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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

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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.

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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~~

5500 ~~be confined in an enclosed building from 10:00 o'clock p.m. until 7:00 o'clock a.m., and~~
5501 ~~noise measured at the nearest agricultural or residential property line shall not exceed~~
5502 ~~fifty-five (55) decibels between the hours 10:00p.m. and 7:00 a.m., nor shall exceed sixty~~
5503 ~~(60) decibels measured between 7:00 a.m. and 10:00 p.m.~~

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5506 ~~6. Wireless telephone (cell phone) communications towers and equipment facilities subject to~~
5507 ~~the supplemental provisions prescribed in Section 175-110.4.~~

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5510 ~~B. No special permit shall be granted unless the Front Royal Town Council shall first consider~~
5511 ~~the matters of safety, parking, traffic patterns, the effect of industry on the special permit~~
5512 ~~holder, the effect on surrounding properties and any potential adverse impact on existing~~
5513 ~~industry, prospective industry and the supply and availability of industrial building space for~~
5514 ~~industrial users and shall then determine that the special permit use is appropriate and~~
5515 ~~compatible with the interests of the Limited Industrial District for the location in question.~~

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5517 **175-57 AREA (I-1)**

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5519 The minimum lot area shall be ten thousand (10,000) square feet.

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5521 **175-58 SETBACK (I-1)**

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5523 Buildings shall be located twenty (20) feet or more from any street right-of-way which is fifty
5524 (50) feet or greater in width or forty-five (45) feet or more from the center line of any street
5525 right-of-way less than fifty (50) feet in width.

5526 **175-59 FRONTAGE AND YARDS (I-1)**

5527 A. The minimum lot width shall be sixty (60) feet.

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5529 B. Each side and rear yard shall be a minimum of ten (10) feet. The side and rear yard adjoining
5530 or adjacent to a residential district shall be forty (40) feet.

5531 **175-60 HEIGHT (I-1)**

5532 Buildings may be erected up to a height of forty-five (45) feet. Chimneys, flues, cooling towers,
5533 flagpoles, radio or communication towers or their accessory facilities not normally occupied by
5534 workmen are excluded from this limitation. Parapet walls are permitted up to four (4) feet above
5535 the height of the building on which the walls rest.

5536 **175-61 LOT COVERAGE (I-1)**

5537 Buildings or groups of buildings with their accessory structures may cover up to seventy percent
5538 (70%) of the area of the lot.

5539 **175-62 CORNER LOTS (I-1)**

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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.~~

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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:**

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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.**

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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.~~

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5562 C. Each corner lot shall have a minimum width at the setback line of one hundred (100) feet.

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5564 D. **The rear yard setback if facing a street shall be fifty (50) feet or more for both main and**
5565 **accessory buildings.**

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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.~~

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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.~~

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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.

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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.~~

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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.~~

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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:

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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.

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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:*

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RESIDENTIAL

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Caretaker quarters, provided that, the dwelling is not located on the ground floor.

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COMMERCIAL

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Automobile and truck sales lots and leasing agencies, in accordance with 175-44.E.

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Automobile garage (auto repair)

- 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.*
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- 5643 **MISCELLANEOUS**
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- 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.~~
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- 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.~~

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- 5670 3. ~~Technology businesses, as defined in Section 175-3.~~
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- 5672 4. ~~Printing, publishing, engraving, bookbinding and other similar services.~~
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- 5674 5. ~~Offices for executive, administrative and data processing activities.~~
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- 5676 6. ~~Educational, training and research institutions, including ancillary dormitory, food service,~~
- 5677 ~~cultural and institutional uses and activities.~~
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- 5679 7. ~~Wholesale, warehouse and distribution facilities.~~
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- 5681 8. ~~Commercial nurseries, greenhouses and garden centers.~~
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- 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.~~
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- 5687 10. ~~Public safety facilities, including fire stations, police stations and rescue facilities.~~
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- 5689 11. ~~Commuter and other off-street parking facilities.~~
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- 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.~~

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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:**

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5706 **RESIDENTIAL**

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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*

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 5727 **INDUSTRIAL**

5728 *Automobile Graveyard.*
 5729 *Hazardous Material Storage.*
 5730 *Heavy Manufacturing.*
 5731 *Medium Manufacturing.*
 5732 *Scrap metal processing.*

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 5734 **ORGANIZATIONAL**

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 5738 **MICELLANEOUS**

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 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.*

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 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.~~

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- 5761 —2. Automobile graveyard or junkyard (screened from public view).
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 5763 —3. Bulk storage of gasoline, other petroleum products and LP gas.
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 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.
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 5793 11. Wireless telephone (cell phone) communications towers and equipment facilities subject to
 5794 the supplemental provisions prescribed in Section 175-110.4.
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 5796 12. Catering Services
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 5798 C. Accessory uses permitted:
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 5800 —1. Off-street parking as set forth in Sections 175-73 and 175-104.
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 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.
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 5807 4. Ancillary food and business services, subject to the following criteria:

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~~a. Ancillary food and business services shall include the following services provided principally for the convenience of employees of the principal facility or use: photocopying and related business services, drop-off and pickup for dry-cleaning and laundry services, convenience stores, gift shops, branch offices for banks or credit unions, restaurants and exercise facilities.~~

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~~b. The total gross floor area dedicated to ancillary food and business services shall not exceed twenty-five percent (25%) of the total floor space.~~

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~~c. Ancillary food and business services shall be designed and located with the intention of serving the immediate needs and convenience of employees within the principal facility or use.~~

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~~d. Ancillary food and business services shall be located within the same building as the principal use.~~

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~~e. A certificate of occupancy for an ancillary food or business service shall not be issued until certificates of occupancy have been issued for fifty percent (50%) of the floor area within the principal facility or use.~~

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~~5. Employer-sponsored day-care facilities and operations subject to the following criteria:~~

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~~a. The day-care operation shall be ancillary to the industrial facility and shall be intended to serve the dependents of employees of the facility.~~

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~~b. The day-care operation shall be restricted to not more than one hundred (100) children per day-care facility.~~

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~~c. The site shall have safe, on-site drop-off and pickup areas.~~

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~~d. Fenced, outdoor play areas shall be provided and not located in the facility's front yard. Where such play areas are located within one hundred (100) feet of a residential property, vegetative screening shall be provided to ensure minimal noise impact on the adjoining property.~~

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~~D. Prohibited uses:~~

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~~1. Uses, activities or processes that create an undue risk of fire, explosion, noise, radiation, injury, damage or other physical detriment to any structure, person or natural feature beyond the boundaries of the premises on which the use, activity or process is located.~~

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~~2. Uses, activities or processes that create any dangerous, injurious, noxious or otherwise objectionable noise, smoke, dust, odor, electronic interference with radio or television reception or other forms of air pollution, heat, humidity, liquid or solid refuse or waste,~~

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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.~~

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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).

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5871 B. Exemptions to height requirements:

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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:

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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.

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5888 B. Transitional requirements, when adjoining a residential district

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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:

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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.
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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.
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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.

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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.

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5917 C. Heat:

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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.

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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.
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5934 3. All discharges into any public sewer shall comply with the provisions of Section 134-2, et
5935 seq.

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E. Smoke and particulate matter:

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F. Toxic and hazardous materials:

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G. Odor:

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H. Noise:

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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.

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.

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.

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.

5982

5983

3. Maximum permitted sound levels (in decibels):

5984

5985

Octave Band Cycles

Maximum Permitted

5986

Per Second

Sound Level

5987

in Decibels

5988

5989

0 to 75

72

5990

75 to 150

67

5991

150 to 300

59

5992

300 to 600

52

5993

600 to 1200

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5994

1200 to 2400

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5995

2400 to 4800

38

5996

Above 4800

35

5997

5998

4. Noise resulting from temporary construction activity between the hours of 7:00 a.m. and

5999

7:00 p.m. shall be exempt from this section.

6000

6001

6002

I. Screening:

6003

6004

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.

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

6012

6013

6014

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.

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175-71**LOCATIONS FOR DETERMINATION OF PERFORMANCE**

6019

STANDARDS (I-2)

6020

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.

6021

6022

175-72**ADMINISTRATION AND ENFORCEMENT OF PERFORMANCE**

6023

STANDARDS (I-2)

6024 A. Before a building permit or zoning permit shall be issued or construction commenced on any
6025 uses in this district or a permit issued for a new use, the development plans shall be submitted to
6026 the Zoning Administrator for review. Sufficient detail shall be provided on said plans to show
6027 compliance with the substantive provisions of this chapter and compliance of the operations and
6028 processes to the performance standards.

6029

6030 B. Determinations of a violation shall be made pursuant to a test using either the senses of the
6031 Zoning Administrator and a second municipal official/employee, or using equipment before
6032 notice of violation is issued. The operator of an industrial use shall be given written notice of the
6033 time and place of the test and given a reasonable opportunity to witness the test.

6034

6035 C. The Zoning Administrator will notify landowners and business operators/tenants in writing of
6036 violations and will then seek compliance. When notified of a violation, a landowner or tenant
6037 will have the opportunity to demonstrate that the operation predates the application of this
6038 Article and is therefore a valid nonconforming use. A finding of violation may be appealed to
6039 the Board of Zoning Appeals and then to the courts.

6040

6041 D. If a violation exists and the operator fails to take satisfactory action within two (2) weeks, the
6042 Zoning Administrator shall take or cause to be taken such action as is appropriate to cause
6043 correction of such violation. Failure to obey lawful orders concerning correction of such
6044 violation shall be punishable as provided generally for violations in the Zoning Ordinance and in
6045 other laws or regulations affecting the case.

6046 **175-73 OFF-STREET PARKING AND LOADING (I-2)**

6047 A. Parking space requirements:

6048

6049 1. Industrial uses/manufacturing/distribution areas: one (1) space per employee and one (1)
6050 space for every vehicle used on site, plus one (1) space per delivery/loading bay.

6051

6052 2. Automobile garages: two (2) spaces per service bay, or two (2) spaces for every three
6053 hundred sixty (360) square feet. Every such facility shall have a minimum of three (3)
6054 spaces.

6055

6056 3. Industrial uses/office component: one (1) space per three hundred (300) square feet of
6057 office area.

6058

6059 4. Other uses not specifically enumerated: see Section 175-104.

6060

6061 B. Location: Minimum setback for loading areas, driveways and parking: five (5) feet from side
6062 and rear property lines for parking areas with fewer than fifteen (15) spaces and five (5) feet
6063 from front property line except where driveway entrance is located. All parking areas with
6064 fifteen (15) or more spaces shall meet the requirements of Section 148-48.

6065

6066 C. Loading space requirements:

6067

- 6068 1. Number: one (1) space for first ten thousand (10,000) square feet of gross floor area, plus
 6069 one (1) space for each additional forty thousand (40,000) square feet or fraction thereof.
 6070 For purposes of this section, gross floor area shall include gross outdoor storage areas,
 6071 covered or uncovered.
 6072
 6073 2. Size of space: minimum twelve (12) feet wide and fifty-five (55) feet in length, with a
 6074 minimum clear height of fifteen (15) feet.
 6075

FLOODPLAIN ZONING

(Amended Entire Section 7-11-88 by Z-1-88 and 10-14-08 by 12-08)

6078 **175-74 GENERAL PROVISIONS (Floodplain)**

6079 A. Statement of Intent: Floodplains are a valuable resource that provide, in addition to flood
 6080 passage, agricultural land, recreational land, and wildlife habitat. In addition, they provide
 6081 groundwater recharge and pollution protection services. As such, the Town Plan calls for
 6082 protecting currently undeveloped floodplains from incompatible development.
 6083

6084 B. Purpose: The purpose of these provisions is to prevent: the loss of life and property, the
 6085 creation of health and safety hazards, the disruption of commerce and governmental services, the
 6086 extraordinary and unnecessary expenditure of public funds for flood protection and relief, and
 6087 the impairment of the tax base by:
 6088

- 6089 1. Regulating uses, activities, and development which, alone or in combination with other
 6090 existing or future uses, activities, and development, will cause unacceptable increases in
 6091 flood heights, velocities, and frequencies;
 6092
 6093 2. Restricting or prohibiting certain uses, activities, and development from locating within
 6094 districts subject to flooding;
 6095
 6096 3. Requiring all those uses, activities, and developments that do occur in flood-prone districts
 6097 to be protected and/or flood-proofed against flooding and flood damage; and,
 6098
 6099 4. Protecting individuals from buying land and structures which are unsuited for intended
 6100 purposes because of flood hazards.
 6101

6102 C. Applicability: These provisions shall apply to all lands within the jurisdiction of the Town of
 6103 Front Royal and identified as a being in the 1% annual chance of a flood (Special Flood Hazard
 6104 Area), by the Federal Insurance Administration.
 6105

6106 D. Compliance and Liability:

- 6107
 6108 1. No land shall hereafter be developed and no structure shall be located, relocated,
 6109 constructed, reconstructed, enlarged, or structurally altered except in full compliance with
 6110 the terms and provisions of this ordinance and any other applicable ordinances and
 6111 regulations which apply to uses within the jurisdiction of this ordinance.
 6112

- 6113 2. The degree of flood protection sought by the provisions of this ordinance is considered
 6114 reasonable for regulatory purposes and is based on acceptable engineering methods of
 6115 study. Larger floods may occur on rare occasions. Flood heights may be increased by
 6116 man-made or natural causes, such as ice jams and bridge openings restricted by debris.
 6117 This ordinance does not imply that districts outside the Floodplain District or that land
 6118 uses permitted within such district will be free from flooding or flood damages.
 6119
- 6120 3. Records of actions associated with administering this ordinance shall be kept on file and
 6121 maintained by the Zoning Administrator.
 6122
- 6123 4. This ordinance shall not create liability on the part of the Town of Front Royal or any
 6124 officer or employee thereof for any flood damages that result from reliance on this
 6125 ordinance or any administrative decision lawfully made there under.
 6126
- 6127 E. Abrogation and Greater Restrictions: This ordinance supersedes any ordinance currently in
 6128 effect in flood-prone districts. However, any underlying ordinance shall remain in full force and
 6129 effect to the extent that its provisions are more restrictive than this ordinance.
 6130
- 6131 F. Severability: If any section, subsection, paragraph, sentence, clause, or phrase of this
 6132 ordinance shall be declared invalid for any reason whatever, such decision shall not affect the
 6133 remaining portions of this ordinance. The remaining portions shall remain in full force and
 6134 effect; and for this purpose, the provisions of this ordinance are hereby declared to be severable.

