

# Waste Water Treatment Plant Groundbreaking at 6:00pm



## TOWN OF FRONT ROYAL, VIRGINIA TOWN COUNCIL MEETING Monday, April 13, 2015 @ 7:00pm Warren County Government Center

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

**7A**

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



Town of Front Royal, Virginia  
Council Agenda Statement

Page 1  
Item No. 7(A)

Meeting Date: April 13, 2015

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

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

**Budget/Funding:** None

**Attachments:** Proclamation

**Meetings:** None

**Staff Recommendation:** Approval  Denial

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

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

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

Approved By: JB



*International Association of Administration Professionals*  
**Leading Administrative Professionals**

**PROCLAMATION**  
2015 Administrative Professionals Week and Day

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

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

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

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

**APPROVED:**

**ATTEST:**

\_\_\_\_\_  
Timothy W. Darr, Mayor

\_\_\_\_\_  
Jennifer E. Berry, Clerk of Council

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

# 7B

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



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

Page 1  
Item No. 7(B)

**Meeting Date:** April 13, 2015

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

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

**Budget/Funding:** None

**Attachments:** VDOT Forms and Information

**Meetings:** Work Session held March 30, 2015

**Staff Recommendation:** Approval  Denial

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

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

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

Approved By: JB

## Request to Administer Project

To: District Office Local Liaison

From: Steven Burke, P.E. sburke@frontroyalva.com 540-635-8007

(Printed Name of Responsible Local Official Issuing Request) (Email Address) (Phone)

Signature (Typed when e-mailed) By: \_\_\_\_\_ Date: \_\_\_\_\_

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

Revised July 1, 2012

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

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

*Use Ctrl-Enter to create paragraph breaks within comments.*

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

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

**Include with Request to Administer Submittal**

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

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

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

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

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

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

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

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

**Local Government Responsible Person (submit one for each RP)**

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

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

Name Carl J Hannigan, Jr Title Director of Environmental Services

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

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

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

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

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

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

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

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

Yes

No

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

OSHA Level 2

Chemical Spill Response Training

Local Programs Workshop

Guardrail Installation Certification

MUTCD Certification

Mechanical / Schematics and Reading Certification

Road Safety Audits

VDot Flagger Certification

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

**General Locality Project Management Experience**

The locality must be able to demonstrate "adequate project delivery" systems\* to administer a federal-aid project. This requirement is identified in Chapter 2.2 of the VDOT LAP Manual. *Select, from the choices below, that which best describes the locality's project management experience:*

- The locality has successfully administered one or more federal aid highway improvement project(s) within the previous five years. Briefly describe the project(s) (including project scope, cost, and duration) and provide VDOT UPC and project number if available, in an attachment.
- The locality has successfully administered one or more non-highway improvement federal aid project (e.g. sidewalk, streetscape, landscaping, multi-use trail, etc) project(s) within the previous three to five years. Briefly describe the project(s) and provide VDOT UPC and project number if available, in an attachment.
- The locality has successfully administered a state aid or capital improvement highway improvement project within the previous five years. Provide a detailed explanation of the scope, cost, and duration of the project in an attachment.
- The locality has not successfully administered a transportation-related project or Capital Improvement project in the recent past.

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

Project: 0658-093-185

UPC: 52243

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

Cost: \$28,554.51

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

Project: 0000-112

UPC: 105639

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

Cost: Total \$260,000

Duration: October 2014

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

**Consultant Procurement**

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

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

yes       no

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

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

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

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

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

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

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

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

**Project Scheduling**

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

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

- Yes
- No

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

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

**Construction Phase Work Orders**

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

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

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

**Compliance / Audit Findings**

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

- Yes  
 No

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

# 7C

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



Town of Front Royal, Virginia  
Council Agenda Statement

Page 1  
Item No. 7(C)

Meeting Date: April 13, 2015

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

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

**Budget/Funding:** None

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

**Meetings:** Work Session held March 30, 2015

**Staff Recommendation:** Approval ✓ Denial \_\_\_\_\_

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

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

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

Approved By: JB

SITE NAME: Nineveh

## WATER TOWER SITE LEASE AGREEMENT

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

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

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

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

### WITNESSETH

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

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

SITE NAME: Nineveh

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

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

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

3. TERM: RENTAL.

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

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

SITE NAME: Nineveh

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

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

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

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

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

SITE NAME: Nineveh

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

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

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

SITE NAME: Nineveh

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

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

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

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

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

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

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

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

SITE NAME: Nineveh

under the circumstances.

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

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

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

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

SITE NAME: Nineveh

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

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

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

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

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

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

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

SITE NAME: Nineveh

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

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

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

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

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

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

25. DEFAULT.

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

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

SITE NAME: Nineveh

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

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

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

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

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

SITE NAME: Nineveh

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

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

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

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

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

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

SITE NAME: Nineveh

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

*[Signature page follows]*

SITE NAME: Nineveh

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

WITNESS:

\_\_\_\_\_

LESSOR:

**THE TOWN OF FRONT ROYAL**

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

WITNESS:

\_\_\_\_\_

LESSEE:

**CELLCO PARTNERSHIP**

**d/b/a Verizon Wireless**

By: \_\_\_\_\_

David R. Heverling

Area Vice President Network

Date: \_\_\_\_\_

APPROVED AS TO FORM:

\_\_\_\_\_  
Douglas W. Napier, Town Attorney

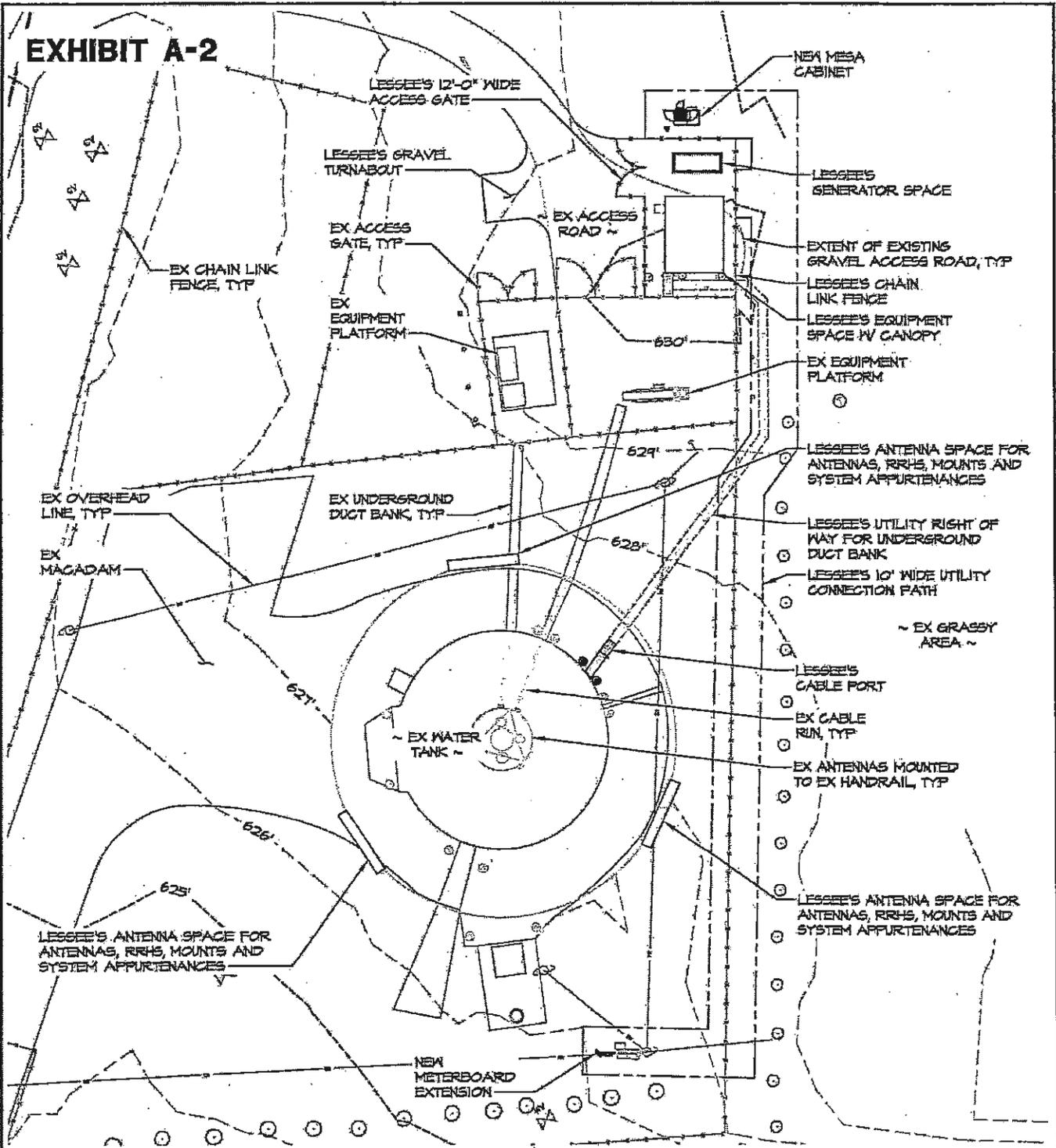
SITE NAME: Nineveh

**EXHIBIT "A"**

**Premises**

**[see attached]**

**EXHIBIT A-2**



**ENLARGED SITE PLAN**

SCALE: 1" = 30'-0"



**MORRIS & RITCHIE ASSOCIATES, INC.**  
 ENGINEERS, PLANNERS, SURVEYORS AND LANDSCAPE ARCHITECTS  
 1220-C East Joppa Road, Suite 505  
 Towson, Maryland 21286  
 (410) 821-1690  
 Fax (410) 821-1748

**NINEVEH**  
 401 FAIRGROUND RD  
 FRONT ROYAL, VA 22630  
 WARREN COUNTY

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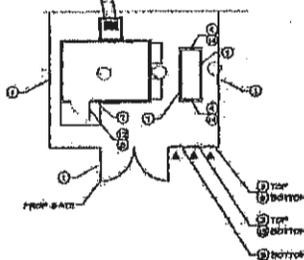
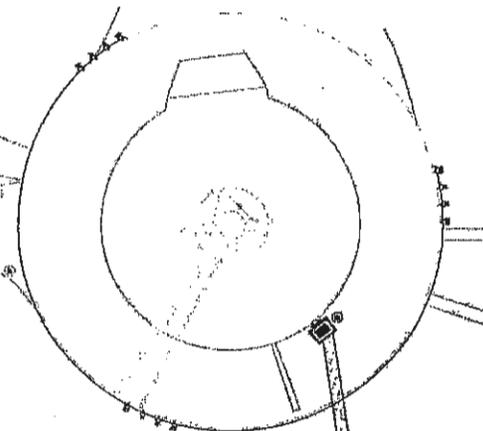
SITE NAME: Nineveh

EXHIBIT "C"

Construction Drawings

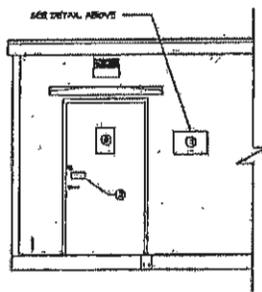
[see attached]



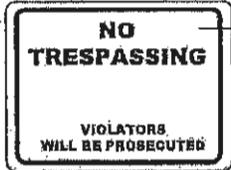


1 = FRONT OF SIGN

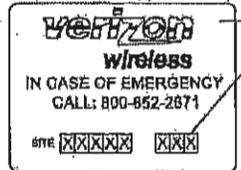
**TOWER SITE COMPOUND SIGN PLACEMENT**  
SCALE: NOT TO SCALE



**12'x17' SHELTER ENTRANCE SIGNAGE**  
SCALE: NOT TO SCALE



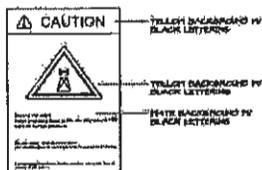
① **NO-TRESPASSING SIGN**  
18" HIGH X 24" WIDE



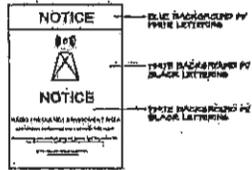
② **VERIZON WIRELESS-SITE ID SIGN**  
18" HIGH X 24" WIDE



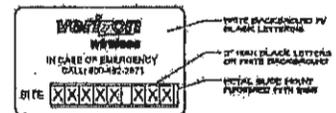
③ **NOTICE-RF SIGN**  
18" HIGH X 18" WIDE



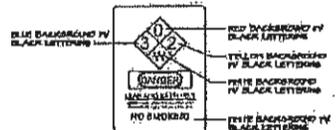
⑤ **CAUTION-RF SIGN (YELLOW)**  
18" HIGH X 18" WIDE



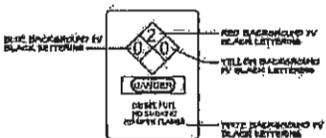
⑥ **NOTICE-RF SIGN (BLUE)**  
18" HIGH X 18" WIDE



⑦ **VERIZON WIRELESS-SITE ID SIGN**  
17" HIGH X 18" WIDE



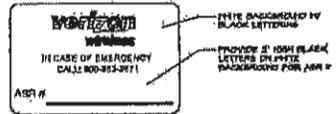
⑧ **DANGER - LEAD ACID BATTERIES (SHELTER BATTERY MOBILE OUTDOOR CABINETS)**  
18" HIGH X 14" WIDE



⑨ **DANGER - DIESEL FUEL**  
18" HIGH X 14" WIDE



⑩ **EMERGENCY RESPONSE SIGN**  
18" HIGH X 18" WIDE



⑪ **VERIZON WIRELESS-SITE ID SIGN**  
18" HIGH X 18" WIDE



⑫ **NO SMOKING SIGNAGE**  
18" HIGH X 14" WIDE

**TYPICAL SIGNS AND SPECIFICATIONS**  
NOT TO SCALE

**SIGNAGE NOTES:**

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



**MORRIS & PETROE ASSOCIATES, INC.**  
Civil/Professional Engineers  
2000 West Park Drive  
Falls Church, VA 22041  
703.281.7700



**verizon wireless**  
NINEVEH  
401 FAIRGROUND ROAD  
FRONT ROYAL, VIRGINIA 22600 (WARREN COUNTY)

NO.	DESCRIPTION	DATE

DESIGNED BY: JMT  
PROJECT NO: 10611003  
DATE: 1/14/2014  
SCALE: AS NOTED  
TITLE:

Site Storage

SECRET



# MORRIS & RITCHIE ASSOCIATES, INC.

ENGINEERS, ARCHITECTS, PLANNERS, SURVEYORS,  
AND LANDSCAPE ARCHITECTS



March 10, 2014

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

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

Dear Joe:

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

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

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

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

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

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

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

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

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

Sincerely,

Tank Industry Consultants

*John M. Lieb*

John M. Lieb, P.E.  
Chief Engineer

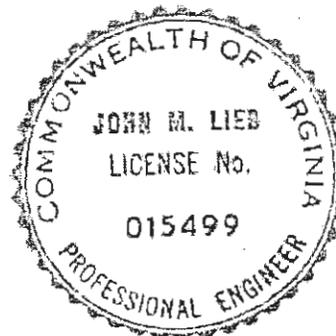
Cc: Stephen W. Meier, P.E., S.E./Gregory R. "Chip" Stein, P.E. – TIC Indianapolis  
Sabrina Fleming – TIC Bolingbrook

**PROFESSIONAL ENGINEER'S CERTIFICATION**

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

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

Date: *April 28, 2014*



# MORRIS & RITCHIE ASSOCIATES, INC.

ENGINEERS, ARCHITECTS, PLANNERS, SURVEYORS,  
AND LANDSCAPE ARCHITECTS

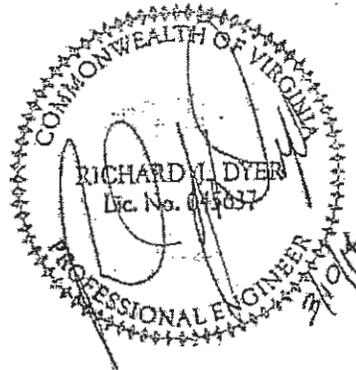


## Water Tank Evaluation

### Nineveh

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

March 10, 2014



Prepared For:

**Verizon Wireless**  
9000 Junction Drive  
Annapolis Junction, MD 20701

MRA Job Number: 10427.1358

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Project Name:	Nineveh				
Project Location:	Warren County, Virginia				
				<b>LEGEND</b>	
				Existing	
<b>APPURTENANCES</b>				To Be Removed	
				Proposed	
				Reserved	
* Appurtenance types and elevations are approximations used for obtaining gravity & wind loads only. *					
<b>Appurtenance</b>	<b>Carrier</b>	<b>Approximate Elevation</b>	<b>Mount</b>	<b>Feedline Size</b>	<b>Notes</b>
(1) 2' Dia. x 2' Long Omni	Unknown	185' (CL)	Mounted off Steel Framing atop Tank	N/A	Existing
(3) 72"x6"x6" Panel Antenna		182' (CL)	(3) 8' Pipe Mounts Attached to Steel Framing atop Tank	(6) 1-5/8" Coax (External)	Existing
(3) 72"x6"x4" Panel Antenna		175' (CL)	Mounted off Steel Framing atop Tank	N/A	Existing
(3) RFS APXVSP18-G Panel Antenna	Sprint	175' (CL)	(3) 8' Pipe Mounts Attached to Handrail	(3) 1-5/8" Coax (External)	Existing
(3) Alcatel-Lucent 4x40W 1900MHz RRH					
(3) Alcatel-Lucent 2x50W 800MHz RRH					
(6) Antel BXA-70063/8CF Panel Antenna	Verizon Wireless	165' (CL)	(12) Pipe Mounts	(3) 1-1/4" RFS 6x12 Hybriflex (External)	Proposed
(8) Antel BXA-171063-12CF-EDIN Panel Antenna					
(12) Alcatel Lucent 2x50W RRH					
(3) Raycap RCMDC-4750-PF-48 Distribution Boxes					

# TIC

## TANK INDUSTRY CONSULTANTS

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

Bolingbrook, Illinois  
630 / 226-0745

El Paso, Texas  
915 / 790-0790

Houston, Texas  
281 / 367-3511

Pittsburgh, Pennsylvania  
412 / 262-1586

April 28, 2014

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

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

Ms. Beaudoin,

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

### INTRODUCTION

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

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

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

## **CONCLUSIONS**

### ***Structural Evaluation Review***

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

### ***Design Review Services***

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

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

## **RECOMMENDATIONS**

### ***Structural Evaluation***

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

### ***Design Review Services***

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



**MORRIS & RITCHIE ASSOCIATES, INC.**  
*Architects, Engineers, Planners, Surveyors & Landscape Architects*  
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Towson, Maryland 21286  
410-821-1690 Fax: 410-821-1748

## **STRUCTURAL CALCULATIONS**

### PROJECT:

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

### PREPARED FOR:

Verizon Wireless  
9000 Junction Drive  
Annapolis Junction, Maryland 20701

### PREPARED BY:

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

### CONTACT:

Rich Dyer

SITE NAME: Nineveh

**EXHIBIT "B"**

**LESSEE's Equipment**

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

Antennas, RRHs, TMAs, Diplexers & Cables:

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

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

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

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

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

Up to two (2) GPS units

Equipment Building and Generator:

10' W x 16' L Equipment Platform with canopy

110 Gallon Back-up Diesel Generator

SITE NAME: Nineveh

EXHIBIT "D"

Tank Industry Consultants "Antenna Installation Review Report"

and

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

[see attached]



Project Name: Minervch  
 Project Location: Front Royal, Virginia 22620

Description	Length	Width / Height	Center of Pressure	Projected Area	X-Sectional Shape	Shape Factor	Effective Projected Area	Effective Overturning Moment
	(ft)	(ft)	(ft)	(ft <sup>2</sup> )			(ft <sup>2</sup> )	(ft <sup>3</sup> )
Ex Structure:								
Shaft	120.00	45.50	60.00	5400.00	Single Curvature	0.6	3276.00	195560.00
Isl	50.00	15.00	145.00	2976.00	Double Curvature	0.5	1488.00	215766.80
Climbing Tube Hatch	4.67	1.00	170.50	4.67	Single Curvature	0.6	2.80	477.40
Tank Hatch	3.00	0.50	170.25	1.50	Single Curvature	0.6	0.90	153.23
Tank Hatch	3.00	0.50	170.25	1.50	Single Curvature	0.6	0.90	153.23
Vent	3.50	2.50	171.25	8.75	Single Curvature	0.6	5.25	899.06
Handrail (Top Rail)	40.84	0.17	173.99	6.81	Flat	1	6.81	1184.33
Handrail (Mid Rail)	40.84	0.17	173.00	6.81	Flat	1	6.81	1170.77
Handrail (Bottom Rail)	40.84	0.33	170.17	13.61	Flat	1	13.61	2316.58
Handrail (Vertical)	31.00	0.21	173.00	4.38	Flat	1	4.38	752.50
Handrail (Diagonal)	45.92	0.17	173.00	7.65	Flat	1	7.65	1316.47

