
8528 and shall not change the exterior appearance of the dwelling unit, or change the character of
8529 the neighborhood.

8530 B. Operators of home occupations must be residents of a permitted dwelling unit on the same
8531 parcel, or parcels, where the home occupation is located. Notwithstanding subsection B,
8532 nonresident employees may also work for the home occupation, but no more than one (1)
8533 nonresident employee may work from the parcel, or parcels, at the same time.

8534 C. No outdoor display, sales or storage of goods, materials or equipment shall be permitted,
8535 except that, the Zoning Administrator may authorize up to two (2) business vehicles,
8536 including any vehicle used by a nonresident employee. Indoor storage is permitted, provided
8537 that it does not violate the other restrictions of this section, including, but not limited to,
8538 changing the appearance of the dwelling unit, changing the character of the neighborhood, or
8539 increasing traffic.

8540 D. No wholesale or retail business shall be permitted unless it is conducted entirely by mail
8541 and/or telephone and does not involve the bulk shipment/delivery of merchandise to and
8542 from the premises; provided, however, that articles produced by the home occupation
8543 operators may be sold on the premises.

8544 E. Provided that the other requirements of this section are complied with, home occupations
8545 shall include, but shall not be limited to, the following uses: home offices, computer repair
8546 services, telecommunication services, artist studios, instructional services/tutoring,
8547 dressmaking, babysitting/babysitting services, or small item repair services. Uses that are
8548 restricted from being classified as home occupations shall include, but shall not be limited to,
8549 the following uses: motor vehicle repair, beauty/barber shops (with more than one (1)
8550 customer at a time), restaurants, animal hospitals/kennels, retail sales, and dance studios.

8551 F. In the instance of a home occupation involving a nonresident employee, at least one (1)
8552 additional off-street parking place shall be provided.

8553 G. No home occupation shall create greater vehicular or pedestrian traffic than is otherwise
8554 normal for the district in which it is located.

8555 H. No home occupation shall create noise, dust, vibrations, smells, smoke, glare, electrical
8556 interference, fire hazard or any other hazard or nuisance to any greater or more frequent
8557 extent than that usually experienced in the district on residentially used zoning lots where no
8558 home occupation exists.

8559 I. Notwithstanding other regulations within this Chapter, signs are not permitted for home
8560 occupations, except that the Zoning Administrator may authorize a sign for the following
8561 circumstances.

8562 1. When the sign is located on an authorized business vehicle and does not exceed ten (10)
8563 square feet in size.

- 8564 2. When the sign is located within the C-1, C-2, C-3, I-1, I-2, or MCD Zoning District, subject
8565 to the following conditions.
8566 a. Shall not exceed four (4) square feet in size.
8567 b. Shall not exceed six (6) feet in height, if freestanding.

8568 **175-109 TEMPORARY CONSTRUCTION TRAILERS**

8569 A. Zoning permits for temporary trailers may be issued by the Zoning Administrator in any
8570 zoning district for construction purposes only. Temporary trailers may not be used for residential
8571 purposes or sales offices. All permits for temporary construction trailers shall be subject to the
8572 following conditions:

- 8573 1. The Zoning Administrator shall review and approve or deny all requests for temporary
8574 construction trailer permits. In assessing a request for a temporary construction trailer
8575 permit, the Zoning Administrator shall consider the necessity for such temporary
8576 construction trailer, its location and its effects on the surrounding neighborhood and/or
8577 adjoining property owners and may require terms and conditions on the location and
8578 placement, type and number of trailers, screening and such other reasonable conditions as
8579 the Zoning Administrator shall deem necessary.
8580
8581 2. The location of temporary construction trailers on a specific site shall be necessary for the
8582 purpose of a construction office or storage.
8583
8584 3. The request for a temporary construction trailer permit shall be filed by the contractor,
8585 landowner or State Department of Highways and Transportation as being essential to the
8586 construction activity.
8587
8588 4. A minimum area of two thousand (2,000) square feet shall be provided for each temporary
8589 construction trailer space.
8590
8591 5. Each temporary construction trailer shall have a minimum of two (2) off-street parking
8592 spaces in addition to other parking spaces required by this chapter for other activities.
8593
8594 6. All sanitary facilities must conform to State Health Department trailer camp sanitation
8595 requirements.

8596 B. The maximum period allowable for the placement of a temporary construction trailer shall be
8597 six (6) months or until completion of the project, whichever is shorter. Applications for renewal
8598 for a successive six-month periods may be submitted if additional time is required to complete
8599 the project. However, each renewal application must be filed at least thirty (30) days prior to the
8600 expiration of the original temporary construction trailer permit.

8601
8602 C. The Zoning Administrator, in granting a temporary construction trailer permit, may require
8603 the posting of a bond to insure that the temporary construction trailer will be removed and the
8604 site left in good order at the expiration of the permit.

8605
8606 D. The Zoning Administrator may establish such additional requirements and conditions as may
8607 be in the best interests of the town.

8608 175-109.1 TEMPORARY TRAILERS; NONRESIDENTIAL USES

8609 A. The Town Council in its discretion may grant a special permit for approval not to exceed one
8610 (1) year for the use of a temporary trailer or a temporary manufactured home for specified
8611 nonresidential purposes related to the following permitted uses:

- 8612
- 8613 1. Hospitals.
 - 8614 2. Schools.
 - 8615 3. Churches.
 - 8616 4. Institutions.
 - 8617 5. Rest, convalescent or nursing homes.
 - 8618 6. Public utilities.
 - 8619 7. Industrial facilities.

8620

8621 B. The special permit may be granted for any zoning district, provided that the underlying use is
8622 permitted in that zoning district. For good cause shown, Council may vote to grant a single
8623 extension for an additional period not to exceed one (1) year.

8624

8625 C. All temporary trailers approved under this section for a period of six (6) months or more shall
8626 be placed and anchored on a foundation appropriate for a two-year duration. All such
8627 foundations shall be skirted.

8628

8629 D. The special permit application shall specify the event or solution that will terminate the need
8630 for the temporary trailer. In assessing the application for a special permit, Council shall consider
8631 the following:

- 8632
- 8633 1. The effect on surrounding properties.
 - 8634 2. The effect on community appearance.
 - 8635 3. The stated need for a temporary facility, and the availability of alternative solutions.
 - 8636 4. Traffic and safety factors.
 - 8637 5. Such additional factors as may apply to the site, and the particulars of the application.

8638 175-109.2 PORTABLE STORAGE CONTAINERS

8639 A. Portable Storage Containers - Notwithstanding any contrary provision of the Town Code,
8640 portable storage containers located outside of a fully enclosed building or structure shall be
8641 located only in Agricultural, Residential, Business and Industrial zoning districts, subject to the
8642 following restrictions:

8643

8644 B. In Residential Districts, no more than one (1) portable storage container shall be allowed on a
8645 lot of record, and for no longer than a total of fourteen (14) days in any consecutive twelve (12)
8646 month period.

8647

8648 C. In Agricultural Districts, on lots where the principal use is a bona fide agricultural activity,
8649 and in Industrial Districts, there shall be no restriction on the number of portable storage
8650 containers permitted as accessory uses.

D. In Business Districts, portable storage containers shall be allowed only pursuant to a special use permit for bulk storage where such use is permitted.

E. 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.

F. No portable storage containers shall be located (i) in any required front yard; (ii) closer than ten feet (10') to any side or rear lot line, provided that the Zoning Administrator may allow a reduced setback if mature landscaping or a solid fence at least six feet (6') in height provides adequate screening; or (iii) on any portion of a lot except behind the nearest portion of the principal building adjacent to any public street. On lots where there is no principal structure, portable storage containers shall not be allowed.

G. In Business and Industrial Districts, no portable storage containers shall be located in any parking area. No portable storage containers shall be located in any driveway or travelway in any district.

H. 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.

175-110 AUTOMOBILE SERVICE STATIONS

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.

175-110.1 INOPERATIVE MOTOR VEHICLES

A. No more than one (1) inoperative motor vehicle, trailer or semitrailer, as defined by Virginia Code Section 46.1-1, 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 either of the following types of vehicles as follows:

1. ~~For a period of sixty (60) days or longer, the motor vehicle, trailer or semitrailer 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; or~~
2. ~~The vehicle, trailer or semitrailer does not display valid license plates; or does not display a valid inspection decal.~~
5. *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.*
6. *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.

(Ord. No. Z-8-95 Amended 7-24-95-Effective Upon Passage)

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.

175-110.2 PARKING OF TRUCKS AND SEMITRAILERS

A. It shall be unlawful for any person, firm or corporation to keep, park or store upon any lot located in R-1, *RI-A*, R-2, or R-3 Residential Zoning Districts, *or any residential portion of a PUD 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.

B. The provisions of this section 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.
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 this section shall not apply to any vehicle which comes upon property in residentially zoned districts for pickups, deliveries and service to residential property made in the regular course of business or which comes upon residentially zoned property in the course of construction, maintenance or improvement to the property or adjoining streets and facilities.

175-110.3 MOTOR VEHICLE PAINTING AND BODY WORK

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 175-3 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 permit approval. Such vehicles shall be confined to a defined storage area that is effectively screened from public view.

175-110.4 PERFORMANCE STANDARDS FOR WIRELESS TELEPHONE (CELL PHONE) COMMUNICATIONS TOWERS

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

1. Existing broadcasting or communications 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 structures.

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 telephone (cell phone) communications tower shall be made a condition of the special permit, but in no event shall exceed one hundred fifty feet (150') above finished grade of the property upon which it stands.

D. Wireless telephone (cell phone) communications towers shall conform to each of the following minimum setback requirements:

1. Towers shall have a minimum front, side and rear yard setback equal to the height of the 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.

8826

8827 H. Before activating the facility into service the applicant/developer shall provide the Town with
8828 a certificate by a qualified consultant that the radio frequencies used by the facility shall not
8829 interfere with any other pre-existing radio frequencies in use within the coverage area of the
8830 facility including, but not limited to, public safety communication frequencies.

8831

8832 I. For any proposed tower, photographs shall be taken of a balloon test, which shall be conducted
8833 as follows:

8834 1. The applicant shall provide the Administrator with at least seven (7) days prior notice of
8835 the conducting of the test; provided that this deadline may be extended due to inclement
8836 weather or by the agreement of the applicant and the Administrator.

8837

8838 2. The test shall consist of raising one or more balloons from the site to a height equal to the
8839 proposed facility.

8840

8841 3. The balloons shall be of a color or material that provides maximum visibility.

8842

8843 4. The photographs of the balloon test shall be taken from the nearest residence and from
8844 appropriate locations on abutting properties, along each publicly used road from which the
8845 balloon is visible, and other properties and locations as deemed appropriate by the
8846 Administrator.

8847

8848 J. If antennas are proposed to be added to an existing structure, all existing antennas and other
8849 equipment on the structure, as well as all ground equipment, shall be identified by owner, type
8850 and size. The method(s) by which the antennas will be attached to the mounting structure shall
8851 be depicted.

8852

8853 K. The Town shall require the review of the application by a third-party consultant retained by
8854 the Town at the expense of the applicant.

8855

8856 L. The applicant shall execute a letter of intent to allow other parties to share space (co-locate)
8857 on their tower and negotiate in good faith with other interested parties, including the Town
8858 Council and the Board of Supervisors of Warren County for emergency services radio and
8859 telephone facilities.

8860

8861 M. The tower construction shall be of a design that minimizes the visual impact of the tower and
8862 related facilities shall be camouflaged and/or screened from view from adjacent properties and
8863 rights-of-way to the greatest extent practicable. To this end, the application must provide for the
8864 retention of existing stands of trees and the installation of screening where existing trees do not
8865 mitigate the visual impact of the facility. Such screening shall, at a minimum, include a double
8866 row of evergreen trees at least two inches (2") in diameter at breast height separated by not
8867 further than ten feet (10') on center. The Planning Commission may recommend and the Council
8868 may require additional trees and screening when the minimum provisions do not mitigate
8869 adverse visual impacts of the facility.

8870

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.

(Ord. No. 23-05 Added Entire Section 9-26-05-Effective Upon Passage)

SITE PLAN REQUIREMENTS

175-111 SHOPPING CENTERS (~~Site Plan Requirements~~)

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:

- 8915 1. Stores for the sale of goods at retail or the performance of customary personal services or
8916 services clearly incidental to retail sales.
8917 2. Business, professional or banking offices.
8918 3. Restaurants, cafes or similar places serving food and/or beverages.
8919 4. Parking areas for transient auto vehicles, but not for the storage of new or used motor
8920 vehicles for sale.
8921 5. Gasoline service stations, with repairs done within a building.
8922 6. Theaters, not including drive-in theaters.
8923

8924 B. Permitted accessory uses located on the same lot with the permitted principal use. Only the
8925 customary accessory uses associated with a commercial district shall be permitted, provided that
8926 they are limited to the same lot as the principal uses.
8927

8928 C. Area and bulk regulations shall be as follows:
8929

- 8930 1. Lot size: The area for development shall be a minimum of two (2) acres.
8931 2. Building height: two (2) stories or thirty-five (35) feet maximum.
8932 3. Front yard: thirty (30) feet minimum.
8933 4. Side yards: thirty (30) feet minimum.
8934 5. Rear yard: thirty (30) feet minimum.
8935 6. Lot coverage: twenty-five percent (25%) maximum.
8936

8937 D. Supplementary regulations.
8938

8939 1. Off-street parking and loading: Off-street parking shall be provided on the premises at the
8940 rate of five (5) parking spaces per one thousand (1,000) gross square feet for every shopping
8941 center facility ten thousand (10,000) square feet in size or less. For shopping centers over ten
8942 thousand (10,000) square feet, the parking requirement shall be four (4) parking spaces per
8943 one thousand (1,000) gross square feet. Parking shall be permitted in the areas required
8944 for front, side and rear yard setbacks up to a point of twenty-five (25) feet from any front,
8945 side or rear of the lot line of the shopping center. All parking areas shall be suitably paved
8946 with permanent hard-surfaced coverings. Off-street loading spaces shall be provided in
8947 accordance with Section 175-105.
8948

8949 2. Access and traffic controls: All means of ingress or egress from the shopping center to any
8950 public street or state highway shall be located at least two hundred (200) feet from any other
8951 intersecting street or streets and shall be designed to conduct traffic in a safe manner. The
8952 developer shall be responsible for the purchase and erection of any necessary traffic control
8953 devices and the construction of additional acceleration or deceleration lanes or service walks
8954 as may be required by the State Department of Highways and Transportation or by the town.
8955

8956 3. Interior circulation: Interior access ways shall be designed so as to prevent the blocking of
8957 vehicles entering or leaving the site. Areas provided for loading or unloading of trucks and/or
8958 other vehicles or for servicing of shops for rubbish collection or other services shall be
8959 adequate in size and shall be so arranged that they may be used without blocking or
8960 interfering with interior circulation and parking facilities.