6135 **175-75 DEFINITIONS (Floodplain)**

- 6136 A. **BASE FLOOD** - The flood having a one percent chance of being equaled or exceeded in any
 6137 given year.
 6138
- 6139 B. **BASE FLOOD ELEVATION** - The Federal Emergency Management Agency designated as
 6140 the Special Flood Hazard Area.
 6141
- 6142 C. **BASEMENT** - Any area of the building having its floor sub-grade (below ground level) on
 6143 all sides.
 6144
- 6145 D. **BOARD OF ZONING APPEALS** - The Board appointed to review appeals made by
 6146 individuals with regard to decisions of the Zoning Administrator in the interpretation of this
 6147 ordinance.
 6148
- 6149 E. **BREAKAWAY WALL** - A wall that is not part of the structural support of the building and
 6150 is intended through its design and construction to collapse under specific lateral loading forces,
 6151 without causing damage to the elevated portion of the building or supporting foundation system.
 6152
- 6153 F. **DEVELOPMENT**- Any man-made change to improved or unimproved real estate, including,
 6154 but not limited to, buildings or other structures, mining, dredging, filling, grading, paving,
 6155 excavation or drilling operations or storage of equipment or materials.
 6156

6157 **G. ELEVATED BUILDING** - A non-basement building built to have the lowest floor elevated
6158 above the ground level by means of fill, solid foundation perimeter walls, pilings, or columns
6159 (posts and piers).

6160

6161 **H. ENCROACHMENT** - The advance or infringement of uses, plant growth, fills, excavation,
6162 buildings, permanent structures or development into a floodplain, which may impede or alter the
6163 flow capacity of a floodplain.

6164

6165 **I. FLOOD OR FLOODING** -

6166

6167 1. A general or temporary condition of partial or complete inundation of normally dry land
6168 areas from:

6169

6170 a. The overflow of inland or tidal waters; or,

6171 b. The unusual and rapid accumulation or run-off of surface waters from any source.

6172

6173 2. The collapse or subsistence of land along the shore of a lake or other body of water as a
6174 result of erosion or undermining caused by waves or currents of water exceeding
6175 anticipated cyclical levels or suddenly caused by an unusually high water level in a natural
6176 body of water, accompanied by a severe storm, or by an unanticipated force of nature such
6177 as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable
6178 event which results in flooding as defined in paragraph (1) (a) of this definition.

6179

6180 **J. FLOODPLAIN OR FLOOD-PRONE AREA** - Any land area susceptible to being inundated
6181 by water from any source.

6182

6183 **K. FLOODWAY** - The channel of a river or other watercourse and the adjacent land areas that
6184 must be reserved in order to discharge the base flood without cumulatively increasing the water
6185 surface elevation more than a designated height.

6186

6187 **L. FREEBOARD** - A factor of safety usually expressed in feet above a flood level for purposes
6188 of floodplain management. "Freeboard" tends to compensate for the many unknown factors that
6189 could contribute to flood heights greater than the height calculated for a selected size flood and
6190 floodway conditions, such as wave action, bridge openings, and the hydrological effect of
6191 urbanization in the watershed.

6192

6193 **M. FLOOD-PROOFING** - any combination of structural and non-structural additions, changes,
6194 or adjustments to structures which reduce or eliminate flood damage to real estate or improved
6195 real property, water and sanitary facilities, structures and their contents..

6196

6197 **N. LOWEST FLOOR** - The lowest floor of the lowest enclosed area (including basement). An
6198 unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or
6199 storage in an area other than a basement area is not considered a building's lowest floor
6200 provided, that such enclosure is not built so as to render the structure in violation of the
6201 applicable non-elevation design requirements of Federal Code 44CFR §60.3.

6202

6203 O. **NEW CONSTRUCTION** - For the purposes of determining insurance rates, structures for
6204 which the "start of construction" commenced on or after the effective date of an initial Flood
6205 Insurance Rate Map on or after December 31, 1974, whichever is later, and includes any
6206 subsequent improvements to such structures. For floodplain management purposes, *new*
6207 *construction* means structures for which *start of construction* commenced on or after the
6208 effective date of a floodplain management regulation adopted by a community and includes
6209 any subsequent improvements to such structures.

6210 P. **RECREATIONAL VEHICLE** - A vehicle which is:

- 6211
- 6212 1. Built on a single chassis;
 - 6213 2. 400 square feet or less when measured at the largest horizontal projection;
 - 6214 3. Designed to be self-propelled or permanently towable by a light-duty truck; and,
 - 6215 4. Designed primarily not for use as a permanent dwelling but as temporary living quarters
 - 6216 for recreational camping, travel, or seasonal use.
- 6217

6218 Q. **SPECIAL FLOOD HAZARD AREA** - The land in the floodplain subject to a one (1%)
6219 percent or greater chance of being flooded in any given year, commonly known as the one-
6220 hundred (100) year floodplain.

6221

6222 R. **START OF CONSTRUCTION** - The date the building permit was issued, provided the
6223 actual start of construction, repair, reconstruction, rehabilitation, addition, placement, substantial
6224 improvement or other improvement was within 180 days of the permit date. The actual start
6225 means either the first placement of permanent construction of a structure on a site, such as the
6226 pouring of slab or footings, the installation of piles, the construction of columns, or any work
6227 beyond the stage of excavation. Permanent construction does not include land preparation, such
6228 as clearing, grading and filling; nor does it include the installation on the property of accessory
6229 buildings, such as garages or sheds not occupied as dwelling units or not part of the main
6230 structure. For a substantial improvement, the actual start of the construction means the first
6231 alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that
6232 alteration affects the external dimensions of the building.

6233

6234 S. **SUBSTANTIAL DAMAGE** - Damage of any origin sustained by a structure whereby the
6235 cost of restoring the structure to it's before damaged condition would equal or exceed 50 percent
6236 of the market value of the structure before the damage occurred.

6237

6238 T. **SUBSTANTIAL IMPROVEMENT** - Any reconstruction, rehabilitation, addition, or other
6239 improvement of a structure, the cost of which equals or exceeds 50 percent of the market value
6240 of the structure before the *start of construction* of the improvement. This term includes
6241 structures which have incurred *substantial damage* regardless of the actual repair work
6242 performed. The term does not, however, include any project for improvement of a structure to
6243 correct existing violations of state or local health, sanitary, or safety code specifications which
6244 have been identified by the local code enforcement official and which are the minimum
6245 necessary to assure safe living conditions.

6246

6247

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

6374 located in all AE and AH zones may be flood-proofed in lieu of being elevated provided that all
6375 areas of the building components below the elevation corresponding to the Base Flood Elevation
6376 (BFE) plus one foot are water tight with walls substantially impermeable to the passage of water,
6377 and use structural components having the capability of resisting hydrostatic and hydrodynamic
6378 loads and the effect of buoyancy. A registered professional engineer or architect shall certify
6379 that the standards of this subsection are satisfied.

6380

6381 C. Elevated Buildings: Enclosed areas, of new construction or substantially improved structures,
6382 which are below the regulatory flood protection elevation shall:

6383

6384 1. Not be designed or used for human habitation, but shall only be used for parking of
6385 vehicles, building access, or limited storage of maintenance equipment used in connection
6386 with the premises. Access to the enclosed area shall be the minimum necessary to allow
6387 for parking of vehicles (garage door) or limited storage of maintenance equipment
6388 (standard exterior door), or entry to the living area (stairway or elevator). The interior
6389 portion of such enclosed area shall not be partitioned or finished into separate rooms,
6390 except to enclose storage areas;

6391

6392 2. Be constructed entirely of flood resistant materials below the regulatory flood protection
6393 elevation;

6394

6395 3. Include, in Zones A and AE measures to automatically equalize hydrostatic flood forces
6396 on walls by allowing for the entry and exit of floodwaters. To meet this requirement, the
6397 openings must either be certified by a professional engineer or architect or meet the
6398 following minimum design criteria:

6399

6400 a. Provide a minimum of two openings on different sides of each enclosed area subject to
6401 flooding.

6402

6403 b. The total net area of all openings must be at least one (1) square inch for each square
6404 foot of enclosed area subject to flooding.

6405

6406 c. If a building has more than one enclosed area, each area must have openings to allow
6407 floodwaters to automatically enter and exit.

6408

6409 d. The bottom of all required openings shall be no higher than one (1) foot above the
6410 adjacent grade.

6411

6412 e. Openings may be equipped with screens, louvers, or other opening coverings or
6413 devices, provided they permit the automatic flow of floodwaters in both directions.

6414

6415 f. Foundation enclosures made of flexible skirting are not considered enclosures for
6416 regulatory purposes, and, therefore, do not require openings. Masonry or wood
6417 underpinning, regardless of structural status, is considered an enclosure and requires
6418 openings as outlined above.

6419

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.

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 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.

6526
 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.

6532
 6533 C. The purposes of establishing historic resource overlay areas are:

- 6534
 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.
 6537
 6538 2. To promote tourism by protecting historical and cultural resources attractive to visitors
 6539 and thereby supporting local business and industry.
 6540
 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.
 6544
 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.
 6547

- 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.
6551
- 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:

6557

6558 **ALTERATION** - Any change, modification or addition to a part of or all of the exterior of any
6559 building or structure.

6560

6561 **BUILDING** - Any enclosed or open structure which is a combination of materials to form a
6562 construction for occupancy or use.

6563

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.

6570

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.

6577

6578 **DEMOLITION** - The dismantling or tearing down of all or part of any building and all
6579 operations incidental thereto.

6580

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.

6587

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

6592 which historic events occurred or reflecting significantly the lives of historic personages or great
6593 ideas or ideals of the people, having special public value because of notable architectural,
6594 economic, ethnic, military, natural, political, religious or social factors, such landmarks,
6595 buildings, structures or areas having been designated by the Council as being of such historic,
6596 architectural or cultural interest and significance as to warrant conservation and preservation.
6597 Such designated district or districts shall not extend farther than the property line of the land
6598 pertaining to such historical landmarks, sites, buildings, signs, appurtenances, structures or
6599 objects.

6600

6601 **LOCAL HISTORIC LANDMARK** - Any site (including significant trees or other plant life
6602 located thereon), building or structure of particular historic significance. "Landmarks" include
6603 sites, buildings or structures where the cultural, political, archaeological, spiritual, economic,
6604 social or artistic history of the community, state or nation is reflected or exemplified or which are
6605 identified with historic personages or with important events in local, state or national history or
6606 which embody the distinguishing characteristics of an architectural specimen, inherently
6607 valuable for a representation of a period, style or method of construction or a notable work of
6608 construction or a notable work of a master designer or architect whose individual genius
6609 influenced his age. Listing on the Virginia Landmarks Register and the National Register of
6610 Historic Places is encouraged for all "local historic landmarks."

6611

6612 **NEW CONSTRUCTION** - Any construction within an historic district overlay area that is
6613 independent and exclusive of an existing building or structure or part thereof.

6614

6615 **NONCONTRIBUTING PROPERTIES** - Properties with little historic or architectural value
6616 and with little or no contribution to the historic character of the district because of their recent
6617 age or alteration in such a way as to destroy their architectural integrity.

6618

6619 **RECONSTRUCTION** - Any or all work needed to remake or rebuild all or a part of any
6620 building to a sound condition but not necessarily of original materials.

6621

6622 **REPAIRS** - Any work or all work involving the replacement of existing work with equivalent
6623 material for the purpose of maintenance but not including any addition, change or modification
6624 in construction.

6625

6626 **RESTORATION** - Any or all work connected with the returning to or restoring of a building or
6627 a part of any building to its original condition through the use of original or nearly original
6628 materials.

6629

6630 **REVIEWING BODIES** - All individuals, boards or elected/appointed bodies, given review
6631 authority under this Article, including the Zoning Administrator, Board of Architectural Review
6632 and Town Council, upon appeal.

6633

6634 **SIGNIFICANT CHANGE** - A permanent change that alters the general appearance
6635 (architectural character) of a building.

6636

6637 **STRUCTURE** - Anything man-made, including but not limited to main buildings, outbuildings,
6638 fences, walls, lampposts, light fixtures, signs, signposts, billboards and paving.

6639

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:

6646

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.

6656

6657 2. BAR members may be reappointed for consecutive terms.

6658

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.

6662

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.

6667

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.

6671

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.

6676

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.
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- 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.