Total Effective Wind Area: 4813.15 ft<sup>2</sup>  
 Total Effective Overturning Moment: 420750.36 ft<sup>3</sup>

Carrier	Manufacturer	Model / Description	Quantity	Length	Width	Center of Pressure	Projected Area	X-Sectional Shape	Shape Factor	Shielding Factor	Access Factor	Effective Projected Area	Effective Overturning Moment
				(ft)	(ft)	(ft)	(ft <sup>2</sup> )					(ft <sup>2</sup> )	(ft <sup>3</sup> )
Ex Antennas/Dishes:													
Sprint	RFB	APXV8P18-C	3	6.00	0.98	175	17.70	Flat	1	1	0.8	14.16	2478.00
Unknown		J Diameter Dish	1			175	13.57	Flat	1	1	0.8	10.02	1759.29
Unknown		Panel Antenna	3	6.00	0.50	175	9.00	Flat	1	1	0.8	7.20	1260.00
Unknown		Panel Antenna	3	6.00	0.50	182	9.00	Flat	1	1	0.8	7.20	1310.40
Unknown		Omni Antenna	1	6.00	0.50	185	3.00	Single Curvature	0.6	1	0.8	1.44	266.40
Ex Equipment:													
Sprint	Alcatel Lucent	3x1W (900MHz RRU)	3	1.92	1.42	176	8.15	Flat	1	1	0.8	6.52	1146.93
Sprint	Alcatel Lucent	2x50W 800MHz RRU	3	1.64	1.08	173.5	5.34	Flat	1	1	0.8	4.27	740.56
Ex Feedlines:													
Sprint		Pipe Mount	3	8.00	0.33	174	8.00	Single Curvature	0.6	1	1	4.80	833.20
Sprint		Pipe Mount	3	8.00	0.24	174	5.75	Single Curvature	0.6	1	1	3.45	600.30
Unknown		Pipe Frame (Vertical)	3	12.00	0.20	176	7.13	Single Curvature	0.6	1	1	4.28	752.40
Unknown		Pipe Frame (Top Rail)	3	11.76	0.25	182	8.44	Flat	1	1	1	8.44	1536.75
Unknown		Pipe Frame (Bracing)	6	13.87	0.25	178	20.72	Flat	1	1	1	20.72	3687.59
Unknown		Pipe Mount	3	6.00	0.24	182	4.31	Single Curvature	0.6	1	1	2.59	470.93

Total Effective Wind Area: 95.11 ft<sup>2</sup>  
 Total Effective Overturning Moment: 16814.76 ft<sup>3</sup>

Carrier	Manufacturer	Model / Description	Quantity	Length	Width	Center of Pressure	Projected Area	X-Sectional Shape	Shape Factor	Shielding Factor	Access Factor	Effective Projected Area	Effective Overturning Moment
				(ft)	(ft)	(ft)	(ft <sup>2</sup> )					(ft <sup>2</sup> )	(ft <sup>3</sup> )
Prop Antennas/Dishes:													
Verizon Wireless	Antel	DXA-70063/8CF	6	7.88	0.93	155	44.15	Flat	1	0.67	0.8	23.60	3607.71
Verizon Wireless	Antel	DXA-171063-12CF-8DYN	6	6.01	0.31	155	18.40	Flat	1	0.67	0.8	9.96	1528.81
Prop Equipment:													
Verizon Wireless	Alcatel Lucent	2x60W RRU	12	3.06	0.88	155	32.52	Flat	1	0.67	0.8	17.38	2693.32
Verizon Wireless	Raycap	RCMBK-4750-PP-48	3	1.60	1.31	155	6.29	Flat	1	0.67	0.8	3.31	512.19
Prop Mounts:													
Verizon Wireless		Pipe Mount	6	8.00	0.29	155	14.08	Flat	1	0.67	1	9.38	1453.00
Verizon Wireless		Pipe Mount	6	6.00	0.29	155	10.50	Flat	1	0.67	1	7.04	1090.43
Prop Feedlines:													
Reserved Antennas:													
Reserved Equipment:													
Reserved Mounts:													
Reserved Feedlines:													

Total Effective Wind Area: 70.69 ft<sup>2</sup>  
 Total Effective Overturning Moment: 10956.35 ft<sup>3</sup>

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

Percentage Increase Over Existing	Percentage Increase Over Original
Total Shear: 1.4%	3.4%
Overturning Moment: 2.5%	6.0%

\*\* Due to feedlines having a small wind cross section (A<sub>w</sub> << 1) when compared to the entire tank structure, TIA-222-G permits the projected areas of the feedlines to be ignored.

# 7D

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



Town of Front Royal, Virginia  
Council Agenda Statement

Page 1  
Item No. 7(D)

Meeting Date: April 13, 2015

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

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

**Budget/Funding:** None

**Attachments:** None

**Meetings:** Work Session held April 6, 2015.

**Staff Recommendation:** Approval  Denial

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

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

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

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

Approved By: JB

# 8

**PUBLIC HEARING – Ordinance  
Amendment to Chapter 175 (1<sup>st</sup> Reading)**



Town of Front Royal, Virginia  
Council Agenda Statement

Page 1  
Item No. 8

Meeting Date: April 13, 2015

---

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

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

**Budget/Funding:** None

**Attachments:** Proposed Amendments are available in the Town's Planning and Zoning Department or the Town's website at [www.frontroyalva.com](http://www.frontroyalva.com)

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

**Staff Recommendation:** Approval  Denial

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

## ROLL CALL VOTE REQUIRED

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

Approved By: JSB

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

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

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

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

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

**DRAFT AMENDMENT – VERSION 13**

**“ZONING ORDINANCE UPDATES”**

---

START -----

**Chapter 175**

**ZONING**

**Sections:**

**GENERAL PROVISIONS**

- 175-1 LEGISLATIVE AUTHORITY; INTENT AND PURPOSE**
- 175-2 WORD USAGE**
- 175-3 DEFINITIONS**

**ZONING MAP; DISTRICTS; BOUNDARIES**

- 175-4 ADOPTION OF ZONING MAP**
- 175-5 IDENTIFICATION OF OFFICIAL ZONING MAP**
- 175-6 CHANGES ON ZONING MAP**
- 175-7 LOCATION OF OFFICIAL ZONING MAP**
- 175-8 REPLACEMENT OF OFFICIAL ZONING MAP**
- 175-9 ENUMERATION OF DISTRICTS**
  - 175-9.1 CLASSIFICATION OF ANNEXED TERRITORY**
  - 175-9.2 INTERPRETATION OF BOUNDARIES – ZONING MAP**
  - 175-9.3 EXCLUDED USES**
  - 175-9.4 TEMPORARY EMERGENCY USES**

**CHILD CARE**

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

**175-10 Reserved**

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

- 175-10.2 STATEMENT OF INTENT**
- 175-10.3 USES PERMITTED BY RIGHT**
- 175-10.4 USES PERMITTED BY SPECIAL USE PERMIT.**
- 175-10.5 AREA AND FRONTAGE**
- 175-10.6 SETBACK**
- 175-10.7 YARDS**
- 175-10.8 LOT COVERAGE**
- 175-10.9 HEIGHT**
- 175-10.10 STANDARDS**

- 47 **ESTATE RESIDENTIAL DISTRICT (RE)**  
48 **175-10.11 STATEMENT OF INTENT**  
49 **175-10.12 USES PERMITTED BY RIGHT**  
50 **175-10.13 USES PERMITTED BY SPECIAL PERMIT**  
51 **175-10.14 MODEL HOMES AND SALES OFFICES**  
52 **175-10.15 AREA AND FRONTAGE**  
53 **175-10.16 SETBACK**  
54 **175-10.17 YARDS**  
55 **175-10.18 LOT COVERAGE**  
56 **175-10.19 HEIGHT**  
57 **175-10.20 CORNER LOTS**  
58  
59 **SUBURBAN RESIDENTIAL DISTRICT (R-S)**  
60 **175-10.21 STATEMENT OF INTENT**  
61 **175-10.22 USES PERMITTED BY RIGHT**  
62 **175-10.23 USES PERMITTED BY SPECIAL PERMIT**  
63 **175-10.24 MODEL HOMES AND SALES OFFICES**  
64 **175-10.25 AREA AND FRONTAGE**  
65 **175-10.26 SETBACK**  
66 **175-10.27 YARDS**  
67 **175-10.28 LOT COVERAGE**  
68 **175-10.29 HEIGHT**  
69 **175-10.30 CORNER LOTS**  
70  
71 **RESIDENTIAL DISTRICT (R-1)**  
72 **175-11 STATEMENT OF INTENT**  
73 **175-12 USES PERMITTED BY RIGHT**  
74 **175-12.1 USES PERMITTED BY SPECIAL PERMIT**  
75 **175-12.2 MODEL HOMES AND SALES OFFICES**  
76 **175-13 AREA AND FRONTAGE**  
77 **175-14 SETBACK**  
78 **175-15 YARDS**  
79 **175-16 LOT COVERAGE**  
80 **175-17 HEIGHT**  
81 **175-18 CORNER LOTS**  
82  
83 **RESIDENTIAL DISTRICT (R-1A)**  
84 **175-18.1 STATEMENT OF INTENT**  
85 **175-18.2 USE REGULATIONS**  
86 **175-18.3 AREA**  
87 **175-18.4 HEIGHT**  
88 **175-18.5 MINIMUM YARD DIMENSIONS**  
89 **175-18.6 LOT COVERAGE**  
90 **175-18.7 OFF-STREET PARKING**  
91  
92 **RESIDENTIAL DISTRICT (R-2)**

93	<b>175-19 STATEMENT OF INTENT</b>
94	<b>175-20 USES PERMITTED BY RIGHT</b>
95	<b>175-20.1 USES PERMITTED BY SPECIAL PERMIT</b>
96	<b>175-20.2 MODEL HOMES AND SALES OFFICES</b>
97	<b>175-21 AREA</b>
98	<b>175-22 SETBACK</b>
99	<b>175-23 FRONTAGE</b>
100	<b>175-24 YARDS</b>
101	<b>175-25 LOT COVERAGE</b>
102	<b>175-26 HEIGHT</b>
103	<b>175-27 CORNER LOTS</b>
104	
105	<b><u>RESIDENTIAL DISTRICT (R-3)</u></b>
106	<b>175-28 STATEMENT OF INTENT</b>
107	<b>175-29 USES PERMITTED BY RIGHT</b>
108	<b>175-30 USES PERMITTED BY SPECIAL PERMIT</b>
109	<b>175-30.1 MODEL HOMES AND SALES OFFICES</b>
110	<b>175-31 AREA</b>
111	<b>175-32 SETBACK</b>
112	<b>175-33 SETBACK WIDTHS</b>
113	<b>175-34 YARDS</b>
114	<b>175-35 LOT COVERAGE</b>
115	<b>175-36 HEIGHT</b>
116	<b>175-37 CORNER LOTS</b>
117	
118	<b><u>PLANNED NEIGHBORHOOD DEVELOPMENT DISTRICT (PND)</u></b>
119	<b>175-37.01 STATEMENT OF INTENT</b>
120	<b>175-37.02 EVALUATION CRITERIA</b>
121	<b>175-37.03 PERMITTED USES</b>
122	<b>175-37.04 STANDARDS</b>
123	<b>175-37.05 REVIEW AND CREATION OF THE PLANNED NEIGHBORHOOD</b>
124	<b>DEVELOPMENT DISTRICT</b>
125	<b>175-37.06 OPEN SPACE STANDARDS</b>
126	<b>175-37.07 OFF-STREET PARKING</b>
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326

327

**GENERAL PROVISIONS**

328 **175-1 LEGISLATIVE AUTHORITY; INTENT AND PURPOSE**

329 A. By Act of the General Assembly of Virginia as provided in Chapter 22, Article 7, Section  
330 15.2-2280 through 15.2-2316, Code of Virginia, and amendments thereto, the governing body of  
331 any county or municipality may, by ordinance, classify the territory under its jurisdiction or any  
332 substantial portion thereof into districts of such number, shape and size as it may deem best  
333 suited to carry out the purposes of this Article, and in each district it may regulate, restrict,  
334 permit, prohibit and determine the following:

335

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

337

338 1. The use of land, buildings, structures and other premises for agricultural, business,  
339 industrial, residential, floodplain and other specific uses.

340

341 2. The size, height, area, bulk, location, erection, construction, reconstruction, alteration,  
342 repair, maintenance, razing or removal of structures.

343

344 3. The areas and dimensions of land, water and airspace to be occupied by buildings,  
345 structures and uses and of courts, yards and other open spaces to be left unoccupied by  
346 uses and structures, including variations in the sizes of lots based on whether a public or  
347 community water supply or sewer system is available and used.

348

349 4. The excavation or mining of soil or other natural resources.

350

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

356

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

358

359 1. Provide for adequate light, air, convenience of access and safety from fire, flood and  
360 other dangers.

361

362 2. Reduce or prevent congestion in the public streets.

363

364 3. Facilitate the creation of a convenient, attractive and harmonious community.

365

- 366 4. Facilitate the provision of adequate police and fire protection, disaster evacuation, civil  
367 defense, transportation, water, sewerage, flood protection, schools, parks, forests,  
368 playgrounds, recreational facilities, airports and other public requirements.  
369  
370 5. Protect against destruction of or encroachment upon historic areas.  
371  
372 6. Protect against one (1) or more of the following: overcrowding of land, undue density of  
373 population in relation to the community facilities existing or available, obstruction of  
374 light and air, danger and congestion in travel and transportation or loss of life, health or  
375 property from fire, flood, panic or other dangers.  
376  
377 7. Encourage economic development activities that provide desirable employment and  
378 enlarge the tax base.

379 **175-2 WORD USAGE**

- 380 A. Words used in the present tense include the future tense; words used in the singular number  
381 include the plural number, and words in the plural number include the singular number, unless  
382 the obvious construction of the wording indicates otherwise.  
383  
384 B. The word "shall" is mandatory; "may" is permissive.  
385  
386 C. Unless otherwise specified, all distances shall be measured horizontally and at right angles to  
387 the line in relation to which the distance is specified.  
388  
389 D. The word "building" includes the word "structure;" the word "lot" includes the words "plot"  
390 and "parcel."  
391  
392 E. The word "used" shall be deemed also to include "erected," "reconstructed," "altered,"  
393 "placed" or "moved."  
394  
395 F. The terms "land use" and "use of land" shall be deemed also to include "building use" and  
396 "use of building."  
397  
398 G. The word "state" means the Commonwealth of Virginia.  
399  
400 H. The word "town" means the Town of Front Royal, Virginia.  
401  
402 I. The word "person" includes a firm, association, organization, partnership, trust, company or  
403 corporation as well as an individual.

404 **175-3 DEFINITIONS**

405 For the purpose of this chapter, certain words and terms are herein defined as follows:  
406

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

409

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

423

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

431

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

434

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

444

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

447

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

450

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

453

454

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

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

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

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

**AUTOMOBILE GRAVEYARD** - See "junkyard."

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

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

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

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

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

505  
506 **BABYSITTING SERVICE** - Any activity occurring in an occupied residence whereby the  
507 resident(s) provides day care for children other than those in his/her own immediate family. Such  
508 care is limited to that care given to no more than seven (7) children at any given time, other than  
509 the children that permanently reside on the premises. A town business license is required for  
510 "baby-sitting service".

511  
512 **BASEMENT** - A story partly underground and having fifty percent (50%) or more of the total  
513 exterior wall area exposed. It shall not be occupied for residential purposes until the remainder  
514 of the building has been completed. A "basement" shall be counted as a story for the purpose of  
515 height requirements.

516  
517 **BAY WINDOW** - A convex window frame and pane(s) that projects outward from a house or  
518 other structure, which may project not more than three feet (3') into any required yard area.

519  
520 **BED-AND-BREAKFAST HOME** - A single-family, owner-occupied dwelling with ten (10) or  
521 fewer guest rooms in which overnight accommodations and breakfast are provided for transient  
522 guests, none of whom remain any more than fourteen (14) consecutive nights. A "bed-and-  
523 breakfast home" shall also be known as a "Tourist Home".

524  
525 **BLOCK** - The property bound on all sides by one (1) side of a street or a combination of a street  
526 line, railroad right-of-way, unsubdivided land, river, live stream, stream bed or any other barrier  
527 to the continuity of development.

528 **BOARDINGHOUSE** - See "Lodging House".

529  
530 **BOARD, THE** - The Board of Zoning Appeals of the Town of Front Royal, Virginia.

531  
532 **BUILDING** - A structure having a roof, supported by columns or by walls and intended for the  
533 shelter, housing or enclosure of any person, animal or chattel.

534  
535 **BUILDING COVERAGE, LOT COVERAGE** - All areas on a lot which are under a roof or  
536 under projections from buildings.

537  
538 **BUILDING INSPECTOR** - An appointed official of the Town of Front Royal, Virginia who is  
539 responsible for certifying building inspections.

540  
541 **BUILDING, MAIN** - A building in which the principal use of the lot is conducted.

542  
543 **CARETAKER QUARTERS** - A dwelling unit located within a building that is used by a  
544 business enterprise, and is occupied by the owner or an employee of the business. Only one (1)

545 caretaker quarters shall be permitted per building, and shall not utilize more than twenty percent  
546 (20%) of the ground floor area of the building.

547

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

550

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

555

556 **CEMETERY** - A place for burial of the human dead.

557

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

560

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

563

564 **COMMISSION, THE** - See "Planning Commission".

565

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

568

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

571

572 **CONVALESCENT HOME** - See "nursing home".

573

574 **COVERAGE** - See "building coverage".

575

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

578

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

580

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

583

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

587

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

591

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

597

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

600

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

603

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

606

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

608

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

612

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

616

617 **DWELLING, SINGLE-FAMILY** - A single residential dwelling unit, other than a mobile  
618 home or manufactured home, designed for occupancy by one (1) family, and not located on the  
619 same lot as another dwelling unit.

620

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

623

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

627

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

634

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

638

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

642

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

647

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

651

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

653

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

657

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

661

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

665

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

671

672 **FRONTAGE** - See "lot width."

673

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

677

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

680

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

683

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

687

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

689

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

691

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

695

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

697

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

701

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

706

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

711

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

717

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

721

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

728

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

731

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

736

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

739

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

748

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

754

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

756

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

759

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

762

763 **LOT INTERIOR** - Any lot other than a corner lot.

764

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

767

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

770

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

773

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

776

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

780

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

785

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

789

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

800

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

805

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

809

810 **MOBILE HOME** – A residential dwelling built in a factory before the federal Manufactured  
811 Home Construction and Safety Standards went into effect on June 15, 1976.

812

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

819

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

824  
825 **NONCONFORMING ACTIVITY (USE)** - The otherwise legal use of a building, structure or  
826 tract of land that does not conform to the use regulations of this chapter for the district in which  
827 it is located, either at the effective date of this chapter or as a result of subsequent amendments to  
828 the chapter.

829  
830 **NONCONFORMING LOT** - An otherwise legally platted lot that does not conform to the  
831 minimum area or width requirements of this chapter for the district in which it is located at the  
832 effective date of this chapter or as a result of subsequent amendments to this chapter.

833  
834 **NONCONFORMING STRUCTURE** - An otherwise legal building or structure that does not  
835 conform to the lot area, yard, height, lot coverage or other area regulations of this chapter or is  
836 designed or intended for a use that does not conform to the use regulations of this chapter for the  
837 district in which it is located, either at the effective date of this chapter or as a result of  
838 subsequent amendments to the chapter.

839  
840 **NURSING HOME** - Also known as "extended-care home," "rest home", "retirement living  
841 facility", or "convalescent home." A nursing facility is any place containing beds for two (2) or  
842 more patients, established to render domiciliary and/or nursing care for chronic or convalescent  
843 patients and which is properly licensed by the state.