8961
8962 4. Lighting: Lighting for buildings, signs, access ways and parking areas shall be so arranged
8963 as not to reflect toward public streets or cause any annoyance to surrounding property owners
8964 or residents.

8965
8966 5. Shopping cart storage: Establishments furnishing carts or mobile baskets shall provide
8967 definite areas on the site for the storage of said carts. Storage areas shall be clearly marked
8968 and designated for the storage of shopping carts and/or mobile baskets.

8969 6. Screening: All lot lines abutting residential districts along the side yard or rear yard shall
8970 be appropriately screened by fences, walls or year-round planting and/or other suitable
8971 enclosures of a minimum height of four (4) feet. All outdoor storage areas shall be screened
8972 or enclosed.

8973
8974 7. Storage of trash or rubbish: Storage areas for trash and rubbish shall be completely
8975 screened, and all organic rubbish shall be contained in containers with tightly-fitting lids. No
8976 such storage shall be permitted within any required yard space.

8977
8978 8. Signs: Signs shall conform to Section 175-106.

8979
8980 9. Development plan required:

8981
8982 a. Prior to the issuance of a special permit, ten (10) copies of a development plan shall be
8983 submitted to the Zoning Administrator for review by the Administrator, Planning
8984 Commission and Town Council.

8985
8986 b. The Development Plan shall contain the following data, together with supplementary
8987 data for a particular development, as deemed necessary by the Planning Commission or
8988 Town Council.

8989
8990 c. Development site information:

8991
8992 [1] A vicinity map at a scale of not less than one (1) inch equals two thousand (2,000)
8993 feet.

8994 [2] A title insurance policy or attorney's certificate showing the owner or owners of the
8995 subject property, marketable title to the subject property in such owner or owners,
8996 the source of applicant's title or interest in the subject property and the place of
8997 record of the latest instrument in the chain of title for each parcel constituting
8998 the tract.

8999 [3] Total area of the tract.

9000 [4] Abutting street names, widths and route numbers.

9001 [5] Owners, zoning districts and uses of each adjoining tract.

9002 [6] A topographic map with minimum contour intervals and scale acceptable to the
9003 Administrator.

9004 [7] Development design information.

9005 [8] A concept plan, illustrating the location and functional relationship between all
9006 proposed land uses.

- 9007 [9] A land use plan or plans, showing the location and arrangement of all proposed
9008 land uses, including the height and number of all buildings both above and below
9009 finished grade; the building setbacks and yard areas from the development
9010 boundaries and adjacent streets, road and alleys and easements; the proposed traffic
9011 circulation pattern, including the location and width of all streets, driveways,
9012 walkways and entrances to parking areas; all off-street parking and loading areas;
9013 all proposed open space areas, including common open space, dedicated open
9014 space and developed recreational open space; and the approximate location of
9015 existing and proposed utility systems of sanitary sewer, storm sewer, water,
9016 electric, telephone and gas lines, along with any necessary easements.
- 9017 [10] A plan or statement showing the location and design of all screening and indicating
9018 the type and height of such screening.
- 9019 [11] Statements or plans relating to all covenants, restrictions and conditions pertaining
9020 to the use, maintenance and operation of common spaces, and the percentage of the
9021 tract to be used as open space.
- 9022 [12] A statement in tabular form of the anticipated commercial floor area.
- 9023 [13] When the development is to be constructed in stages or units, a sequence-of-
9024 development schedule showing the order of construction of each principal
9025 functional element of such stages or units, the approximate completion date for each
9026 stage or unit and a cost estimate of all improvements within each stage or unit.
- 9027 [14] A plan or report indicating the extent, timing and estimated cost of all off-site
9028 improvements, such as road, sewer and drainage facilities, necessary to construct
9029 the proposed development, which plan or report shall relate to the sequence-of-
9030 development schedule if the development is to be constructed in stages or units.
- 9031 [15] Where required by the Planning Commission, a traffic-impact analysis, showing the
9032 effect of traffic generated by the project on surrounding roads.
- 9033 [16] Where required by the Planning Commission, a fiscal-impact analysis, listing town
9034 revenue generated by the project and town expenditures resulting from the
9035 construction of the project.

9036 **175-112 TOWNHOUSES (Site Plan Requirements)**

9037 All townhouses shall comply with the following regulations:

9038

9039 A. Area regulations shall be as follows:

9040

9041 1. Minimum lot size for townhouse construction: twenty thousand (20,000) square feet.

9042 2. Minimum lot area per dwelling unit: two thousand five hundred (2,500) square feet.

9043

9044 B. Minimum width shall be as follows:

9045

9046 1. Minimum lot width for development: one hundred twenty-five (125) feet at setback line.

9047 2. Minimum lot width per townhouse unit: twenty (20) feet.

9048

9049 a. In the case of a lot at the end of a row of townhouses, the lot width shall be forty (40)
9050 feet.

b. For corner lots at street intersections, the minimum lot width shall be fifty (50) feet.

C. Minimum yard requirements shall be as follows:

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) stories, 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) 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.

9095 7. Accessory buildings are not permitted, except that on any lot there may be an enclosed
9096 storage shed not exceeding seven (7) feet in height nor exceeding ten (10) feet in length by
9097 ten (10) feet in width.

9098
9099 8. A ten-foot easement along the side and rear of each townhouse structure shall be provided
9100 in addition to the side yard in all townhouse developments.

9101
9102 9. Variation in townhouse design. The facades of dwelling units in a townhouse structure
9103 shall be varied by changed front yards of not less than three (3) feet and variation in
9104 materials and design so that not more than four (4) abutting units will have the same front
9105 yard depth and the same or essentially the same architectural treatment of facades and
9106 rooflines. Balconies and roofed porches may encroach up to five (5) feet into the front
9107 yards.

9108
9109 10. As determined by the Planning Commission and approved of by the Town Council,
9110 parking, as shown on the site plan, may be permitted in the rear of properties and access
9111 to such spaces may be permitted over an alley.

9112
9113 G. Special regulations for townhouse developments of one (1) acre and over. For townhouse
9114 developments of one (1) acre or more, the following regulations shall apply in addition to those
9115 previously noted:

9116
9117 1. Parking areas shall be set back at least thirty (30) feet from property lines of the
9118 development.

9119
9120 2. There shall be provided twenty-five hundredths (0.25) square feet of usable open space
9121 (not including parking or driveway areas) devoted to recreational use for every one (1)
9122 square foot of gross residential floor area. This space shall take the form of parks or play
9123 areas, etc. Usable open space shall not include front, rear or side yard areas of individual
9124 townhouse units.

9125
9126 3. Management of open space:

9127
9128 a. All open space shall be preserved for its intended purpose as expressed in the final site
9129 plan.

9130
9131 b. Should the units be for rental purposes, the developer or rental agent shall be
9132 responsible for maintenance and management of open space.

9133
9134 c. Should the units be for sale, there shall be an establishment of a nonprofit association,
9135 corporation, trust or foundation of all individuals or corporations owning residential
9136 property within the planned development to ensure the maintenance of open spaces.

9137
9138 d. When the development is to administer open space through an association, nonprofit
9139 corporation, trust or foundation, said organization shall conform to the following
9140 requirements:

- 9141
9142 [1] The developer must establish the organization prior to the sale of any lots and/or
9143 units.
9144 [2] Membership in the organization shall be mandatory for all residential property
9145 owners, present or future, within the planned community, and said organization
9146 shall not discriminate in its members or shareholders.
9147 [3] The organization shall manage all open space and recreational and cultural
9148 facilities, shall provide for the maintenance, administration and operation of said
9149 land and improvements and any other common land within the planned
9150 community and shall secure adequate liability insurance on the land.
9151 [4] The organization shall conform to the Condominium Act, Code of Virginia 1950,
9152 as amended.
9153
9154 4. The horizontal distance between groups of townhouses shall be:
9155
9156 a. Two (2) times the average height of the two (2) groups of townhouses for front or rear
9157 walls facing front or rear walls.
9158 b. One and one-half (1 1/2) times the average height for front or rear walls facing side
9159 walls.
9160 c. Equal to the height of the highest building for side walls facing side walls.
9161
9162 5. Access and service shall be provided in the front of each townhouse. Parking may be
9163 provided on the lot, as carports, as an integral part of the townhouse or a joint parking
9164 facility for a group of townhouses with such deed restrictions as are necessary to
9165 determine ownership and maintenance of common parking facilities and methods of
9166 assigning charges for maintenance, snow removal and repairs.
9167
9168 6. Usable open space devoted to recreational use as herein required shall be designed for use
9169 by tenants of the development and shall be improved and equipped by the developer in
9170 accordance with plans submitted and approved by the Town Planning Commission.
9171
9172 7. Screening shall be provided of sufficient height and density to screen the site from
9173 adjoining residential districts whether R-1 or R-2. A planting plan specifying type, size
9174 and location of existing and proposed planting material shall be submitted with the
9175 application for the permit. Screening shall be at least six (6) feet in height.
9176
9177 8. Parking facilities:
9178
9179 a. Required parking spaces shall be provided on the same lot as the building served or
9180 within three hundred (300) feet of property. All parking shall be off-street.
9181
9182 b. All access drives shall be at least fifteen (15) feet from any building on the lot and from
9183 exterior lot lines.
9184
9185 c. Parking areas shall not be designed or located so as to require or encourage cars to back
9186 into a public street in order to leave the lot.

- 9187
9188 d. Entrance and exit ways to parking areas shall have a minimum width of twelve (12)
9189 feet for each lane of traffic entering or leaving the site, but shall at no time exceed thirty
9190 (30) feet in width at the point of intersection with the street.
9191
9192 e. All dead-end parking lots shall be designed to provide sufficient back-up area for the
9193 end stalls of the parking area.
9194
9195 f. All access ways and parking areas shall be paved with a hard surface, a double-surface
9196 treatment or concrete covering.
9197
9198 g. Entrance and exit ways and interior access ways shall be designed so as to prevent the
9199 blocking of vehicles entering or leaving the site.
9200
9201 h. Any other requirements deemed necessary by the Planning Commission or Town
9202 Council for the public safety shall be complied with.
9203
9204 9. Drainage:
9205
9206 a. A storm runoff and drainage system shall be installed by the developer in accordance
9207 with sound engineering practice so as to adequately drain the project site, to adequately
9208 dispose of all runoff and drainage away from the project site and so as not to permit
9209 excess flow of water across streets or adjoining properties. Plans for such drainage
9210 systems shall be submitted with the application for the permit and shall be subject to
9211 approval by the Town Engineer, who may request assistance from other agencies.
9212
9213 b. All provisions of existing town ordinances and regulations regarding storm drainage
9214 shall be complied with.
9215
9216 10. Lighting: Lighting for buildings, access ways and parking areas shall be so arranged as
9217 not to reflect toward public streets or cause any annoyance to building occupants or
9218 surrounding property owners or residents.
9219
9220 11. Storage of trash and rubbish: Exterior storage areas for trash and rubbish shall be well
9221 screened on three (3) sides with evergreen plantings, and trash shall be contained in
9222 vermin-proof containers. Interior storage areas for trash and rubbish shall at all times be
9223 kept in an orderly and sanitary fashion.
9224
9225 12. Site plan review and approval: Site plans for new townhouses shall be reviewed by the
9226 Planning Commission and approved or rejected by the Town Council. Such plans shall
9227 be drawn in accordance with the requirements of Chapter 148.