- 6727 3. All members of the BAR, except for advisory members, shall be entitled to vote; and the
6728 decisions of the BAR shall be determined by a majority vote.
6729
- 6730 4. A quorum of three (3) voting members present is required before the BAR may take any
6731 official action.
6732
- 6733 5. The BAR shall meet within twenty (20) days after notification by the Zoning
6734 Administrator of an application for a certificate of appropriateness or a permit requiring
6735 action by the BAR.
6736
- 6737 6. The Board of Architectural Review shall have regularly scheduled meetings at least four
6738 (4) times a year. The meetings of the BAR shall be open to the public, and a full and
6739 impartial hearing shall be granted. All regularly scheduled meetings shall be conducted in
6740 the evening hours for the convenience of the public.
6741
- 6742 7. The BAR shall vote and announce its decision on any matter properly before it not later
6743 than forty-five (45) days after the conclusion of the hearing on the matter, unless the time
6744 is extended with the written consent of the applicant.
6745
- 6746 8. In matters covering the procedures for meetings not covered by this document, the BAR
6747 may establish its own rules, provided that they are not contrary to town policy or the intent
6748 of this Article.
6749

6750 D. Authority to receive funding and advisory services:
6751

- 6752 1. All persons interested in the preservation of historic buildings or historic sites in the town
6753 are invited to make gifts, devises and bequests to the town to be used for that purpose. All
6754 such donations, other than money, shall be subject to acceptance by the Town Council. All
6755 donations of money shall be made through the Department of Finance, and it is hereby
6756 authorized and directed to receive such donations and to deposit them in a special fund to
6757 be known as the "Historic Buildings and Sites Trust Fund, " and shall be used only for the
6758 purpose of preserving and promoting the preservation of historic buildings and sites in the
6759 town. Expenditures from such fund shall be made by the Town Manager as authorized,
6760 from time to time, by the Town Council.
6761
- 6762 2. The BAR may seek federal, state or private grants or funding to assist in the performance
6763 of its duties as herein defined.
6764
- 6765 3. Within the limits of funds that may be made available to the BAR for the performance of
6766 its work, the BAR may obtain services of qualified persons to advise and assist the BAR
6767 as required.
6768
- 6769 4. Upon request of the BAR, with approval by the Town Manager, the departments, boards,
6770 commissions, offices and agencies of the town government shall furnish to the Board such
6771 available information and render such service as may be required for the exercise of the
6772 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.

6782
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.

6795
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.

6802
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.

6806
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.

6812
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.

6819

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:

6828

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:

6832

- 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.

6843

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:

6846

- 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.

6851

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

6862 to their patterns of development or social and economic or architectural interrelationships even
 6863 though some structures in the area might not possess significant merit when considered alone. In
 6864 any case, the location of the district shall be based upon careful studies that describe
 6865 the characteristics of the area and support the purposes of conservation and preservation.

6866
 6867 B. The boundaries of an historic district shall conform to the boundaries of individual lots of
 6868 record. Where a street is proposed as an historic district boundary, the edge right- of-way
 6869 adjoining the district shall be deemed the district boundary.

6870
 6871 C. Historic districts are created as special overlay districts to be superimposed on other zoning
 6872 districts contained in these regulations, and are to be so designated on the Official Zoning Map.
 6873 The uses, housing types, minimum lot requirements, minimum yard requirements, maximum
 6874 height and accessory uses and accessory signs shall be determined by the regulations applicable
 6875 to the other districts over which the historic districts superimposed, except as these other districts
 6876 may be modified by application of the regulations in the historic district.

6877
 6878 D. A map delineating the adopted boundaries of each historic district shall be maintained in the
 6879 office of the Zoning Administrator.

6880 **175-88 CERTIFICATE OF APPROPRIATENESS REQUIRED (Historic District)**

6881 A. No building or structure within the Chester Street and downtown business areas of the
 6882 Historic Front Royal District shall be erected, reconstructed, altered or restored unless and until
 6883 an application for a certificate of appropriateness shall have been approved under the provisions
 6884 of this Article.

6885
 6886
 6887 B. No building or structure within the downtown residential area of the Historic Front Royal
 6888 District or property designated as a local historic landmark shall be erected, reconstructed or
 6889 undergo substantial exterior alteration unless and until an application for a certificate of
 6890 appropriateness shall have been approved under the provisions of this ordinance.

6891
 6892 C. No building existing in any designated historic district shall be demolished or removed, in
 6893 whole or in part, unless and until an application or a certificate of appropriateness shall have
 6894 been approved by the Board of Architectural Review.

6895
 6896 D. No application for a certificate of appropriateness to demolish a building in any historic
 6897 district shall be considered by the BAR until a public hearing has been held thereon, pursuant to
 6898 the notice of public hearing as required in Section 15.2-2204, Code of Virginia, as amended.

6899

6900 **175-89 BOARD REVIEW OF MAJOR ACTIONS (Historic District)**

6901 A. The following major actions and any other actions not specifically exempted by the terms of
 6902 this ordinance or which, in the opinion of the Administrator, may constitute a major permanent
 6903 and detrimental change to the character of an historic district shall be approved only after a
 6904 public meeting and favorable action by a majority vote of the Board of Architectural Review:

- 6905
6906 1. The razing, demolishing or moving of a designated landmark or contributing structure.
6907
6908 2. Construction of any new main building, or an accessory building which exceeds five
6909 hundred (500) square feet in size within a designated historic district or on a site adjacent
6910 to a designated landmark site.
6911
6912 3. Any addition to or substantial alteration of a designated landmark or structure on a
6913 contributing property, which increases the square footage of the structure or otherwise
6914 alters substantially its size, height, contour or outline.
6915
6916 4. Any significant change or alteration of the exterior architectural style of a designated
6917 landmark or contributing property.
6918
6919 5. Any addition to a non-contributing structure, which alters substantially the size height,
6920 contour or outline by increasing the square footage and/or volume of the structure by one
6921 hundred percent (100%) or more of the original structure.
6922
6923 6. Any fence or sign that is not in conformance with the design guidelines adopted in
6924 accordance with this Article.
6925
6926 7. Any other major actions not specifically covered by the terms of this section but which
6927 would have a substantial effect on the character of the Historic District.
6928

6929 B. The Board of Architectural Review shall be guided in its review by the guidelines and criteria
6930 established in Section 175-91. The BAR shall have authority to request modifications in order to
6931 comply with the guidelines and criteria.
6932

6933 C. The Board of Architectural Review shall not disapprove an application except with respect to
6934 the criteria and guidelines set forth in Section 175-91. The BAR shall give reasons for its
6935 decisions, shall act promptly on applications before it and shall coordinate its procedures with
6936 those of other agencies and individuals charged with the administration of this Article. The BAR
6937 shall be strict in its judgment of plans for those structures designated as landmarks and
6938 contributing properties but shall be lenient in its judgment of plans for non-contributing
6939 properties. For plans involving new construction the Board's concern shall focus on whether such
6940 plans are compatible with and enhance the historic or architectural value of surrounding
6941 structures or the surrounding area.
6942

6943 D. In all final decisions rendered pursuant to this Article, the BAR shall briefly state its findings
6944 in writing, and in the case of disapproval, it may make recommendations to the applicant with
6945 respect to the design, texture,, material, color, line, mass, dimension or lighting of the alteration
6946 or the improvement involved. The requirements of this section shall be deemed to have been
6947 satisfied if such findings and recommendations, if any, are set forth in the regularly maintained
6948 minutes of the BAR.

6949 **175-89.1 ACTIONS REQUIRING ADMINISTRATIVE REVIEW (Historic District)**

- 6950 A. The following actions will require administrative review by the Zoning Administrator:
 6951
 6952 1. The razing, demolishing, or moving of a non-contributing structure or a structure which is
 6953 substantially damaged to the point of being completely uninhabitable.
 6954
 6955 2. Construction of a new accessory structure less than five hundred (500) square feet in size
 6956 within a designated historic district or on a site adjacent to a designated landmark site, that
 6957 is generally in keeping with the character of the historic district and its surroundings.
 6958
 6959 3. Substantial alteration of a non-contributing structure.
 6960
 6961 4. Any addition to a non-contributing structure, which increases the size (square footage
 6962 and/or volume) of the structure by less than one hundred percent (100%) of the original
 6963 structure.
 6964
 6965 5. Landscaping, fences and signs in conformance with the design guidelines adopted in
 6966 accordance with this Article.
 6967
 6968 B. The Zoning Administrator shall be guided in his decisions by the standards and guidelines
 6969 adopted by the Board of Architectural Review and shall have authority to request modifications
 6970 of specific proposal in order that the proposal may comply with said standards and guidelines. In
 6971 any case where the Administrator is uncertain of his authority to act on a particular application
 6972 under this section or in any case where the Administrator and the applicant cannot agree on
 6973 changes in the proposal, the application shall be referred to the Board of Architectural Review
 6974 for action by said Board. In case of disapproval by the Administrator, the applicant may appeal
 6975 the Administrator's decision within thirty (30) days thereof to the Board of Architectural Review.
 6976 The Administrator shall keep a record of his decisions under this section and shall report such
 6977 decisions to the Board of Architectural Review at its next regular meeting.

6978 **175-90 EXEMPTIONS FROM REVIEW (Historic District)**

- 6979 Certain minor actions which are deemed not to permanently affect the character of the historic
 6980 district are exempted from review for architectural compatibility. Such actions shall include:
 6981
 6982 1. Repainting resulting in the same *or a similar color* ~~in a different~~ color. (Original painting
 6983 of masonry surfaces is not exempted from review.)
 6984
 6985 2. Repair or construction in kind, resulting in no significant changes in appearance or form.
 6986
 6987 3. Addition or deletion of storm windows and doors, window gardens, awnings, temporary
 6988 canopies or similar appurtenances and window air conditioners.
 6989
 6990 4. Addition or deletion of television or radio antennas, skylights or solar collectors in
 6991 locations not visible from a public place.
 6992

- 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.
 6996
- 6997 6. Permitted outside storage in a residential or commercial district that does not require
 6998 structural changes.
 6999
- 7000 7. Improvements, alterations and renovations that can be accomplished without obtaining a
 7001 building permit, except fences, signs, and window replacement.
 7002
- 7003 8. Any changes to a structure that are not visible from a public street, alley or public place.
 7004
- 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:
 7017
- 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.
 7020
- 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.
 7024
- 7025 3. The general compatibility of the site plan and the exterior design arrangement, texture and
 7026 materials proposed to be used.
 7027
- 7028 4. The view of the structure or area from a public street or road, present or future.
 7029
- 7030 5. The present character of the setting of the structure or area and its surroundings.
 7031
- 7032 6. The probable effect of proposed construction on trees, wooded areas or historic sites.
 7033

- 7034 7. Any other factors, including aesthetic factors, which the reviewing bodies deem to be
7035 pertinent.
7036
- 7037 8. The appropriateness of the exterior architectural features of such building or structure to
7038 the compatibility with the exterior architectural features of landmarks, buildings or structures
7039 in the district, taking into consideration the following:
7040
- 7041 a. General design.
 - 7042 b. Character and appropriateness of design.
 - 7043 c. Form.
 - 7044 d. Proportion and scale.
 - 7045 e. Mass.
 - 7046 f. Configuration.
 - 7047 g. Arrangement.
 - 7048 h. Texture.
 - 7049 i. Material
 - 7050 j. The permanent color of exterior materials (excluding paint).
 - 7051 k. The relationship of such elements to similar features of structures in the immediate
7052 surroundings.
 - 7053 l. Congruity with the character of the Historic District.
- 7054 B. The reviewing bodies shall not adopt or impose any specific architectural style in the
7055 administration of this Article.
7056
- 7057 C. The reviewing bodies shall also be guided by the purposes for which landmarks, landmark
7058 sites and historic districts are designated and by the particular standards and considerations
7059 contained in the Secretary of the Interior's Standards for Rehabilitation.

7060 **175-92 ISSUANCE OF CERTIFICATE OF APPROPRIATENESS (Historic District)**

- 7061 A. Within fifteen (15) days of approval for construction or alteration pursuant to 175-88, a
7062 certificate of appropriateness signed by the Zoning Administrator and bearing the date of
7063 issuance but subject to the provisions of 175-92B, shall be made available to the applicant.
7064
- 7065 B. Any certificate of appropriateness issued pursuant to 175-88 shall expire of its own
7066 limitations twelve (12) months from the date of issuance if the work authorized by said
7067 certificate has not commenced and, further, if any such work is suspended or abandoned for a
7068 period of twelve (12) months after being commenced. Any period or periods of time during
7069 which the right to use any such certificate is stayed pursuant to this Article shall be excluded
7070 from the computation of the twelve- month period.