844  
845 **OPEN SPACE, USABLE LANDSCAPED** - That space on the same lot and contiguous to the  
846 principal building or buildings (except as herein noted) which is either landscaped with shrubs,  
847 planted with grass or developed and maintained for recreation, environmental and/or aesthetic  
848 purposes, and excludes that portion of the lot which is utilized for off-street parking purposes.

849  
850 **OFF-STREET PARKING AREA** - Space provided for vehicular parking outside a right-of-  
851 way.

852  
853 **OVERHANG** - Any projection, either roof, bay window or similar cantilevered construction,  
854 which extends beyond the foundation of a structure. No such construction shall project into any  
855 required yard more than three (3) feet, and no such projection shall have a vertical surface whose  
856 area is more than twenty-five percent (25%) of the area obtained by multiplying the mean height  
857 of the structure by the length of the structure along the yard which is violated. An "overhang"  
858 shall be included in the calculation of lot coverage.

859  
860 **PARKING SPACE** - An area of not less than nine (9) feet wide by eighteen (18) feet long for  
861 each automobile or motor vehicle, such space being exclusive of necessary drives, aisle,  
862 entrances or exits and being fully accessible for the storage and parking of vehicles.

863  
864 **PHARMACEUTICAL CENTER** - An establishment in which only pharmaceutical services  
865 are provided. Its purpose shall be limited to providing the public and various health

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

871  
872 **PLANNING COMMISSION** - The Planning Commission of the Town of Front Royal,  
873 Virginia.

874  
875 **PORCH** - Any porch, veranda or gallery (as the terms are commonly and customarily defined)  
876 or similar projection from the main wall of a structure, constructed upon the ground, and covered  
877 by a roof, canopy or awning; provided that the term shall not include any carport or other such  
878 improvement designed for and capable of accommodating the parking of a motor vehicle  
879 protected from the elements. An unenclosed porch shall mean a porch with no side enclosure,  
880 other than the side of the structure to which the porch is attached, with no screens or windows.  
881 An unenclosed porch may project into a front or rear yard not to exceed ten feet (10') nor extend  
882 any nearer than fifteen (15') from any front or rear property line. The area of a porch shall be  
883 included in the calculation of lot coverage. A porch shall not be considered an overhang, nor vice  
884 versa.

885  
886 **PORTABLE STORAGE CONTAINERS** - A portable, weather-resistant receptacle designed  
887 and used for the storage or shipment of household goods, wares or merchandise, and which shall  
888 be considered an accessory building on any lot or parcel within the Town, subject to the  
889 provisions of Section 175-109.2

890  
891 **PRINCIPAL PERMITTED USE** - A specific use, or uses, of a lot that are permitted on a  
892 particular lot, based on the regulations of the underlying zoning district, and the main use, or  
893 uses, of the property, as distinguished from an accessory use.

894  
895 **PROFESSIONAL OFFICES** - A structure designed for use by a person, or persons, in offering  
896 a service which requires specialized knowledge gained by intensive academic preparation such  
897 as medicine, law, engineering, dentistry, and other like endeavors.

898  
899 **PUBLIC EVENT** - Any temporary activity or entertainment festival that accommodates the  
900 assembly of groups or individuals on public property after all required authorizations are  
901 obtained from the local, state and/or federal government(s).

902  
903 **PUBLIC FACILITY** - Any area, building or structure used or controlled for government  
904 purposes, that is owned, held, or operated by any department, branch, or unit of the federal  
905 government, the Commonwealth of Virginia or one or more of its local governments, political  
906 subdivisions or municipal corporations.

907  
908 **PUBLIC PROPERTY** - Property that is owned or operated by a local, state or federal  
909 government.

910  
911 **PUBLIC UTILITY** - Any person, firm, corporation, municipal department or board duly  
912 authorized to furnish and furnishing, under federal, state or municipal regulations, to the public

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

918

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

923

924 **RECREATION FACILITY (public)** – Facilities and uses sponsored by the Warren County  
925 Parks and Recreation Department and/or the Warren County School Administration and/or other  
926 public entities.

927

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

933

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

939

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

943

944 **REST HOME** - See "nursing home."

945

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

949

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

953

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

957

958 **ROOMING HOUSE** - See "Lodging House."

- 959  
960 **SCHOOLS** - A public school, or a private school certified by the State of Virginia in accordance  
961 with the provisions of Virginia Code Section 22.1-319 et seq., or such educational and training  
962 institutions as are exempt from state certification under the provisions of Virginia State Code  
963 Section 22.1-320, as amended.  
964
- 965 **SCREENING** - Any device, materials, coniferous or deciduous growth, or combination thereof,  
966 such as plantings, walls, fences, or earthen berms, of sufficient height and density, as determined  
967 by the Zoning Administrator, required to serve as an opaque barrier, to vision, light, or noise  
968 between adjoining properties.  
969
- 970 **SECTIONAL HOME** - A dwelling made of two (2) or more modular units transported to the  
971 home site, put on a foundation and joined to make a single dwelling. Such units shall meet the  
972 requirements of the Building Code of the Town of Front Royal.  
973
- 974 **SETBACK** - The minimum distance by which any building or structure must be separated from  
975 the front lot line.  
976
- 977 **SHOPPING CENTER** - Any conglomeration of commercial activities sharing a parcel of land  
978 which is held in single ownership and sharing parking facilities.  
979
- 980 **SIGN** - Any display of any letters, words, numerals, figures, devices, emblems, pictures or any  
981 parts or combinations thereof by any means whereby the same are made visible for the purpose  
982 of making anything known, whether such display be made on, attached to or as a part of a  
983 structure, surface or any other thing.  
984
- 985 **SIGN, AREA OF** - The entire area within a circle, triangle, parallelogram or trapezoid enclosing  
986 the extreme limits of writing, reproduction, emblem or any figure of similar character, together  
987 with any frame or other material or color forming an integral part of the display or used to  
988 differentiate the sign from the background against which it is placed, excluding the necessary  
989 supports or uprights on which such sign is placed. On double-faced signs, only one (1) display  
990 face shall be measured in computing total sign area where sign faces are parallel and are at no  
991 point more than two (2) feet from one another.  
992
- 993 **SIGN, BUSINESS** - A sign which directs attention to a business, commodity, service, activity or  
994 product sold, conducted or offered upon the premises where such sign is located.  
995
- 996 **SIGN, HOME OCCUPATION** - A sign not exceeding two (2) square feet (on each side) in an  
997 area directing attention to a product, commodity or service available on the premises, but which  
998 product, commodity or service is clearly a secondary use of the dwelling.  
999
- 1000 **SIGN, IDENTIFICATION** - A sign on the premises bearing the name of a subdivision, the  
1001 name of a group housing project or of a school, college, park, church or other public or quasi-  
1002 public facility or a professional or firm nameplate, but bearing information pertaining only to the  
1003 premises on which such sign is located.

1004 **SIGN, OUTDOOR ADVERTISING** - Any sign of any material and any character whatsoever,  
1005 (including erection, construction, posting, painting, printing, tacking, nailing, gluing, sticking,  
1006 carving or other fastening, affixing or making visible in any manner), which is placed for  
1007 outdoor advertising purposes in any way whatsoever. Such sign is one which is not located on  
1008 the premises of the activity, product, commodity or service to which it refers. The term  
1009 "billboard" is covered by this definition.

1010

1011 **SIGN, TEMPORARY** - A sign applying to a seasonal or other brief activity, such as, but not  
1012 limited to, summer camps, horse shows, auctions or sale of land.

1013

1014 **SPECIAL CHILDCARE SERVICES** – *One of the following types of daycare: a licensed*  
1015 *summer camp under Virginia Code Section 35.1-1, a public school, a private school not*  
1016 *operating as a child-care center outside the scope of regular classes as defined in Virginia Code*  
1017 *Section 63.1-195, a facility operated by a hospital on the hospital premises providing care to the*  
1018 *children of hospital's employees while such employees are engaged in the performance of work*  
1019 *for the hospital, a Sunday School, conducted by a church or religious institution, or a day care*  
1020 *facility operated by a church or religious institution where children are cared for during short*  
1021 *periods of time while the persons responsible for such children are attending religious services,*  
1022 *and babysitting.*

1023

1024 **SPECIAL USE PERMIT** - A permit granted by the Town Council, upon recommendation from  
1025 the Planning Commission and after public hearing, for a use permitted by the Council to occupy  
1026 land and/or a building erected thereon for a specific purpose not permitted by right, but permitted  
1027 in accordance with standards or conditions established in this chapter or by the Planning  
1028 Commission and/or Town Council in accordance with procedures established by law.

1029

1030 **STOOP** - A porch without a roof, cover or overhang, which may project into a front or rear yard  
1031 for a distance not exceeding ten (10) feet and into a side yard for a distance not exceeding five  
1032 (5) feet.

1033

1034 **STORY** - That portion of a building other than a cellar or mezzanine, included between the  
1035 surface of any floor to the beams of the floor next above it or, if there is not a floor above it, then  
1036 the space between the floor and the top of the roof beams; a mezzanine shall be deemed a full  
1037 story when it covers more than thirty-three (33%) of the area of the story beneath the mezzanine  
1038 or if the vertical distance from the floor next below it to the floor next above it is twenty-four  
1039 (24) feet or more.

1040

1041 **STORY, HALF** - A space under a sloping roof which has the line of intersection of roof decking  
1042 and wall face not more than three (3) feet above the top floor level, and in which space not more  
1043 than two-thirds (2/3) of the floor area is finished off for use.

1044

1045 **STREET; ROAD** - A public thoroughfare, except an alley or driveway, which affords vehicular  
1046 traffic circulation and principal means of access to abutting property.

1047

1048 **STRUCTURAL ALTERATION** - Any change in the supporting members of a building or  
1049 structure, such as bearing walls, partitions, columns, beams or girders, or any change in the width  
1050 or number of exits or any substantial change in the roof.

1051  
1052 **STRUCTURE** - Anything constructed or erected, the use of which requires permanent location  
1053 on the ground or attachment to something having a permanent location on the ground.

1054  
1055 **STRUCTURE, OUTDOOR ADVERTISING** - Any structure of any kind or character erected  
1056 or maintained for outdoor advertising purposes, upon which any outdoor advertising sign may be  
1057 placed, including also outdoor advertising statuary.

1058  
1059 **STRUCTURE, PRINCIPAL** - A structure in which the principal or primary use of the property  
1060 is carried out.

1061  
1062 **SUBDIVISION** - The division of a parcel of land into two (2) or more lots or parcels for the  
1063 purpose of transfer of ownership or building development. The term includes resubdivision and,  
1064 when appropriate to the context of the Front Royal Subdivision Ordinance, shall relate to the  
1065 process of subdividing or to the land subdivided.

1066  
1067 **SURVEYOR, LAND** - A licensed professional surveyor registered in the Commonwealth of  
1068 Virginia by the Department of Professional and Occupational Registration as a surveyor.

1069  
1070 **TECHNOLOGY BUSINESS** - A business consisting of one or more than one in combination  
1071 of the following:

1072

1073 1. **Electronic information operations and providers** – Businesses that assist other  
1074 businesses to better manage their paper documents by putting them in an electronic  
1075 database that can easily be viewed by a larger group of people.

1076 2. **Internet service providers** – Businesses that provide Internet service to businesses or  
1077 residents.

1078 3. **Software design and development** – Businesses that design software or businesses that  
1079 develop the design of specific software.

1080 4. **Computer and peripheral sales and assembly** – Businesses that assemble computers or  
1081 sell the hardware associated with computers.

1082 5. **Content developers** – Businesses that design and build computer systems.

1083 6. **Internet based sales and services** – Businesses whose primary trade is based on the  
1084 Internet, be it sales or service provider.

1085 7. **Hardware design, manufacture, assembly, and development** – Businesses that  
1086 manufacture, assemble, or develop hardware design for computers.

1087 8. **Telecommunications based video service providers** – Businesses that use video-  
1088 conferencing or cable connections for employees to telecommute.

1089 9. **Outbound or inbound call centers** – Businesses that either market their product through  
1090 phone calls or businesses that answer consumer questions.

1091 10. **Telecommunications equipment manufacturing, assembly, and service** – Businesses  
1092 that build, put together or service telecommunications equipment.

1093

1094 **THEATER, INDOOR** - A building designed and/or used primarily for the commercial  
1095 exhibition of motion pictures to the general public or used for performance of plays, acts and  
1096 dramas by actors and/or actresses.

1097

1098 **TOURIST HOME** - See "Bed-and-Breakfast Home."

1099

1100 **TOWNHOUSE** - At least three (3) and not more than eight (8) attached dwelling units  
1101 forming a continuous structure, each unit being separated by unpierced common or party walls  
1102 of masonry construction going through the roof of said unit void of fenestration or means of  
1103 ingress or egress from the basement through the roof with individual exterior entrances at grade  
1104 and with not more than four (4) abutting "townhouses" or dwelling units having the same front  
1105 yard setback; the setback differential shall be at least three (3) feet. Each "townhouse" unit shall  
1106 occupy no fewer than two (2) stories in structure.

1107

1108 **TRAVEL TRAILER** - Any recreational vehicle.

1109

1110 **USE** - The purpose or activity for which land or buildings thereon is designed, arranged or  
1111 intended or for which it is occupied or maintained and shall include any manner of performance  
1112 of such activity with respect to the performance standards of this chapter.

1113

1114 **VARIANCE** - A relaxation of the terms of the Zoning Ordinance where such "variance" will not  
1115 be contrary to the public interest and where, owing to conditions peculiar to the property and not  
1116 the result of the action of the applicant, a literal enforcement of the ordinance will work undue  
1117 hardships on the property owner; a "variance" is authorized only for height, area and size of a  
1118 structure or size of yards and open spaces; establishment or expansion of a use otherwise  
1119 prohibited shall not be allowed by "variance," nor shall a "variance" be granted because of the  
1120 presence of nonconformities in the zoning division or district or adjoining divisions or districts  
1121 nor solely for the economic benefit of the person requesting such "variance."

1122

1123 **WIRELESS TELEPHONE (CELL PHONE) COMMUNICATIONS TOWERS** - Facilities  
1124 for the proviso of personal wireless services, as defined by 47 U.S.C Section 332 (Section 704 of  
1125 the Telecommunications Act of 1996), including those Federal Communications Commission  
1126 licensed commercial wireless telecommunications services such as cellular, personal  
1127 communications services (PCS), specialized mobile radio (SMR), enhanced specialized mobile  
1128 radio (ESMR), and unlicensed wireless services and common carrier wireless exchange access  
1129 services.

1130

1131 **YARD** - An open space of a generally uniform width or depth on the same land with a building  
1132 or group of buildings, which open space lies between the building or group of buildings and the  
1133 nearest lot line and is occupied and unobstructed from the ground upward except as otherwise  
1134 provided herein.

1135

1136 **YARD, FRONT** - A yard extending across the full width of the lot and lying between the  
1137 adjacent street right-of-way line and the building setback line.

1138

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

1142

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

1146

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

1148

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

1151

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

1155

#### **ZONING MAP; DISTRICTS; BOUNDARIES**

1156

#### **175-4 ADOPTION OF ZONING MAP**

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

1161

#### **175-5 IDENTIFICATION OF OFFICIAL ZONING MAP**

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

1164

#### **175-6 CHANGES ON ZONING MAP**

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

1169

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

1175

#### **175-7 LOCATION OF OFFICIAL ZONING MAP**

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

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

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

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

1195 **175-9 ENUMERATION OF DISTRICTS**

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

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

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

1218	Floodplain District
1219	Historic Front Royal District

1220 Entrance Corridor District

1221

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

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

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

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

1228 **175-9.2 INTERPRETATION OF BOUNDARIES**

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

1232

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

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

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

1245

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

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

1251

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

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

1258

1259

1260

**CHILD CARE**

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

1261 ~~175-10.1 PERMITTED CHILD CARE~~

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

1269  
1270

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

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

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

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

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

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

1284 **RESIDENTIAL**

1285 Manufactured home, subject to the standards of Section 175-10.10.C.  
1286 Single family dwelling, provided that only one single family dwelling may be permitted  
1287 per parcel.

1288 **COMMERCIAL**

1289 --  
1290

1291 **INDUSTRIAL**

1292 --

1293 **ORGANIZATIONAL**

1294 --

1295

**MISCELLANEOUS**

1296

Accessory uses, structures and buildings.

1297

1298

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

1299

1300

Cemeteries.

1301

Home occupations.

1302

Open space and conservation areas.

1303

Public facilities.

1304

Public parks and playgrounds.

1305

Public utilities.

1306

Signs, as set forth in Section 175-106.

1307

*Special childcare services.*

1308

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

1309

1310

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

1312

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

1313

1314

1315

1316

**RESIDENTIAL**

1317

Tenant housing for an agricultural use.

1318

1319

1320

**COMMERCIAL**

1321

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

1322

1323

1324

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

1325

Hospitals.

1326

1327

1328

**INDUSTRIAL**

1329

--

1330

**ORGANIZATIONAL**

1331

Churches.

1332

Schools.

1333

1334

1335

**MISCELLANEOUS**

1336

1337

1338 Wireless telephone communication towers, and similar communication facilities, subject  
1339 to the standards found under Section 175-110.4.

1340 Any use permitted under Section 175-10.3, or specifically listed above under this  
1341 subsection, that proposes to occupy a building or structure that exceeds the height  
1342 requirements of Section 175-10.9, subject to the requirements of Section 175-136.  
1343 Additional heights approved by a special use permit shall be required to increase the  
1344 required setback and yard area requirements by an equivalent distance from each  
1345 property line.

1346 *Such other uses as determined similar to one or more enumerated uses by the Zoning*  
1347 *Administrator.*

1348

1349 B. In assessing the granting of a special permit, the Town Council shall consider the effect on  
1350 surrounding properties, hazards which may result if the proposed use is granted, traffic  
1351 congestion, noise, noxious fumes or odors, effects on the surrounding landscape and the  
1352 aesthetics of appearance and any and all other matters deemed relevant to the proposed  
1353 special permit and its effects on the community.

1354 **175-10.5 AREA AND FRONTAGE (A-1)**

1355 A. The minimum lot area shall be ten (10) acres.

1356

1357 B. The minimum public street frontage shall be one hundred fifty (150) feet. Upon application  
1358 for a special permit to the Front Royal Town Council, the minimum public street frontage may  
1359 be waived where the lot in question has acceptable private road access to a public street and the  
1360 Council finds that such access is adequate for the uses employed upon the property and that no  
1361 hazard or undue traffic congestion will be caused or created as the result.

1362 **175-10.6 SETBACK (A-1)**

1363 Structures shall be located one hundred (100) feet or more from any public street right-of-way  
1364 which is fifty (50) feet or greater in width or one hundred twenty (120) feet or more from the  
1365 center of any street right-of-way less fifty (50) feet in width. A minimum width at the setback  
1366 line shall be two hundred (200) feet.

1367 **175-10.7 YARDS (A-1)**

1368 A. The minimum width of side yards for all structures shall be fifty (50) feet.

1369 B. The minimum width for rear yards for all structures shall be fifty (50) feet.

1370 **175-10.8 LOT COVERAGE (A-1)**

1371 The maximum total coverage for all structures shall not exceed fifteen percent (15%) of the lot  
1372 area. The total impervious coverage shall be limited to thirty percent (30%) of the lot area.