9228 **175-113 APARTMENTS (~~Site Plan Requirements~~)**

9229 All apartment developments shall comply with the following regulations:
9230

- 9231 A. Area regulations: The minimum lot size for apartment developments is ten thousand (10,000)
9232 square feet for an apartment structure having three (3) units, with an additional two thousand
9233 (2,000) square feet of lot area for each additional unit above three (3).
9234
- 9235 B. The minimum lot width shall be one hundred twenty-five (125) feet at the setback line.
9236
- 9237 C. Minimum yard requirements shall be as follows:
9238
- 9239 1. Front yard: - forty (40) feet from road right-of-way. Required parking may be located in a
9240 front yard, but not closer than ten (10) feet to the ultimate street right-of-way.
9241 2. Rear yard: - forty (40) feet.
9242 3. Side yard: - thirty-five (35) feet on each side.
9243
- 9244 D. Maximum building height shall be three (3) stories, but not to exceed thirty-five (35) feet.
9245
- 9246 E. Other regulations for all apartment construction:
9247
- 9248 1. Each apartment structure and/or apartment parking area shall have parking areas on a
9249 dedicated public street or on an access easement meeting State Department of
9250 Transportation and town standards.
9251
- 9252 2. Concrete curb and gutters shall be installed along both sides of all new streets within the
9253 development. However, should a new street act as a boundary for an apartment
9254 development, curb and gutter need only be installed on the side of the street adjacent to the
9255 development.
9256
- 9257 3. Walkways of four (4) feet in width, constructed of concrete or brick, shall be installed from
9258 parking areas to all apartment structures served by such parking areas.
9259
- 9260 4. The radii of cul-de-sac shall be at least fifty (50) feet. No more than twenty-five (25)
9261 dwelling units shall have sole principal access on any cul-de-sac.
9262
- 9263 5. Minimum parking space. There shall be two (2) off-street parking spaces for each unit.
9264 An off-street parking space shall be a minimum of ten by twenty (10 x 20) feet.
9265
- 9266 F. Special regulations for apartment developments of one (1) acre and over. For apartment
9267 developments of one (1) acre or more, the following regulations shall apply in addition to those
9268 previously noted:
9269
- 9270 1. Parking areas shall be set back at least thirty (30) feet from property lines of the
9271 development.
9272
- 9273 2. There shall be provided twenty-five hundredths (0.25) square feet of usable open space
9274 (not including parking or driveway areas) devoted to recreational use for every one (1)
9275 square foot of gross residential floor area. This space shall take the form of parks or play
9276 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 organization shall conform to the Condominium Act, Code of Virginia 1950, as amended.

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.

- 9323 7. Screening shall be provided of sufficient height and density to screen the site from
9324 adjoining residential districts whether R-1 or R-2. A planting plan specifying type, size
9325 and location of existing and proposed planting material shall be submitted with the
9326 application for the permit. Screening shall be at least six (6) feet in height.
9327

9328 8. Parking facilities:
9329

- 9330 a. Number of spaces. Off-street parking, whether garage or on lot, shall be provided on the
9331 premises at the rate of two (2) spaces for each apartment unit.
9332
9333 b. Location. Required parking spaces shall be provided on the same lot as the building
9334 served.
9335
9336 c. All access drives shall be at least fifteen (15) feet from any building on the lot and from
9337 exterior lot lines.
9338
9339 d. Parking areas shall not be designed or located so as to require or encourage cars to back
9340 into a public street in order to leave the lot.
9341
9342 e. Entrance and exit ways to parking areas shall have a minimum width of twelve (12) feet
9343 for each lane of traffic entering or leaving the site, but shall at no time exceed thirty (30)
9344 feet in width at the street line.
9345
9346 f. All dead-end parking lots shall be designed to provide sufficient back-up area for the end
9347 stalls of the parking area.
9348
9349 g. All access ways and parking areas shall be paved with a hard-surface, double-surface
9350 treatment or concrete covering.
9351
9352 h. Entrance and exit ways and interior access ways shall be designed so as to prevent the
9353 blocking of vehicles.
9354
9355 i. Any other requirements deemed necessary by the Planning Commission or Town
9356 Council for the public health and safety shall be complied with.
9357

9358 9. Drainage:
9359

- 9360 a. A storm runoff and drainage system shall be installed by the developer in accordance
9361 with sound engineering practice so as to adequately drain the project site, to adequately
9362 dispose of all runoff and drainage away from the project site and so as not to permit
9363 excess flow of water across streets or adjoining properties. Plans for such drainage
9364 system shall be submitted with the application for the permit and shall be subject to
9365 approval by the Town Engineer, who may seek assistance from other agencies.
9366
9367 b. All provisions of existing town ordinances and regulations regarding storm drainage
9368 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 plans shall be drawn in accordance with the requirements of Chapter 148.

~~174-114~~ — **STATEMENT OF INTENT (Site Plan Requirements)**

~~The purpose of these requirements is to promote the orderly development of certain activities in the town and to ensure that such activities are developed in a manner harmonious with surrounding properties and in the interest of the general public welfare. More specifically, the site plan shall be used to review the project's compatibility with its environment; to review the ability of the project's traffic circulation system to provide for the convenient and safe internal and external movement of vehicles and pedestrians; to review the quantity, quality, utility and type of the project's required community facilities; and to review the location and adequacy of the project's provision for drainage and utilities.~~

~~175-115~~ — **WHEN REQUIRED (Site Plan Requirements)**

~~A. The provisions of this Article shall apply to all uses specifically requiring a site plan drawn in accordance with this Article.~~

~~B. Where a change of use of an existing structure requires additional parking or other requirements applicable to a new use, a site plan shall be submitted for review to ensure the change of use can be accomplished within the purpose of this chapter.~~

~~C. Any requirement of this Article may be waived by the Planning Commission where the waiver is not adverse to the purpose of this Article and the applicant establishes that, in his specific case, an undue hardship would result from a strict enforcement of this Article.~~

~~175-116~~ — **SPECIFICATIONS (Site Plan Requirements)**

~~A. The scale shall not be less than one (1) inch for fifty (50) feet [not less than one to six hundred (1:600)].~~

9407 ~~B. If the site plan is prepared on more than one (1) sheet, match lines shall clearly indicate where~~
9408 ~~the sheets join.~~

9409
9410 ~~C. Horizontal dimensions shall be in feet and decimals of feet to the closest one hundredth~~
9411 ~~(1/100) of a foot.~~

9412
9413 **~~175-117 — CONTENTS (Site Plan Requirements)~~**

9414 ~~A. The site plan, or any portion thereof, involving engineering, planning, landscape architecture,~~
9415 ~~architecture or land surveying shall be prepared by qualified persons. Site plans shall be certified~~
9416 ~~by an architect, engineer or land surveyor licensed to practice by the Commonwealth of Virginia~~
9417 ~~within the limits of their respective licenses.~~

9418
9419 ~~B. The site plan shall provide the following:~~

9420
9421 ~~1. The proposed title of the project and the name of the engineer, architect, landscape~~
9422 ~~architect and/or surveyor, the name of the developer and a signature panel for the Planning~~
9423 ~~Commission and Council's approval.~~

9424
9425 ~~2. The North point, scale and date. A bar scale shall be provided showing both English and~~
9426 ~~metric units. Also the specified scale should be stated as not less than one (1) inch for~~
9427 ~~fifty (50) feet or not less than one to six hundred (1:600) instead of the present draft of not~~
9428 ~~less than fifty (50) feet to one (1) inch.~~

9429
9430 ~~3. Existing zoning and zoning district boundaries on the property in question and on~~
9431 ~~immediately surrounding properties.~~

9432
9433 ~~4. The present use of all contiguous or abutting property.~~

9434
9435 ~~5. The boundaries of to property involved by bearings and distances, certified by a land~~
9436 ~~surveyor licensed to practice in the Commonwealth of Virginia.~~

9437
9438 ~~6. All existing property lines, existing streets, buildings, watercourses, waterways or lakes~~
9439 ~~and other existing physical features in or adjoining the project. Those physical features,~~
9440 ~~such as watercourses, waterways or lakes, on adjoining properties need only be shown in~~
9441 ~~approximate scale and proportion.~~

9442
9443 ~~7. Topography of the project area with contour intervals of two (2) feet or less on United~~
9444 ~~States Geological Survey or United States Coast and Geodetic Survey datum. The~~
9445 ~~topography may be plotted in the field or from aerial photography, but the information~~
9446 ~~must be current, and the contouring method must provide the precision normally expected~~
9447 ~~for two-foot contour topography.~~
9448

- 9449 8. ~~The location and sizes of sanitary and storm sewers, gas lines, water mains, culverts and~~
9450 ~~other underground structures in or affecting the project, including existing and proposed~~
9451 ~~facilities and easements for these facilities.~~
- 9452
- 9453 9. ~~The location, dimensions and character of construction of proposed streets, alleys,~~
9454 ~~driveways, curb and gutter improvements, and the location, type and size of ingress and~~
9455 ~~egress to the site.~~
- 9456
- 9457 10. ~~The location of all off-street parking, loading spaces and walkways, indicating types of~~
9458 ~~surfacing, size, angle of stalls, width of aisles and a specific schedule showing the number~~
9459 ~~of parking spaces.~~
- 9460
- 9461 11. ~~The location, height, type and material of all fences, walls, screen planting and landscaping~~
9462 ~~details of all buildings and grounds and the location, height and character of all outdoor~~
9463 ~~lighting systems.~~
- 9464
- 9465 12. ~~The location of all proposed buildings and structures, accessory and main; number of~~
9466 ~~stories and height; proposed general use for each building; and the number, size and type~~
9467 ~~of dwelling units, where applicable.~~
- 9468
- 9469 13. ~~Provisions for the adequate disposition of natural and storm water indicating location,~~
9470 ~~sizes, types and grades of ditches, catch basins and pipes and connection to existing~~
9471 ~~drainage system.~~
- 9472
- 9473 14. ~~Provisions and a schedule for the adequate control of erosion and sedimentation, in~~
9474 ~~accordance with Town of Front Royal Erosion and Sedimentation Control Ordinance.~~
- 9475
- 9476 —15. ~~Proposed finished grading by contour supplemented where necessary by spot elevations.~~
- 9477
- 9478 —16. ~~The location, character, size, height and orientation of proposed signs.~~
- 9479
- 9480 17. ~~The location and dimensions of proposed recreation, open space and required amenities~~
9481 ~~and improvements, including details of disposition.~~
- 9482
- 9483 —18. ~~Floodplain limits.~~
- 9484
- 9485 —19. ~~A vicinity map should be included to show where the site is located within the community.~~
- 9486
- 9487 20. ~~The following information should be provided in tabular form: total site area, area~~
9488 ~~dedicated to public streets, building and coverage area (if known), open space area, number~~
9489 ~~and types of dwelling units, number of parking spaces provided and number of loading~~
9490 ~~spaces provided.~~
- 9491
- 9492 21. ~~Any necessary notes required by the Administrator and/or Planning Commission to explain~~
9493 ~~the purpose of specific items on the plan.~~

9494 ~~175-118 IMPROVEMENTS AND MINIMUM STANDARDS (Site Plan Requirements)~~

9495 ~~The following improvements and minimum standards, as applicable, shall be required and~~
9496 ~~provided for in a site development plan:~~

9497

9498 ~~A. All street and highway construction standards shall be in accordance with those of the Town~~
9499 ~~of Front Royal.~~

9500

9501 ~~B. The pavement of vehicular travel lanes, driveways or alleys designed to permit vehicular~~
9502 ~~travel on the site and to and from adjacent property.~~

9503

9504 ~~C. Minimum utility easement width shall be twenty (20) feet. The nearest edge of any easement~~
9505 ~~shall be a minimum of five (5) feet from any building.~~

9506

9507 ~~D. All required screening shall be sufficiently dense or opaque to screen development effectively~~
9508 ~~from the adjacent properties.~~

9509 ~~175-119 SUBMISSION PROCEDURES (Site Plan Requirements)~~

9510 ~~A. Five (5) copies of the plan shall be submitted to the Administrator. The plans shall be~~
9511 ~~circulated to the relevant departments, boards and the Planning Commission for written~~
9512 ~~comments. The plan shall be reviewed and approved by the Town Council upon recommendation~~
9513 ~~of the Planning Commission.~~

9514

9515 ~~B. Site plans shall be submitted to the Administrator at least seven (7) days prior to the next~~
9516 ~~regular or specially scheduled Planning Commission meeting. The plan shall be considered to be~~
9517 ~~approved unless the Planning Commission and Town Council act within sixty (60) days from the~~
9518 ~~date of submission of the plan. The Administrator shall notify the applicant of the action taken~~
9519 ~~by the Planning Commission and the Town Council. Such decision taken shall be one (1) of the~~
9520 ~~following: approval, approval subject to conditions or disapproval.~~

9521 ~~175-120 EXPIRATION (Site Plan Requirements)~~

9522 ~~An approved site plan shall expire and become null and void if no building permit has been~~
9523 ~~obtained for the site within twelve (12) months after the approval.~~

9524 ~~175-121 AMENDMENTS TO APPROVED SITE PLAN (Site Plan Requirements)~~

9525 ~~If it becomes necessary for an approved site plan to be changed, the Administrator shall, at the~~
9526 ~~applicant's request, either administratively approve an amendment to the site plan or, if the~~
9527 ~~change is major, require that a new site plan be drawn and submitted for review and action in~~
9528 ~~accordance with this Article.~~

9529 ~~175-122 SITE PLAN APPROVAL PREREQUISITE TO ISSUANCE OF PERMITS~~
9530 ~~(Site Plan Requirements)~~

9531 ~~No building, zoning or special use permit shall be issued to construct, erect or alter any building~~
9532 ~~or structure or any permit or authorization granted to improve or develop land subject to the~~
9533 ~~provisions of this Article unless a site development plan has been submitted and approved by the~~
9534 ~~Town Council upon recommendation of the Planning Commission.~~

9535 ~~175-123~~ — ~~MANUFACTURED AND MOBILE HOMES (Site Plan Requirements)~~

9536 ~~Manufactured or mobile homes shall not be permitted with in the Town of Front Royal, except~~
9537 ~~where authorized in the A-1 District, and for temporary trailer parks, as specified under this~~
9538 ~~Chapter.~~

9539 TOWN OF FRONT ROYAL MUNICIPAL CODE, Chapter 175, ZONING

9540

9541 NONCONFORMITY

9542

9543 175-124. CONTINUATION

9544

9545 A. Any legal use that was in operation, or any building or structure that legally
9546 existed prior to the effective adoption date of this chapter, that no longer
9547 conforms to the requirements of this chapter at the effective adoption date, may
9548 be continued so long as the use, building and/or structure remains otherwise
9549 lawful. Such legally nonconforming uses, buildings and structures shall
9550 conform to all applicable laws in effect at the time when the use, building and/or
9551 structure was established.