7071 **175-93 BUILDING DEMOLITION AND RELOCATION (Historic District)**

- 7072 A. No historic landmark, building or structure within any historic district shall be razed,
7073 demolished or moved until the razing, demolition or movement thereof is approved by the Board
7074 of Architectural Review or approved on appeal as provided herein.
7075

7076 B. Notwithstanding the provisions of Subsection A, the owner of a historic landmark, building
7077 or structure shall, as a matter of right, be entitled to raze or demolish such a building or
7078 structure, provided that:

7079

7080 1. He has applied to the Town Council for such right;

7081

7082 2. The owner has, for the period of time set forth in the time schedule hereinafter contained
7083 and at a price reasonably related to its fair market value, made a bona fide offer to sell
7084 such building or structure and the land pertaining thereto to any person, firm, corporation,
7085 government or agency thereof or political subdivision or agency thereof which gives
7086 reasonable assurance that it is willing to preserve and restore the building or structure and
7087 the land pertaining thereto. In order to demonstrate the making of a bona fide offer to sell,
7088 the owner shall file a notice with the Zoning Administrator identifying the property and
7089 stating the offering price and the name of the real estate agent, if any. No time period set
7090 forth herein shall begin to run until said notice has been filed. Within five (5) days of
7091 receipt, copies of the notice shall be delivered by the Zoning Administrator to the
7092 members of the Town Council, the members of the Planning Commission and the Town
7093 Manager; and

7094

7095 3. No bona fide contract, binding upon all parties thereto, shall have been executed for the
7096 sale of any such building or structure and the land pertaining thereto prior to the expiration
7097 of the applicable time period set forth in the time schedule hereinafter contained. Any
7098 appeal from the decision of the BAR, whether instituted by the owner or by any other
7099 proper party, notwithstanding the provisions herein pertaining to a stay on appeal, shall
7100 not affect the right of the owner to make the bona fide offer to sell. No offer to sell shall
7101 be made more than one (1) year after the final decision of the BAR, but thereafter the
7102 owner may renew his request to the BAR to approve the razing or demolition of the
7103 historic landmark, building or structure. The time schedule for offers to sell shall be as
7104 follows:

7105

7106 **OFFERING PRICE**

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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

7116 4. For the purpose of this Article, a bona fide offer to sell shall be defined as a selling price
7117 not greater than ten percent (10%) more than the fair market value appraisal of a certified
7118 land appraiser employing appropriate, recognized appraisal criteria for the area in
7119 question. The town shall retain the right to contest the bona fide nature of the offer as
7120 follows: the reasonable relationship of the offering price to the fair market value of the
7121 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.

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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

7360 fences in the front yard to be up to eight (8) feet in height when the additional height is
 7361 determined to be necessary for safety or screening purposes of permitted uses. Appropriate
 7362 landscape screening may be required for approval of additional fence height in the front yard.

7363

7364 E. Fences surrounding industrial sites, public playgrounds, institutions or schools may not
 7365 exceed a height of fourteen (14) feet.

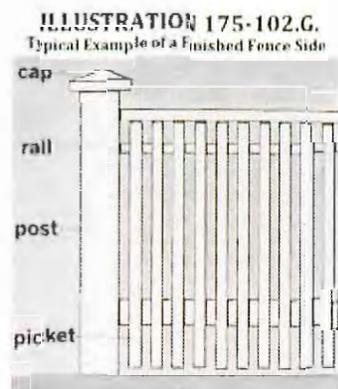
7366

7367 F. No fence shall be constructed or altered to include protruding nails, or other materials, that
 7368 would create a dangerous condition.

7369

7370 G. Notwithstanding the other requirements of this chapter, a
 7371 finished fence side shall face toward improved public streets and
 7372 adjoining lots used for residential purposes. For the purposes of
 7373 this requirement, a finished fence side shall consist of the side
 7374 covered with pickets, or similar material, such as, but not limited
 7375 to, panels, wire, and/or fabric, if any, and opposite of a side with
 7376 exposed rails, or similar supports, excluding posts and caps.
 7377 Illustration 175-102.G depicts a typical finished side of a fence.

7378



7379 175-103 ACCESS TO STREETS, SERVICES, FIRE PROTECTION AND PARKING

7380 Every building hereafter erected or moved shall be on a lot adjacent to a public or private street
 7381 approved by the Town, and all buildings shall be located on lots as to provide safe and
 7382 convenient access for servicing, fire protection and required off-street parking.

7383 175-104 OFF-STREET PARKING

7384 *All new uses or developments, and changes of use, shall comply with the off-street parking*
 7385 *requirements of Chapter 148.*

7386 ~~A. There shall be provided at the time of erection of any main building or at the time any main~~
 7387 ~~building is enlarged or at the beginning or enlargement of any use minimum off street parking~~
 7388 ~~space with adequate provisions for entrance and exit. One hundred sixty two (162) square feet~~
 7389 ~~[nine by eighteen (9 x 18) feet] of lot or floor area shall be deemed to be parking space for one~~
 7390 ~~(1) vehicle. All parking spaces and access driveways shall be covered with an all-weather~~
 7391 ~~surface, unless as otherwise herein provided, and shall be graded and drained to dispose of~~
 7392 ~~surface water. However, no surface water from any parking area shall be permitted to drain onto~~
 7393 ~~adjoining property.~~

7394

7395

7396 ~~B. A parking space shall be at least three (3) feet from a side or rear property line, and no~~
 7397 ~~parking space for multiple family dwelling shall be less than ten (10) feet from a residential~~
 7398 ~~structure.~~

7399

7400 ~~C. There shall be provided at the time of the erection of any principal building or structure or at~~
7401 ~~the time that any principal building or structure is altered, enlarged or increased in size not less~~
7402 ~~than the parking space in amounts stated herein. Minimum off-street parking space required may~~
7403 ~~be reduced when the capacity and use of a particular building is changed in such a manner that~~
7404 ~~the new use or capacity would require less space than before the change. Should a~~
7405 ~~nonconforming structure or use be enlarged or extended or should a use or structure be~~
7406 ~~nonconforming because of parking requirements, additional parking requirements need only be~~
7407 ~~based on the requirements for the enlarged or expanded portion.~~

7408

7409 ~~D. The parking spaces required for one and two family dwellings shall be located on the same~~
7410 ~~lot as the dwelling; the parking spaces required for other land use shall be located on the same lot~~
7411 ~~as the principal use or on a lot which is within three hundred (300) feet of the premises they are~~
7412 ~~to serve, such distance to be measured along lines of public access to the property. However,~~
7413 ~~before such off-site parking facilities are approved, a written agreement thereto assuring their~~
7414 ~~retention for such purposes shall be properly drawn and executed by the parties concerned,~~
7415 ~~approved as to form by the Town Attorney and shall be filed with the Zoning Administrator.~~

7416

7417 ~~E. Collective provisions of off-street parking facilities for two (2) or more structures or uses is~~
7418 ~~permissible, provided that the total number of parking spaces is at least equal to the sum of the~~
7419 ~~minimum number of required spaces computed separately for each use. Collective parking is~~
7420 ~~subject to all previously stated parking requirements.~~

7421

7422 ~~F. Specific requirements:~~

7423

7424 ~~1. The parking requirement for the following uses shall be as follows:~~

7425

7426 ~~a. Residential: two (2) parking spaces per dwelling unit. Townhouse parking~~
7427 ~~requirements shall be governed by the provisions of Town Code Section 175-112.~~

7428

7429 ~~b. Motels/hotels: one (1) parking space per room and one (1) additional parking space~~
7430 ~~for every ten (10) rooms.~~

7431

7432 ~~c. Lodging/boarding/bed and breakfast: one (1) parking space per room and an additional~~
7433 ~~two (2) spaces for employees.~~

7434

7435 ~~d. Shopping centers: as provided in Town Code Section 175-111.~~

7436

7437 ~~e. Commercial/retail: one (1) parking space per two hundred (200) gross square feet.~~

7438

7439 ~~f. Furniture/appliance/lumber and building supply: one (1) parking space per four~~
7440 ~~hundred (400) gross square feet.~~

7441

7442 ~~g. Wholesale/storage and contractors facilities: one (1) parking space per one thousand~~
7443 ~~(1,000) gross square feet for nonpublic areas; one (1) parking space per one hundred~~
7444 ~~(100) net square feet for public sales areas.~~

7445

- 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.~~

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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~~

7584 special permit, the Council shall evaluate handicapped access, traffic patterns and the effect on
 7585 surrounding properties. As a condition to special permit approval, the Council may require a
 7586 lesser number of off-street parking spaces to be supplied by the applicant than otherwise would
 7587 be required under this section.

7588

7589 ~~M. Off-street parking requirements may be waived by special permit for structures existing at the~~
 7590 ~~time of the adoption of this subsection on lots fronting the west side of Chester Street between~~
 7591 ~~East Main Street and Peyton Street. In considering the special permit, the Council shall evaluate~~
 7592 ~~handicapped access, traffic patterns and the effect on surrounding properties. As a condition to~~
 7593 ~~special permit approval, the Council may require a lesser number of off-street parking spaces to~~
 7594 ~~be supplied by the applicant than otherwise would be required and may require that there be no~~
 7595 ~~reduction in existing off-street parking spaces for the existing structure.~~

7596

7597 ~~N. Off-street parking requirements shall be waived by the Zoning Administrator for expansion of~~
 7598 ~~an existing use for any property located within the Historic Front Royal District where the~~
 7599 ~~following criteria are met:~~

7600

7601 ~~1. The development activity proposed includes the retention and/or the substantial renovation~~
 7602 ~~of a contributing structure in the district.~~

7603

7604 ~~2. The square footage of additions or new construction shall not be more than twice that of~~
 7605 ~~the original structure.~~

7606

7607 ~~3. The proposed project has been found by the Board of Architectural Review to be in~~
 7608 ~~keeping with the scale of development in the surrounding area and with the character of the~~
 7609 ~~district as a whole.~~

7610

7611 ~~4. All efforts have been made to provide parking whenever possible.~~

7612

7613 **175-105 OFF-STREET LOADING**

7614 *All new uses or developments, and changes of use, shall comply with the off-street loading*
 7615 *requirements of Chapter 148.*

7616 ~~A. On the same premises with every building, structure or part thereof erected and occupied for~~
 7617 ~~uses involving the receipt or distribution of vehicles, materials or merchandise, there shall be~~
 7618 ~~provided and maintained on the lot adequate space for standing, turning, loading and unloading~~
 7619 ~~services in order to avoid interference with public use of the streets and alleys.~~

7620

7621 ~~B. Such space or spaces shall be a minimum of fifteen (15) feet wide and fifty five (55) feet in~~
 7622 ~~length, with a minimum clear height of fifteen (15) feet. Off-street truck loading space shall be~~
 7623 ~~provided at a rate of one (1) space for the first ten thousand (10,000) square feet or less of gross~~
 7624 ~~floor area, plus a minimum of one (1) additional space for each additional forty thousand~~
 7625 ~~(40,000) square feet of gross floor area or part thereof. For the purpose of this section, "gross~~
 7626 ~~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

7716 **INSTITUTIONAL BULLETIN BOARD SIGN** - A sign containing a surface upon which
7717 is displayed the name of a religious institution, school, library, community center or similar
7718 institutional or community service use and the announcement of its service.

7719
7720 **MARQUEE** - A permanent structure projecting beyond a building wall at an entrance to a
7721 building or extending along and projecting beyond the building's wall and generally designed
7722 and constructed to provide protection against the weather.

7723
7724 **MARQUEE SIGN** - A sign attached to and made part of a marquee or any other similar
7725 projection from a building.

7726
7727 **MONUMENT SIGN** - A sign affixed to and made an integral part of a structure built on-
7728 grade that does not involve the use of poles as its major sign support and is less than eight (8)
7729 feet in height.

7730
7731 **OFF-PREMISES SIGN** - A sign which directs attention to a business, commodity, service
7732 or establishment conducted, sold or offered at a location other than the premises on which the
7733 sign is erected.

7734
7735 **PORTABLE SIGN** - Any sign, except an exempt sign, that is not permanently affixed to the
7736 ground or another structure and is capable of being moved by mechanical or non-mechanical
7737 means.

7738
7739 **PROJECTING SIGN** - Any sign, other than a wall, awning or marquee sign, which is
7740 affixed on a building wall perpendicularly, typically by use of brackets.

7741
7742 **RE-FACE** - The act of creating a new sign message by replacing or refurbishing the non-
7743 structural components or surface of an existing lawful sign, without creating a new
7744 nonconformity to the requirements of this chapter.

7745
7746 **ROOF SIGN** - A sign erected or constructed, in whole or in part, upon or above the highest
7747 point of a building with a flat roof, or the lowest portion of a roof for any building with a
7748 pitched roof.

7749
7750 **SANDWICH BOARD SIGN** - A two-sided, self supporting sign attached at the top with
7751 the two sides separated by approximately 45 degrees.

7752
7753 **SIGN** - Any device employing letters, words, symbols, etc., used or intended to attract the
7754 attention of the public from streets, sidewalks or other outside public rights-of-ways. For the
7755 purposes of this Article, the term "sign" shall include all structural members.

7756
7757 **SIGN AREA** - The surface area encompassed within any regular geometric figure (square,
7758 rectangle, circle, triangle, etc.) which would enclose all parts of the sign, excluding structural
7759 supports.

7760

7761 **TEMPORARY SIGN** - A sign or advertising display designed or intended to be displayed
 7762 for a short period of time. Unless otherwise specified within this section, a temporary sign
 7763 may only be used two (2) times within a 12-month period, and for a total time of ninety (90)
 7764 days or fewer during the same 12-month period of time.

7765
 7766 **WALL SIGN** - A sign attached to a wall, or painted on or against a flat vertical surface of a
 7767 structure, which displays only one (1) advertising surface.

7768
 7769 **WINDOW SIGN** - All signs attached to or applied directly onto the internal or external
 7770 surface, or set back less than one (1) foot from the interior surface, of any window in view
 7771 of the general public from outside the structure.

7772 5. Prohibited Signs: The following signs are expressly prohibited unless specifically stated
 7773 otherwise

7774
 7775 a. Billboards and Off-premise signs.