1373

1374 **175-10.9 HEIGHT (A-1)**

- 1375 A. Except for uses that are categorized under subsection B, shown below, and uses that obtain  
 1376 approval of an alternative maximum height, as may be authorized in accordance with Section  
 1377 175-10.4, the maximum height in the A-1 District shall be thirty-five (35) feet.  
 1378 B. Buildings and structures related to agricultural pursuits, including, but not limited to, barns  
 1379 and silos, as well as church spires and cupolas, may be erected to a height of sixty (60) feet  
 1380 from grade.  
 1381

1382 **175-10.10 STANDARDS (A-1)**

- 1383 A. Slaughtering activities. All slaughtering activities in the A-1 District shall comply with the  
 1384 following standards.  
 1385 1. Such activity shall not be conducted within one hundred fifty (150) feet of the  
 1386 property boundary.  
 1387 2. No frequent or repetitive emission of noises or odors of such intensity and  
 1388 character as to interfere with the health, welfare and comfort of the public or  
 1389 neighboring land owners at or beyond the property line shall be permitted.  
 1390  
 1391 B. Flea Markets. Where flea markets are permitted by approval of a special use permit, the  
 1392 following standards shall be complied with, in addition to any conditions placed on the  
 1393 special use permit, and Section 98-46 of the Town Code.  
 1394 1. Adequate water and sanitary facilities shall be provided if found necessary based  
 1395 on the size, frequency and duration of the market.  
 1396 2. A minimum fifty (50) foot setback shall be maintained from all property lines.  
 1397 3. No adverse effect on adjoining properties, including but not limited to excessive  
 1398 or untimely noise or lighting, overflow parking, or visual problems potentially  
 1399 affecting property values or marketability, is found.  
 1400 4. No manufactured buildings shall be permitted.  
 1401 5. All tables, facilities and structures shall be maintained in a well-kept and  
 1402 attractive manner.  
 1403 6. All temporary structures or facilities, including but not limited to canopy frames,  
 1404 except as provided in sub-section B.5. above, table extensions and display  
 1405 shelving, shall be removed during the hours that the market is not in operation.  
 1406 7. Operation of the market shall be confined to Saturday, Sunday, and Holidays,  
 1407 unless other dates are specifically approved by the Town Council in conjunction  
 1408 with the Special Permit. The hours of operation shall be posted on the property.  
 1409 8. Open air markets shall only be conducted during the months of April through  
 1410 October. During the period from November 15 to March 15, all tables and other  
 1411 temporary fixtures shall be removed. Such fixtures may be stored on the site,  
 1412 provided they are located within a completely enclosed building or otherwise  
 1413 screened from public view.  
 1414  
 1415 C. Manufactured housing. Manufactured housing shall be permitted on individual parcels or  
 1416 lots in the A-1 District, provided the following standards are met:  
 1417 1. The manufactured housing unit shall have a minimum width of nineteen (19) or  
 1418 more feet.

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

### ESTATE RESIDENTIAL DISTRICT (R-E)

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

#### 1454 175-10.11 STATEMENT OF INTENT (R-E)

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

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

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

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

1470 **RESIDENTIAL**

1471 *Single-family dwellings, detached.*  
 1472

1473 **COMMERCIAL**  
 1474  
 1475 --

1476 **INDUSTRIAL**  
 1477 --

1478 **ORGANIZATIONAL**  
 1479 --

1480 **MISCELLANEOUS**

1481 *Accessory uses, structures and buildings.*

1482 *Home occupations.*

1483 *Open space and conservation areas.*

1484 *Public facilities.*

1485 *Public parks and playgrounds.*

1486 *Public utilities.*

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

1488 *Special childcare services.*

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

1491

1492

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

1495

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

1497

1498 ~~1. Single family dwellings.~~

1499

- 1500 2. ~~Off-street parking for permitted uses in this district as set forth in Section 175-104.~~
- 1501
- 1502 3. ~~Accessory buildings; provided that accessory buildings not to exceed the principal~~
- 1503 ~~structure in height may be built in any yard, but any such building or buildings shall not~~
- 1504 ~~occupy more than ten percent (10%) of the required yard. Any such building shall not be~~
- 1505 ~~nearer than twenty-five (25) feet to any lot line. No accessory building shall be~~
- 1506 ~~constructed upon a lot until the construction of the main building has actually been~~
- 1507 ~~commenced, and no accessory building shall be used except for the temporary storage of~~
- 1508 ~~construction materials unless the main building on a lot is completed and used.~~
- 1509
- 1510 4. ~~Public utilities: poles, lines, distribution transformers, pipes, meters and other facilities~~
- 1511 ~~necessary for the provision and maintenance of public utilities, including water and~~
- 1512 ~~sewerage systems.~~
- 1513
- 1514 ~~5. Signs as set forth in Section 175-106.~~
- 1515
- 1516 6. ~~Travel trailers or recreational vehicles shall be stored only within garages or permitted~~
- 1517 ~~accessory structures.~~
- 1518
- 1519 7. ~~Fences as set forth in Section 175-102.~~
- 1520
- 1521 8. ~~Home Occupations.~~

1522 **175-10.13 USES PERMITTED BY SPECIAL PERMIT (R-E)**

1523 Uses permitted by special permit are as follows:

- 1524
- 1525 A. ~~Day care, and day care facilities as set forth in the Town Code Section 175-107.1.~~
- 1526
- 1527 A. *The following uses are permitted within the R-E District only by approval of a special use*
- 1528 *permit, except as prohibited or restricted by separate restrictions of record that may*
- 1529 *pertain to property within the R-E District:*
- 1530

1531 RESIDENTIAL

1532 --

1533

1534 COMMERCIAL

1535 *Day care, and day-care facilities as set forth in the Town Code Section 175-107.1.*

1536

1537

1538 INDUSTRIAL

1539 --

1540

1541 ORGANIZATIONAL

1542 --

1543

1544  
1545  
1546  
1547  
1548  
1549  
1550  
1551  
1552  
1553  
1554  
1555

**MICELLANEOUS**

*Any use permitted under Section 175-10.13, or specifically listed above under this subsection, that proposes to occupy a building or structure that exceeds the height requirements of Section 175-10.19, subject to the requirements of Section 175-136. Additional heights approved by a special use permit shall be required to increase the required setback and yard area requirements by an equivalent distance from each property line.*

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

**1556 175-10.14 MODEL HOMES AND SALES OFFICES (R-E)**

1557 Model homes and sales offices for the marketing of residential dwellings within a specific  
1558 development in the R-E Estate Residential District shall be permitted in an R-E Estate  
1559 Residential Zoning District upon approval of a zoning permit by the Zoning Administrator,  
1560 subject to the following conditions:

1561

1562 A. The Zoning Administrator shall review and approve or deny all requests for permits  
1563 authorizing model homes and sales offices for the marketing of residential dwellings within a  
1564 specific development. In assessing a request for a permit, the Zoning Administrator shall  
1565 consider the necessity for the model home and/or sales office, its location and its effects on the  
1566 surrounding neighborhood and/or adjoining property and may require terms and conditions on  
1567 the location, appearance and such other reasonable conditions as the Zoning Administrator shall  
1568 deem necessary.

1569

1570 B. The model home shall be a custom site-built home similar in type and size to the other homes  
1571 sold in the development and shall be used as a residential dwelling after expiration of the model  
1572 home zoning permit.

1573

1574 C. Only one (1) sales office shall be approved for a development, regardless of the number of  
1575 phases. A sales office must be located in a model home in the event that the development has an  
1576 approved model home. Such sales offices shall be restricted to the marketing of residential  
1577 dwellings at the specific development in question, and no other business whatsoever shall be  
1578 conducted on the premises.

1579

1580 D. The request for a model home and/or sales office shall be filed by the developer.

1581

1582 E. Each model home and/or sales office shall have a minimum of four (4) off-street parking  
1583 spaces in addition to other parking spaces required by this chapter.

1584

1585 F. All model homes and sales offices must be connected to town water and sewer and must  
1586 provide rest room facilities for the public.

1587

1588 G. The maximum allowable period for the operation of a model home or sales office shall be one  
1589 (1) year. Applications for renewal for successive six-month periods may be submitted if  
1590 additional time is necessary to complete sales within the development. All renewal applications  
1591 must be filed at least thirty (30) days prior to the expiration of the original model home or sales  
1592 office permit.

1593 H. The Zoning Administrator, in granting a model home or sales office permit, may require the  
1594 posting of a bond to insure that the model home and sales office terms and conditions are  
1595 adhered to and to ensure that the operations cease and the site is left in good order at the  
1596 expiration of the permit.

1597 **175-10.15 AREA AND FRONTAGE (R-E)**

1598 Area and frontage regulations shall be as follows:

1599

1600 A. Minimum area per lot: one (1) acre.

1601 B. Minimum width at setback line: one hundred seventy-five (175) feet.

1602 **175-10.16 SETBACK (R-E)**

1603 Structures shall be located one hundred (100) feet or more from any street right-of-way. A vacant  
1604 lot may be assumed to be occupied by a building having a minimum setback.

1605

1606 **175-10.17 YARDS (R-E)**

1607 A. Side: Each side yard shall be a minimum of fifty (50) feet.

1608 B. Rear: Each rear yard shall be a minimum of seventy-five (75) feet.

1609 C. Front: The required depth of the front yard shall be as provided in Section 175-10.16.

1610 *D. Accessory buildings shall be setback from side and rear property lines by no less than twenty-*  
1611 *five (25) feet.*

1612 **175-10.18 LOT COVERAGE (R-E)**

1613 The maximum building coverage shall be twelve percent (12%).

1614 **175-10.19 HEIGHT (R-E)**

1615 A. Buildings may be erected up to four (4) stories, but not to exceed fifty-five (55) feet in height.

1616

1617 B. No accessory building shall be more than two (2) stories high. All accessory buildings shall be  
1618 less than the main building in height.

1619 **175-10.20 CORNER LOTS (R-E)**

1620 A. Of the two (2) sides of a corner lot, the front shall be deemed to be either of the two (2) sides  
1621 fronting on streets.

1622

1623 B. The side yard on the side facing the side street shall be one hundred (100) feet or more for  
1624 both main and accessory buildings.

1625

1626 C. Each corner lot shall have a minimum width at the setback line of two hundred twenty-five  
1627 (225) feet.

1628

1629

1630

**SUBURBAN RESIDENTIAL DISTRICT (R-S)**

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

1631 **175-10.21 STATEMENT OF INTENT (R-S)**

1632 The R-S Suburban Residential District is composed of quiet, low-density residential areas, on  
1633 suburban-sized lots, plus undeveloped areas where similar residential construction appears likely  
1634 to occur. The standards set forth for this district are designed to stabilize and protect the essential  
1635 character of the areas so delineated, to answer a need in the Town for residential development on  
1636 larger lots on public water and sewer than are traditional or currently being developed, to  
1637 promote and encourage a suitable environment for family life where there are children, to  
1638 provide areas for suitable expansion of the town as facilities are provided and to prohibit all  
1639 commercial activities. Development is, therefore, limited to suburban-style concentration, and  
1640 permitted uses are limited to single-unit dwellings, plus selected additional uses, such as public  
1641 facilities that serve the residents of the district. Mobile homes or rooming houses are prohibited.  
1642

1643 **175-10.22 USES PERMITTED BY RIGHT (R-S)**

1644 A. ~~Only one (1) main building and its accessory buildings may be erected on any lot or parcel of~~  
1645 ~~land in the Suburban Residential District R-S.~~

1646

1647

1648 A. *Subject to the standards and requirements set forth in this Chapter, except as prohibited*  
1649 *or restricted by separate restrictions of record that may pertain to property within the R-*  
1650 *S District, the following uses of land and buildings are permitted by-right in the R-S*  
1651 *District:*

1652

1653

1654

1655

1656

1657

1658

1659

1660

RESIDENTIAL

*Single-family dwellings, detached.*

COMMERCIAL

--

1661

INDUSTRIAL

1662

--

1663

**ORGANIZATIONAL** --

1665

**MISCELLANEOUS**

1666

*Accessory uses, structures and buildings.*

1667

*Home occupations.*

1668

*Open space and conservation areas.*

1669

*Public facilities.*

1670

*Public parks and playgrounds.*

1671

*Public utilities.*

1672

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

1673

*Special childcare services.*

1674

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

1675

*Administrator.*

1676

1677

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

1679

~~1. Single-family dwellings.~~

1681

~~2. Parks and playgrounds.~~

1682

~~3. Off-street parking for permitted uses in this district as set forth in Section 175-104.~~

1683

1684

~~4. Accessory buildings; provided, that, accessory buildings not to exceed the principal structure in height may be built in a rear yard, but any such building or buildings shall not occupy more than twenty percent (20%) of the required rear yard. Any such building shall not be nearer than fifteen (15) feet to any side or rear lot line or shall not be nearer to any side or rear lot line than one half (1/2) the total height of the accessory building, whichever is greater. When a garage is entered from an alley, such building shall not be located closer than fifteen (15) feet to the alley line. No accessory building shall be constructed upon a lot until the construction of the main building has actually been commenced, and no accessory building shall be used except for the temporary storage of construction materials unless the main building on a lot is completed and used.~~

1686

1687

1688

1689

1690

1691

1692

1693

1694

1695

1696

1697

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

1698

1699

1700

~~6. Signs as set forth in Section 175-106.~~

1701

1702

1703

~~7. Travel trailers shall be stored beyond the minimum setback line, and occupancy shall be prohibited.~~

1704

1705

- 1706 ~~8. Fences as set forth in Section 175-102.~~
- 1707
- 1708 ~~9. Home Occupations.~~
- 1709

1710 **175-10.23 USES PERMITTED BY SPECIAL PERMIT (R-S)**

1711 *A. The following uses are permitted within the R-S District only by approval of a special use*  
1712 *permit, except as prohibited or restricted by separate restrictions of record that may*  
1713 *pertain to property within the R-S District:*

1714  
1715 **RESIDENTIAL**

1716 --  
1717  
1718 **COMMERCIAL**

1719  
1720 *Bed and Breakfasts, as set forth in Section 175-107.2.*  
1721 *Day care, and day-care facilities as set forth in the Town Code Section 175-107.1.*

1722  
1723  
1724 **INDUSTRIAL**

1725 --  
1726 **ORGANIZATIONAL**

1727  
1728 *Churches.*  
1729 *Public Libraries.*  
1730 *Schools.*

1731  
1732  
1733 **MICELLANEOUS**

1734 *Any use permitted under Section 175-10.22, or specifically listed above under this*  
1735 *subsection, that proposes to occupy a building or structure that exceeds the height*  
1736 *requirements of Section 175-10.29, subject to the requirements of Section 175-136.*  
1737 *Additional heights approved by a special use permit shall be required to increase the*  
1738 *required setback and yard area requirements by an equivalent distance from each*  
1739 *property line.*  
1740 *Such other uses as determined similar to one or more enumerated uses by the Zoning*  
1741 *Administrator.*

1742  
1743 Uses permitted by special permit are as follows:

- 1744
- 1745 ~~A. Day care, and day-care facilities as set forth in the Town Code Section 175-107.1.~~
- 1746 ~~B. Bed and Breakfast Uses as set forth in Town Code Section 175-107.2.~~
- 1747 ~~C. Schools.~~
- 1748 ~~D. Churches~~
- 1749 ~~E. Public libraries.~~

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

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

1755  
1756 A. The Zoning Administrator shall review and approve or deny all requests for permits  
1757 authorizing model homes and sales offices for the marketing of residential dwellings within a  
1758 specific development. In assessing a request for a permit, the Zoning Administrator shall  
1759 consider the necessity for the model home and/or sales office, its location and its effects on the  
1760 surrounding neighborhood and/or adjoining property and may require terms and conditions on  
1761 the location, appearance and such other reasonable conditions as the Zoning Administrator shall  
1762 deem necessary.

1763  
1764 B. The model home shall be a standard site-built home similar in type and appearance to the  
1765 other homes sold in the development and shall be used as a residential dwelling after expiration  
1766 of the model home zoning permit.

1767  
1768 C. Only one (1) sales office shall be approved for a development, regardless of the number of  
1769 phases. A sales office must be located in a model home in the event that the development has an  
1770 approved model home. Such sales offices shall be restricted to the marketing of residential  
1771 dwellings at the specific development in question, and no other business whatsoever shall be  
1772 conducted on the premises.

1773  
1774 D. The request for a model home and/or sales office shall be filed by the developer.

1775  
1776 E. Each model home and/or sales office shall have a minimum of four (4) off-street parking  
1777 spaces in addition to other parking spaces required by this chapter.

1778  
1779 F. All model homes and sales offices must be connected to town water and sewer and must  
1780 provide rest room facilities for the public.

1781  
1782 G. The maximum allowable period for the operation of a model home or sales office shall be one  
1783 (1) year. Applications for renewal for successive six-month periods may be submitted if  
1784 additional time is necessary to complete sales within the development. All renewal applications  
1785 must be filed at least thirty (30) days prior to the expiration of the original model home or sales  
1786 office permit.

1787  
1788 H. The Zoning Administrator, in granting a model home or sales office permit, may require the  
1789 posting of a bond to insure that the model home and sales office terms and conditions are  
1790 adhered to and to ensure that the operations cease and the site is left in good order at the  
1791 expiration of the permit.

1792

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

1794 Area and frontage regulations shall be as follows:

1795

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

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

1799

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

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

1806

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

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

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

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

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

1814

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

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

1817

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

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

1821

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

1825

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

1829

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

1832

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

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

1836

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

1839

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

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

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

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

1851

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

1854

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

1856

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

1859

1860

1861

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

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

1872

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

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

1876  
1877 A. *Subject to the standards and requirements set forth in this Chapter, except as prohibited*  
1878 *or restricted by separate restrictions of record that may pertain to property within the R-*  
1879 *1 District, the following uses of land and buildings are permitted by-right in the R-1*  
1880 *District:*

1882 RESIDENTIAL

1883  
1884 *Single-family dwellings, detached*

1886 COMMERCIAL

1888 --

1889 INDUSTRIAL

1890 --

1891 ORGANIZATIONAL

1892 *Churches*

1893 *Public libraries*

1894 *Schools*

1895 MISCELLANEOUS

1896 *Accessory uses, structures and buildings.*

1897 *Home occupations.*

1898 *Open space and conservation areas.*

1899 *Public facilities.*

1900 *Public parks and playgrounds.*

1901 *Public utilities.*

1902 *Signs, as set forth in Section 175-106.*

1903 *Special childcare services.*

1904 *Such other uses as determined similar to one or more enumerated uses by the Zoning*  
1905 *Administrator.*

1908 B. Uses permitted by right are as follows:

1909 1. ~~Single family dwellings.~~

1911 ~~2. Schools.~~

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

1956 A. The following uses are permitted within the R-1 District only by approval of a special use  
1957 permit, except as prohibited or restricted by separate restrictions of record that may  
1958 pertain to property within the R-1 District:

1959  
1960

RESIDENTIAL

1961  
1962

--

1963  
1964

COMMERCIAL

1965 Bed and Breakfasts, as set forth in Section 175-107.2.  
1966 Day care, and day-care facilities as set forth in the Town Code Section 175-107.1.

1967  
1968

INDUSTRIAL

1969  
1970

--

1971  
1972

ORGANIZATIONAL

1973 Community Centers.  
1974 Fire and Rescue Squads and Police Stations.

1975  
1976

MICELLANEOUS

1977 Any use permitted under Section 175-12, or specifically listed above under this  
1978 subsection, that proposes to occupy a building or structure that exceeds the height  
1979 requirements of Section 175-17, subject to the requirements of Section 175-136.  
1980 Additional heights approved by a special use permit shall be required to increase the  
1981 required setback and yard area requirements by an equivalent distance from each  
1982 property line.  
1983 Such other uses as determined similar to one or more enumerated uses by the Zoning  
1984 Administrator.

1985  
1986

Uses permitted by special permit are as follows:

1987  
1988

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

1989  
1990

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

1991  
1992

C. Community Centers (public).

1993  
1994

1995 175-12.2 MODEL HOMES AND SALES OFFICES (R-1)

1996 Model homes and sales offices for the marketing of residential dwellings within a specific  
1997 development shall be permitted in an R-1 Residential Zoning District upon approval of a zoning  
1998 permit by the Zoning Administrator, subject to the following conditions:

1999

2000 A. The Zoning Administrator shall review and approve or deny all requests for permits  
2001 authorizing model homes and sales offices for the marketing of residential dwellings within a  
2002 specific development. In assessing a request for a permit, the Zoning Administrator shall  
2003 consider the necessity for the model home and/or sales office, its location and its effects on the  
2004 surrounding neighborhood and/or adjoining property and may require terms and conditions on  
2005 the location, appearance and such other reasonable conditions as the Zoning Administrator shall  
2006 deem necessary.

2007

2008 B. The model home shall be a standardly constructed home similar in type and appearance to  
2009 the other homes sold in the development and shall be used as a residential dwelling after  
2010 expiration of the model home zoning permit.