9552

9553 B. If there is any change of ownership, possession, or lease, of any legally
9554 nonconforming use, building or structure, it may continue according to the
9555 requirements of this chapter.

9556

9557 C. When the boundaries of a district are changed, any uses, buildings, and/or
9558 structures, which become nonconforming as a result of such change, shall be
9559 subject to the provisions of this Chapter.

9560

9561 175-125. VESTED RIGHTS

9562 Pursuant to §15.2-2307 of the Virginia Code, plans for the establishment of new
9563 uses, buildings and/or structure may proceed, despite if the requirements of this
9564 chapter are not complied with, if a vested right is determined by the Zoning
9565 Administrator, after concurrence with the Town Attorney.

9566

9567 175-126. DISCONTINUANCE

9568 If any legally nonconforming use is discontinued for a period exceeding two (2)
9569 years after the enactment of this chapter, it shall be deemed abandoned, and any use
9570 thereafter shall conform to the use requirements of this chapter.

9571

9572 175-127 PARKING EXEMPTION FOR THE REUSE OF EXISTING PROPERTIES

Regardless of Section 175-126, the reuse of properties with existing parking areas and/or loading spaces shall be exempt from the requirement to comply with the current parking area and loading space requirements of this Chapter, or Chapter 148; provided that, the following conditions are met.

1. A zoning permit was previously issued by the Town on the property for a business (commercial) or industrial use.
2. Town Council may require site improvements when a special use permit is required.
3. The number of existing parking spaces shall not be reduced for display or other purposes.
4. When the existing parking area and/or loading spaces are in disrepair, the Zoning Administrator may require the following types of maintenance improvements at the time of issuance of a zoning permit:
 - a. Additional landscaping.
 - b. The demarcation of existing parking spaces by striping, restriping, wheel stops, or signage.
 - c. The resurfacing of the existing surface material.

175-128 NONCONFORMING LOTS OF RECORD

A. Except as hereinafter provided, the minimum lot width and lot area shall be required for the establishment of any new lot, or use of a lot, in the R-1 Residential District. Wherever possible, the consolidation of existing nonconforming lots is encouraged to meet the minimum lot size requirements. All new construction shall conform to the yard dimensions and all other regulations for the R-1 Residential District.

1. The Administrator may issue an administrative variance of up to twenty percent (20%) of the required lot width and/or area, where it is found that the proposed new construction is consistent with the structure size, orientation and pattern of development on the street and in the immediate neighborhood.
2. On lots with an area or lot width of less than eighty percent (80%) of the minimum required, approval for construction may be granted by special permit by the Town Council, where the Council finds the application meets the following conditions:
 - a. The proposed structure has a finished floor area of not less than ninety percent (90%) of the amount of finished floor area prevalent in comparative homes. Finished floor areas does not include basement areas.
 - b. The proposed structure is compatible with comparative homes in terms of building orientation, scale, proportion and site layout.

- 9619 c. The site grading provides for adequate drainage on and off the site,
9620 without any adverse impact onto adjoining properties.
9621
- 9622 3. For the purpose of this section, comparative homes shall mean characteristics
9623 that are present in at least sixty percent (60%) of the homes located on both
9624 sides of the street in the immediate block where the proposed structure is
9625 located.
9626
- 9627 4. The Council may approve a reduction of the side yard requirement, by not
9628 more than forty percent (40%), where necessary, to achieve increased
9629 compatibility with other structures in the immediate block.
9630
- 9631 B. In any other residential district, a single dwelling may be erected on any single
9632 lot of record, notwithstanding limitations imposed by other provisions of this
9633 chapter. This provision shall apply even though such lot fails to meet the
9634 requirements for lot area and/or lot width, that are generally applicable in the
9635 district, provided that yard dimensions shall conform to the regulations for the
9636 district in which such lot is located. All other uses, except a single dwelling, are
9637 required to meet the minimum lot area requirements for the district in which it is
9638 located.
9639
- 9640 C. In any commercial or industrial district, a permitted structure may be erected on
9641 any single lot of record at the effective date of adoption or amendment of this
9642 chapter, notwithstanding limitations imposed by other provisions of this chapter.
9643 This provision shall apply even though such lot fails to meet the requirements for
9644 lot area and/or lot width, that are generally applicable in the district, provided
9645 that yard dimensions shall conform to the regulations for the district in which
9646 such lot is located.
9647
- 9648 D. In any nonconforming lot of record contains a conforming use and/or structure,
9649 such use and/or structure may be replaced in the area of the preexisting use
9650 and/or structure should damage or destruction occur. Expansion of said use
9651 and/or structure may occur within the limits of this chapter.
9652
- 9653 E. Except as otherwise noted herein, a variance of yard requirements may be
9654 obtained only through action of the Board of Zoning Appeals.
9655

9656 **175-129 CHANGES OF USE**

9657 A nonconforming use, if changed to a conforming use, shall not thereafter be
9658 changed back to any nonconforming use. A nonconforming use may, by special
9659 permit, be changed to another nonconforming use, provided that the Town Council
9660 shall find that the proposed use is equally appropriate or more appropriate in the
9661 zoning district than the existing nonconforming use.
9662

9663 **175-130 EXPANSIONS AND OTHER TYPES OF ALTERATIONS**

- 9664 A. Except by approval of a special use permit by Town Council, a
9665 nonconforming use, building or structure shall not be enlarged, increased or
9666 extended to occupy a greater area of land area than was occupied at the
9667 effective date of adoption of this chapter unless such expansion conforms to
9668 the requirements of this chapter.
9669
9670 B. New nonconforming structures or buildings shall not be erected in connection
9671 with a nonconforming use of land.
9672
9673 C. A nonconforming building or structure may be enlarged if the expansion does
9674 not create a new nonconformity, and does not increase the degree or intensity
9675 of the existing nonconformity, as determined by the Zoning Administrator.
9676
9677 D. A nonconforming structure or building shall not be moved, for any distance or
9678 reason, unless it shall thereafter conform to the zoning district regulations for
9679 the district in which it is located after it is moved.
9680

9681 **175-131 REPLACEMENT, REMOVAL, REPAIR, AND RECONSTRUCTION**

- 9682 A. If a nonconforming use of land is damaged or destroyed, such use may be
9683 replaced to the extent to which it existed prior to said damage or destruction.
9684 Removal or destruction of a building or structure in which a nonconforming
9685 use was located shall eliminate the use which the structure or building was
9686 used for (a nonconforming use).
9687
9688 B. Nonconforming buildings and structures that are damaged by a natural event
9689 or man-made accident may be repaired and/or reconstructed to their previous
9690 condition and size if the work does not exceed fifty percent (50%) of the
9691 replacement value.
9692
9693 C. Town Council may approve a special use permit for the repair and/or
9694 reconstruction of a building or structure beyond 50% of the market value,
9695 provided that the special use permit application is submitted within twelve
9696 (12) months of said damage or destruction. Otherwise, when the repair and/or
9697 reconstruction work to a nonconforming building or structure exceeds 50% of
9698 the market value, it may only be repaired and/or reconstructed to the
9699 requirements of this chapter, as applicable for new construction.
9700
9701 D. Nothing in this chapter shall be deemed to prevent the strengthening or
9702 restoring to a safe condition of any structure or part thereof declared to be
9703 unsafe by any official charged with protecting the public safety, upon order of
9704 such official
9705

9706 **175-132 PERCENT OF DAMAGE**

9707 The cost of land or any factors other than the cost of the structure are excluded in the
9708 determination of fair market value for the purpose of calculating the percent of
9709 damage. Such percentage shall be determined by the Building Official.

9710

9711 **175-133 USES UNDER SPECIAL PERMIT PROVISIONS**

9712 Any use which is permitted by a special permit in a zoning district under the terms of
9713 this chapter (other than a change through the Town Council action from one
9714 nonconforming use to another nonconforming use) shall not be deemed a
9715 nonconforming use in such zoning district, but shall without further action be
9716 considered a conforming use.

9717

ADMINISTRATION AND ENFORCEMENT9718 **175-134 ZONING PERMITS**

9719 A. No buildings, structures or uses shall be started, ~~repaired~~, reconstructed, enlarged or
9720 *substantially* altered until after a zoning permit has been obtained from the Administrator.
9721 *Zoning permits may be waived by the Zoning Administrator for minor repairs and alterations of*
9722 *existing structures.*

9723

9724 B. Each application for a zoning permit shall be accompanied by three (3) copies of an
9725 adequately dimensioned drawing unless as otherwise specified. The drawing shall show the size,
9726 shape and dimensions of the parcel of land on which the building is to be constructed, as
9727 surveyed and prepared by a licensed surveyor or registered architect, the nature of the proposed
9728 use of the building or land, the location and arrangement of off-street parking, the location of
9729 such building or use with respect to the property line of said parcel of land and to the right-of-
9730 way of any street or highway adjoining said parcel of land, the developers drainage plan for
9731 properly *distributing surface water* and additional information as required by this chapter. Such
9732 *site plan dimensional drawing* shall be prepared by a licensed surveyor or a registered engineer
9733 or architect *for new main buildings*. Any other information which the Administrator may deem
9734 necessary for the consideration of the application may be required. If the proposed building or
9735 use is in conformity with the provisions of this chapter, a permit shall be issued to the applicant
9736 by the Administrator. One (1) copy of the drawing shall be returned to the applicant with the
9737 permit. ~~This~~ The required dimensional drawing is not required for applicants who have
9738 submitted site plans in accordance with Chapter 148 ~~Article XIII~~.

9739 **175-134.1 FOUNDATION LOCATION INSPECTIONS**

9740 A. For the purpose of this section, a "foundation" shall be defined as that portion of the building
9741 consisting of the footers, slab, block, concrete or other building materials constructed under and
9742 upon the ground and rising no more than three (3) feet above grade.

9743

9744 B. No building or structure shall be constructed beyond the foundation stage until such time as
9745 the foundation location has been inspected and approved by the Administrator. Upon
9746 construction of a foundation, the builder shall submit to the Zoning Administrator and the
9747 Building Inspector a plat prepared by a certified land surveyor certifying the location of the
9748 foundation and all structural projections therefrom upon the property. The Zoning Administrator
9749 shall respond within ten (10) days. In the event that the foundation is in its proper location as
9750 shown on the zoning permit and all building setbacks and area requirements have been met, the

9751 Zoning Administrator shall mark the plat approved. If the plat is rejected, the Zoning
9752 Administrator shall give to the builder a written basis for the rejection.

9753

9754 C. No certificate of occupancy shall be issued without a foundation location survey plat marked
9755 approved by the Zoning Administrator.

9756

9757 D. The provisions of this section shall not apply to accessory buildings, as defined in Section
9758 175-3, with an area of two hundred (200) square feet or less. *Furthermore, the Zoning*
9759 *Administrator may waive the foundation location survey where previous surveys adequately*
9760 *demonstrate that the new building or addition, as proposed by the zoning permit application, will*
9761 *comply with the required setbacks.*
9762

9763 **175-135 CERTIFICATES OF OCCUPANCY**

9764 Land may be used or occupied and buildings structurally altered or erected may be used or
9765 changed in use only after certificate of occupancy has been issued by the Administrator. Such a
9766 permit shall state that the building or the proposed use or the use of the land complies with the
9767 provisions of this chapter. A similar certificate shall be issued for the purpose of maintaining,
9768 renewing, changing or extending a nonconforming use. A certificate of occupancy either for the
9769 whole or a part of a building shall be applied for simultaneously with the application for a zoning
9770 permit. The permit shall be issued within ten (10) days after the erection or structural alteration
9771 of such building or part has conformed with the provisions of this chapter.

9772 **175-136 SPECIAL USE PERMITS**

9773 A. Where uses or are permitted by special permit, the location and beginning of operation of
9774 such uses shall require, in addition to the zoning permit and certificate of occupancy, a
9775 special use permit. The issuance of these permits shall be subject to such conditions as
9776 are required in this chapter and such conditions as are deemed necessary by the Front
9777 Royal Town Council, after recommendations of the Front Royal Planning Commission.
9778 At a minimum, a special use permit may only be permitted, when Town Council
9779 determines that the use (i) is not detrimental to the overall health, safety and general
9780 welfare of the public, (ii) does not conflict with the Comprehensive Plan, (iii) is
9781 substantially compatible with surrounding land uses, and (iv) complies with laws of the
9782 Commonwealth of Virginia. Application for a special use permit shall be made to the
9783 Zoning Administrator, and a public hearing shall be held in accordance with the
9784 provisions of Virginia Code §15.2-2204 and §15.2-2286. Special use permits are not
9785 transferable to another property. In the event that a special use request is denied, the same
9786 special use request, or substantially the same special use request, shall not be considered
9787 by the Town Council or the Board of Zoning Appeals for a period of one (1) year from
9788 the date on which the special use permit request was denied.

9789

9790

9791 *B. New special use permit applications shall include the submission of a preliminary site*
9792 *development plan to be reviewed in concurrence with the special use permit application.*

9793 *No special use permit application may be authorized to operate until a final site*
9794 *development plan is approved.*

9795 **175-137 FEES, CHARGES AND EXPENSES**

9796 A. The Town Council hereby establishes the following schedule of fees, charges, and expenses
9797 for zoning permits, certificates of use, special permits, variances, appeals, amendments and other
9798 matters pertaining to this chapter.