7776
 7777 b. Portable Signs, except sandwich board signs, as defined above, but including signs
 7778 displayed on a stationary vehicle.

7779
 7780 c. Changeable Copy Signs, except for approved institutional bulletin boards and gas
 7781 station fuel price signs as permitted by this ordinance, and where such signs are
 7782 incorporated as an element within another permanent sign, provided that the
 7783 changeable copy area does not exceed twenty (20) square feet or fifty percent (50%)
 7784 of the total sign area, whichever is less.

7785
 7786 d. Simulated Traffic Signs or any sign which may be confused with or obstruct the view
 7787 of any authorized traffic sign or signal.

7788
 7789 e. Animated Signs, including but not limited to propellers and discs. This
 7790 prohibition shall not apply to the hands of a clock, a weather vane or flags.

7791
 7792 f. Flashing Signs, except for time and temperature signs.

7793
 7794 g. Glaring Signs or signs with light sources of such brightness as to constitute a hazard,
 7795 as determined by the Zoning Administrator.

7796
 7797 h. Strings of lights outlining property lines, sales areas or any portion of a structure,
 7798 unless part of an approved sign or sign structure. This prohibition shall not apply to
 7799 seasonal decorations.

7800
 7801 i. Roof Signs.

7802
 7803 j. Signs affixed to a tree, other natural vegetation, rocks, public utility poles or public
 7804 signs.

7805

- 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

- 7898 s. The re-facing of a sign, as defined, except when located within the Historic Overlay
7899 District or Entrance Corridor.
7900
7901
- 7902 7. Signs Requiring Temporary Sign Permit: The following signs shall require the issuance of
7903 a temporary sign permit by the Zoning Administrator prior to their erection. The permit
7904 shall cite the length of time any such sign may be displayed. If, after the expiration of the
7905 temporary sign permit, such signs are not removed, the town may remove them and charge
7906 the costs of removal to the enterprise or proprietor responsible.
7907
- 7908 a. Special Sales Events Signs, exceeding a 14-day display period, announcing such events
7909 and grand openings, new management and going-out-of-business sales. Such signs,
7910 shall be attached to an existing principal structure or sign pole, shall not exceed twenty
7911 (20) square feet in area.
7912
- 7913 b. Temporary and Seasonal Produce, Fireworks and Tree Stand Signs. The total area of
7914 all such signs shall not exceed twenty (20) square feet, nor shall any sign exceed six
7915 (6) feet in height.
7916
- 7917 c. Construction Signs not to exceed one (1) per street frontage, limited to a maximum
7918 height of eight (8) feet. The total area of all such signs shall not exceed twelve (12)
7919 square feet. Such signs shall be removed within fourteen (14) days following
7920 completion of construction.
7921
- 7922 d. Temporary Residential Subdivision and Model Home Identification Signs. One (1)
7923 sign may be erected for not more than two (2) years at each principal entrance to the
7924 development. Such signs shall not exceed eight (8) feet in height or sixteen (16)
7925 square feet in area. In addition, one (1) model home sign of not more than four (4)
7926 square feet may be maintained at each model home.
7927
- 7928 e. Temporary Signs on vacant lots announcing an upcoming event (such as "Coming
7929 Soon"). Such signs shall not exceed twenty (20) square feet in size and may be
7930 displayed on a given property for one (1) period, not to exceed ninety (90) days, within
7931 a twelve-month period.
7932
- 7933 8. General Sign Standards:
7934
- 7935 a. Determination of Sign Height and Setback. The height of a sign shall be measured
7936 from the average elevation of the street to which the sign is oriented. The setback
7937 shall be measured from the property boundary to the closest point of the sign.
7938
- 7939 b. Number of Sign Faces. No sign shall have more than two (2) sign faces.
7940
- 7941 c. Determination of Sign Area. The area of signs shall include the area enclosing the
7942 face of the sign, including all frames or other components not otherwise used for
7943 support.

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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

- 8036 a. Building Code Compliance. All signs shall be constructed in compliance with the
8037 Virginia Uniform Statewide Building Code. All illuminated signs shall comply with
8038 the National Electrical Code.
8039
- 8040 b. Condition of Signs. All signs and components shall be maintained in good repair and
8041 in a safe, clean and attractive condition.
8042
- 8043 c. Repair or Removal of Nuisance Signs. Any sign which is declared to be an immediate
8044 or imminent hazard to life or property may be caused to be immediately removed or
8045 repaired. All costs associated with the removal or repair shall be charged to the owner
8046 of the premises or to the owner of the sign.
8047
- 8048 d. Removal of Obsolete Signs. Any sign which is obsolete because of discontinuation of
8049 the advertised activity or any other reason which would cause the sign to be obsolete
8050 shall be removed within thirty (30) days.
8051

8052 11. Nonconforming Signs:
8053

8054 a. Nonconforming Sign, generally: Any sign which was lawfully in existence at the time
8055 of the effective date of this Ordinance, which does not conform to the provisions herein,
8056 shall be deemed a nonconforming sign and may remain except as qualified in Section
8057 175-106A.11.b., herein. No non-conforming sign shall be enlarged, extended or
8058 structurally reconstructed in any manner, unless it is in conformance with these sign
8059 regulations. However, a nonstructural sign face may be changed to a new sign face.
8060

8061 b. Removal of Nonconforming Signs: Nonconforming signs may remain, provided that
8062 they are kept in good repair, except for the following:
8063

8064 [1] Damage or Destruction of Nonconforming Sign: A nonconforming sign which is
8065 destroyed or damaged to the extent exceeding fifty percent (50%) of its appraised
8066 value shall not be altered, replaced or reinstalled unless it is in conformance with these
8067 sign regulations. If the damage or destruction is fifty percent (50%) or less of the
8068 appraised value, the sign may be restored within two (2) years of the destruction but
8069 shall not be enlarged in any manner. The present day replacement cost of an identical
8070 new sign, as determined by a sign contractor or manufacturer, shall be considered the
8071 appraised value.
8072

8073 [2] Damage or Destruction of Use: A non-conforming sign shall be removed if the
8074 structure or use to which it is accessory is destroyed or demolished to the extent
8075 exceeding fifty percent (50%) of the principal structure's appraised value.
8076
8077

8078 B. Signs Permitted by Zoning Districts:
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8080 1. Agricultural and Residential Zoning Districts; Permitted Signs:
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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
 8168 b. Signs for Individual Businesses: A single business located on one (1) lot or separate
 8169 businesses located on separate road frontages may erect signs as follows:

8170
 8171 [1] Maximum Number of Signs Per Business: Five (5); however, only through lots as
 8172 defined in Section 175-3 shall be permitted to have more than one (1) ground-
 8173 mounted sign, with only one (1) sign erected on each street frontage. For structures

8174 with a gross floor area of 50,000 square feet or more permitted by Special Permit,
8175 additional unlimited wall signs may be permitted, within the maximum area
8176 permitted by Section 175-106B.2.b[3], as part of a coordinated design package,
8177 reviewed in conjunction with the Special Permit. Such structures previously
8178 granted a Special Permit may apply for additional signage by amendment to the
8179 Special Permit.
8180

8181 [2] Types of Signs Permitted: Wall, ground mounted, monument style, projecting,
8182 window, awning, canopy, marquee, permitted temporary, sandwich board, and
8183 traditional flag.
8184

8185 [3] Maximum Size of Signs:
8186

8187 [a] Wall or Marquee Sign: One (1) square foot per linear foot of building width
8188 on which the sign is to be attached, up to a maximum of sixty (60) square feet
8189 of signage on any building elevation which fronts on a public street or parking
8190 area; provided, however, that the maximum size of any wall sign for a
8191 business located within 1,000 feet of the right-of-way of Interstate 66 shall be
8192 120 square feet. In addition to the basic 60 square feet sign area, structures
8193 permitted by Special Permit with a gross floor area of 50,000 square feet or
8194 more, may be permitted to increase the total wall sign area, calculated as
8195 described herein, not to exceed 120 square feet of additional area, for a
8196 maximum total of 180 square feet. Such additional sign area shall be
8197 permitted only as part of a coordinated design package reviewed in
8198 conjunction with the Special Permit application. Such structures previously
8199 granted a Special Permit for increased building area may apply for additional
8200 sign area by amendment to the Special Permit. Artistic murals containing
8201 business or product advertising may be approved for a size exceeding sixty
8202 (60) square feet by special permit, pursuant to Section 175-136, when located
8203 outside the Historic Overlay District or by the Board of Architectural Review,
8204 pursuant to Section 175-88, when located within the Historic Overlay District.
8205

8206 [b] Ground Mounted or Monument Signs: On lots with 100 feet or more of
8207 lot width, one (1) square foot per three (3) linear feet of lot width on the side
8208 where the sign is to be located, up to a maximum size of sixty (60) square feet
8209 and a maximum height of twenty (20) feet. Lots with less than 100 feet of lot
8210 width shall conform to the maximum size in Section 175-106A.9.a.[1]. On
8211 shared signs permitted pursuant to Section 175-106B.2.h. a maximum size of
8212 sixty (60) square feet per sign and a maximum height of twenty-five (25) feet
8213 for the sign structure including all sign faces.
8214

8215 [c] Awning or Canopy Sign: One (1) square foot per linear foot of the awning or
8216 canopy, up to ten (10) square feet.

8217 [d] Projecting Sign: One (1) square foot per linear foot of building width on which
8218 the sign is to be attached, up to sixteen (16) square feet.
8219

- 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

- 8265 [2] Center Identification Sign: One (1) ground mounted or monument style sign per
 8266 street frontage, with an area of one (1) square foot per four (4) linear feet of lot
 8267 frontage on which the sign is to be erected, up to a maximum of sixty (60) square
 8268 feet Upon request by the owner or owners of the center or park, and with
 8269 submission of a master plan showing all proposed signage within the center or
 8270 park, the Planning Commission may approve, or approve with conditions, an
 8271 increase to the maximum size for a Center Identification Sign up to a maximum
 8272 area of 150 square feet, and an increase to the maximum number of Center
 8273 Identification Signs up to a total of two (2), provided that the total square feet of
 8274 the two (2) signs does not exceed 150. In review of such a request, the Planning
 8275 Commission will consider the sign(s) appearance, impact(s) to adjacent properties,
 8276 proximity to other ground-mounted signs, visibility from adjacent roads, and the
 8277 overall size of the development. The center identification sign shall display only
 8278 the name and address of the center and establishments located therein. No other
 8279 ground-mounted signs, other than exempt signs, shall be permitted on that same
 8280 road frontage within the center or park.
 8281
- 8282 e. Signs For Gasoline Stations: Automobile service and gasoline stations shall comply
 8283 with all applicable sign regulations within this section; provided, however, that the
 8284 following additional regulations shall apply:
 8285
- 8286 [1] Changeable Fuel Price Signs: Ground mounted or monument style signs shall be
 8287 authorized to include changeable fuel price signs indicating the current price of
 8288 fuel dispensed on the premises. If the fuel price sign is freestanding, it shall be
 8289 erected as an integral part of the ground mounted sign and shall not be included in
 8290 the sign area calculations, except for any portion of the price sign that exceeds fifty
 8291 percent (50%) of the total sign areas.
 8292
- 8293 [2] Gas Pump Signs: Each gas pump shall be permitted a total of one (1) square foot of
 8294 sign area to identify the product dispensed.
 8295
- 8296 [3] Canopy Signs: A canopy covering gas pumps shall be permitted additional logo
 8297 signage located on the canopy, not to exceed a total of twenty-four (24) square
 8298 feet. Such signs shall be included in the maximum number of signs allowed.
 8299
- 8300 f. Signs For Theaters: Theaters are authorized to erect one (1) of the permitted wall or
 8301 marquee signs with a changeable copy board displaying the name(s) and time(s) of the
 8302 current motion picture or theatrical production.
 8303
- 8304 g. Signs For Other Uses Within Business and Industrial Employment Districts: In cases
 8305 where neither the regulations within Section 175-106B.1. or 175-106B.2. specifically
 8306 address a sign for a permissible use within a business or employment district, the
 8307 Zoning Administrator shall make a written interpretation of the section, which shall be
 8308 kept on file and used as a guide for future determinations.
 8309

8310 h. Shared signs for businesses located within 1,000 feet of the right-of-way of Interstate
 8311 66: Any two (2) adjacent businesses located within 1,000 feet of the right-of-way of
 8312 Interstate 66 and which share a common highway entrance shall be authorized to erect
 8313 one (1) sign structure containing a separate sign for each business which may be
 8314 erected on the property of either business or partially on each property; provided that
 8315 such sign structure and the signs thereon comply with the provisions of this section
 8316 with regard to height and maximum size for each sign on the structure.

8317

8318 3. Signs in the Historic Overlay District:

8319

8320 a. Certificate of Appropriateness Required: Signs within the Historic Overlay District
 8321 require the approval of a Certificate of Appropriateness by the Board of Architectural
 8322 Review prior to the issuance of a sign permit by the Zoning Administrator.

8323

8324 b. Area, Height and Location of Signs: The area, height and location standards for the
 8325 underlying zoning district shall be applicable to signs erected in the Historic Overlay
 8326 District.

8327

8328 c. Sign Requirements May Be Waived: The Zoning Administrator may authorize the
 8329 waiver of the sign requirements for setback, spacing, number, frontage, height, area
 8330 and type of signs within the Historic Overlay District if the Board of Architectural
 8331 Review approves a specific sign proposal consistent with the character of the building
 8332 to which it relates and other surrounding properties. In no case, however, may a sign
 8333 exceed a maximum of sixty (60) square feet.