2011

2012 C. Only one (1) sales office shall be approved for a development, regardless of the number of  
2013 phases. A sales office must be located in a model home in the event that the development has an  
2014 approved model home. Otherwise, the sales office shall be located in a residential home located  
2015 in the development. In assessing a request for a sales office, the Zoning Administrator shall  
2016 consider the necessity for the sales office, its location and its effect on the  
2017 surrounding neighborhood and/or adjoining property and may require terms and conditions on  
2018 the location, appearance and other such reasonable conditions as the Zoning Administrator shall  
2019 deem necessary. Such sales offices shall be restricted to the marketing of residential dwellings at  
2020 the specific development in question, and no other business whatsoever shall be conducted on  
2021 the premises.

2022

2023 D. The request for a model home and/or sales office shall be filed by the developer.

2024

2025 E. Each model home and/or sales office shall have a minimum of four (4) off-street  
2026 parking spaces in addition to other parking spaces required by this chapter.

2027

2028 F. All model homes and sales offices must be connected to town water and sewer and must  
2029 provide rest room facilities for the public.

2030

2031 G. The maximum allowable period for the operation of a model home or sales office shall be  
2032 one (1) year. Applications for renewal for successive six-month periods may be submitted if  
2033 additional time is necessary to complete sales within the development. All renewal applications  
2034 must be filed at least thirty (30) days prior to the expiration of the original model home or sales  
2035 office permit.

2036

2037 H. The Zoning Administrator, in granting a model home or sales office permit, may require the  
2038 posting of a bond to insure that the model home and sales office terms and conditions are  
2039 adhered to and to ensure that the operations cease and the site is left in good order at the  
2040 expiration of the permit.

2041

2042 I. The Zoning Administrator may establish such additional requirements and conditions as may  
2043 be in the best interests of the Town of Front Royal.

2044

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

2046 Area and frontage regulations shall be as follows:

2047

2048 A. On-lot water and sewer:

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

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

2051

2052 B. Public water or public sewer:

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

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

2055

2056 C. Public water and public sewer:

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

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

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

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

2066 **175-15 YARDS (R-1)**2067 A. Side: The minimum total width of the side yards shall be twenty-five (25) feet, with no one  
2068 (1) side yard being less than ten (10) feet.

2069

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

2071

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

2077

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

2080

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

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

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

- 2084 A. Buildings may be erected up to two and one-half (2 1/2) stories, but not to exceed thirty-five  
 2085 (35) feet in height.  
 2086
- 2087 B. A public or semipublic building, such as a school, church or library, may be erected to a  
 2088 height of sixty (60) feet from grade, provided that required front, side and rear yards shall be  
 2089 increased one (1) foot for each foot in height over thirty-five (35) feet.  
 2090
- 2091 C. Church spires, belfries, cupolas, municipal water towers, chimneys, flues, flagpoles, television  
 2092 antennas and radio aerials are exempt. Parapet walls may be up to four (4) feet above the height  
 2093 of the building on which the walls rest.  
 2094
- 2095 D. No accessory building which is within twenty (20) feet of any party lot line shall be more than  
 2096 one (1) story high. All accessory buildings shall be less than the main building in height.

2097

2098 **175-18 CORNER LOTS (R-1)**

- 2099 A. ~~Of the two (2) sides yards of a corner lot, the front shall be deemed to be the shortest of the~~  
 2100 ~~two (2) sides fronting on streets.~~

2101

2102 Of the two (2) or more yards of a corner lot with frontage along multiple streets, the front  
 2103 yard shall be established by the following criteria:

2104

2105 1. For new subdivision applications, the front yard shall be identified by the applicant on the  
 2106 subdivision site plan and approved by the Town on the approved final plat.

2107 2. For new construction on existing corner lots where no front yard is designated on the  
 2108 approved final plat, the property owner shall determine the front yard on the Zoning  
 2109 Permit application and shall be approved by the Town on the approved Zoning Permit.

2110 3. For existing structures, the front yard shall be the yard with frontage that the front façade  
 2111 of the primary building faces.

2112 4. The approved front yard established by this Code Section shall only be changed by  
 2113 review and approval of a revised final plat approved by the Planning Commission. Such  
 2114 future requests shall be approved if the Planning Commission determines that the  
 2115 proposed front yard is consistent with other properties along the same street frontages.  
 2116

- 2117 B. The side yard setback on the side facing a side street shall be thirty (30) feet or more for both  
 2118 main ~~and accessory~~ buildings, and thirty-five (35) feet or more for accessory buildings.

2119

- 2120 C. Each corner lot shall have a minimum width at the setback line of one hundred (100) feet.

2121

- 2122 D. The rear yard setback if facing a street shall be fifty (50) feet or more for both main and  
 2123 accessory buildings.

2124

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2127  
2128

**RESIDENTIAL DISTRICT (R-1A)**  
(Adopted 4-24-95 by Z-6-95)

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

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

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

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

2139  
2140 **RESIDENTIAL**

2141  
2142 *Single-family dwellings, detached.*

2143  
2144 **COMMERCIAL**

2145 --  
2146

2147 **INDUSTRIAL**

2148 --

2149 **ORGANIZATIONAL**

2150 *Churches*  
2151 *Schools*

2152 **MISCELLANEOUS**

2153 *Accessory uses, structures and buildings.*

2154 *Home occupations.*

2155 *Open space and conservation areas.*

2156 *Public facilities, excluding Fire and Rescue Squads & Police Stations*

2157 *Public parks and playgrounds.*

2158 *Public utilities.*

2159 *Signs, as set forth in Section 175-106.*

2160 *Special childcare services.*

2161 *Such other uses as determined similar to one or more enumerated uses by the Zoning*  
2162 *Administrator.*

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

**RESIDENTIAL**

--

**COMMERCIAL**

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

**INDUSTRIAL**

--

**ORGANIZATIONAL**

- Fire and Rescue Squad & Police Stations.*
- Public Libraries.*
- Community Center.*

**MICELLANEOUS**

*Any use permitted under Section 175-10.18.2.A, or specifically listed above under this subsection, that proposes to occupy a building or structure that exceeds the height requirements of Section 175-10.18.4, subject to the requirements of Section 175-136. Additional heights approved by a special use permit shall be required to increase the required setback and yard area requirements by an equivalent distance from each property line.*

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

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

- ~~1. Single-family dwellings.~~
- ~~2. Schools.~~
- ~~3. Churches.~~
- ~~4. Parks and playgrounds.~~
- ~~5. Public utilities, including poles, lines, booster and relay stations, distribution transformers, pipes, meters and other facilities necessary for the provision and maintenance of public utilities, including water and sewerage systems.~~

~~B. Uses permitted by special permit~~

- ~~1. Fire and police stations.~~
- ~~2. Public libraries.~~

- 2209 3. ~~Day care and day care facilities as set forth in Section 175-107.1.~~  
 2210 4. ~~Community Centers (public).~~  
 2211  
 2212 (Ord. 4-08 Added "4" 7-28-08-Effective Upon Passage)  
 2213  
 2214 ~~C. Uses permitted subject to standards~~  
 2215 1. ~~Home occupations subject to the standards of Section 175-108.1.~~  
 2216 2. ~~Model homes and sales offices as provided in Section 175-12.2.~~  
 2217  
 2218 ~~D. Accessory uses permitted~~  
 2219 1. ~~Off-street parking for uses permitted in this district as set forth in Section 175-18.7.~~  
 2220 2. ~~Signs as set forth in Section 175-106.~~  
 2221 3. ~~Fences as set forth in Section 175-102.~~  
 2222 4. ~~Accessory buildings and uses customarily incidental to permitted uses. The footprint of~~  
 2223 ~~an accessory structure shall not exceed the footprint of the principal structure.~~  
 2224 5. ~~Portable storage containers as set forth in Section 175-109.2~~  
 2225  
 2226 (Ord. No. 19-05 Added (5) 7-25-05-Effective Upon Passage)  
 2227  
 2228 ~~E. Prohibited uses All commercial and industrial activities are expressly prohibited in this~~  
 2229 ~~district. No tractor truck, semitrailer or truck with a registered gross weight in excess of twelve~~  
 2230 ~~thousand (12,000) pounds may be kept, parked or stored, in the open or within an enclosed~~  
 2231 ~~structure, upon any lot located within this district. See Section 175-110.2 for specific~~  
 2232 ~~exemptions.~~
- 2233 **175-18.3 AREA (R-1A)**
- 2234 Notwithstanding the provisions of Section 175-128, all newly established uses, with the  
 2235 exception of single-family dwellings, shall be required to meet the minimum area requirements  
 2236 at the time of establishment of the use.  
 2237  
 2238 A. Minimum lot size:  
 2239 1. Single family dwellings: seven thousand (7,000) square feet.  
 2240 2. Schools: twenty thousand (20,000) square feet.  
 2241 3. Churches: twenty thousand (20,000) square feet.  
 2242 4. Parks and playgrounds: five thousand (5,000) square feet.  
 2243 5. Public utilities: no regulation.  
 2244 6. Other public facility uses: twenty thousand (20,000) square feet.  
 2245 B. Minimum lot width:  
 2246 1. Single-family dwellings:  
 2247 a. Corner lots: seventy (70) feet.  
 2248 b. Interior lots: fifty (50) feet.  
 2249 2. Parks and playgrounds and public utilities: no regulation.  
 2250 3. All other uses: one hundred (100) feet.  
 2251  
 2252 C. Minimum district size: three (3) acres.

## 2253 175-18.4 HEIGHT(R-1A)

2254 A. Single-family dwellings: thirty-five (35) feet maximum.

2255

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

2259

2260 C. Exemptions from height requirements:

2261 1. Church spires.

2262 2. Belfries.

2263 3. Cupolas.

2264 4. Municipal water towers.

2265 5. Chimneys.

2266 6. Flues.

2267 7. Flagpoles.

2268 8. Television antennas.

2269 9. Radio aerials.

2270

2271 D. Accessory buildings and structures:

2272

2273 1. On lots with an area of less than five-tenths (0.5) acre: two-thirds (2/3) height of principal  
2274 structure.2275 2. On lots with an area of five-tenths (0.5) acre or more: not to exceed height of principal  
2276 structure or thirty-five (35) feet, whichever is less.

## 2277 175-18.5 MINIMUM YARD DIMENSIONS (R-1A)

2278 A. Single-family dwellings:

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

2280 2. Side: seven (7) feet.

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

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

2283

2284 B. Other principal structures:

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

2286 2. Side: fifteen (15) feet.

2287 3. Rear: thirty (30) feet.

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

2289

2290 C. Accessory buildings and structures:

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

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

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

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

2295

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

2299  
 2300 E. The main or front building facade and entrance for any single-family dwelling shall be  
 2301 oriented toward the front yard of the property, unless an administrative variance is granted  
 2302 pursuant to Section 175-147.1.

2303

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

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

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

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

2308 A. Space requirements:

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

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

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

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

2315

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

2319

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

2322

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

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

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

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

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

2338

2339

RESIDENTIAL

2340

2341

Duplexes.

2342

Single-family dwellings, detached.

2343

Two-family dwellings.

2344

2345

COMMERCIAL

2346

2347

--

2348

INDUSTRIAL

2349

--

2350

ORGANIZATIONAL

2351

Churches

2352

Schools

2353

MISCELLANEOUS

2354

Accessory uses, structures and buildings.

2355

Home occupations.

2356

Open space and conservation areas.

2357

Public facilities.

2358

Public parks and playgrounds.

2359

Public utilities.

2360

Signs, as set forth in Section 175-106.

2361

Special childcare services.

2362

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

2363

Administrator.

2364

2365

2366

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

2367

2368

2369

B. Uses permitted by right are as follows:

2370

2371

1. Single family dwellings.

2372

2. Two family dwellings.

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

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

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

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

2419

2420

**RESIDENTIAL**

2421

2422

--

2423

2424

**COMMERCIAL**

2425

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

2426

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

2427

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

2428

2429

2430

**INDUSTRIAL**

2431

--

2432

**ORGANIZATIONAL**

2433

2434

*Fire and Rescue Squad & Police Stations*

2435

*Public Libraries*

2436

*Community Center (public)*

2437

2438

2439

**MICELLANEOUS**

2440

*Any use permitted under Section 175-20, or specifically listed above under this subsection, that proposes to occupy a building or structure that exceeds the height requirements of Section 175-26, subject to the requirements of Section 175-136. Additional heights approved by a special use permit shall be required to increase the required setback and yard area requirements by an equivalent distance from each property line.*

2441

2442

2443

2444

2445

2446

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

2447

2448

2449

2450

Uses permitted by special permit are as follows:

2451

2452

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

2453

2454

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

2455

2456

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

2457

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

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

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

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

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

2468

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

2473

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

2475

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

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

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

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

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

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

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

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

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

2494

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

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

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

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

2500

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

2504

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

2508

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

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

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

2514

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

2517

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

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

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

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

2529

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

2533

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

2535

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

2538  
 2539

2540

### RESIDENTIAL DISTRICT (R-3)

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

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

2552

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

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

2558

2559

#### RESIDENTIAL

2560

2561

*Duplexes.*

2562

*Single-family dwellings, detached*

2563

*Townhouses developed on sites of twenty thousand (20,000) square feet up to one (1)*

2564

*acre as set forth in Section 175-112.*

2565

*Two-family dwellings.*

2566

2567

#### COMMERCIAL

2568

2569

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

2570

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

2571

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

2572

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

2573

#### INDUSTRIAL

2574 --

2575

## ORGANIZATIONAL

*Churches*

2577

*Schools*

2578

## MISCELLANEOUS

2579

2580

*Accessory uses, structures and buildings.*

2581

*Home occupations.*

2582

*Open space and conservation areas.*

2583

*Public facilities.*

2584

*Public parks and playgrounds.*

2585

*Public utilities.*

2586

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

2587

*Special childcare services.*

2588

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

2589

*Administrator.*

2590

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

2593

2594 B. Uses permitted by right are as follows:

2595

2596

1. Single family dwellings.

2597

— 2. Two family dwellings.

2598

— 3. Duplexes.

2599

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

2601

— 5. Schools.

2602

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

2604

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

2605

— 8. Parks and playgrounds.

2606

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

2607

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

2608

— 11. Home Occupations.

2609

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

2610

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

2612

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

2618 to any side or rear lot line, or shall not be nearer to any side or rear lot line than one-  
 2619 half (1/2) the total height of the accessory building, whichever is greater. When a  
 2620 garage is entered from an alley, such building shall not be located closer than five (5)  
 2621 feet to the alley line. No accessory building shall have more than one (1) story to its  
 2622 structure, excluding the roof. A story shall have a maximum permitted height of ten  
 2623 (10) feet. No accessory building shall be constructed upon a lot until the construction  
 2624 of the main building has actually been commenced, and no accessory building shall be  
 2625 used except for the temporary storage of construction materials unless the main  
 2626 building on a lot is completed and used.

2627 b. For lots with an area of one half (1/2) acre or more, accessory buildings not to exceed  
 2628 the principal structure in height may be built in a rear yard, but any such building or  
 2629 buildings shall not occupy more than thirty percent (30%) of the required rear yard.  
 2630 Any such building shall not be nearer than five (5) feet to any side or rear lot line or  
 2631 shall not be nearer to any side or rear lot line than one half (1/2) the total height of the  
 2632 accessory building, whichever is greater. When a garage is entered from an alley, such  
 2633 building shall not be located closer than five (5) feet to the alley line. No accessory  
 2634 building shall be constructed upon a lot until the construction of the main building has  
 2635 actually been commenced, and no accessory building shall be used except for the  
 2636 temporary storage of construction materials unless the main building on a lot is  
 2637 completed and used.

- 2638
- 2639 14. Public utilities, including poles, booster and relay stations, distribution transformers,  
 2640 pipes, meters and other facilities necessary for the provision and maintenance of public  
 2641 utilities, including water and sewerage facilities.
- 2642 15. Government Offices and Buildings.
- 2643 16. Signs as set forth in Section 175-106.
- 2644 17. Fences as set forth in Section 175-102.

2645

2646 **175-30 USES PERMITTED BY SPECIAL PERMIT (R-3)**

2647 *The following uses are permitted within the R-3 District only by approval of a special use permit,*  
 2648 *except as prohibited or restricted by separate restrictions of record that may pertain to property*  
 2649 *within the R-3 District:*

2650  
 2651  
 2652

**RESIDENTIAL**

2653 *Apartments as set forth in Section 175-113.*  
 2654 *Townhouses on sites over one (1) acre, as set forth in Section 175-112.*

2655  
 2656  
 2657

**COMMERCIAL**

2658 *Bed and Breakfast Uses set forth in Town Code Section 175-107.2.*  
 2659 *Community Centers (public).*

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

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

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

2664

**INDUSTRIAL**

2665

--

2666

2667

**ORGANIZATIONAL**

2668

2669 *Art galleries and museums.*

2670 *Fire and Rescue Squad & Police Stations*

2671 *Public Libraries*

2672 *Community Center (public)*

2673

2674

**MICELLANEOUS**

2675

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

2678 *requirements of Section 175-36, subject to the requirements of Section 175-136.*

2679 *Additional heights approved by a special use permit shall be required to increase the*

2680 *required setback and yard area requirements by an equivalent distance from each*  
 2681 *property line.*

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

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

2685

2686 Uses permitted by special permit shall be as follows:

2687

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

2689

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

2691

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

2694

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

2696

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

2700

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

2702

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

2704

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

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

2707

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

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

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

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

2715

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

2720

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

2722

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

2724

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

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

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

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

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

2737

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

2741

- 2742 1. Subsection B shall only apply in cases of new subdivision or resubdivision involving the  
 2743 creation of four (4) or fewer new lots.  
 2744
- 2745 2. Subsection B shall only apply in cases where the aforesaid abutting lots were established  
 2746 and in existence prior to April 10, 1978.  
 2747
- 2748 3. Under no circumstances shall the minimum lot width at the setback line for newly created  
 2749 lots be less than fifty (50) feet, regardless of the setback width of the abutting lots.  
 2750
- 2751 4. All corner lots shall be governed by the provisions of Section 175-37c.  
 2752
- 2753 5. Where abutting lots have differing widths at their setback lines, the minimum setback  
 2754 width for newly created lots shall be consistent with the larger of the two abutting lots, or  
 2755 sixty (60) feet, whichever is lesser.  
 2756
- 2757 6. An "abutting lot" is defined as a lot sharing a common side yard boundary with the lot to  
 2758 be subdivided and fronting the same street as the lot to be subdivided.  
 2759

2760 **175-34 YARDS (R-3)**

- 2761 A. Side: Each side yard shall be a minimum of seven (7) feet.  
 2762
- 2763 B. Rear: Each rear yard shall be a minimum of twenty-five (25) feet.  
 2764
- 2765 C. Front: The required depth of the front yard shall be as provided in Section 175-32. The main  
 2766 or front building facade and entrance for any single-unit residential structure, including duplexes  
 2767 and townhouses, shall be oriented toward the front yard of the property, unless an administrative  
 2768 variance is granted pursuant to Section 175-147.1.  
 2769
- 2770 *D. Accessory buildings shall be setback from side and rear property lines by no less than five (5)*  
 2771 *feet. No accessory building is permitted within a required front yard.*  
 2772

2773 **175-35 LOT COVERAGE (R-3)**

- 2774 The maximum building coverage shall be forty percent (40%) unless as otherwise herein  
 2775 provided.  
 2776

2777 **175-36 HEIGHT (R-3)**

- 2778 **A.** Structures may be erected up to thirty-five (35) feet in height, except that:  
 2779 **A.1.** The height limit for structures may be increased up to sixty (60) feet and up to five (5)  
 2780 stories, provided that required front, side and rear yards shall be increased one (1) foot for  
 2781 each foot of building height over thirty-five (35) feet.

2782 **B.2.** Church spires, belfries, cupolas, monuments, municipal water towers, chimneys, flues,  
 2783 flagpoles, television antennas and radio aerials are exempt. Parapet walls may be up to four  
 2784 (4) feet above the height of the building on which the walls rest.

2785

2786 **B.** Accessory buildings over one (1) story in height shall be at least ten (10) feet from any lot  
 2787 line. All accessory buildings shall be less than the main building in height.

2788

2789 **175-37 CORNER LOTS (R-3)**

2790 **A.** Of the two (2) sides yards of a corner lot, the front shall be deemed to be the shortest of the  
 2791 two (2) sides fronting on streets.

2792

2793 Of the two (2) or more yards of a corner lot with frontage along multiple streets, the front  
 2794 yard shall be established by the following criteria:

2795

2796 1. For new subdivision applications, the front yard shall be identified by the applicant on the  
 2797 subdivision site plan and approved by the Town on the approved final plat.