9799
9800 For processing an Administrative Variance - \$100.00
9801 For processing a Board of Architectural Review request - \$100.00
9802 For processing a Board of Zoning Appeals application - \$300.00
9803 For Business License Zoning Clearance - \$10.00
9804 For issuing a Certificate of Compliance - \$25.00
9805 For processing an application to amend the Comprehensive Plan - \$400.00
9806 Copy of the Comprehensive Plan (each) - \$20.00
9807 For processing an amendment to the Zoning Ordinance - \$400.00
9808 For processing a Rezoning application - \$450.00
9809 For processing an application for a Sign Permit (Entrance Corridor) - \$75.00
9810 For processing an application for a Sign Permit (Permanent) - \$50.00
9811 For processing an application for a Sign Permit (Temporary) - \$25.00
9812 For processing an application for a Special Use Permit - \$400.00
9813 Copy of the Zoning Ordinance - \$15.00
9814 For a Zoning Permit, Commercial Accessories/Additions - \$100.00
9815 For a Zoning Permit, Residential Accessories/Additions - \$25.00
9816 For a Zoning Permit, Multi-Family Residential Dwelling - \$100.00
9817 For a Zoning Permit, New Commercial - \$100.00
9818 For a Zoning Permit, New Single-Family Residential Dwelling - \$75.00

9819
9820 B. Until all application fees, charges and expenses have been paid in full, no action shall be taken
9821 on any application or appeal.

9822

9823 **175-138 MEMBERSHIP AND TERMS OF OFFICE OF BOARD OF ZONING**
9824 **APPEALS**

9825 A. A Board consisting of five (5) town residents shall be appointed by the Circuit Court of the
9826 county. Members of the Board shall each be compensated in an amount determined by the Town
9827 Council. Members shall be removable malfeasance, misfeasance or nonfeasance, upon written
9828 charges and after public hearing. Appointments for vacancies occurring otherwise than by
9829 expiration of term shall in all cases be for the unexpired term.

9830

9831 B. The term of office shall be for five (5) years, except that, of the first five (5) members
9832 appointed, one (1) shall serve for five (5) years, one for four (4) years, one for three (3) years,
9833 one for two (2) years and one for one (1) year. One (1) of the five (5) appointed members may
9834 be an active member of the Planning Commission.

C. Members may be removed for cause by the appointing authority upon written charges and after a public hearing held after at least fifteen (15) days notice.

D. Any member of the Board shall be disqualified to act upon a matter before the Board with respect to property in which the member has an interest.

E. The Board shall choose annually, from its own membership, its own Chairman, Vice Chairman, who shall act in the absence of the Chairman, and Secretary.

175-139 POWERS OF BOARD OF ZONING APPEALS

The Board of Zoning Appeals shall have the following powers and duties:

A. To hear and decide appeals from any order, requirement, decision and determination made by an administrative officer in the administration or enforcement of this chapter.

B. To authorize, upon appeal in specific cases, such variance from the terms of the chapter as will not be contrary to the public interest when, owing to special conditions, a literal enforcement of the provisions will result in unnecessary hardship, provided that the spirit of the chapter shall be observed and substantial justice done, as follows:

1. When a property owner can show that his property was acquired in good faith and where, by reason of the exceptional narrowness, shallowness, size or shape of a specific piece of property at the time of the effective date of the chapter, or where, by reason of exceptional topographic conditions or other extraordinary situation or condition of the piece of property, or of the condition, situation, or development of property immediately adjacent thereto, the strict application of the terms of the chapter would effectively prohibit or unreasonably restrict the use of the property, or where the Board is satisfied, upon the evidence heard by it, that the granting of such variance will alleviate a clearly demonstrable hardship ~~approaching confiscation~~, as distinguished from a special privilege or convenience sought by the applicant, provided that all variances shall be in harmony with the intended spirit and purpose of the chapter.
2. No such variance shall be authorized by the Board, unless it finds:
 - a. That the strict application of the chapter would produce undue hardship.
 - b. That such hardship is not shared generally by other properties in the same zoning district and the same vicinity.
 - c. That the authorization of such variance will not be of substantial detriment to adjacent property and that the character of the district will not be changed by the granting of the variance.

- 9878 3. No such variance shall be authorized except after notice and hearing as required by
9879 Section 15. 2-2204 of the Code of Virginia, as amended.
9880
- 9881 4. No variance shall be authorized unless the Board finds that the condition or situation of
9882 the property concerned or the intended use of the property is not of so general or
9883 recurring a nature as to make reasonably practicable the formulation of a general
9884 regulation to be adopted as an amendment to the chapter.
9885
- 9886 5. In authorizing a variance, the Board may impose such conditions regarding the location,
9887 character and other features of the proposed structure or use as it may deem necessary in
9888 the public interest and may require a guaranty or bond to insure that the conditions
9889 imposed are being and will continue to be complied with.
9890
- 9891 6. In the event that a variance is not granted, the same variance application, or a variance
9892 application that is substantially the same, may not be submitted to the Board for
9893 consideration for a period of one (1) year from the date on which the variance request
9894 was denied.
9895

9896 C. To hear and decide appeals from the decision of the Zoning Administrator.
9897

9898 D. To hear and decide applications for interpretation of the district map where there is any
9899 uncertainty as to the location of a district boundary. Public hearings after appropriate notice
9900 must be held prior to such adjustments. The Board shall not have the power to change
9901 substantially the locations of district boundaries as established by this chapter. The Board shall
9902 not have the power to rezone property.

9903 **175-140 RULES AND REGULATIONS OF THE BOARD OF ZONING APPEALS**

9904 A. The Board of Zoning Appeals shall adopt such rules and regulations as it may consider
9905 necessary.
9906

9907 B. The meeting of the Board shall be held at the call of its Chairman or at such time as a quorum
9908 of the Board may determine.
9909

9910 C. The Chairman or, in his absence, the Acting Chairman may administer oaths and compel the
9911 attendance of witnesses.
9912

9913 D. The Board shall keep minutes of its proceedings, showing the vote of each member upon each
9914 question or, if absent or failing to vote, indicating such fact. It shall keep records of its
9915 examinations and other official actions, all of which shall be immediately filed in the office of
9916 the Board and shall be a public record.
9917

9918 E. All meetings of the Board shall be open to the public.
9919

9920 F. A quorum shall be at least three (3) members.
9921

9922 G. A favorable vote of three (3) members of the Board shall be necessary to reverse any order,
9923 requirement, decision or determination of any administrative official or to decide in favor of the
9924 applicant on any matter upon which the Board is required to pass.

9925 **175-141 APPEALS TO BOARD OF ZONING APPEALS**

9926 A. An appeal to the Board may be taken by any person aggrieved or by any officer, department,
9927 board or bureau of the county or municipality affected by any decision of the Zoning
9928 Administrator. Such appeal shall be taken within thirty (30) days after the decision appealed
9929 from by filing with the Zoning Administrator and with the Board a notice of appeal specifying
9930 the grounds thereof. The Administrator shall forthwith transmit to the Board all the papers
9931 constituting the record upon which the action appealed from was taken. An appeal shall stay all
9932 proceedings in furtherance of the action appealed from unless the Zoning Administrator certifies
9933 to the Board that by reason of facts stated in the certificate a stay would, in his opinion, cause
9934 imminent peril to life or property, in which case proceedings shall not be stayed otherwise than
9935 by a restraining order granted by the Board or by a court of record, on application and on notice
9936 to the Zoning Administrator, and for good cause shown.

9937
9938 B. From notices of violation for temporary or seasonal commercial uses, parking of commercial
9939 trucks in residential districts or similar short-term, recurring violations, as determined by the
9940 Zoning Administrator, an appeal shall be filed within ten (10) days of the date of receipt of such
9941 notice of violation.

9942 **175-142 APPEAL PROCEDURE**

9943 Appeals shall be mailed to the Board of Zoning Appeals in care of the Zoning Administrator, and
9944 a copy of the appeal shall be mailed to the Secretary of the Planning Commission. A third copy
9945 shall be mailed to the individual, official, department or agency concerned, if any.

9946 **175-143 PUBLIC HEARING OF APPLICATION FOR APPEAL**

9947 The Board shall fix a reasonable time for the hearing of an application or appeal, give public
9948 notice thereof as well as due notice to the parties in interest and decide the same within sixty (60)
9949 days. In exercising its powers, the Board may reverse or affirm, wholly or partly, or may modify
9950 an order, requirement, decision or determination of an administrative officer or decide in favor of
9951 the applicant on any matter upon which it is required to pass under this chapter or effect any
9952 variance from the chapter. The Board shall keep minutes of its proceedings and other official
9953 actions, which shall be filed in the office of the Board and shall be public records. The Chairman
9954 of the Board or, in his absence, the Acting Chairman may administer oaths and compel the
9955 attendance of witnesses.

9956 **175-144 APPEAL OF DECISION OF BOARD OF ZONING APPEALS**

9957 A. Any person or persons jointly or severally aggrieved by any decision of the Board of Zoning
9958 Appeals, or any taxpayer or any officer, department, board or bureau of the municipality, may

present to the Circuit Court of the county a petition specifying the grounds on which aggrieved within thirty (30) days after the filing of the decision in the office of the Board.

B. Upon the presentation of such petition, the Court shall allow a writ of certiorari to review the decision of the Board of Zoning Appeals and shall prescribe therein the time within which a return thereto must be made and served upon the relator's attorney, which shall not be less than ten (10) days and may be extended by the Court. The allowance of the writ shall not stay proceedings upon the decision appealed from; but, the Court may, on application, on notice to the Board and on due cause shown, grant a restraining order.

C. The Board of Zoning Appeals shall not be required to return the original papers acted upon by it, but shall be sufficient to return certified or sworn copies thereof or of such portions thereof as may be called for by such writ. The return shall concisely set forth such other facts as may be pertinent and material to show the grounds of the decision appealed from and shall be verified.

D. If, upon the hearing, it shall appear to the Court that testimony is necessary for the proper disposition of the matter, it may take evidence or appoint a Commissioner to take such evidence as it may direct and report the same to the Court with his findings of fact and conclusions of law, which shall constitute a part of the proceedings upon which the determination of the Court shall be made. The Court may reverse or affirm, wholly or partly, or may modify the decision brought up for review.

E. Costs shall not be allowed against the Board, unless it shall appear to the Court that it acted in bad faith or with malice in making the decision appealed from.

175-145 VIOLATIONS AND PENALTIES

A. All departments, officials and public employees of this jurisdiction which are vested with the duty or authority to issue permits or licenses shall conform to the provisions of this chapter. They shall issue permits for uses, buildings or purposes only when they are in harmony with the provisions of this chapter. Any such permit, if issued in conflict with the provisions of this chapter, shall be null and void.

B. Any person, firm or corporation, whether as principal, agent, employed or otherwise, violating, causing or permitting the violation of any of the provisions of this chapter shall be guilty of a misdemeanor and, upon conviction thereof, may be fined up to one thousand dollars (\$1,000.). Such person, firm or corporation shall be deemed to be guilty of a separate offense for each and every day during which any portion of any violation of this chapter is committed, continued or permitted by such person, firm or corporation and shall be punishable as herein provided.

175-146 AMENDMENTS

The regulations, restrictions and boundaries established in this chapter may, from time to time, be amended, supplemented, changed, modified or repealed by a favorable majority of votes of the Town Council, provided that:

10001

10002 A. A public hearing shall be held in relation thereto at which the parties in interest and citizens
10003 shall have an opportunity to be heard.

10004 B. Notices shall be given of the time and place of such hearings by publication in at least two (2)
10005 issues of some newspaper having a general circulation in the jurisdiction. Such notice shall be
10006 presented in accordance with Section 15.2-2204, Code of Virginia, as amended. After enactment
10007 of any such amendment, further publication shall not be required.

10008 C. When a proposed amendment of the Zoning Ordinance involves a change in the zoning
10009 classification of twenty-five (25) or less parcels of land, then, in addition to the advertising as
10010 above required, written notice shall be given by the Commission at least five (5) days before the
10011 hearing to the owner or owners, their agent or the occupant of each parcel involved and to the
10012 owners, their agent or the occupant of all abutting property and property immediately across the
10013 street or road from the property affected. In any county or municipality where notice is required
10014 under the provisions of this section, notice shall be given to the owner, their agent or the
10015 occupant of all abutting property and property immediately across the street from the property
10016 affected which lies in an adjoining county or municipality of the commonwealth. Notice sent by
10017 registered or certified mail to the last known address of such owner as shown on the current real
10018 estate tax assessment books shall be deemed adequate compliance with this requirement. If the
10019 hearing is continued, notice shall be remailed. Whenever the notices required hereby are sent by
10020 an agency, department or division of the local governing body, such notices may be sent by first
10021 class mail; provided, however, that a representative of such agency, department or division shall
10022 make affidavit that such mailings have been made and file such affidavit with the papers in the
10023 case. Costs of any notice required under this section shall be taxed to the applicant.

10024

10025 D. Changes shall be made by the governing body in the Zoning Ordinance or the Zoning Map
10026 only after such changes have been referred to the Planning Commission for its recommendations.

10027 Action shall be taken by the governing body only after a report has been received from the
10028 Planning Commission, unless a period of ninety (90) days has elapsed after the date of the first
10029 regular meeting of the Commission after the proposed amendment has been referred to the
10030 Commission, after which time it may be assumed the Commission has approved the change or
10031 amendment. No land may be zoned to a more intensive use classification than was contained in
10032 the public notice without an additional public hearing after notice as required herein.