8334

8335 d. Additional Review Criteria: Any sign erected within the Historic Overlay District shall
 8336 also satisfy all applicable standards and guidelines adopted by the Board of
 8337 Architectural Review.

8338

8339 e. Signs within the Public Right-of-Way: A sign may be placed within, or project into,
 8340 the public right-of-way inside of the Historic Overlay District, but only if a Right-of-
 8341 Way Utilization Permit is issued by the Town.

8342

8343

8344 C. Administration:

8345

8346 1. Sign Permit Procedures:

8347

8348 a. Applicability: A sign permit shall be required for each sign erected after the effective
 8349 date of this Article, except for those signs which are specifically excluded from the
 8350 sign permit requirements as provided in Section 175-106A.6.

8351

8352 b. Filing of Application; Fees: Applications for sign permits shall be filed by the
 8353 applicant or his agent with the Zoning Administrator, shall contain information
 8354 required herein and shall be accompanied by a fee, as established from time to time
 8355 by resolution of the Town Council.

8356

- 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.

8651

8652 D. In Business Districts, portable storage containers shall be allowed only pursuant to a special
8653 use permit for bulk storage where such use is permitted.

8654

8655 E. No portable storage containers shall have dimensions greater than sixteen feet (16') in length,
8656 eight feet (8') in height or eight feet (8') in width.

8657

8658 F. No portable storage containers shall be located (i) in any required front yard; (ii) closer than
8659 ten feet (10') to any side or rear lot line, provided that the Zoning Administrator may allow a
8660 reduced setback if mature landscaping or a solid fence at least six feet (6') in height provides
8661 adequate screening; or (iii) on any portion of a lot except behind the nearest portion of the
8662 principal building adjacent to any public street. On lots where there is no principal structure,
8663 portable storage containers shall not be allowed.

8664

8665 G. In Business and Industrial Districts, no portable storage containers shall be located in any
8666 parking area. No portable storage containers shall be located in any driveway or travelway in any
8667 district.

8668

8669 H. Portable storage containers shall be allowed only upon issuance of a permit by the Zoning
8670 Administrator. The fee for such permit shall be set by Town Council by resolution.

8671 175-110 AUTOMOBILE SERVICE STATIONS

8672 The Town Council, upon recommendation from the Planning Commission, may place certain
8673 restrictions on automobile service stations in the C-1, C-2, I-1 and I-2 Zones, in addition to the
8674 regulations of those zones, based on the following criteria:

8675

8676 A. The effect of such proposed buildings and use upon the character of the neighborhood, traffic
8677 conditions, public facilities and other matters pertaining to the public health, safety and general
8678 welfare.

8679

8680 B. All appliances for dispensing gasoline installed outside of enclosed buildings shall be located
8681 not less than fourteen (14) feet from any property line adjoining the public street and all such
8682 appliances shall be installed and maintained in such location as to prevent any part of vehicles
8683 being serviced from standing on the street, alley or sidewalk area.

8684

8685 175-110.1 INOPERATIVE MOTOR VEHICLES

8686 A. No more than one (1) inoperative motor vehicle, trailer or semitrailer, as defined by Virginia
8687 Code Section 46.1-1, which is inoperative, shall be kept outside a completely enclosed building
8688 on any property zoned for residential or commercial purposes. Such inoperative vehicle must be
8689 fully screened year-round from public view by plantings, fencing or a professionally
8690 manufactured car cover. Any inoperative vehicle stored under a car cover shall not be
8691 maintained on the same lot for more than six months in a twelve month period. In no case shall
8692 any inoperative vehicles be stored in the required parking spaces for the use or in any required
8693 yard adjoining a public street.

8694

8695 B. For the purpose of this section, the word "inoperative" shall mean either of the following
8696 types of vehicles as follows:

8697

8698 1. ~~For a period of sixty (60) days or longer, the motor vehicle, trailer or semitrailer has been~~
8699 ~~partially or totally disassembled by the removal of tires and wheels, the engine or other~~
8700 ~~essential parts required for operation of the vehicle; or~~

8701

8702 2. ~~The vehicle, trailer or semitrailer does not display valid license plates; or does not display~~
8703 ~~a valid inspection decal.~~

8704

8705 5. *A motor vehicle, pursuant to Virginia Code §15.2-904.A.(ii), which for a period of 60*
8706 *days or longer has been partially or totally disassembled by the removal of tires and*
8707 *wheels, the engine, or other essential parts required for operation of the vehicle.*

8708

8709 6. *A motor vehicle, pursuant to Virginia Code §15.2-904.A.(iii), on which there are*
8710 *displayed neither valid license plates nor a valid inspection decal.*

8711

8712

8713 C. The provisions of this section shall not apply to a person, firm or corporation which has been
8714 regularly and continuously licensed and engaged in the business of an automobile dealer, salvage
8715 dealer or scrap processor at the property in question since June 26, 1970.

8716

8717 D. The owners of property zoned for residential or commercial purposes shall at the demand of
8718 the Town Council or its designated agent remove from their property any such inoperative motor
8719 vehicles, trailers or semitrailers that are not kept within a fully enclosed building or structure.
8720 Notice of the demand shall be sent to the property owner by first class mail to the owner's
8721 address as it appears in the town tax records. In the event that the inoperative vehicle has not
8722 been placed in a fully enclosed building or structure, fully screened year-round from public view
8723 by plantings, fences or a professionally manufactured car cover, or removed from the property
8724 within ten (10) days from the date the notice was sent, then the town or its designated agent may
8725 remove the inoperative vehicle, and thereafter dispose of the same upon furnishing the vehicle
8726 owner with ten (10) days' written notice. If the vehicle owner cannot be determined, the property
8727 shall be disposed of in accordance with Town Code Section 124-1 et seq.

8728

8729 (Ord. No. Z-8-95 Amended 7-24-95-Effective Upon Passage)

8730

8731 E. The cost of inoperative vehicle removal, storage and/or disposal shall be chargeable to the
8732 owners of the vehicle or the owners of the premises, and may be collected by the town as taxes
8733 and levies are collected. Every cost authorized by this section which is assessed against the
8734 owners of the premises shall constitute a lien against the property from which the vehicle was
8735 removed, and shall continue to constitute a lien until actual payment in full has been made to the
8736 town.

8737

175-110.2 PARKING OF TRUCKS AND SEMITRAILERS

8738 A. It shall be unlawful for any person, firm or corporation to keep, park or store upon any lot
8739 located in R-1, *RI-A*, R-2, or R-3 Residential Zoning Districts, *or any residential portion of a*
8740 *PUD or MCD District*, any tractor truck or semitrailer designed to be used with a tractor truck,
8741 as defined in Virginia Code Section 46.2-100, or any truck with a registered gross weight in
8742 excess of twelve thousand (12,000) pounds. These provisions shall apply regardless of whether
8743 such a vehicle is kept, parked or stored in the open or within an enclosed structure.

8744

8745 B. The provisions of this section shall not apply to any of the following vehicles:

8746

8747 1. School buses, church buses and other buses engaged in public transportation.

8748 2. Pickup trucks with a registered gross weight of twelve thousand (12,000) pounds or less.

8749 3. Panel truck with a registered gross weight of twelve thousand (12,000) pounds or less.

8750 4. Motor homes, camping trailers and recreational vehicles as defined in Virginia Code
8751 Section 46.2-100.

8752 5. Trailers of every type, except semitrailers designed to be used with a tractor truck.

8753 6. Hospital mobile units and fire and rescue vehicles.

8754 7. Vehicles owned and operated by public utilities.

8755 8. Farm vehicles used in agricultural pursuits on parcels of land one (1) acre or larger.

8756

8757 C. The provisions of this section shall not apply to any vehicle which comes upon property in
8758 residentially zoned districts for pickups, deliveries and service to residential property made in the
8759 regular course of business or which comes upon residentially zoned property in the course of
8760 construction, maintenance or improvement to the property or adjoining streets and facilities.

8761 **175-110.3 MOTOR VEHICLE PAINTING AND BODY WORK**

8762 Motor vehicle body work and painting establishments shall comply with the following
8763 requirements:

8764

8765 A. All work shall be conducted in a completely enclosed building.

8766

8767 B. Used or damaged equipment removed from vehicles during the process shall be stored
8768 indoors, in a completely screened enclosure or shall be deposited in an approved covered outdoor
8769 collection receptacle for appropriate off-site disposal.

8770

8771 C. Temporary overnight outdoor storage and parking of vehicles waiting for repair or pickup
8772 shall be permitted. All damaged vehicles shall be stored indoors or in a completely screened
8773 enclosure. No long-term storage (sixty (60) days or more) shall be permitted.

8774

8775 D. A certificate of compliance with the Virginia Uniform Statewide Building Code shall be
8776 obtained for the use prior to commencement of the activity.

8777

8778 E. All hazardous waste material, including paint, oil, antifreeze, etc., shall be disposed of only
8779 with a licensed hazardous waste removal firm.

8780

8781 F. The facility shall be equipped with adequate filtering to ensure that no overspray or particulate
8782 matter from the operation shall be discernible beyond the property line.

8783

8784 G. Notwithstanding the provisions of 175-3 pertaining to the definition of junkyard,
8785 authorization for the outdoor storage of up to eight (8) vehicles intended to be salvaged for parts
8786 may be made as part of the special permit approval. Such vehicles shall be confined to a defined
8787 storage area that is effectively screened from public view.

8788

8789 **175-110.4 PERFORMANCE STANDARDS FOR WIRELESS TELEPHONE (CELL**
8790 **PHONE) COMMUNICATIONS TOWERS**

8791 A. The following sites shall be considered by applicants as the preferred order of location of
8792 proposed broadcasting or communication facilities:

8793

8794 1. Existing broadcasting or communications towers.

8795 2. Public structures, such as water towers, utility structures, fire stations, bridges, and other
8796 public buildings within all zoning districts not utilized primarily for residential uses.

8797

8798

8799 B. No new tower shall be permitted unless the applicant demonstrates to the reasonable
8800 satisfaction of Town Council that no other existing tower or structure can reasonably
8801 accommodate the applicant's proposed antenna.

8802

8803 C. The maximum height of any wireless telephone (cell phone) communications tower shall be
8804 made a condition of the special permit, but in no event shall exceed one hundred fifty feet (150')
8805 above finished grade of the property upon which it stands.

8806

8807 D. Wireless telephone (cell phone) communications towers shall conform to each of the
8808 following minimum setback requirements:

8809

8810 1. Towers shall have a minimum front, side and rear yard setback equal to the height of the
8811 tower.

8812 2. Towers guys and accessory structures shall satisfy the minimum setback requirements of
8813 the underlying zoning district.

8814

8815

8816 E. All towers shall be designed, structurally, electrically and in other respects, to accommodate
8817 both the applicant's antennas and comparable antennas for at least two (2) additional users.

8818

8819 F. Towers shall be illuminated as required by the Federal Communications Commission (FCC)
8820 and/or the Federal Aviation Administration (FAA), but no lighting shall be incorporated if not
8821 required by the FCC and/or FAA, other than essential security lighting. Site lighting shall not be
8822 directed toward adjacent properties.

8823

8824 G. The use of any portion of a tower for signs other than warning or equipment information signs
8825 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

8871 N. The electromagnetic fields produced by the facility and any attachments to the tower do not
8872 exceed the radio frequency emissions standards established by the American National Standards
8873 Institute (ANSI).

8874

8875 O. The tower shall be inspected annually and certified as safe by a private firm acceptable to the
8876 Town and contracted for by the applicant. A copy of the inspection report with a certification
8877 that the tower is structurally safe and all microwave equipment is in proper working condition
8878 shall be provided to the Town Manager.

8879

8880 P. The tower shall be demolished and removed within ninety (90) days after abandonment. In
8881 order to ensure the demolition and removal of the tower, the applicant shall post and keep in
8882 place a renewable letter of credit or other security with adequate surety in a form acceptable to
8883 the Town Attorney and in an amount reasonably determined by the Town to be sufficient to pay
8884 for the costs of demolition and removal.

8885

8886 Q. Any equipment cabinet not located within an existing building shall be fenced only with the
8887 approval of the Administrator upon finding that the fence: (i) would protect the facility from
8888 trespass in areas of high volumes of vehicular or pedestrian traffic or in rural areas, to protect the
8889 facility from livestock or wildlife; (ii) would not be detrimental to the character of the area; (iii)
8890 would not be detrimental to the public health, safety or general welfare; and (iv) shall assist in
8891 the effective screening of the facility.

8892

8893 R. Each tower shall be constructed so that all cables, wiring and similar attachments that run
8894 vertically from the ground equipment to the antennas are placed on the pole to face the interior of
8895 the property and away from public view, as determined by the Administrator, or so that vertical
8896 cables, wiring and similar attachments are contained within the tower's structure.

8897

8898 S. The following shall be submitted to the Administrator after installation of the tower is
8899 completed and prior to issuance of a certificate of occupancy: (i) certification by a registered
8900 surveyor stating the height of the tower, measured both in feet above ground level and in
8901 elevation above mean sea level, using the benchmarks or reference datum identified in the
8902 application; and (ii) certification stating that any lightning rod's height does not exceed two (2)
8903 feet above the top of the tower and width does not exceed a diameter of one (1) inch.