2798 2. For new construction on existing corner lots where no front yard is designated on the  
 2799 approved final plat, the property owner shall determine the front yard on the Zoning  
 2800 Permit application and shall be approved by the Town on the approved Zoning Permit.

2801 3. For existing structures, the front yard shall be the yard with frontage that the front façade  
 2802 of the primary building faces.

2803 4. The approved front yard established by this Code Section shall only be changed by  
 2804 review and approval of a revised final plat approved by the Planning Commission. Such  
 2805 future requests shall be approved if the Planning Commission determines that the  
 2806 proposed front yard is consistent with other properties along the same street frontages.

2807

2808 **B.** The side yard setback on the side facing a side street shall be twenty (20) feet or more for  
 2809 both main and accessory buildings, and thirty (30) feet or more for accessory buildings.

2810

2811 **C.** Each corner lot shall have a minimum width at the setback line of one hundred (100) feet.

2812

2813 **D.** The rear yard setback if facing a street shall be fifty (50) feet or more for both main and  
 2814 accessory buildings.

2815

2816

2817

2818

2819

**PLANNED NEIGHBORHOOD DEVELOPMENT DISTRICT (PND)**

(Adopted 4-11-05 by Z-1-05)

2820 **175-37.1 STATEMENT OF INTENT (PND)**

2821 Pursuant to Sections 15.2-2201 and 15.2-2286 of the Code of Virginia, the Town Council of the  
 2822 Town of Front Royal establishes the Planned Neighborhood Development (PND) zoning  
 2823 ordinance to allow planned neighborhood development on large tracts of land characterized by

2824 unified site design for a variety of housing types and densities, clustering of buildings, common  
2825 open space, and a mix of building types and land uses in which project planning (as permitted  
2826 herein) and density calculation are performed for the entire development rather than on an  
2827 individual basis. The purposes of the ordinance are to provide an alternative form of  
2828 development that:

2829

2830 A. Eliminates standard dimensional requirements while reserving sufficient natural open space  
2831 for common use, conservation or recreational purposes, and providing adequate buffering  
2832 between structures and adjacent properties;

2833

2834 B. Enhances the physical appearance of the town by preserving the town's natural assets and  
2835 distinctive character;

2836 C. Promotes more efficient use of land and provision of public facilities, utilities, streets, and  
2837 services;

2838

2839 D. Provides the opportunity for innovative combinations of integrated housing, recreation,  
2840 neighborhood-oriented commercial, professional uses, and increased public amenities within a  
2841 single development;

2842

2843 E. Conserves natural and environmental resources and the integrity of natural systems;

2844

2845 F. Encourages innovative residential development so that housing demands are met by a greater  
2846 variety of types, designs, and layouts of residential structures;

2847

2848 G. Encourages creative and site-sensitive developments by allowing increased overall density in  
2849 exchange for planned neighborhood development pursuant to this chapter.

2850 H. Promotes the design of a walkable environment for pedestrians within the neighborhood  
2851 which provides a circulation system for various transportation modes.

2852 I. Satisfies the general purposes of zoning regulations to promote health, safety, morals and  
2853 general welfare of the community.

2854 **175-37.2 EVALUATION CRITERIA (PND)**

2855 Application for rezoning to a Planned Neighborhood Development District shall specifically  
2856 demonstrate achievement of the following objectives. Each proposed Planned Neighborhood  
2857 Development will be evaluated on the extent to which these objectives are achieved:

2858

2859 A. Provides a variety of housing types and designs at a range of densities and costs in an orderly  
2860 relationship to one another.

2861

2862 B. Employs architectural, landscape and/or other design features to provide compatibility  
2863 between different uses.

2864

- 2865 C. Includes a network of circulation systems for various transportation modes that connect to the  
2866 surrounding area.  
2867
- 2868 D. Conserves a minimum of 25% open space, incorporating a system of parks, open spaces,  
2869 recreational facilities, and public amenities within the development which enhance the total plan  
2870 of development.  
2871
- 2872 E. Efficiently utilizes land to protect and preserve natural features such as trees, streams, and  
2873 topographic features.  
2874
- 2875 F. Provides a mechanism to relate the type, design and layout of proposed development to the  
2876 specific characteristics of the particular parcel.  
2877
- 2878 G. Exhibits consistency with the Town's Comprehensive Plan and provides overall benefits to  
2879 the Town.  
2880
- 2881 H. Demonstrates adequate capacity of public facilities and utilities to serve the development.  
2882
- 2883 I. Minimizes traffic impacts upon the surrounding traffic network.

2884 **175-37.3 PERMITTED USES (PND)**

- 2885 A. All planned neighborhood developments shall permit the following residential and accessory  
2886 uses:  
2887
- 2888 1. Detached single-family dwellings;
  - 2889 2. Two-family dwellings;
  - 2890 3. Multi-family dwellings;
  - 2891 4. Townhouses with a maximum of eight units per structure;
  - 2892 5. Accessory buildings or uses as defined in Town Code Section 175-3;
  - 2893 6. Recreation or park facilities;
  - 2894 7. Retirement living facilities (handicapped accessible)
  - 2895 8. Municipal buildings or uses;
  - 2896 9. Public utilities: poles, lines, booster and relay stations, distribution transformers, pipes,  
2897 meters and other facilities necessary for the provision and maintenance of public utilities,  
2898 including water and sewerage systems. Such utilities shall be buried or otherwise  
2899 screened in accordance with design standards of the development;
  - 2900 10. Home Occupations as set forth in Section 175-108;
  - 2901 11. Public libraries;
  - 2902 12. Schools; and
  - 2903 13. Churches.
  - 2904 14. *Special childcare services.*
  - 2905 15. *Open space and conservation areas.*
  - 2906 16. *Such other uses as determined similar to one or more enumerated uses by the Zoning*  
2907 *Administrator.*  
2908

2909 B. Planned neighborhood developments shall permit the following community and institutional  
2910 uses under the terms set forth in Section 175-37.9, Density Bonus:

- 2911
- 2912 1. Day care centers; and
- 2913 2. Community Halls
- 2914

2915 C. Planned neighborhood developments comprising 50 acres or more may contain the uses  
2916 permitted in subsections A and B as well as the following commercial uses:

- 2917
- 2918 1. Neighborhood-oriented commercial businesses;
- 2919 2. Personal services;
- 2920 3. Business or professional offices; and
- 2921 4. Neighborhood restaurants; and
- 2922 5. Banks, branch banks and financial institutions.
- 2923

2924 D. Planned neighborhood developments may include the following uses provided such uses are  
2925 either specifically approved as part of the original development plan or approved by special use  
2926 permit in accordance with Section 175-136 if proposed subsequent to approval of the Master  
2927 Land Use Plan.

- 2928
- 2929 1. Bed and Breakfast home
- 2930 2. Assisted Living Facility or other nursing home as permitted in the R-3 District.
- 2931 3. Automotive fuel facilities in conjunction with neighborhood retail stores, provided
- 2932 adequate demonstration is made that the facility can be supported by the neighborhood in
- 2933 which it is located without attracting additional traffic into the neighborhood. Such facilities
- 2934 shall not include the storage or sale of automobiles, automotive mechanical or body repair
- 2935 work, painting, welding or other activities not normally associated with the dispensing of
- 2936 gasoline.
- 2937 4. *Art galleries and museums.*
- 2938
- 2939

2940 E. Except as otherwise specified for PND's, proposed uses within a PND shall be subject to the  
2941 provisions set forth for such use in the Zoning Ordinance (Chapter 175 of the Town Code).

2942 F. Prohibited Uses.

2943 Junkyards, off-site signage, used automobiles and truck/trailer sales, manufactured and mobile  
2944 homes, outdoor storage yards, and industrial uses are prohibited in a Planned Neighborhood  
2945 Development.

2946 **175-37.4 STANDARDS (PND)**

2947 A. Planned neighborhood developments shall contain not less than 20 contiguous acres.

2948  
2949 B. The project area must be held in single ownership or all property owners within the proposed  
2950 district must participate in the application.

2951

2952 C. Planned neighborhood developments shall be served by municipal water and sewer service  
2953 and municipal electric service if located within the Town's electric service area.

2954

2955 D. Allowable base residential density. Overall residential density shall not exceed the overall  
2956 allowable residential density of the parcel or parcels involved prior to the re-zoning, dedicated to  
2957 uses other than the commercial uses set forth in Sections 175-37.3 B and C. This base residential  
2958 density may be increased at the Town Council's discretion up to a maximum of 6.0 dwelling  
2959 units per acre.

2960

2961 E. Conservation lands. Lands with the following characteristics shall not be developed and shall  
2962 not be platted as part of a residential, community, institutional or commercial lot within a  
2963 planned neighborhood development: land within the 100-year flood plain; land with a natural  
2964 slope in excess of 40 percent, and as determined by standard slope computation methods. These  
2965 lands shall be designated on the plat for conservation purposes. Conservation lands may be used  
2966 in computing the allowable base residential density. Nontidal wetlands may be platted, but shall  
2967 be protected by preservation easements.

2968

2969 F. Management and ownership of common open space and facilities. All common spaces,  
2970 properties, and facilities not deeded to the Town or other public entity shall be preserved for their  
2971 intended purpose as specified on the approved plan. The developer shall provide for the  
2972 establishment of a property owner's association conforming to the Virginia Property Owners'  
2973 Association Act, Code of Virginia (1950) as amended, to ensure the maintenance of all common  
2974 areas.

2975 **175-37.5**

### **REVIEW AND CREATION OF THE PLANNED NEIGHBORHOOD DEVELOPMENT DISTRICT (PND)**

2976

2977 Whenever a tract of land meets the minimum requirements for classification as a PND district as  
2978 stipulated herein, the owner may file an application with the Director of Planning, requesting  
2979 rezoning to this classification. A preliminary conference with staff prior to such filing is  
2980 required.

2981

2982 A. Concept Plan:

2983

2984 1. Procedure: The owner may present and file with the Director of Planning a Concept Plan  
2985 for the project, along with the fee established in the schedule of fees, showing the rough  
2986 layout of major roads within the project, and such areas within the project as may be  
2987 planned for particular uses or mixtures of uses, as outlined below. Upon receipt, the  
2988 Director of Planning shall forward the Concept Plan to the Planning Commission for  
2989 review and comment. The Planning Commission may recommend to the Town Council  
2990 approval, denial or modifications to the Concept Plan.

2991

2992 Upon review and recommendation by the Planning Commission the Director of  
2993 Planning shall forward the Concept Plan to the Town Council for review and comment.  
2994 The Town Council may approve, deny or approve conditionally with stated

2995 modifications. Approval of a Concept Plan is only an expression of apparent favor to be  
2996 used in preparation of the PND Master Land Use Plan and does not authorize  
2997 construction of improvements.  
2998

2999 2. Submittal Requirements: The Concept Plan shall be prepared by a Virginia registered  
3000 architect, landscape architect, land surveyor or engineer with seal and signature affixed  
3001 to the plan. The plan shall be approximately to scale and clearly show the following:

3002

3003 a. Location map showing existing zoning and ownership of property and adjacent land;

3004

3005 b. Identification of principal natural features and/or unique site design features;

3006

3007 c. Relationship of the proposal with surrounding utilities and public facilities to serve  
3008 the tract at the ultimate proposed densities;

3009

3010 d. The location and size of the components of the PND, including the general layout of  
3011 the road system within the project, location of use areas within the project planned for  
3012 particular uses or mixtures of uses and their acreage, residential densities, and the  
3013 interior open space system and preservation areas;

3014

3015 e. Written description of the use areas;

3016

3017 f. A statement demonstrating consistency with the Town of Front Royal Comprehensive  
3018 Plan, suitability of the tract for the type and intensity of the activities proposed, the  
3019 anticipated availability of adequate road networks, and the objectives stated in  
3020 Section 175-37.1.  
3021

3022

3023 B. Master Land Use Plan: Within six months of the Town Council's approval or approval  
3024 conditioned upon modifications of the Concept Plan, the developer/owner may prepare and file  
3025 an application for an amendment to the official zoning map to a Planned Neighborhood  
3026 Development (PND) District, as set forth in this chapter, together with the established in the  
3027 schedule of fees for rezoning and an engineered Master Land Use Plan for development  
3028 presenting a unified and organized arrangement of buildings, service areas, parking, landscaped  
3029 areas, recreation areas, open space and community facilities. All information submitted for  
3030 consideration as a Master Land Use Plan shall be of sufficient clarity and scale to accurately  
3031 identify the location, nature, and character of the proposed district. At a minimum the  
3032 information contained on a Master Land Use Plan shall include:

3033

3034 1. A map of the boundaries of the proposed development site, showing bearings,  
3035 dimensions at a scale not greater than one (1) inch to six hundred (600) feet;

3036

3037 2. A statement of existing property owner(s) and the proposed developer;

3038

3039 3. Names and addresses of adjacent property owners;

- 3040 4. A vicinity map drawn at a scale of between one (1) inch equals two hundred 2,000 feet  
3041 and showing the relation of the property.  
3042
- 3043 5. Topographic map with contour lines at vertical intervals of not greater than five (5) feet  
3044 at a minimum scale of one inch to 200 feet;  
3045
- 3046 6. A site analysis map of existing conditions, including but not limited to the location and  
3047 delineation of sensitive environmental features, any 100-year floodplain, watercourse,  
3048 non-tidal wetlands, areas greater than 15-percent slope, and significant geologic  
3049 formations or man-made features, existing structures and public facilities, historic  
3050 landmarks, existing zoning on-site and surrounding areas;  
3051
- 3052 7. The overall scheme of development including general layout of proposed land uses at a  
3053 scale of one (1) inch equals two hundred (200) feet;  
3054
- 3055 8. The location and acreage of recreation areas, open space and conservation areas, parks  
3056 within the development;  
3057
- 3058 9. The location, acreage and type of nonresidential areas and uses, and community/ public  
3059 uses.  
3060
- 3061 10. For each residential area shown, the total number of units in each by type and density;  
3062
- 3063 11. An access and circulation plan showing the general location of all existing and proposed  
3064 streets and easements of right-of-way, bridges, culverts, railroads, and utility  
3065 transmission lines;  
3066
- 3067 12. A traffic analysis and description of the base existing conditions and traffic volumes for  
3068 the connecting external road network serving the site, projected average daily traffic for  
3069 all new streets within the subdivision based on the proposed land uses and the traffic  
3070 growth on adjacent highways, trip generation rates for peak hours by development and  
3071 phase, and internal/external trip distribution and intersection and capacity analysis,  
3072 identifying off-site access and traffic control improvements generated by the traffic  
3073 demands of the proposed project at full development;  
3074
- 3075 13. The proposed general location of all building areas and other improvements, except  
3076 single-family and two-family dwellings and accessory buildings;  
3077
- 3078 14. Notations showing the total gross development acreage, the net development acreage,  
3079 acreage devoted to each land use category, the number of dwelling units and overall  
3080 development density of the project;  
3081
- 3082 15. General intent and schematic plans for water, sanitary sewer, storm water management,  
3083 electrical services, and other utilities;  
3084
- 3085 16. An approximate development schedule/phasing plan;

- 3086 17. A general description of proposed agreements, provisions, or covenants that govern the  
3087 use, maintenance, and continued protection of property to be held in common  
3088 ownership.  
3089
- 3090 18. Municipal boundaries through the property.  
3091
- 3092 19. A narrative statement demonstrating consistency with the Town of Front Royal  
3093 Comprehensive Plan, suitability of the tract for the type and intensity of the activities  
3094 proposed, and the planning purposes to be achieved by the proposed PND as stated in  
3095 Section 175-37.1, the design theme and major elements, principal site features, and  
3096 environmental components integrated into the plan.  
3097
- 3098 20. An impact assessment on the environment and on community facilities, services and  
3099 taxes.  
3100
- 3101 21. Demographic profile of proposed development (population, housing, school children and  
3102 employment).  
3103
- 3104 22. Other relevant data which may be used to evaluate the project.  
3105
- 3106 23. A set of design guidelines describing the design principles for the site arrangement,  
3107 standards for development including proposed yards, building heights, building  
3108 architecture, open space characteristics, landscaping, hardscape, and buffering, and  
3109 streetscapes related to scale, proportions, and massing at the edge of the district.  
3110
- 3111 The design guidelines will establish the appearance standards to be used as the basis for  
3112 the appearance review occurring concurrent with the site development review. The  
3113 purpose of the appearance standards shall be:  
3114
- 3115 a. To encourage development that enhances the character of the town;  
3116 b. To enhance and protect property values by encouraging excellent design;  
3117 c. To encourage architectural freedom, imagination and variety, and to encourage  
3118 creative design solutions that will enhance the town's visual appearance.  
3119 d. To promote harmonious unified development within a planned neighborhood.  
3120
- 3121 C. Demonstration of Purposes: The purposes shall be demonstrated in each of the components  
3122 as follows:  
3123
- 3124 1. Relationship of Building Site:  
3125
- 3126 a. The proposed non-residential development shall be designed and sited to accomplish  
3127 a desirable view as observed from adjacent streets.  
3128 b. Parking areas shall be enhanced with decorative elements, building wall extensions,  
3129 plantings, berms, or other appropriate means to screen parking areas from view from  
3130 the streets and adjacent properties.  
3131

- 3132 2. Relationship to Adjoining Areas:  
3133  
3134 a. Adjacent buildings of different architectural styles shall be made compatible by use  
3135 of screens, sight breaks, materials and other methods.  
3136  
3137 b. Landscaping shall provide a transition to adjoining property and screening between  
3138 residential and commercial uses, and for off-street commercial parking and loading  
3139 areas from public view.  
3140  
3141 c. Texture, building lines and mass shall be harmonious with adjoining property.  
3142 Monotonous texture, lines and mass shall be avoided.  
3143  
3144 3. Building Design and Landscaping: The applicant shall provide a narrative for all building  
3145 types describing compliance with the following, including dimensional and qualitative  
3146 specifications.  
3147  
3148 a. Quality of design and landscaping, and compatibility with surrounding uses for  
3149 proposed nonresidential development. Architectural style is not restricted.  
3150  
3151 b. Materials and finishes of good, sound architectural quality that are harmonious with  
3152 adjoining buildings.  
3153  
3154 c. Suitable materials for the type and design of the building. Materials that are  
3155 architecturally harmonious shall be used for all exterior building walls and other  
3156 exterior building components.  
3157  
3158 d. Building components, such as windows, doors, eaves, and parapets with appropriate  
proportion and relationships to one another.  
3159  
e. Use of harmonious colors and compatible accents.  
3160  
3161 f. Mechanical equipment or other utility hardware on roof, ground, or buildings  
3162 screened from view with materials harmonious with the building.  
3163  
3164 g. Non-Monotonous design with visual interest provided by variation in detail, form,  
3165 and siting.  
3166  
3167 h. Exterior lighting used as part of the architectural concept. Fixtures, standards, and all  
3168 exposed accessories harmonious with the building design.  
3169  
3170 i. Landscaping treatment creating unity of design, enhance architectural features,  
3171 strengthen vistas, and provide shade.  
3172  
3173 j. Plant materials selected for interest in its structure, texture, and color and for its  
3174 ultimate growth using indigenous plants and those that are hardy, harmonious to the  
design and of good appearance.

- 3175  
3176 k. Protection of plant materials by appropriate curbs, tree guards, or other devices in  
3177 locations which are susceptible to injury by pedestrian or vehicular traffic.  
3178
- 3179 4. Signs:  
3180
- 3181 a. Signs shall conform to the provisions of Section 175-106 for residential districts and  
3182 this section, except that signs erected on poles shall not be permitted.  
3183
- 3184 b. Every sign shall be of appropriate scale and proportion in relation to the surrounding  
3185 buildings.  
3186
- 3187 c. Every sign shall be designed as an integral architectural element of the building and  
3188 site to which it relates.  
3189
- 3190 d. The colors, materials, and lighting of every sign shall be harmonious with the building  
3191 and site to which it relates.  
3192
- 3193 e. The number of graphic elements on a sign shall be held to the minimum needed to  
3194 convey the sign's principal message and shall be in proportion to the area of the sign.  
3195
- 3196 f. Each sign shall be compatible with signs on adjoining plots or buildings.  
3197
- 3198 g. Logos shall conform to the criteria for all other signs.  
3199
- 3200 h. A coordinated, unified sign plan shall be utilized for direction and information within  
3201 the PND.  
3202
- 3203 5. Miscellaneous Structures: Miscellaneous structures and hardware shall be part of the  
3204 architectural concept of the project. Materials, scale and colors shall be compatible with  
3205 the building and surrounding uses.  
3206
- 3207 D. The Planning Commission shall proceed in general as for any other rezoning application as  
3208 required in the ordinance, and recommend to the Town Council to approve, conditionally  
3209 approve or disapprove the application.  
3210
- 3211 E. The Town Council shall proceed in general as for any other rezoning application as required  
3212 in the ordinance. Subsequent to the public hearing and a recommendation from the Planning  
3213 Commission, the Town Council shall approve, conditionally approve or disapprove the  
3214 application for a Master Land Use Plan.  
3215
- 3216 F. Upon approval of a Master Land Use Plan for development the official zoning map shall be  
3217 amended to indicate the property as "PND - Planned Neighborhood Development". Once the  
3218 Town Council has approved the Master Land Use Plan, all accepted proffers shall constitute  
3219 conditions, enforceable by the Zoning Administrator.