10033

10034 E. Individual property owners may petition the governing body to have their property rezoned
10035 by submitting their request in writing to the Administrator. The application for rezoning shall be
10036 accompanied by a Phase I environmental site assessment based on the anticipated use of the
10037 property proposed for rezoning that meets generally accepted national standards for such
10038 assessments, such as those developed by the American Society for Testing and Materials
10039 (ASTM), and Phase II environmental site assessments, that also meet accepted national
10040 standards, such as, but not limited to, those developed by ASTM, if the Town deems such to be
10041 reasonably necessary, based on the findings of the Phase I assessment, and in accordance with
10042 the regulations of the United States Environmental Protection Agency and ASTM; provided,
10043 however, that where the applicant clearly demonstrates to the satisfaction of the Director of
10044 Planning and Zoning that there will be no land disturbing activity as a consequence of the
10045 proposed rezoning, the requirement for a Phase I environmental site assessment may be waived
10046 in writing of such absence of land disturbing activity. An applicant shall disclose and remediate

10047 any contamination and other adverse environmental conditions of property revealed by such
10048 environmental assessment, prior to the approval of subdivision and development plans.
10049

10050 After proper public hearing, the Planning Commission shall make its recommendation to the
10051 Town Council, who will then act upon the applicant's request. If the Planning Commission
10052 makes no recommendation within ninety (90) days from the date of referral, the Council may
10053 assume that the Commission concurs with the applicant.

10054 **175-147 ADMINISTRATIVE OFFICIAL**

10055 The Director of Planning shall be designated as the Zoning Administrator, and have all necessary
10056 authority for the enforcement and administration of the zoning, ordinance. The Zoning Officer,
10057 or other individual as appointed by the Town Manager, shall serve as the deputy of the Zoning
10058 Administrator.
10059

10060 **175-147.1 ADMINISTRATIVE VARIANCES**

10061 The Zoning Administrator is authorized to grant a variance from the requirements contained in
10062 Subsections 175-15(C), 175-18.5(E), 175-24(C) and 175-34(C), if the Zoning Administrator
10063 finds in writing that:
10064

10065 A. The strict application of the ordinance would produce undue hardship or prove impractical
10066 due to topographic, architectural or other unusual conditions;
10067

10068 B. Such hardship is not shared generally by other properties in the same zoning district and the
10069 same vicinity; and
10070

10071 C. The authorization of the variance will not be of substantial detriment to adjacent property and
10072 the character of the zoning district will not be changed by the granting of the variance.

10073

10074 **175-148 EFFECT ON PERMITS ISSUED PRIOR TO ADOPTION**

10075 Nothing contained herein shall require any change in the plans or construction of any building or
10076 structure for which a permit was granted prior to the effective date of this chapter. However,
10077 such construction must commence within thirty (30) days after this chapter becomes effective
10078 and be completed within a period of one (1) year after construction is initiated. If construction is
10079 discontinued for a period of six (6) months or more, further construction shall be in conformity
10080 with the provisions of this chapter for the district in which the operation is located.
10081

10082 **175-149 CONDITIONAL ZONING PROFFERS IN REZONING APPLICATIONS**

A. Owners of land making applications to the Town of Front Royal for a zoning reclassification of their land in the Town of Front Royal may voluntarily proffer in writing, as part of the rezoning petition, certain conditions related to the future physical development and/or physical operation of the land to be rezoned, subject to the following requirements:

1. The rezoning of the land must itself give rise for the need for the conditions.
2. The conditions must have a reasonable relation to the rezoning of the land.
3. The conditions shall not include a cash contribution to the Town of Front Royal.
4. The conditions shall not include a mandatory dedication of real or personal property for open space, parks, schools, fire departments or other public facilities which are not otherwise provided for in Virginia Code 15.2-2241.
5. The conditions shall not include payment for or construction of off-site improvements, except those provided for in Virginia Code Section 15.2-2241.
6. No conditions shall be proffered that are not related to the physical development or physical operation of the property to be rezoned.
7. All conditions shall be in conformity with the Comprehensive Plan of the Town of Front Royal.
8. All conditions shall be in writing and shall be submitted to the Town of Front Royal as part of the rezoning petition prior to public hearing before the governing body.

B. Once proffered and accepted as part of an amendment to this chapter, the conditions shall continue in full force and effect until a subsequent amendment changes the zoning on the property covered by the conditions; provided, however, that such conditions shall continue if the subsequent amendment is part of a comprehensive implementation of a new or substantially revised Zoning Ordinance.

C. The Zoning Administrator shall administer and enforce the conditions attached to a rezoning or amendment to the Zoning Map, * including:

1. The ordering in writing of the remedy of any noncompliance with the conditions.
2. The bringing of legal action to ensure compliance with such conditions, including injunction, abatement or other appropriate action or proceeding.
3. Requiring a guaranty, satisfactory to the governing body, in an amount sufficient for and conditioned upon the construction of any physical improvements required by the conditions, or a contract for the construction of such improvements and the contractor's guaranty, in like amount and so conditioned, which guaranty shall be reduced or released by the governing body, or agent thereof, upon the submission of satisfactory evidence that construction of such improvements has been completed in whole or in part.

D. The failure to meet all conditions shall constitute cause to deny the issuance of any of the required use, occupancy or building permits as may be appropriate.

E. The Zoning Map shall show by an appropriate symbol on the map the existence of conditions attached to zoning. The Zoning Administrator shall keep in his office and make available for public inspection a conditional zoning index. The index shall provide ready access to the ordinance creating conditions in addition to the regulations provided for in a particular zoning district or zone.

**175-150 CONDITIONAL ZONING PROFFERS IN REZONING APPLICATIONS;
HIGH GROWTH PERIODS**

As provided in Virginia Code Section 15.2-2298, notwithstanding any contrary provisions in Front Royal Town Code Section 175-149, the provisions of this section shall apply during periods wherein the *Town and/or* County of Warren has had a population growth of ten percent (10%) or more from the next-to-latest decennial census year, based on population reported by the United States Bureau of the Census, or during periods when Warren County is contiguous with at least three (3) counties which have experienced ten-percent population growth or more as described herein.

A. Owners of land making application to the Town of Front Royal for a zoning reclassification of their land in the Town of Front Royal may voluntarily proffer in writing, as part of the rezoning petition, certain conditions, subject to the following requirements:

1. The rezoning of the land must itself give rise to the need for the conditions.
2. The conditions must have a reasonable relation to the rezoning of the land.
3. All conditions shall be in conformity with the Comprehensive Plan for the Town of Front Royal.
4. The conditions may include a cash contribution to the Town of Front Royal or contributions of personal property and services.
5. The conditions may include dedication of real property for open space, parks, schools, fire departments or their public facilities.
6. The conditions may include payment for or construction of off-site improvements.
7. All conditions shall be in writing and shall be submitted to the Town of Front Royal as part of the rezoning application prior to public hearing before the governing body.
8. *All applicable requirements of the Virginia Code shall be complied with, including, but not limited to, the requirements of §15.2-2298.*

B. No proffer shall be accepted under this section unless and until the town has adopted a capital improvement program. In the event that the proffered conditions include a dedication of real property or payment of cash, such property shall not transfer and such payment of cash shall not be made until the facilities for which such property is dedicated or such cash is tendered are included in the capital improvement program. However, the town may accept proffered conditions which are not normally included in the capital improvement program. Proffered conditions shall provide for the disposition of dedicated property or cash payments in the event that said property or cash payments are not used for the purposes for which they are proffered.

C. Once preferred and accepted as part of an amendment to this chapter, the conditions shall continue in full force and effect until a subsequent amendment changes zoning of the property

covered by the conditions; provided, however, that such conditions shall continue if the subsequent amendment is part of a comprehensive implementation of a new or substantially revised Zoning Ordinance.

D. The Zoning Administrator shall administer and enforce the conditions attached to a rezoning or amendment to the Zoning Map, including:

1. Ordering by written notice the remedy of any noncompliance with zoning conditions.
2. Bringing legal action to ensure compliance with such conditions, including injunction, abatement or other appropriate action or proceeding.
3. Requiring a guaranty satisfactory to the governing body in an amount sufficient for and conditioned upon the construction of any physical improvements required by the zoning conditions or a contract for the construction of such improvements and the contractor's guaranty in like amount and so conditioned, which guaranty shall be reduced or released by the governing body or agent thereof upon the submission of satisfactory evidence that the construction of such improvements has been completed, in whole or in part.

E. The failure to meet all conditions shall constitute cause to deny the issuance of any required use, occupancy or building permit as may be appropriate.

F. The Zoning Map shall show by an appropriate symbol on the map the existence of conditions attached to zoning. The Zoning Administrator shall keep in his office and make available for public inspection a Conditional zoning index. This index shall provide ready access to the ordinance creating conditions in addition to the regulations provided for in a particular zoning district or zone.

G. The Zoning Administrator shall record in the deed book records of the Office of the Clerk of the Circuit Court of Warren County a certificate with the name of the property owner and a description of the property and indicating that the property is subject to conditional zoning as shown on the Town of Front Royal Zoning Map.

-----END

Editorial Notes: All language shown in yellow highlight and *italics* is proposed new text, sometimes visible as pink, blue or purple highlight where a comment is added over it. All language shown in ~~striketrough~~ is existing language that is proposed to be removed. Regular text shown is existing language with no changes proposed. Editorial notes removed in this draft amendment only for the purpose of reducing the size of the document.

Recommended by Planning Commission 3/19/14 (JFC), 6/20/14 minor edits (JFC); 10/23/14 (JFC); 3/17/15 (JFC) per TC WS.

This ordinance shall become effective upon passage.

APPROVED:

Timothy W. Darr, Mayor

ATTEST:

Jennifer E. Berry, Clerk of Council

THIS ORDINANCE was approved at the Regular Meeting of the Town of Front Royal, Virginia on its second reading, conducted _____, 2015, upon the following recorded vote:

John P. Connolly Yes/No

Bret W. Hrbek Yes/No

Hollis L. Tharpe Yes/No

Eugene R. Tewalt Yes/No

Bébhinn C. Egger Yes/No

Daryl L. Funk Yes/No

A public hearing on the above was held on _____, 2015 having been advertised in the Northern Virginia Daily on _____, 2015 and _____, 2015.

Approved as to form and legality:

Douglas W. Napier, Town Attorney

Date: ____/____/____

9

**COUNCIL APPROVAL – Resolution
Pertaining to Catlett Mountain Recreation
Area**



**Town of Front Royal, Virginia
Council Agenda Statement**

Page 1
Item No. 9

Meeting Date: April 13, 2015

Agenda Item: COUNCIL APPROVAL – Resolution - Catlett Mountain Recreation Area

Summary: The Town has received a request from the County of Warren to consider the reuse of the Catlett Mountain Landfill for recreational activities that include hiking trails, walking paths, practice ball field, picnic shelter, mountain bike skills course and parking lot. Council is requested to consider approval of a Resolution pertaining to the development of recreational use of Catlett Mountain Site.

Budget/Funding: None

Attachments: Resolution and Letter from the County Administrator

Meetings: Work Sessions held March 2 and March 30, 2015 and Liaison Committee Meeting held March 19, 2015.

Staff Recommendation: Approval ✓ Denial _____

Proposed Motion: Council is requested to approve a Resolution pertaining to the development of recreational use of Catlett Mountain Site, as presented.

ROLL CALL VOTE REQUIRED

*Note: Motions are the formal & final proposal of Council, proposed motions are offered by Staff for guidance
*To be clear and concise, motions should be made in the positive

Approved By: JB



Town of Front Royal, Virginia



**RESOLUTION
COUNTY DEVELOPMENT OF
RECREATIONAL USE OF CATLETT MOUNTAIN SITE**

WHEREAS, the County of Warren has provided the Town of Front Royal with a concept plan to develop the Catlett Mountain Site as a recreational site to include hiking trails, a practice ball field, picnic shelter, mountain bike course, and a parking lot; and,

WHEREAS, the County of Warren has requested that the Town provide comment and a resolution of support so that the County can submit the concept plan to the Department of Environmental Quality; and,

WHEREAS, the Town has no objection to the development of the site by the County with the provisions identified in this resolution;

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Town of Front Royal, Virginia hereby consent to the submission of the County's concept plan to the Department of Environment Quality for the County's development of the site for recreational purpose; and,

BE IT FURTHER RESOLVED that the Mayor and Council of the Town of Front Royal, Virginia hereby requests that County of Warren execute a Memorandum of Agreement with the Town to address the following issues prior to commencing with construction on the site:

1. The County of Warren agrees to indemnify the Town and assume full liability of all issues and claims that arise from the development and use of the site for recreational use.
2. The County agrees to fund and construct all repairs to the landfill site that arise to the open access of the site for recreational use.
3. The County agrees to provide the Town with quarterly reports of use and maintenance activities.
4. The County agrees to provide full access to the site for the Town staff to inspect the site.
5. Development of the site by the County is limited in scope to that identified in the concept plan, and that no development beyond that identified will be pursued without written authorization from the Town.