8904

8905 (Ord. No. 23-05 Added Entire Section 9-26-05-Effective Upon Passage)

8906

SITE PLAN REQUIREMENTS

8907

175-111 SHOPPING CENTERS (Site Plan Requirements)

8908 Shopping centers shall be in single ownership or under a guaranteed unified management
8909 control. Shopping centers shall consist of harmonious selection of uses and groupings of
8910 buildings, service and parking areas, circulation and open space and shall be subject to the
8911 provisions of the Condominium Act of Virginia and shall comply with the following regulations:

8912

8913 A. Permitted principal uses shall be as follows:

8914

- 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.

9051 b. For corner lots at street intersections, the minimum lot width shall be fifty (50) feet.

9052

9053 C. Minimum yard requirements shall be as follows:

9054

9055 1. Front yard: forty (40) feet from the road right-of-way line. Required parking may be
9056 located in a front yard, but not closer than ten (10) feet to the ultimate street right-of-way
9057 and not closer than ten (10) feet to any townhouse unit.

9058

9059 2. Rear yard: forty (40) feet for each townhouse dwelling.

9060

9061 3. Side yard: twenty (20) feet for each end unit; thirty (30) feet for each corner lot at street
9062 intersections. When a townhouse abuts an R-1, or R-2 District, the side yard shall be
9063 thirty-five (35) feet.

9064

9065 D. Maximum building height shall be as follows:

9066

9067 1. Two and one-half (2) stories, but not to exceed thirty-five (35) feet.

9068

9069 E. Minimum parking space shall be as follows:

9070

9071 1. There shall be two (2) off-street parking spaces for each townhouse unit.

9072 2. An off-street parking space shall be a minimum of ten by twenty (10 x 20) feet.

9073 3. No parking space shall be located closer than ten (10) feet to any townhouse unit.

9074

9075 F. Other regulations for all townhouse construction:

9076

9077 1. There shall be no more than eight (8) townhouse units constructed in a continuous series.

9078

9079 2. Each dwelling shall be separated by a noncombustible party wall going through the roof,
9080 with a fire resistance of not less than two (2) hours duration.

9081

9082 3. Each townhouse shall front on a public or private street approved by the town.

9083

9084 4. Concrete curb and gutters shall be installed along both sides of all new streets within the
9085 development. However, should a new street act as a boundary for townhouse
9086 developments, curb and gutter need only be installed on the side of the street adjacent to
9087 the development.

9088

9089 5. Walkways of four (4) feet in width, constructed of concrete or brick, shall be installed
9090 from parking areas to all townhouse structures served by such parking areas.

9091

9092 6. The radii of cul-de-sac shall be at least fifty (50) feet. No more than twenty-five (25)
9093 dwelling units shall be located on any cul-de-sac.

9094

- 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.

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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 a. Number of spaces. Off-street parking, whether garage or on lot, shall be provided on the
9330 premises at the rate of two (2) spaces for each apartment unit.
9331

9332 b. Location. Required parking spaces shall be provided on the same lot as the building
9333 served.
9334

9335 c. All access drives shall be at least fifteen (15) feet from any building on the lot and from
9336 exterior lot lines.
9337

9338 d. Parking areas shall not be designed or located so as to require or encourage cars to back
9339 into a public street in order to leave the lot.
9340

9341 e. Entrance and exit ways to parking areas shall have a minimum width of twelve (12) feet
9342 for each lane of traffic entering or leaving the site, but shall at no time exceed thirty (30)
9343 feet in width at the street line.
9344

9345 f. All dead-end parking lots shall be designed to provide sufficient back-up area for the end
9346 stalls of the parking area.
9347

9348 g. All access ways and parking areas shall be paved with a hard-surface, double-surface
9349 treatment or concrete covering.
9350

9351 h. Entrance and exit ways and interior access ways shall be designed so as to prevent the
9352 blocking of vehicles.
9353

9354 i. Any other requirements deemed necessary by the Planning Commission or Town
9355 Council for the public health and safety shall be complied with.
9356

9357 9. Drainage:

9358 a. A storm runoff and drainage system shall be installed by the developer in accordance
9359 with sound engineering practice so as to adequately drain the project site, to adequately
9360 dispose of all runoff and drainage away from the project site and so as not to permit
9361 excess flow of water across streets or adjoining properties. Plans for such drainage
9362 system shall be submitted with the application for the permit and shall be subject to
9363 approval by the Town Engineer, who may seek assistance from other agencies.
9364

9365 b. All provisions of existing town ordinances and regulations regarding storm drainage
9366 shall be complied with.
9367
9368

- 9369
9370 10. Lighting: Lighting for buildings, access ways and parking areas shall be so arranged as not
9371 to reflect toward public streets or cause any annoyance to building occupants or
9372 surrounding property owners or residents.
9373
- 9374 11. Storage of trash and rubbish: Exterior storage areas for trash and rubbish shall be well
9375 screened on three (3) sides with evergreen plantings and contained in vermin-proof
9376 containers. Interior storage areas for trash and rubbish shall at all times be kept in an
9377 orderly and sanitary fashion.
9378
- 9379 12. Site plan review and approval: Site plans for new apartment buildings shall be reviewed by
9380 the Planning Commission and approved or rejected by the Town Council. Such plans shall
9381 be drawn in accordance with the requirements of Chapter 148.

9382

9383 ~~174-114~~ — ~~STATEMENT OF INTENT (Site Plan Requirements)~~

9384 ~~The purpose of these requirements is to promote the orderly development of certain activities in~~
9385 ~~the town and to ensure that such activities are developed in a manner harmonious with~~
9386 ~~surrounding properties and in the interest of the general public welfare. More specifically, the~~
9387 ~~site plan shall be used to review the project's compatibility with its environment; to review the~~
9388 ~~ability of the project's traffic circulation system to provide for the convenient and safe internal~~
9389 ~~and external movement of vehicles and pedestrians; to review the quantity, quality, utility and~~
9390 ~~type of the project's required community facilities; and to review the location and adequacy of~~
9391 ~~the project's provision for drainage and utilities.~~

9392 ~~175-115~~ — ~~WHEN REQUIRED (Site Plan Requirements)~~

9393 ~~A. The provisions of this Article shall apply to all uses specifically requiring a site plan drawn in~~
9394 ~~accordance with this Article.~~

9395
9396 ~~B. Where a change of use of an existing structure requires additional parking or other~~
9397 ~~requirements applicable to a new use, a site plan shall be submitted for review to ensure the~~
9398 ~~change of use can be accomplished within the purpose of this chapter.~~

9399
9400 ~~C. Any requirement of this Article may be waived by the Planning Commission where the~~
9401 ~~waiver is not adverse to the purpose of this Article and the applicant establishes that, in his~~
9402 ~~specific case, an undue hardship would result from a strict enforcement of this Article.~~

9403 ~~175-116~~ — ~~SPECIFICATIONS (Site Plan Requirements)~~

9404 ~~A. The scale shall not be less than one (1) inch for fifty (50) feet [not less than one to six hundred~~
9405 ~~(1:600)].~~

9406

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**

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175-128 NONCONFORMING LOTS OF RECORD

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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.

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

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

175-130 EXPANSIONS AND OTHER TYPES OF ALTERATIONS

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- A. Except by approval of a special use permit by Town Council, a nonconforming use, building or structure shall not be enlarged, increased or extended to occupy a greater area of land area than was occupied at the effective date of adoption of this chapter unless such expansion conforms to the requirements of this chapter.
 - B. New nonconforming structures or buildings shall not be erected in connection with a nonconforming use of land.
 - C. A nonconforming building or structure may be enlarged if the expansion does not create a new nonconformity, and does not increase the degree or intensity of the existing nonconformity, as determined by the Zoning Administrator.
 - D. A nonconforming structure or building shall not be moved, for any distance or reason, unless it shall thereafter conform to the zoning district regulations for the district in which it is located after it is moved.

9681 **175-131 REPLACEMENT, REMOVAL, REPAIR, AND RECONSTRUCTION**

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- A. If a nonconforming use of land is damaged or destroyed, such use may be replaced to the extent to which it existed prior to said damage or destruction. Removal or destruction of a building or structure in which a nonconforming use was located shall eliminate the use which the structure or building was used for (a nonconforming use).
 - B. Nonconforming buildings and structures that are damaged by a natural event or man-made accident may be repaired and/or reconstructed to their previous condition and size if the work does not exceed fifty percent (50%) of the replacement value.
 - C. Town Council may approve a special use permit for the repair and/or reconstruction of a building or structure beyond 50% of the market value, provided that the special use permit application is submitted within twelve (12) months of said damage or destruction. Otherwise, when the repair and/or reconstruction work to a nonconforming building or structure exceeds 50% of the market value, it may only be repaired and/or reconstructed to the requirements of this chapter, as applicable for new construction.
 - D. Nothing in this chapter shall be deemed to prevent the strengthening or restoring to a safe condition of any structure or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official

9706 **175-132 PERCENT OF DAMAGE**

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- The cost of land or any factors other than the cost of the structure are excluded in the determination of fair market value for the purpose of calculating the percent of 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

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*B. New special use permit applications shall include the submission of a preliminary site
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.

9835

9836 C. Members may be removed for cause by the appointing authority upon written charges and
9837 after a public hearing held after at least fifteen (15) days notice.

9838

9839 D. Any member of the Board shall be disqualified to act upon a matter before the Board with
9840 respect to property in which the member has an interest.

9841

9842 E. The Board shall choose annually, from its own membership, its own Chairman, Vice
9843 Chairman, who shall act in the absence of the Chairman, and Secretary.

9844 **175-139 POWERS OF BOARD OF ZONING APPEALS**

9845 The Board of Zoning Appeals shall have the following powers and duties:

9846

9847 A. To hear and decide appeals from any order, requirement, decision and determination made by
9848 an administrative officer in the administration or enforcement of this chapter.

9849

9850 B. To authorize, upon appeal in specific cases, such variance from the terms of the chapter as
9851 will not be contrary to the public interest when, owing to special conditions, a literal enforcement
9852 of the provisions will result in unnecessary hardship, provided that the spirit of the chapter shall
9853 be observed and substantial justice done, as follows:

9854

9855 1. When a property owner can show that his property was acquired in good faith and where,
9856 by reason of the exceptional narrowness, shallowness, size or shape of a specific piece of
9857 property at the time of the effective date of the chapter, or where, by reason of
9858 exceptional topographic conditions or other extraordinary situation or condition of the
9859 piece of property, or of the condition, situation, or development of property immediately
9860 adjacent thereto, the strict application of the terms of the chapter would effectively
9861 prohibit or unreasonably restrict the use of the property, or where the Board is satisfied,
9862 upon the evidence heard by it, that the granting of such variance will alleviate a clearly
9863 demonstrable hardship ~~approaching confiscation~~, as distinguished from a special
9864 privilege or convenience sought by the applicant, provided that all variances shall be in
9865 harmony with the intended spirit and purpose of the chapter.

9866

9867 2. No such variance shall be authorized by the Board, unless it finds:

9868

9869 a. That the strict application of the chapter would produce undue hardship.

9870

9871 b. That such hardship is not shared generally by other properties in the same zoning
9872 district and the same vicinity.

9873

9874 c. That the authorization of such variance will not be of substantial detriment to adjacent
9875 property and that the character of the district will not be changed by the granting of the
9876 variance.

9877

- 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

9959 present to the Circuit Court of the county a petition specifying the grounds on which aggrieved
9960 within thirty (30) days after the filing of the decision in the office of the Board.

9961

9962 B. Upon the presentation of such petition, the Court shall allow a writ of certiorari to review the
9963 decision of the Board of Zoning Appeals and shall prescribe therein the time within which a
9964 return thereto must be made and served upon the relator's attorney, which shall not be less than
9965 ten (10) days and may be extended by the Court. The allowance of the writ shall not stay
9966 proceedings upon the decision appealed from; but, the Court may, on application, on notice to
9967 the Board and on due cause shown, grant a restraining order.

9968

9969 C. The Board of Zoning Appeals shall not be required to return the original papers acted upon
9970 by it, but shall be sufficient to return certified or sworn copies thereof or of such portions thereof
9971 as may be called for by such writ. The return shall concisely set forth such other facts as may be
9972 pertinent and material to show the grounds of the decision appealed from and shall be verified.

9973

9974 D. If, upon the hearing, it shall appear to the Court that testimony is necessary for the proper
9975 disposition of the matter, it may take evidence or appoint a Commissioner to take such evidence
9976 as it may direct and report the same to the Court with his findings of fact and conclusions of law,
9977 which shall constitute a part of the proceedings upon which the determination of the Court shall
9978 be made. The Court may reverse or affirm, wholly or partly, or may modify the decision brought
9979 up for review.

9980

9981 E. Costs shall not be allowed against the Board, unless it shall appear to the Court that it acted in
9982 bad faith or with malice in making the decision appealed from.

9983 **175-145 VIOLATIONS AND PENALTIES**

9984 A. All departments, officials and public employees of this jurisdiction which are vested with the
9985 duty or authority to issue permits or licenses shall conform to the provisions of this chapter. They
9986 shall issue permits for uses, buildings or purposes only when they are in harmony with the
9987 provisions of this chapter. Any such permit, if issued in conflict with the provisions of this
9988 chapter, shall be null and void.