## 3220 175-37.6 OPEN SPACE STANDARDS (PND)

3221 A. Planned neighborhood developments shall reserve a minimum of 25 percent of the acreage of  
3222 the parcel as dedicated natural open space.

3223

3224 B. Up to 25 percent of this requirement may be satisfied with land covered by water or by  
3225 stormwater detention or retention basins (dry ponds shall not be permitted as open space), if the  
3226 Town Council determines that such a water body or basin is suitable for the purposes set forth in  
3227 Section 175-37.1. The dedicated open space shall not be included in subdivision lots. Dedicated  
3228 open space shall include the land necessary to provide access to the open space.

3229

3230 C. Land characterized as conservation lands in Section 175-37.4.E. of this ordinance may be  
3231 used to fulfill the minimum open space requirement up to a maximum of 50 percent of the total  
3232 dedicated natural open space within a planned neighborhood development.

3233

3234 D. Dedicated open space shall have shape, dimension, character, location, and topography to  
3235 accomplish the open space purposes specified in Section 175-37.1 and to ensure appropriate  
3236 public access.

3237 E. Dedicated open space land shall be shown on the planned neighborhood development  
3238 Concept Plan and Master Land Use Plan and shall be labeled to specify that the land has been  
3239 dedicated to open space purposes. The plans and final plat shall specify that the open space land  
3240 shall not be further subdivided or developed and is permanently reserved for natural open space  
3241 purposes.

3242

3243 F. The open space shall be conveyed by the applicant as a condition of plat approval and may be  
3244 conveyed by any of the following means as determined by the Town Council:

3245

3246 1. Deeded in perpetuity to the Town of Front Royal or other governmental agency for the  
3247 purposes herein.

3248

3249 2. Reserved for common use or ownership of all property owners within the development by  
3250 covenants in the deeds approved by the Town Attorney. A copy of the proposed deed  
3251 covenants shall be submitted with the application.

3252

3253 3. Deeded in perpetuity to a private, non-profit, tax-exempt organization legally constituted  
3254 for conservation purposes under terms and conditions that ensure the perpetual protection  
3255 and management of the property for conservation purposes. A copy of the proposed deeds  
3256 and relevant corporate documents of the land trust shall be submitted with the application.

3257

3258 4. Deeded to a property owner's association within the development upon terms and  
3259 conditions approved by the Town Attorney that will ensure the continued use and  
3260 management of the land for the intended purposes. The formation and incorporation by the  
3261 applicant of one or more appropriate property owners' associations shall be required prior  
3262 to plat approval. A copy of the proposed property owner's deed and the by-laws and other  
3263 relevant documents of the property owner's association shall be submitted with the

3264 application. The following shall be required if open space is to be dedicated to a property  
3265 owner's association:

3266

3267 a. Covenants providing for mandatory membership in the association and setting forth the  
3268 owner's rights, interests, and privileges in the association and the common land, must  
3269 be included in the deed for each lot or unit;

3270

3271 b. The property owners' association shall have the responsibility of maintaining the open  
3272 space and operating and maintaining recreational facilities;

3273

3274 c. The association shall have the authority to levy charges against all property owners to  
3275 defray the expenses connected with the maintenance of open space and recreational  
3276 facilities; and

3277

3278 d. The applicant shall maintain control of dedicated open space and be responsible for its  
3279 maintenance until 75% of occupancy permits for residential units have been issued and  
3280 development is sufficient to support the association.

3281

3282 G. The owner/developer shall convey or restrict the open space land by a deed instrument  
3283 reviewed and approved by the Front Royal Town Attorney to ensure that the land will be held  
3284 and managed in perpetuity for open space purposes and shall not be further developed.

3285

3286 H. If the planned neighborhood development is developed in phases, the provision of dedicated  
3287 natural open space shall be phased with the construction of dwelling units and other  
3288 improvements to ensure that a proportionate share of the total dedicated open space is preserved  
3289 with each phase.

3290

3291 I. Streets and other impervious surfaces shall be excluded from the calculation of the minimum  
3292 dedicated open space requirement; however, lands occupied by bike paths, landscaped grounds,  
3293 or similar common recreational development (excluding tennis courts, golf courses, and  
3294 buildings) may be counted as dedicated open space, provided that impervious surfaces constitute  
3295 no more than 5 percent of the total required open space.

3296

3297 J. Open space shall be permanently dedicated for one of more of the following uses: natural  
3298 resource conservation, recreational facilities, wetland and water course preservation, selective  
3299 forestry, wildlife habitat, undeveloped parklands or scenic preservation.

3300 **175-37.7 OFF-STREET PARKING (PND)**

3301 A. The number, design, location and construction of parking lots, bays, spaces and drives shall  
3302 conform to the applicable requirements of Sections 175-104 and 175-105 Zoning Ordinance and  
3303 Section 148-48 of the Subdivision and Land Development Ordinance. Parking for commercial  
3304 land uses shall also comply with Section 175-45 of the Front Royal Town Code.

3305

3306 1. Parking areas shall be planted with trees a minimum of two inches in caliper measured six  
3307 inches above ground level, so that there is at least one tree per ten parking spaces within

3308 the parking lot. Such trees must be protected by curbing or other means against damage  
3309 by vehicles. A minimum planting area, equivalent to 162 square feet per tree, shall be  
3310 provided.

3311

3312 2. Parking areas shall have a landscaped island at each end of each row of vehicle spaces. No  
3313 more than 15 spaces shall be laid out without an intermediate landscape island. Such  
3314 planting islands shall be not less than nine feet wide in the direction parallel to the row and  
3315 not less than 18 feet long in the direction perpendicular to the row. Each such island shall  
3316 have a suitable poured-in-place concrete curb, or approved equal, and shall be planted  
3317 with grass or ground cover. All hydrants shall be located in such islands.

3318 **175-37.8 LANDSCAPING AND SCREENING (PND)**

3319 A. Screening of Uses: Commercial, institutional, and community uses shall be screened from  
3320 residential uses within and abutting the planned neighborhood development by a buffer yard 20  
3321 feet in width containing a minimum of three canopy trees, six understory trees, and nine shrubs  
3322 per 100 feet of length (or an amount creating an equivalent effect and approved with the  
3323 landscape plan) along the perimeter of the lot line abutting a residential use.

3324 B. Screening along Public Roadways: Uses within a planned neighborhood development which  
3325 abut an arterial street as defined in Section 148-26(C)(3) shall be screened by a buffer yard of 20  
3326 feet in width containing a minimum of three canopy trees, six understory trees and nine shrubs  
3327 per 100 feet of frontage (or an amount creating an equivalent effect and approved with the  
3328 landscape plan). Canopy trees shall be deciduous shade trees planted with a minimum of two  
3329 and one-half inches in caliper at six inches above the ground with a mature height of at least 35  
3330 feet. Understory trees shall be deciduous shade or fruit trees planted at minimum one and ½ inch  
3331 in caliper at six inches above the ground with a mature height of at least 12 feet.

3332

3333 C. Existing Vegetation: Notwithstanding any other provisions of this ordinance, existing  
3334 vegetation shall be retained and maintained to the extent feasible in order to permit existing  
3335 vegetation to fulfill or contribute to buffer and screening requirements. In lieu of strict  
3336 compliance with the above buffer yard requirements, a developer may submit a detailed  
3337 landscaping plan that will afford a degree of buffering and screening comparable to that provided  
3338 by these regulations in making use of existing and new vegetation. For developments utilizing  
3339 more than 10 percent existing vegetation as a density bonus credit, a Certified Arborist shall  
3340 provide a detailed description of the existing vegetation with notation of specimen trees, to  
3341 certify compliance. The Arborist report shall be accompanied by the proposed measures for  
3342 ensuring preservation during and after construction in accordance with the preservation criteria  
3343 stated in the Town of Front Royal Landscape Preservation and Planting Guide.

3344

3345 D. Screening of Refuse Collection Facilities: Uses, except single-family homes within a planned  
3346 neighborhood development shall provide secure, safe, and sanitary facilities for the storage and  
3347 pickup of refuse. Such facilities shall be convenient to collection and shall be appropriate to the  
3348 type and size of use being served. All refuse storage facilities shall be screened on three sides by  
3349 a solid wooden fence or masonry wall and a tight evergreen hedge. The fourth side shall be  
3350 angled to minimize the view of the refuse collection facility or shall be screened by an opaque  
3351 gate made of durable materials. The screening shall be of sufficient height and design to

3352 effectively screen the facility from the view from nearby residential uses, streets, adjacent  
3353 properties, and recreational facilities.

3354 **175-37.9 DENSITY BONUSES (PND)**

3355 Residential density bonuses up to a density of 6.0 dwelling units per acre dedicated to uses other  
3356 than the commercial uses set forth in Sections 175-37.3(B) and (C) may be approved and granted  
3357 at the discretion of the Town Council upon a finding that a proposed density bonus promotes the  
3358 purposes of the Planned Neighborhood Development and provides additional public benefit.  
3359 Each of the following amenities and any other amenities or proffered conditions will be  
3360 evaluated by the Town Council and used in negotiations with the applicant:

3361  
3362 A residential density up to 6.0 dwelling units per acre acceptable to both the applicant and the  
3363 Town Council.

3364  
3365 A. Dedicated Open Space: In exchange for increasing the dedicated natural open space beyond  
3366 the required 25 percent, the project may qualify for a density bonus, provided the natural open  
3367 space is increased by a minimum of 5 percent of the developable acreage. A bonus shall not be  
3368 permitted for preservation areas or without sufficient justification of demonstrated benefit to the  
3369 Town. Priority shall be given to protecting existing stands of mature trees.

3370 B. Bikeways/Greenways: A system of bike paths and pedestrian greenways may qualify for a  
3371 density bonus. In order to qualify, the bike paths or greenways shall form an integrated system of  
3372 access within the development to principal off-site destinations, and be integrated with other  
3373 planned or existing systems (i.e., Happy Creek Trail, Conservancy Park Trail, etc.).

3374 C. Walk-Up Housing: A dwelling unit located above the ground floor of a structure that contains  
3375 a non-residential use on the ground floor may be applied toward the allowable base density as  
3376 one-half of a dwelling unit.

3377  
3378 D. Community and Institutional Uses:

3379  
3380 Day Care Center: In a PND with 75 or more residential units, a parcel may be designated,  
3381 dedicated and developed for use as a day care center. This lot shall have a minimum of 100  
3382 square feet per residential unit within the PND, and be developed in accordance with the  
3383 requirements of Town Code Section 175-107.1.

3384  
3385 Community Hall: In a PND with 100 or more residential lots or units, a community hall may  
3386 be constructed, with an enclosed area of no less than 25 square feet for each residential unit  
3387 or lot.

3388 E. Developed Recreational Facilities: Such facilities may include, but shall not be limited to, tot  
3389 lots and pocket parks, ball fields, courts or other athletic facilities, swimming pools, public  
3390 pedestrian plazas or arcades with benches, water fountains and reflecting pools, terraces,  
3391 sculptures, public art, involving unique design features and amenities. To be considered for a

3392 density bonus, such recreational facilities shall be developed at a minimum ratio of three acres  
3393 per 100 units, in addition to the minimum requirement in Section 15.

3394 F. Enhanced streetscapes: Streets developed with widened sidewalk area, substantial  
3395 landscaping above the required minimum, approved traffic calming measures, pedestrian-  
3396 oriented features, and bicycle parking facilities may be considered for a density bonus.

3397 G. Other: Additional density bonuses may be granted based upon such other innovative factors  
3398 as may be proposed by the applicant and accepted by the Town Council in its sole discretion.

3399 **175-37.10 TRAFFIC IMPROVEMENTS (PND)**

3400 Where a proposed planned neighborhood development borders on an existing street whose right-  
3401 of-way, traffic carrying capacity, or sight lines are inadequate to safely and efficiently  
3402 accommodate the traffic generated by the proposed development, the Town Council shall require  
3403 the applicant to dedicate land for needed realignment or widening, and to undertake or fund the  
3404 needed street improvements.

3405 **175-37.11 DIMENSIONAL STANDARDS (PND)**

3406 A. Building Separation: No structure under 30 feet in height shall be located within 15 feet of  
3407 any other structure. Buildings higher than 30 feet shall be separated by a distance equivalent to  
3408 50 percent of the height of the tallest building.

3409  
3410 B. Height Limits: The height limits within a planned neighborhood development shall be the  
3411 same as the height limits set forth in Section 175-36 for structures in the R-3 residential district.

3412 C. Except as otherwise specifically required by Sections 175-37.01 through 175-37.19,  
3413 modifications to the following design standards may be authorized by the Town as part of the  
3414 rezoning or conditional rezoning application process, provided they are specifically approved,  
3415 with the modified design standards taking precedence over the design standards of Chapter 148  
3416 and Chapter 175 of the Town Code.

- 3417 1. Lot Area
- 3418 2. Lot Width
- 3419 3. Setbacks and Yard Area
- 3420 4. Building Height
- 3421 5. Building Separation

3422

3423 **175-37.12 PERIMETER BOUNDARY (PND)**

3424 A. No portion of a building, structure, or parking area, shall be located within 55 feet of abutting  
3425 property that is not part of the proposed planned neighborhood, unless the zoning of the adjacent  
3426 property permits uses similar to the proposed Planned Neighborhood District use to be located

3427 abutting the common boundary. Where proposed PND uses are similar to uses permitted on the  
3428 adjacent property, the minimum separation shall be that same as required for the zoning district  
3429 on the adjacent property.

3430

3431 B. No portion of a non-residential use, multi-family residential use, community use, institutional  
3432 use or active recreational use shall be located within 100 feet of abutting property that is not part  
3433 of the proposed planned neighborhood, unless the abutting property is developed as a Planned  
3434 Neighborhood District, whereas the separation shall be equal to the existing yard requirement on  
3435 the abutting Planned Neighborhood District property.

3436

3437 C. The minimum front yard requirement of the R-1 zoning district shall apply for a minimum of  
3438 200 feet from the border of a planned neighborhood development and adjoining property that  
3439 share frontage on the same side of a street.

3440 **175-37.13 MULTI-FAMILY RESIDENTIAL DEVELOPMENT STANDARDS (PND)**

3441 Multi-family housing. Such housing shall be either townhouses, multiplexes or Retirement  
3442 Living Facilities.

3443

3444 A. Townhouses: The maximum number of dwelling units permitted within a townhouse  
3445 structure shall be eight. Townhouse structures shall be developed in compliance with the  
3446 following requirements:

3447

3448 1. There shall be a minimum of two and one-half parking spaces for each townhouse unit.  
3449 The shared use of such overflow parking with other uses and activities is encouraged.

3450

3451 2. Walkways of four feet in width, constructed of concrete, stone, brick or similar masonry  
3452 material, (not including asphalt), shall be installed from parking areas to townhouse units  
3453 served by such parking areas.

3454

3455 3. The facades of townhouse units shall have variation in materials, setbacks, and design so  
3456 that abutting units will not have the same or essentially the same architectural treatment of  
3457 facades and rooflines.

3458

3459 B. Multiplex Structures: The maximum number of dwelling units permitted within a multiplex  
3460 structure shall be thirty (30). Multiplex structures shall be developed in compliance with the  
3461 following requirements:

3462

3463 1. There shall be a minimum of two and one-half parking spaces for each unit. The shared  
3464 use of such overflow parking with other uses and activities is encouraged.

3465 2. Walkways of four feet in width, constructed of concrete, stone brick or similar masonry  
3466 material, (not including asphalt), shall be installed from parking areas to multiplex units  
3467 served by such parking areas.

3468 3. The minimum size of each individual unit shall be no less than 600 net square feet.

3469 C. Retirement Living Facilities: The structures shall be developed in compliance with the  
 3470 following requirements:

3471

3472 1. The facilities shall be developed as either condominium or cooperative units.

3473

3474 2. There shall be no less than two parking spaces for each unit. The shared use of such  
 3475 overflow parking with other uses and activities is encouraged.

3476

3477 3. Walkways of four feet in width, constructed of concrete, stone, brick or similar masonry  
 3478 material (not including asphalt), shall be installed from parking areas to the retirement  
 3479 units served by such parking areas.

3480

3481 D. Accessory buildings shall be limited to one enclosed storage building not exceeding seven  
 3482 feet in height nor exceeding ten feet in length by ten feet in width.

3483

3484 **175-37.14 UTILITIES (PND)**

3485 Utilities, such as electric transmission cable television lines, and telephone lines, serving the  
 3486 planned neighborhood subdivision shall be installed underground.

3487 **175-37.15 ACCESSORY STRUCTURES (PND)**

3488 Accessory structures shall not be located within any front yard or within five feet of any other  
 3489 structure and shall comply with the requirements of Town Code Section 175-26D.

3490 **175-37.16 NEIGHBORHOOD RECREATIONAL USES (PND)**

3491 A minimum of 335 square feet for each residential unit shall be dedicated and developed for  
 3492 neighborhood recreational use to serve the recreational demands generated by the planned  
 3493 neighborhood development. Recreational facilities shall be specifically included in the  
 3494 development schedule and be constructed and fully improved by the developer at an equivalent  
 3495 or greater rate than the construction of residential structures.

3496 **175-37.17 COMMERCIAL USES DEVELOPMENT STANDARDS (PND)**

3497 A. The total acreage of commercial users in Planned Neighborhood Development Districts shall  
 3498 comply with the following requirements.

3499

Acreage of PND	Total Acreage of Commercial Uses
20 Acres – 50 Acres	No Minimum 5% Maximum
51 Acres – 100 Acres	5% Minimum 10% Maximum
101 Acres – Plus	5% Minimum 15% Maximum

3500

3501 The developer/owner shall provide specific justification of commercial areas proposed in excess  
3502 of 5% of the total acreage, identifying specific impacts of the commercial development and  
3503 demonstrating adequate mitigation of such impacts.

3504

3505 B. Commercial uses shall be designed with the intention of serving the immediate needs and  
3506 convenience of residents within and immediately surrounding the Planned Neighborhood  
3507 Development.

3508

3509 C. Commercial uses shall not receive a certificate of occupancy until building permits have been  
3510 issued for fifty percent of the residential units within the Planned Neighborhood Development.

3511

3512 D. Commercial structures shall comply with the height requirements in Code Section 175-50.

3513

3514 E. Commercial uses shall comply with the Performance Standards stated in Code Section 175-52.

3515

3516 F. Parking for commercial uses shall be in accordance with Town Code Section 175-104.

3517 **175-37.18 DEVELOPMENT REVIEW (PND)**

3518 Within one year of approval of a Master Land Use Plan for development of a Planned  
3519 Neighborhood, prior to the approval of building permits, the applicant shall prepare and submit  
3520 for review and approval an engineered Development Plan, along with the fee as established in  
3521 the approved schedule of fees. The applicant may petition the Town Council for an extension of  
3522 time for submission of a development plan, provided such extension is requested at least 20 days  
3523 prior to the expiration of the one-year period. The Town Council may grant an extension upon  
3524 demonstration of good cause for up to one year.

3525

3526 A. Development Plan: A Development Plan shall be submitted for all proposed commercial,  
3527 residential, community facility, institutional, or multi-family residential development within a  
3528 Planned Neighborhood Development. The Development Plan shall be drawn to scale and shall be  
3529 accompanied by a narrative, as appropriate. The Development Plan shall comply with the  
3530 provisions of Sections 175-111 through 175 – 122 and Section 148-20 of the Code of Front  
3531 Royal, Virginia, unless otherwise provided for herein, and the following:

3532

3533 1. All information required for the master plan submission.