Adopted this 13th day of April, 2015

APPROVED:

Timothy W. Darr, Mayor

Attest:

Jennifer E. Berry, CMC, Clerk of Council

THIS RESOLUTION was approved at the Regular Meeting of the Town of Front Royal, Virginia
Town Council on _____ 2015, upon the following recorded vote:

Bébhinn C. Egger	Yes/No	Bret W. Hrbek	Yes/No
Hollis L. Tharpe	Yes/No	Eugene R. Tewalt	Yes/No
John P. Connolly	Yes/No	Daryl L. Funk	Yes/No

Approved as to Form and Legality:

Douglas W. Napier, Esq., Town Attorney

Date: _____



COUNTY OF WARREN

County Administrator's Office
Warren County Government Center
220 North Commerce Avenue, Suite 100

Front Royal, Virginia 22630

Phone: (540) 636-4600

FAX: (540) 636-6066

Email: dstanley@warrencountyva.net

Douglas P. Stanley
County Administrator

February 24, 2015

BOARD OF SUPERVISORS

CHAIRMAN

Richard H. Traczyk
Shenandoah
District

VICE-CHAIRMAN

Linda P. Glavis
South River
District

Tony F. Carter
Happy Creek
District

Archie A. Fox
Fork
District

Daniel J. Murray, Jr.
North River
District

Mr. Steve Burke, Town Manager
Town of Front Royal
P.O. Box 1560
Front Royal, Virginia 22630

RE: Catlett Mountain Landfill Redevelopment Concept Plan

Dear Steve:

Attached is a draft concept plan and cost estimate for the former Catlett Mountain Landfill site to develop a portion of the site into a recreational area. The plan was developed by Warren County's on-call Landscape Architect, Land Planning & Design Associates, Inc. (LPDA) of Charlottesville. The concept plan was designed to work around the capped waste areas of the site and includes the following amenities:

- Hiking trails (unpaved)
- Walking paths
- Practice ball field (180' x 110')
- Picnic shelter and tot lot
- Mountain bike skills course
- Parking lot (30 cars)

The entrance and maintenance roads have been designed to follow the existing construction road alignment. The hiking trails are envisioned as unpaved, dirt nature trails that are built with erosion control in mind. The mountain bike skills course is envisioned as a roughly 1/2 acre area with obstacles and a dirt track where people can learn to mountain bike and/or test out new tricks, etc. Mountain biking would be prohibited on the hiking trails.

*Front Royal-Warren County
Rivers of Opportunity-Mountains of Success*

We would appreciate your preliminary feedback on the concept plan before we proceed in submitting it to the Department of Environmental Quality for comment.

Sincerely,



Douglas P. Stanley, AICP ICMA-CM
County Administrator

DPS
Attachments

CONCEPT NARRATIVE

Catlett Mountain Park will be a neighborhood park with recreational opportunities such as a grass athletic practice field, playground, shelter, aggregate walking path and unpaved (dirt) hiking trails, aggregate parking lot, and a mountain bike skills course. The park will be gated for off-hours access control. A maintenance road will provide access from the main entrance road to the recently installed stormwater mitigation features located on the northern portion of the site.

The overall goals of the plan are to create a County park, construct the park with minimal interaction with the landfill cap areas, manage increased stormwater runoff, and limit erosion.

These goals are achieved by locating the entrance and maintenance roads atop the existing construction road; ensuring that park elements are kept off of cap areas to the greatest extent possible; incorporating LID and BMP stormwater features to manage water quality and quantity as necessary and feasible (given soil conditions); and prohibiting the use of mountain bikes on the hiking trails.

Wherever possible, existing vegetation will remain and permeable paving will be used. New vegetation will be planted to mitigate loss of existing trees and understorey plants. Hiking trails will be built with sustainability in mind using best practices to limit soil loss and erosion. To the extent possible, grading will be limited and will trend toward fill rather than cut particularly in or near cap areas. Where new work overlaps existing cap areas, test pits will be dug prior to land disturbance to determine the depth of the cap and feasibility of proposed work.

The concept shows an area of land disturbance equal to roughly 3 acres needed to build the park. The property boundary includes 13 acres of land.

1,189,188 SQ FT
27.30 ACRES

N.F. SENARY LLC
GPIN: 5061-19-4377
T.M. 19 PARCEL 90 B

95,546 SQ FT
2.19 ACRES

110,274 SQ FT
2.53 ACRES

N.F. DONNA H. SLOAT
GPIN: 5061-17-6015
T.M. 19G PARCEL 1-10

N.F. DONNA H. SLOAT
GPIN: 5061-16-6974
T.M. 19G PARCEL 1-9

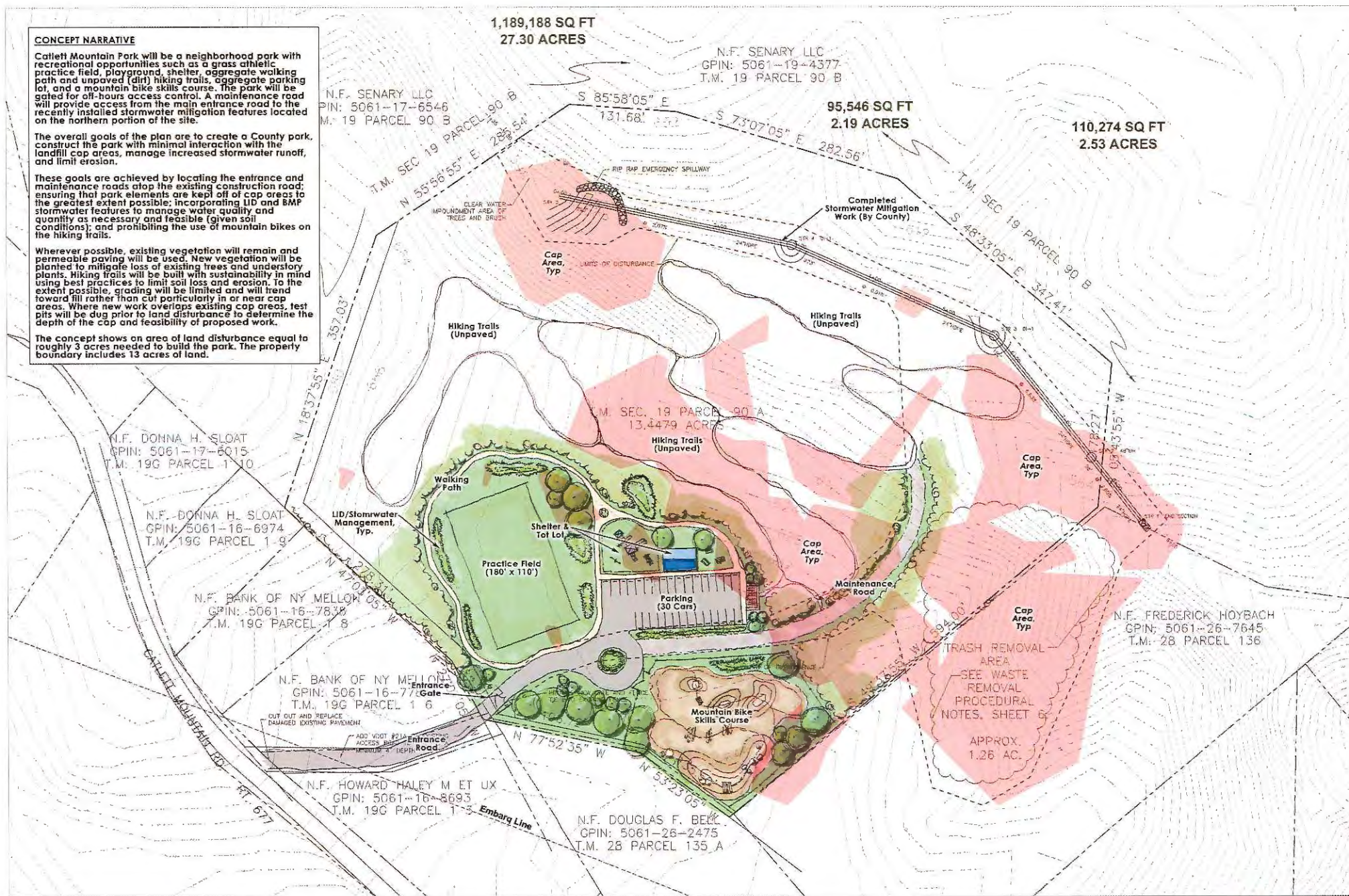
N.F. BANK OF NY MELLON
GPIN: 5061-16-7838
T.M. 19G PARCEL 1-8

N.F. BANK OF NY MELLON
GPIN: 5061-16-7774
T.M. 19G PARCEL 1-6

N.F. HOWARD HALEY M ET UX
GPIN: 5061-16-8693
T.M. 19G PARCEL 1-5

N.F. DOUGLAS F. BELL
GPIN: 5061-26-2475
T.M. 28 PARCEL 135 A

N.F. FREDERICK HOYBACH
GPIN: 5061-26-7645
T.M. 28 PARCEL 136



Catlett Mountain Park
Concept Plan
February 5, 2015
Warren County, VA



Catlett Mountain Park

Warren County, VA

Estimate of Probable Cost - Conceptual

February 5, 2015

Prepared By: Land Planning and Design Associates Inc. Charlottesville, VA

Total Acreage: 3.61 acres (does not incl. hiking trails)

1	Site Preparation	QTY.	UNIT	UNIT PRICE	TOTAL
	Mobilization	1	LS	\$23,000.00	\$ 23,000
	E&S Measures	1	LS	\$10,000.00	\$ 10,000
	Site Clearing & Grubbing	1	LS	\$5,000.00	\$ 5,000
	On-Site Earthwork	3000	CY	\$5.00	\$ 15,000
				SUBTOTAL	\$ 53,000
2	Hardscape & Drainage	QTY.	UNIT	UNIT PRICE	TOTAL
	8" of VDOT #21A Aggregate - Vehicular Road/Parking	1100	TON	\$35.00	\$ 38,500
	Geotextile Fabric - Non-Woven for Vehicular/Parking	2800	SY	\$3.00	\$ 8,400
	6" of VDOT #21A Aggregate - Walking Path	340	TON	\$35.00	\$ 11,900
	Geotextile Fabric - Non-Woven for Walking Path	1275	SY	\$3.00	\$ 3,825
	6" VDOT #21A to Improve Maintenance Road	170	TON	\$35.00	\$ 5,950
	Concrete Unit Pavers, Agg. Base, & Geotextile	500	SF	\$8.00	\$ 4,000
	Plastic Edging for Unit Pavers	100	LF	\$18.00	\$ 1,800
	LID/Stormwater Measures	1	LS	\$12,000.00	\$ 12,000
				SUBTOTAL	\$ 86,375
3	Site Furnishings	QTY.	UNIT	UNIT PRICE	TOTAL
	Wood 3-Rail Fence (Playground & Bike Course)	800	LF	\$10.00	\$ 8,000
	Concrete Wheel Stops	30	EA	\$250.00	\$ 7,500
	Picnic Shelter	1	EA	\$20,000.00	\$ 20,000
	Playground (age 5-12)	1	EA	\$20,000.00	\$ 20,000
	Picnic Tables	4	EA	\$800.00	\$ 3,200
	Benches	4	EA	\$1,000.00	\$ 4,000
	ADA Parking Signs	2	EA	\$350.00	\$ 700
	Entrance Gate	1	EA	\$2,500.00	\$ 2,500
	Rules/Regulations Signage	3	EA	\$450.00	\$ 1,350
	Entrance Sign	1	EA	\$1,500.00	\$ 1,500
				SUBTOTAL	\$ 68,750
4	Mountain Bike Skills Park	QTY.	UNIT	UNIT PRICE	TOTAL
	Earthwork	860	CY	\$15.00	\$ 12,900
	Obstacles and Features	1	LS	\$3,000.00	\$ 3,000
				SUBTOTAL	\$ 15,900
5	Landscaping	QTY.	UNIT	UNIT PRICE	TOTAL
	Seeding	70,000	SF	\$0.25	\$ 17,500
	Deciduous Trees	25	EA	\$350.00	\$ 8,750
	Shrubs	100	EA	\$40.00	\$ 4,000
				SUBTOTAL	\$ 30,250

*This estimate represents 2015 dollars. Costs will need to be re-examined in subsequent years for increases in material and labor costs and inflation.

OVERALL SUBTOTAL \$ 254,275**Contingency (12%) \$ 17,799****Total \$ 272,074**

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**COUNCIL APPROVAL – Budget
Amendment for Payment of Invoice for Water
and Sewer Facilities on Rockland Road**



**Town of Front Royal, Virginia
Council Agenda Statement**

Page 1
Item No. 10

Meeting Date: April 13, 2015

Agenda Item: COUNCIL APPROVAL – Budget Amendment for Payment of Invoice for Water and Sanitary Sewer Facilities on Rockland Road

Summary: Council is requested to approve a budget amendment in the amount of \$28,554.51 for an invoice submitted by the Virginia Department of Transportation (VDOT) for changes in the Town's water and sanitary sewer facilities on a section of Rockland Road that was completed in November 2012. The contract with VDOT stated that the Town would be responsible for 45.1% of the cost and VDOT the remaining 54.9%. The total cost was \$63,313.78 with the Town's share at \$28,554.51. VDOT submitted the attached invoice in March 2015.

Budget/Funding: Fund Reserves – 9601 – 35110101 [water] \$14,277.26
Fund Reserves – 9801 – 35110101 [sewer] \$14,277.26
Expense will be paid from line item 47998 [Water and Sewer Line Expansion – Warren County]

Attachments: Letter and Invoice from VDOT

Meetings: Work Session held March 30, 2015

Staff Recommendation: Approval ✓ Denial _____

Proposed Motion: I move that Council approve a budget amendment in the amount of \$28,554.51 for an invoice submitted by the Virginia Department of Transportation (VDOT) for changes in the Town's water and sanitary sewer facilities on a section of Rockland Road that was completed in November 2012, as presented.