9989

9990 B. Any person, firm or corporation, whether as principal, agent, employed or otherwise,
9991 violating, causing or permitting the violation of any of the provisions of this chapter shall be
9992 guilty of a misdemeanor and, upon conviction thereof, may be fined up to one thousand dollars
9993 (\$1,000.). Such person, firm or corporation shall be deemed to be guilty of a separate offense for
9994 each and every day during which any portion of any violation of this chapter is committed,
9995 continued or permitted by such person, firm or corporation and shall be punishable as herein
9996 provided.

9997 **175-146 AMENDMENTS**

9998 The regulations, restrictions and boundaries established in this chapter may, from time to time,
9999 be amended, supplemented, changed, modified or repealed by a favorable majority of votes of
10000 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 re-mailed. 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**

10083 A. Owners of land making applications to the Town of Front Royal for a zoning reclassification
10084 of their land in the Town of Front Royal may voluntarily proffer in writing, as part of the
10085 rezoning petition, certain conditions related to the future physical development and/or physical
10086 operation of the land to be rezoned, subject to the following requirements:
10087

- 10088 1. The rezoning of the land must itself give rise for the need for the conditions.
- 10089 2. The conditions must have a reasonable relation to the rezoning of the land.
- 10090 3. The conditions shall not include a cash contribution to the Town of Front Royal.
- 10091 4. The conditions shall not include a mandatory dedication of real or personal property for
10092 open space, parks, schools, fire departments or other public facilities which are not
10093 otherwise provided for in Virginia Code 15.2-2241.
- 10094 5. The conditions shall not include payment for or construction of off-site improvements,
10095 except those provided for in Virginia Code Section 15.2-2241.
- 10096 6. No conditions shall be proffered that are not related to the physical development or
10097 physical operation of the property to be rezoned.
- 10098 7. All conditions shall be in conformity with the Comprehensive Plan of the Town of Front
10099 Royal.
- 10100 8. All conditions shall be in writing and shall be submitted to the Town of Front Royal as
10101 part of the rezoning petition prior to public hearing before the governing body.
10102
10103

10104 B. Once proffered and accepted as part of an amendment to this chapter, the conditions shall
10105 continue in full force and effect until a subsequent amendment changes the zoning on the
10106 property covered by the conditions; provided, however, that such conditions shall continue if the
10107 subsequent amendment is part of a comprehensive implementation of a new or substantially
10108 revised Zoning Ordinance.
10109

10110 C. The Zoning Administrator shall administer and enforce the conditions attached to a rezoning
10111 or amendment to the Zoning Map, * including:
10112

- 10113 1. The ordering in writing of the remedy of any noncompliance with the conditions.
- 10114
- 10115 2. The bringing of legal action to ensure compliance with such conditions, including
10116 injunction, abatement or other appropriate action or proceeding.
10117
- 10118 3. Requiring a guaranty, satisfactory to the governing body, in an amount sufficient for and
10119 conditioned upon the construction of any physical improvements required by the
10120 conditions, or a contract for the construction of such improvements and the contractor's
10121 guaranty, in like amount and so conditioned, which guaranty shall be reduced or released
10122 by the governing body, or agent thereof, upon the submission of satisfactory evidence that
10123 construction of such improvements has been completed in whole or in part.
10124

10125 D. The failure to meet all conditions shall constitute cause to deny the issuance of any of the
10126 required use, occupancy or building permits as may be appropriate.
10127

10128 E. The Zoning Map shall show by an appropriate symbol on the map the existence of conditions
 10129 attached to zoning. The Zoning Administrator shall keep in his office and make available for
 10130 public inspection a conditional zoning index. The index shall provide ready access to the
 10131 ordinance creating conditions in addition to the regulations provided for in a particular zoning
 10132 district or zone.

10133 **175-150 CONDITIONAL ZONING PROFFERS IN REZONING APPLICATIONS;**
 10134 **HIGH GROWTH PERIODS**

10135 As provided in Virginia Code Section 15.2-2298, notwithstanding any contrary provisions in
 10136 Front Royal Town Code Section 175-149, the provisions of this section shall apply during
 10137 periods wherein the *Town and/or* County of Warren has had a population growth of ten percent
 10138 (10%) or more from the next-to-latest decennial census year, based on population reported by the
 10139 United States Bureau of the Census, or during periods when Warren County is contiguous with at
 10140 least three (3) counties which have experienced ten-percent population growth or more as
 10141 described herein.

10142
 10143 A. Owners of land making application to the Town of Front Royal for a zoning reclassification
 10144 of their land in the Town of Front Royal may voluntarily proffer in writing, as part of the
 10145 rezoning petition, certain conditions, subject to the following requirements:

- 10146
 10147 1. The rezoning of the land must itself give rise to the need for the conditions.
 10148 2. The conditions must have a reasonable relation to the rezoning of the land.
 10149 3. All conditions shall be in conformity with the Comprehensive Plan for the Town of Front
 10150 Royal.
 10151 4. The conditions may include a cash contribution to the Town of Front Royal or
 10152 contributions of personal property and services.
 10153 5. The conditions may include dedication of real property for open space, parks, schools,
 10154 fire departments or their public facilities.
 10155 6. The conditions may include payment for or construction of off-site improvements.
 10156 7. All conditions shall be in writing and shall be submitted to the Town of Front Royal as
 10157 part of the rezoning application prior to public hearing before the governing body.
 10158 8. *All applicable requirements of the Virginia Code shall be complied with, including, but*
 10159 *not limited to, the requirements of §15.2-2298.*

10160
 10161
 10162 B. No proffer shall be accepted under this section unless and until the town has adopted a capital
 10163 improvement program. In the event that the proffered conditions include a dedication of real
 10164 property or payment of cash, such property shall not transfer and such payment of cash shall not
 10165 be made until the facilities for which such property is dedicated or such cash is tendered are
 10166 included in the capital improvement program. However, the town may accept proffered
 10167 conditions which are not normally included in the capital improvement program. Proffered
 10168 conditions shall provide for the disposition of dedicated property or cash payments in the event
 10169 that said property or cash payments are not used for the purposes for which they are proffered.

10170
 10171 C. Once preferred and accepted as part of an amendment to this chapter, the conditions shall
 10172 continue in full force and effect until a subsequent amendment changes zoning of the property

10173 covered by the conditions; provided, however, that such conditions shall continue if the
10174 subsequent amendment is part of a comprehensive implementation of a new or substantially
10175 revised Zoning Ordinance.

10176
10177 D. The Zoning Administrator shall administer and enforce the conditions attached to a rezoning
10178 or amendment to the Zoning Map, including:

- 10179
- 10180 1. Ordering by written notice the remedy of any noncompliance with zoning conditions.
- 10181
- 10182 2. Bringing legal action to ensure compliance with such conditions, including injunction,
- 10183 abatement or other appropriate action or proceeding.
- 10184
- 10185 3. Requiring a guaranty satisfactory to the governing body in an amount sufficient for and
- 10186 conditioned upon the construction of any physical improvements required by the zoning
- 10187 conditions or a contract for the construction of such improvements and the contractor's
- 10188 guaranty in like amount and so conditioned, which guaranty shall be reduced or released
- 10189 by the governing body or agent thereof upon the submission of satisfactory evidence that
- 10190 the construction of such improvements has been completed, in whole or in part.
- 10191

10192 E. The failure to meet all conditions shall constitute cause to deny the issuance of any required
10193 use, occupancy or building permit as may be appropriate.

10194
10195 F. The Zoning Map shall show by an appropriate symbol on the map the existence of conditions
10196 attached to zoning. The Zoning Administrator shall keep in his office and make available for
10197 public inspection a Conditional zoning index. This index shall provide ready access to the
10198 ordinance creating conditions in addition to the regulations provided for in a particular zoning
10199 district or zone.

10200
10201 G. The Zoning Administrator shall record in the deed book records of the Office of the Clerk of
10202 the Circuit Court of Warren County a certificate with the name of the property owner and a
10203 description of the property and indicating that the property is subject to conditional zoning as
10204 shown on the Town of Front Royal Zoning Map.

10205
10206 -----END

10207
10208 **Editorial Notes:** All language shown in yellow highlight and italics is proposed new text, sometimes visible as pink, blue or
10209 purple highlight where a comment is added over it. All language shown in strikethrough is existing language that is proposed to
10210 be removed. Regular text shown is existing language with no changes proposed. Editorial notes removed in this draft
10211 amendment only for the purpose of reducing the size of the document.

10212
10213 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 understory 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. SENARY LLC
GPIN: 5061-17-6546
M. 19 PARCEL 90 B

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

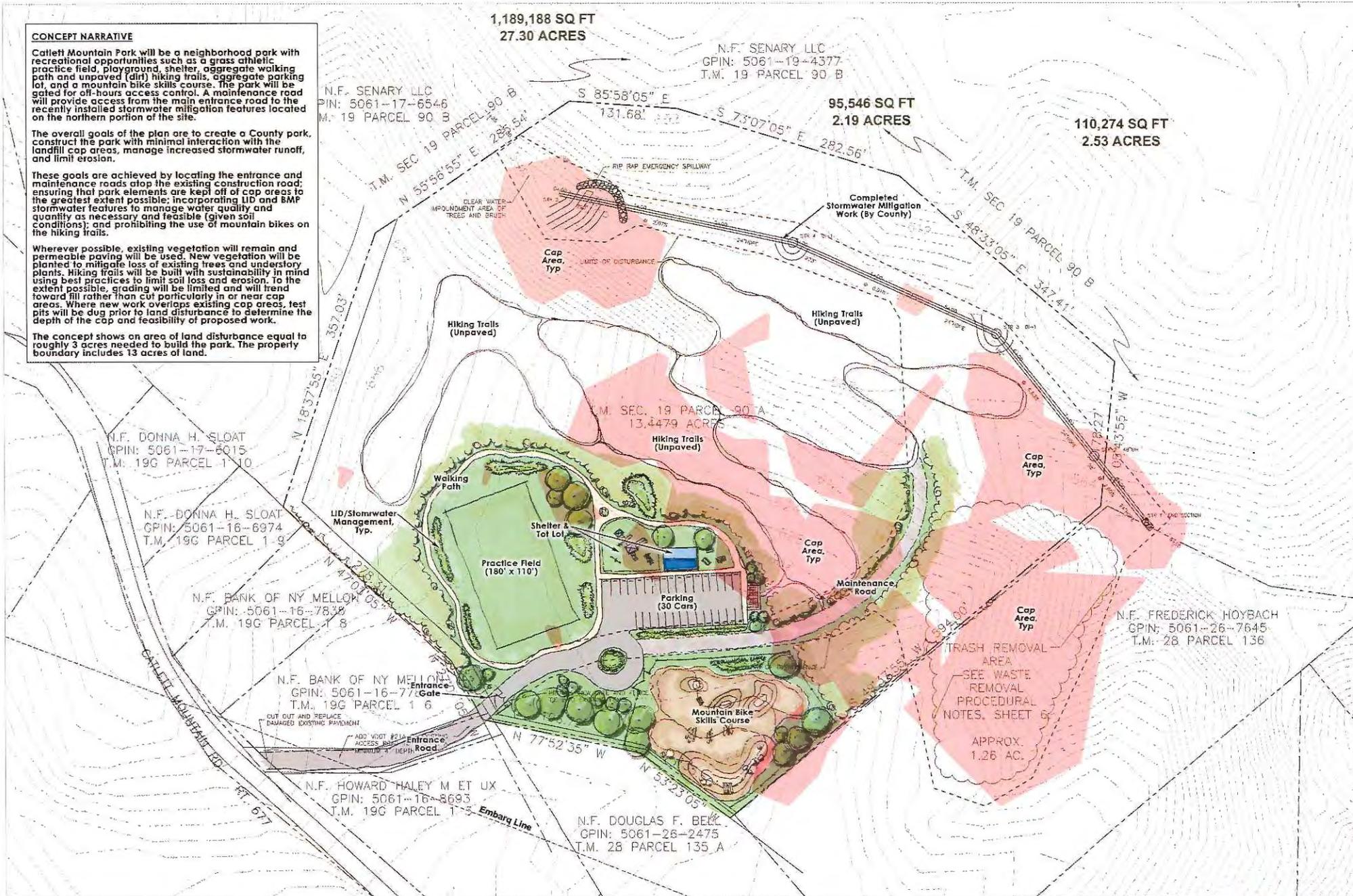
N.F. BANK OF NY MELLON
GPIN: 5061-16-7716
T.M. 19G PARCEL 1-6

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

M. SEC. 19 PARCEL 90 A
13.4479 ACRES

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

10

**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: JB



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,



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: 000003262
 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			
i	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

Ann L. Presley
As to the Town of Front Royal

By: *J. B. B.*
Title: *Town Manager*

In the presence of:

COMMONWEALTH OF VIRGINIA
DEPARTMENT OF TRANSPORTATION

Judi Hester
As to the Commonwealth

By: *William T. Kelsey*
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:

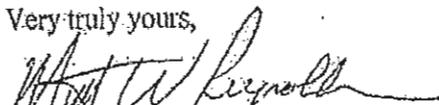
Attached is a copy of the fully executed agreement between the Town of Front Royal and the Department that covers the adjustment of water and sanitary sewer facilities for the subject project.

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

Construction Complete

Attachment

52243
0658-093-185 M201
Complete 11-1-12
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
42846	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
	Overall Costs			\$84,210.00		\$46,210.00		\$38,000.00
	Percentage					54.9%		45.1%

11

**CLOSED MEETING – Investment of Public
Funds; Consultation with Legal Counsel;
Award of Public Contract**