ROLL CALL VOTE REQUIRED

*Note: Motions are the formal & final proposal of Council,
proposed motions are offered by Staff for guidance
*To be clear and concise, motions should be made in the positive

Approved By: JSB



COMMONWEALTH of VIRGINIA

DEPARTMENT OF TRANSPORTATION
1401 EAST BROAD STREET
RICHMOND, VIRGINIA 23219 2000

Charles A. Kilpatrick, P.E.
Commissioner

March 6, 2015

Mr. Steve Burke, P.E.
Director of Environmental Services
Town of Front Royal
800 Crosby Road
P O Box 1560
Front Royal, VA 22630-1560

Project: 0658-093-185 M-501 UPC 52243

RE: (Utilities - Town of Front Royal)
Adjustment of Water and Sanitary Sewer Facilities

Dear Mr. Burke:

Our records indicate that we have not received payment from you for the following accounts receivable billing:

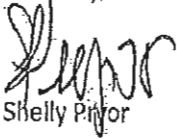
Invoice No: PROJ000666
Invoice Date: 8/1/2014
Invoice Amount: \$28,554.51

Enclosed you will find a copy of the invoice and dunning notice.

Also, for your convenience I am also enclosing a summary of costs for the utility items pertaining to the agreement between the town and the VDOT for expenses incurred in relation to UPC 52243.

If there is any additional information that is needed, please feel free to contact me at 804-786-4102 or via email at Shelly.Pryor@vdot.virginia.gov

Sincerely,

A handwritten signature in dark ink, appearing to read 'Shelly Pryor', written over the printed name.

Shelly Pryor
Project Accountant

Enclosure:

INVOICE

Please Remit To:

Commonwealth of Virginia
Virginia Department of Transportation
Attn: Fiscal Division - Cash Receipts
1401 E. Broad Street
Richmond VA 23219
United States

Page: 1
Invoice No: PROJ000666
Invoice Date: 08/01/2014
Customer Number: 0000003262
Payment Terms: Net 30
Due Date: 08/31/2014

Bill To:

TOWN OF FRONT ROYAL
P. O. BOX 1560
102 E. MAIN STREET
FRONT ROYAL VA 22630-1560
United States

AMOUNT DUE: 28,554.51 USD

Amount Remitted

For billing questions, please call 804-786-4102

Line	Description	Quantity	UOM	Net Amount
	Bill Type - PROJE Project - 0000052243 0658093185, P101, R201, M501			
1	Phase - 9104 Construction			28,554.51
SUBTOTAL:				28,554.51
TOTAL AMOUNT DUE:				28,554.51

LANDSCAPE

Original

Item Description	Item Number	Unit of Measure	Qty.	Unit Cost	Total
3/4" WATER SERVICE LINE	40002	LF	147	64.61	9,497.67
6" WATER MAIN	40060	LF	7	175.97	1,231.79
6" GATE VALVE & BOX	41006	EA	1	989	989
12"X6" TAPPING SLEEVE VALVE & BOX	41400	EA	1	3784	3,784.00
FIRE HYDRANT	41820	EA	1	2647	2,647.00
5/8" WATER METER BOX & YOKE	41967	EA	0	352	0
6" SANITARY SERVICE LATERAL CONNECTION	42064	LF	170.2	109.11	18,570.52
ADJUST EXIST FRAME & COVER	42765	EA	6	175	1,050.00
6" SEWER CLEANOUT	42846	EA	2	1797.5	3,595.00
24" STEEL ENCASE. PIPE	45582	LF	152	144.4	21,948.80
					63,313.78
					63,313.78
					*45.10%
					\$28,554.51

AGREEMENT
between
TOWN OF FRONT ROYAL
and
COMMONWEALTH OF VIRGINIA, DEPARTMENT OF TRANSPORTATION
for
ADJUSTMENT OF WATER AND SANITARY SEWER FACILITIES

THIS AGREEMENT, made and entered into as of the 11th day of January 2011, by and between the TOWN OF FRONT ROYAL (hereinafter called MUNICIPALITY), and the COMMONWEALTH OF VIRGINIA, DEPARTMENT OF TRANSPORTATION, (hereinafter called the STATE), acting by its Commissioner:

WITNESSETH

WHEREAS, the STATE is proposing to construct a section of highway designated as, Project: 0658-093-185,M-501 (UPC#52243), which will necessitate changes in the MUNICIPALITY'S water and sanitary sewer facilities; and,

WHEREAS, the STATE and MUNICIPALITY wish to agree upon the terms and conditions under which the necessary changes will be made as hereinafter set forth:

NOW THEREFORE, for and in consideration of the premises and of the mutual covenants herein contained, the parties hereto agree as follows:

SECTION I

(a) It will be to the best interest of the STATE and the MUNICIPALITY to have the adjustment of these water and sanitary sewer facilities included in the highway contract to be adjusted by the highway contractor.

(b) The STATE through its highway contractor, will relocate and adjust the MUNICIPALITY'S water and sanitary sewer facilities in accordance with attached plans and the STATE'S Road and Bridge Specifications; said plans being identified as eight (8) one-half size plans sheets numbered 7(1) through 7(7) of the STATE'S construction plans for Project: 0658-093-185,M-501, as attached.

6000752243M01

SECTION II

(a) It has been determined that the project is responsible for bearing 54.9% of the cost of the water and sanitary sewer adjustments indicated in SECTION I (b).

(b) It has been determined that the MUNICIPALITY is responsible for bearing 45.1% of the cost of the water and sanitary sewer adjustments indicated in SECTION I (b). This percentage accounts for betterment of existing water and sanitary sewer facilities. The MUNICIPALITY will reimburse the STATE for these items included in the highway contract. Reimbursement will be based on the unit prices in the highway contract, awarded by the STATE, plus the applicable construction engineering cost.

SECTION III

In the event, at any time hereafter that the water and sanitary sewer facilities indicated in SECTION I (b) be altered, rebuilt or relocated due to highway construction, the applicable cost incurred by the MUNICIPALITY in connection with such alteration, rebuilding or relocation of its facilities will be paid in accordance with the prevailing laws or rules and regulations in effect at the time the work is performed.

SECTION IV

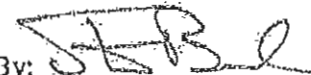
The MUNICIPALITY agrees that the existing facilities, which are to be abandoned, will become the property of the STATE's highway contractor with exceptions as noted in the attached plans. Any salvage value derived there from will accrue to the STATE'S highway contractor.

In WITNESS WHEREOF, each party has caused this agreement to be executed in duplicate in its name and on its behalf by its duly authorized officer as of the day and year first written.

In the presence of:

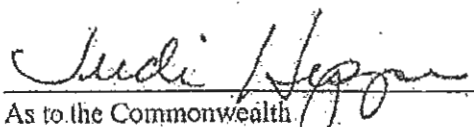
TOWN OF FRONT ROYAL

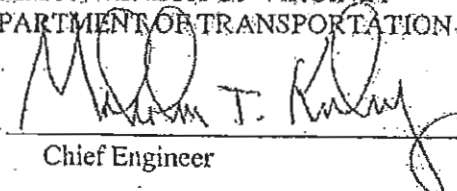

As to the Town of Front Royal

By: 
Title: Jackson Town Manager

In the presence of:

COMMONWEALTH OF VIRGINIA
DEPARTMENT OF TRANSPORTATION


As to the Commonwealth

By: 
Chief Engineer



COMMONWEALTH of VIRGINIA

DEPARTMENT OF TRANSPORTATION
1401 EAST BROAD STREET
RICHMOND, VIRGINIA 23219-2000

Gregory A. Whirley
Commissioner

February 17, 2011

Mr. Steve Burke, P.E.
Director of Environmental Services
Town of Front Royal
800 Crosby Road
P.O. Box 1560
Front Royal, Virginia 22630-1560

Project: 0658-093-185 M-501 UPC 52243

RE: (Utilities - Town of Front Royal)
Adjustment of Water and Sanitary Sewer Facilities

Dear Mr. Burke:

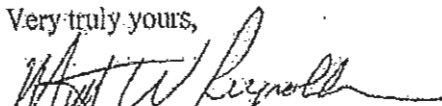
Attached is a copy of the fully executed agreement between the Town of Front Royal and the Department that covers the adjustment of water and sanitary sewer facilities for the subject project.

This agreement covers both work that has been included in the highway plans to be performed by the highway contractor and certain incidental work and inspection by the Town.

The contractor will be coordinating the adjustment work with the Town so that the Town can provide the necessary inspection.

If you have further questions concerning this project or agreement, please call me at (804) 786-2934.

Very truly yours,


Matthew W. Reynolds
VDOT Utilities Program Manager

Attachment

VirginiaDOT.org
WE KEEP VIRGINIA MOVING

52243

0658-093-185 M201
Complete 11-1-12

52243

Construction Complete

Private

VDOT Project: 0658-093-185, M501
 Name: Route 658 - Relocate Intersection
 Locality: Warren County
 UPC# 52243

100% Cost Estimate - Water
 Date: June 24, 2010
 Revised:

W.O. 46471-006

Item Code	Items / Units	Unit Cost	Total Units	Total Cost	Project Units	Project Cost	Betterment Units	Betterment Cost
40002	3/4" Water Service Line (L.F.)	\$30.00	57	\$1,710.00	57	\$1,710.00	0	\$0.00
41967	5/8" Water Meter Box & Yoke (Ea.)	\$1,050.00	1	\$1,050.00	1	\$1,050.00	0	\$0.00
40061	6" DI Water Main	\$100.00	30	\$3,000.00	30	\$3,000.00	0	\$0.00
41006	6" Gate Valve & Box	\$1,075.00	1	\$1,075.00	1	\$1,075.00	0	\$0.00
41400	12"x6" Tapping Sleeve Valve & Box	\$6,250.00	1	\$6,250.00	1	\$6,250.00	0	\$0.00
41820	Fire Hydrant	\$2,200.00	1	\$2,200.00	1	\$2,200.00	0	\$0.00
45582	24" Steel Encase. Pipe	\$250.00	152	\$38,000.00	0	\$0.00	152	\$38,000.00
				Total Cost	Project Cost		Town Cost	
Total Water				\$53,285.00	\$15,285.00		\$38,000.00	
Percentage					28.7%		71.3%	

VDOT Project: 0658-093-185, M501
 Name: Route 658 - Relocate Intersection
 Locality: Warren County
 UPC# 52243

100% Cost Estimate - Sewer
 Date: June 24, 2010
 Revised:

W.O. 46471-006

Item Code	Items / Units	Unit Cost	Total Units	Total Cost	Project Units	Project Cost	Betterment Units	Betterment Cost
42064	6" Sanitary Service Lateral Connection (L. F.)	\$150.00	180	\$27,000.00	180	\$27,000.00	0	\$0.00
42765	Adjust Exist. Frame & Cover (Ea.)	\$485.00	5	\$2,425.00	5	\$2,425.00	0	\$0.00
42848	6" Sewer Cleanout (Ea.)	\$750.00	2	\$1,500.00	2	\$1,500.00	0	\$0.00
				Total Cost	Project Cost		Town Cost	
Total Sewer				\$30,925.00	\$30,925.00		\$0.00	
Percentage					100.0%		0.0%	
				Overall Total Cost	Total Project Cost		Total Betterment Cost	
				\$84,210.00	\$46,210.00		\$38,000.00	
Percentage					54.9%		45.1%	

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**CLOSED MEETING – Investment of Public
Funds; Consultation with Legal Counsel;
Award of Public Contract**



**Town of Front Royal, Virginia
Council Agenda Statement**

Page 1
Item No. 11

Meeting Date: April 13, 2015

Agenda Item: CLOSED MEETING – Investment of Public Funds; Consultation with Legal Counsel; Award of Public Contract

Summary: Council is requested to go into Closed Meeting pursuant to Virginia Code Sections 2.2-3711.A. 6., 7., and 29., for the following purposes in connection with a potential proposed voluntary economic growth-sharing agreement or agreement(s) with the Board of Supervisors of Warren County to consider the following: Discussion or consideration of the investment of public funds where competition or bargaining is involved, where, if made public initially, the financial interest of the governmental unit would be adversely affected, **AND**, Consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel, **AND**, Discussion of the award of a public contract involving the expenditure of public funds, and discussion of the terms or scope of such contract, where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the public body.

Budget/Funding: None

Attachments: None

Meetings: None

Staff Recommendation: Approval ☒ Denial ☐

Proposed Motion:

Motion to Go Into Closed Meeting

I move that Council convene and go into Closed Meeting pursuant to Virginia Code Sections 2.2-3711.A. 6., 7., and 29., for the following purposes in connection with a potential proposed voluntary economic growth-sharing agreement or agreement(s) with the Board of Supervisors of Warren County to consider the following: Discussion or consideration of the investment of public funds where competition or bargaining is involved, where, if made public initially, the financial interest of the governmental unit would be adversely affected, **AND**, Consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel, **AND**, Discussion of the award of a public contract involving the expenditure of public funds, and discussion of the terms or scope of such contract, where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the public body.

Motion to Certify Closed Meeting at its Conclusion *[At the conclusion of the Closed Meeting, immediately re-convene in open meeting and take a roll call vote on the following:]*

I move that Council certify that to the best of each member's knowledge, as recognized by each Council member's affirmative vote, that only such public business matters lawfully exempted from Open Meeting requirements under the Virginia Freedom of Information Action as were identified in the motion by which the Closed Meeting was convened were heard, discussed or considered in the Closed Meeting by Council, and that the vote of each individual member of Council be taken by roll call and recorded and included in the minutes of the meeting of Town Council.

*Note: Motions are the formal & final proposal of Council,

proposed motions are offered by Staff for guidance

*To be clear and concise, motions should be made in the positive

Approved By: JSB