3534

3535 2. A development schedule. If phasing is proposed, indication of the proposed phasing  
3536 schedule, along with a plan indicating phased sections.

3537

3538 3. A landscape plan prepared by a certified landscape architect or land surveyor shall be  
3539 submitted with each site development plan application. The development plan shall  
3540 identify proposed trees, shrubs, ground cover, natural features such as rock outcroppings,  
3541 other landscaping elements and planting details. When existing natural growth is  
3542 proposed to remain, the applicant shall include in the plans a description of the  
3543 landscaping to be retained, a statement from a certified arborist that the material is

3544 desirable and healthy, and the proposed methods to protect the retained trees and growth  
3545 during and after construction.

3546

3547 4. Proposed number of dwelling units by residential types, and the area of non-residential  
3548 buildings by use type (retail, office, service, etc.).

3549

3550 5. Calculation of the percentage of land area covered by the various land uses, including  
3551 landscaped areas.

3552

3553 6. Proposed circulation plan showing patterns of vehicular, pedestrian, or other traffic,  
3554 parking areas (including the number of parking spaces).

3555

3556 7. Notes identifying any deviations from the approved master plan.

3557

3558 **B. Development Plan Revisions, Modifications:** After approval, all subsequent plans, plats, and  
3559 permits for the PND shall be in substantial compliance with the approved PND Master Land Use  
3560 Plan. Minor adjustment to the Master Land Use Plan may be approved administratively  
3561 provided there is no increase in the overall density or number of housing units in the  
3562 development and no reduction in useable open space. Revisions or modifications which  
3563 substantially change the development, design, density, concept, uses, or magnitude shall cause  
3564 the revised plan to be referred back through the review process as if it were an original  
3565 submission.

3566

3567 Revisions to the Site Development Plan may be proposed by the applicant prior to the Town  
3568 Council's review. The Town Council at its discretion may consider the application with minor  
3569 revisions as proposed or may return the plan to the Planning Commission for further review.

3570

3571 **C. Amendments to Planned Development Districts:** Land area may be added to an established  
3572 PND if it adjoins and is demonstrated to become an integral part of the approved development.  
3573 The procedures for any addition of land shall be the same as for an original application and all  
3574 requirements shall apply.

3575

3576 **D. Final Plats:** Final Plats shall be submitted concurrently with the Site Development Plan.  
3577 Except as provided herein, Planned Neighborhood Development plats shall comply with the  
3578 Zoning Ordinance, Chapter 175 and the Subdivision and Land Development Ordinance, Chapter  
3579 148 of the Town of Front Royal, Virginia, except that reasonable waivers and variances as  
3580 described in Chapter 148 may be granted by the Town Council in order to facilitate creative  
3581 design consistent with good community planning standards.

3582

3583 **E. Recordation of Documents:** Any applicable covenants, governance documents and easements  
3584 shall be recorded in the Warren County Circuit Court Clerk's office within six (6) months of  
3585 approval of the Final Plat.

3586

3587 **F. Appearance Review:** Appearance Review by the Planning Commission shall be required for  
3588 all proposed commercial, community, institutional, or multi-family residential development  
3589 within a planned neighborhood development to ensure conformity with the appearance standards

3590 established by the approved design guidelines for the Planned Neighborhood Development. Such  
3591 review shall occur in conjunction with the Site Development Review. Compliance with the  
3592 requirements for Appearance Review shall be in addition to all other requirements.

3593 **175-37.19 DEFINITIONS (PND)**

3594 **A. ASSISTED LIVING FACILITY** - A residential facility for two or more persons that  
3595 provides nursing assistance and/or support services for residency of elderly and /or disabled  
3596 persons, where residents share common meals.

3597  
3598 **B. COMMUNITY HALL** - A community hall is a structure designed and constructed for civic  
3599 uses and shall include a community meeting room, a library annex, space dedicated to historical  
3600 or cultural displays or uses, athletic or exercise facilities, or uses found to be similar in intent and  
3601 function with this section.

3602  
3603 **C. MULTIPLEX STRUCTURE** - This term shall mean a residential dwelling unit designed  
3604 with not more than thirty (30) separate dwelling units for a maximum occupancy by thirty (30)  
3605 families living independently of each other

3606  
3607 **D. NEIGHBORHOOD RECREATION USE** - This term shall include basketball courts, tennis  
3608 courts, playgrounds, tot lots, picnic areas, and the like.

3609  
3610 **E. NEIGHBORHOOD RESTAURANTS** - A restaurant of not more than 20 seats, nor five  
3611 employees, open for business not later than 10 p.m.

3612  
3613 **F. NEIGHBORHOOD-ORIENTED COMMERCIAL** - This term shall include neighborhood-  
3614 oriented retail businesses with not more than 15,000 square feet of gross floor area. The term  
3615 shall include convenience stores, bookstores, dry cleaners, ice cream stores, barber and beauty  
3616 shops, wearing apparel stores, bakeries, drugstores, gift shops, hardware stores, or other use  
3617 found to be similar to one or more uses listed herein, but shall not include automobiles sales  
3618 operations.

3619  
3620 **G. NONTIDAL WETLANDS** - Those wetlands other than tidal wetlands that are inundated or  
3621 saturated by surface or ground water at a frequency or duration sufficient to support, and that  
3622 under normal circumstances do support, a prevalence of vegetation typically adapted for life in  
3623 saturated soil conditions, as defined by the U.S. Environmental Protection Agency pursuant to  
3624 Section 404 of the Clean Water Act as amended.

3625  
3626 **H. OPEN SPACE** - Common space generally intended for passive recreation and not improved  
3627 with a building, structure, vehicular travel lane, driveway, street, sidewalk, or parking area. Open  
3628 space may include pedestrian ways, bike paths, trails interconnecting open space areas;  
3629 undisturbed natural areas, woodlands, preservation areas; community facilities; landscaped  
3630 grounds, buffers; playgrounds and tot lots; swimming and boating areas.

3631  
3632 Open space shall not include yards within individual residential lots, yards less than (30) feet  
3633 wide between buildings, lands occupied by tennis courts, golf courses, and buildings.

3634

3635 **I. PLANNED NEIGHBORHOOD DEVELOPMENT** - Planned neighborhood development  
 3636 (PND) is used in two contexts. Depending upon the context, planned neighborhood development  
 3637 refers to the development authorized by the ordinance or a project which is proposed for  
 3638 consideration under this ordinance. This term shall have the same meaning as mixed-use  
 3639 development and planned unit development as defined in the Code of Virginia (1989 Session  
 3640 Virginia Acts of Assembly - Chapter 384).

3641

3642 **J. RETIREMENT LIVING FACILITIES** - In accordance with Virginia Code Section 36-96.7,  
 3643 residential structures within a planned neighborhood development that are intended to be absent  
 3644 of school age children and which ensures, through covenants, management regulations or other  
 3645 similar legal instruments, enforceable by a homeowners' association or other similar private  
 3646 entity, that at least one of the residents of at least 80% of the units is 55 years of age or older.  
 3647 Such facilities may include extended care or nursing home facilities as defined in Section 175-3  
 3648 of the Town Code.

3649

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3652

**COMMUNITY BUSINESS DISTRICT (C-1)**

(Amended 10-27-97 by Z-3-97 formerly known as Commercial District C-1)

3653 **175-38 STATEMENT OF INTENT (C-1)**

3654 The Community Business C-I District is intended to accommodate general business areas,  
 3655 highway-oriented commercial uses, and selected retailing operations. The Community Business  
 3656 C- I District recognizes the demand for a variety of land uses near or adjacent to the major traffic  
 3657 arteries in town.

3658 **175-39 USE REGULATIONS (C-1)**

3659 A. ~~Subject to the standards and requirements set forth in this Chapter, the following uses~~  
 3660 ~~of land and buildings are permitted by right in the Community Business C-1 District:~~  
 3661 *Subject to the standards and requirements set forth in this Chapter, except as prohibited*  
 3662 *or restricted by separate restrictions of record that may pertain to property within the C-1*  
 3663 *District, the following uses of land and buildings are permitted by-right in the C-1*  
 3664 *District:*

3665

3666

3667

**RESIDENTIAL**

3668

*Up to three (3) dwelling units of any type, but not on the ground floor.*

3669

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

3670

3671

**COMMERCIAL**

3672

*Appliance stores and repair services*

3673

*Assembly Halls*

3674

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

3675

*Automobile service stations, in accordance with 175-110.*

3676

- 3677 Bakeries, when products are sold as retail on the premises.
- 3678 Banks, branch banks, and financial institutions.
- 3679 Barber and beauty shops
- 3680 Car washing
- 3681 Catering Services
- 3682 Contractor's offices, display rooms and storage
- 3683 Commuter parking facilities.
- 3684 Department Stores
- 3685 Drugstores
- 3686 Florist shops/floral designers
- 3687 Funeral homes
- 3688 Furniture stores
- 3689 Grocery stores
- 3690 Hardware stores
- 3691 Laundries, Laundromats and dry cleaners
- 3692 Lumber and building supply, with storage under cover
- 3693 Machinery sales and service
- 3694 Motels, hotels, and tourist homes.
- 3695 Newspaper and other printing establishments
- 3696 Personal Services
- 3697 Retail Stores, as defined in Section 175-39.C.
- 3698 Pharmaceutical Center
- 3699 Professional and Business Offices
- 3700 Radio and television broadcasting stations, studios or offices.
- 3701 Recreational Facility, Commercial
- 3702 Restaurants, including drive-in restaurants
- 3703 Special childcare services.
- 3704 Technology business, as defined in Section 175-3, provided that such use does not involve broadcast or communications towers or manufacturing operations.
- 3705
- 3706 Theatres, Indoor
- 3707 Veterinary hospitals
- 3708 Wearing-apparel stores

3709

**INDUSTRIAL**

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3713

3714

**ORGANIZATIONAL**

3715

3716 Art galleries and museums.

3717 Churches.

3718 Public libraries.

3719

3720

**MISCELLANEOUS**

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*Accessory uses, structures and buildings.*  
*Home occupations.*  
*Open Space*  
*Public facilities.*  
*Public parks and playgrounds.*  
*Public utilities.*  
*Signs, as set forth in Section 175-106.*  
*Special childcare services.*  
*Such other uses as determined similar to one or more enumerated uses by the Zoning Administrator.*

(Ord. No. 3-08 Amended 5-12-07-Effective Upon Passage)

- 1. Appliance stores and repair services.
- 2. Automobile and truck sales lots and leasing agencies, provided that all incidental repair of vehicles is conducted in a building enclosed on all sides.
- 3. Automobile service stations in accordance with 175-110.
- 4. Bakeries when products are sold at retail on the premises.
- 5. Banks, branch banks and financial institutions.
- 6. Barber and beauty shops.
- 7. Billiard parlors and poolrooms.
- 8. Bowling alleys.
- 9. Car washing.
- 10. Churches.
- 11. Contractor's offices, display rooms and storage.
- 12. Commuter parking facilities.
- 13. Department stores.
- 14. Drugstores.
- 15. Dwelling units, in conjunction with business establishments, located above the ground floor only.
- 16. Fire and rescue squad stations.
- 17. Florist shops/floral designers.
- 18. Funeral homes.
- 19. Furniture stores.
- 20. Gasoline Sales (Retail), in accordance with the requirements of Section 175-110.
- 21. Grocery stores.
- 22. Hardware stores.
- 23. Laundries, Laundromats, and dry cleaners.
- 24. Libraries.
- 25. Lumber and building supply (with storage under cover).
- 26. Machinery sales and services.
- 27. Motels, hotels, and tourist homes.

(Ord. No. 3-08 Removed "boardinghouses and rooming houses" 5-12-08-Effective Upon Passage)

- 3768 —28. Newspaper and other printing establishments  
 3769 —29. Professional and public offices, including veterinary hospitals.  
 3770 —30. Public transportation facilities.  
 3771 31. Public utilities, including poles, booster and relay stations, distribution transformers, pipes,  
 3772 meters and other facilities necessary for the provision and maintenance of public utilities.  
 3773 32. Radio and television broadcasting stations, studios or offices.  
 3774 33. Recreation Facility (commercial).  
 3775 34. Restaurants, including drive-in restaurants.  
 3776 35. Retail stores as defined in Section 175-39D.  
 3777 36. Single-family and two-family dwellings, in existence on or before September 1, 1997.  
 3778 37. Theaters, assembly halls.  
 3779 38. Wearing apparel stores.  
 3780 39. Such other uses as determined similar to one or more enumerated uses by the Zoning  
 3781 Administrator.

- 3782  
 3783 B. *The following uses are permitted within the C-1 District only by approval of a special use*  
 3784 *permit, except as prohibited or restricted by separate restrictions of record that may*  
 3785 *pertain to property within the C-1 District:*

3786  
 3787  
 3788 **RESIDENTIAL**

3789 *Apartments or dwelling units, with four (4) or more units or where located on the ground*  
 3790 *floor, subject to the provisions of Section 175-113.*

3791  
 3792 **COMMERCIAL**

3793  
 3794 *Automobile garages, excluding where repairs work is only an accessory use, subject to*  
 3795 *the requirements of Section 175-110.3 where motor vehicle painting or body work*  
 3796 *services are provided.*

3797 *Automobile Parking Lots, commercial.*

3798 *Bed & Breakfasts, as set forth in Section 107.3.*

3799 *Day Care Facilities and schools, subject to the provisions of Section 175 -107.1F, and*  
 3800 *any necessary improvements or changes to address the considerations of that section.*

3801 *Farmers' markets, and flea markets, in accordance with 175-44.F.*

3802 *Kennels*

3803 *Shopping centers as set forth in Section 175-111.*

3804  
 3805 **INDUSTRIAL**

3806  
 3807 *Distribution facilities, subject to the standards and criteria for industrial uses provided in*  
 3808 *Section 175-70.*

3809 *Wholesale establishments with storage and processing, subject to the standards and*  
 3810 *criteria for industrial uses provided in Section 175-70.*

3811  
 3812 **ORGANIZATIONAL**  
 3813

3814 *Schools*

3815

3816

**MICELLANEOUS**

3817

3818 *Any use permitted under Section 175-39, or specifically listed above under this*  
 3819 *subsection, that proposes to occupy a building or structure that exceeds the height*  
 3820 *requirements of Section 175-41, subject to the requirements of Section 175-136.*  
 3821 *Additional heights approved by a special use permit shall be required to increase the*  
 3822 *required setback and yard area requirements by an equivalent distance from each*  
 3823 *property line.*

3824 *Conservation areas.*

3825 *Communication towers, in accordance with Section 175-110.4*

3826 *Conversion of a structure originally designed and intended for occupancy as a single-*  
 3827 *family dwelling into a structure with more than one (1) dwelling.*

3828 *Boarding Houses, Clubs & Lodging Houses*

3829 *Mini-warehouses, subject to the standards of Section 107-44.G.*

3830 *Nursing homes, as set forth in Section 175-107.*

3831 *Parking Structures.*

3832 *Structures with a height between 45 feet and 70 feet, and any residential structure not in*  
 3833 *conformance with the height limitation of Section 175-41.*

3834 *Structures with a gross floor area of 50,000 square feet or more.*

3835 *Townhouse-style commercial development, where the intent is to divide the property into*  
 3836 *individual lots.*

3837

3838 ~~B. Subject to the standards and requirements set forth in this Chapter, the following uses may be~~  
 3839 ~~permitted upon authorization of the Town Council in accordance with Section 175-136.~~

3840

3841

3842 ~~1. Shopping centers as set forth in Section 175-111.~~

3843

3844 ~~2. Wholesale establishments with storage and processing, subject to the standards and criteria~~  
 3845 ~~for industrial uses provided in Section 175-70.~~

3846

3847 ~~3. Day Care Facilities and schools, subject to the provisions of Section 175-107.1F, and any~~  
 3848 ~~necessary improvements or changes to address the considerations of that section.~~

3849

3850 ~~4. Apartments or dwelling units, with four (4) or more units or where located on the ground~~  
 3851 ~~floor, subject to the provisions of Section 175-113.~~

3852

3853 ~~5. Farmers' markets, and flea markets subject to the following provisions:~~

3854

3855 ~~a. Adequate water and sanitary facilities shall be provided if found necessary based on the~~  
 3856 ~~size, frequency and duration of the market.~~

3857

3858 ~~b. A minimum twenty-five (25) foot setback shall be maintained from all property lines.~~

3859

- 3860 e. ~~No adverse effect on adjoin properties, including but not limited to excessive or untimely~~  
3861 ~~noise or lighting, overflow parking, or visual problems potentially affecting property~~  
3862 ~~values or marketability, is found.~~  
3863
- 3864 d. ~~All tables, facilities and structures shall be maintained in a well kept and attractive~~  
3865 ~~manner.~~  
3866
- 3867 e. ~~Any building and metal canopy frame associated with and attached or semi-detached~~  
3868 ~~from such building used for the storage or sale of goods and materials and as the market~~  
3869 ~~operator's office shall be constructed on a permanent foundation and meet appropriate~~  
3870 ~~building code regulations; provide that any such building and metal canopy frame in~~  
3871 ~~existence prior to July 1, 2001, shall not be required to be on a permanent foundation or~~  
3872 ~~meet building code regulations except as additions and enlargement are made thereon.~~  
3873 ~~No trailers or mobile home units shall be permitted.~~  
3874
- 3875 f. ~~All temporary structures or facilities, including but not limited to canopy frames except~~  
3876 ~~as provided in sub-section (e) above, table extensions and display shelving, shall be~~  
3877 ~~removed during the hours that the market is not in operation.~~  
3878
- 3879 g. ~~Operation of the market shall be confined to Saturday, Sunday, and Holidays, unless~~  
3880 ~~other dates are specifically approved by the Town Council in conjunction with the~~  
3881 ~~Special Permit. The hours of operation shall be posted on the property.~~  
3882
- 3883 h. ~~Open air markets shall only be conducted during the months of April through October.~~  
3884 ~~During the period from November 15 to March 15, all tables and other temporary~~  
3885 ~~fixtures shall be removed. Such fixtures may be stored on the site, provided they are~~  
3886 ~~located within a completely enclosed building or otherwise screened from public view, in~~  
3887 ~~accordance with Section 175-44(A). The provisions of this sub-section (h), shall not be~~  
3888 ~~applicable to any flea market in existence and operation as of July 1, 2001.~~  
3889
- 3890 6. ~~Distribution facilities, subject to the standards and criteria for industrial uses provided in~~  
3891 ~~Section 175-70.~~  
3892
- 3893 7. ~~Structures with a height between 45 feet and 70 feet, and any residential structure not in~~  
3894 ~~conformance with the height limitation of Section 175-41.~~  
3895
- 3896 8. ~~Structures with a gross floor area of 50,000 square feet or more.~~  
3897
- 3898 9. ~~Automobile garages, involving major repair of motor vehicles.~~  
3899
- 3900 10. ~~Townhouse style commercial development, where it is intended to divide the property into~~  
3901 ~~individual lots.~~  
3902
- 3903 11. ~~Automobile Parking Lots, commercial.~~  
3904
- 3905 12. ~~Parking Structures.~~  
3906

- 3907 ~~13. Communications towers and cable television facilities, with wireless telephone (cell~~  
3908 ~~phone) communications tower subject to the supplemental provisions prescribed in~~  
3909 ~~Section 175-110.4.~~  
3910  
3911 ~~14. Conversion of a structure originally designed and intended for occupancy as a single-~~  
3912 ~~family dwelling into a structure with more than one (1) dwelling.~~  
3913  
3914 ~~15. Rest, convalescent or nursing homes as set forth in Section 175-107.~~  
3915  
3916 ~~16. Motor vehicle painting and body work, subject to the provisions of Section 175-110.3.~~  
3917  
3918 ~~17. Mini-warehouses, located on property (or that portion of property) setback at least 150~~  
3919 ~~feet from the public road, subject to the following provisions:~~  
3920  
3921 ~~a. No exterior storage shall be permitted.~~  
3922  
3923 ~~b. No business activities other than rental of storage units and office use shall be conducted~~  
3924 ~~on the premises or within the building, except as specifically approved with the special~~  
3925 ~~permit approval. The servicing or repair of motor vehicles, trucks, mobile homes, boats,~~  
3926 ~~trailers, lawn mowers, or other similar equipment shall not be conducted on the~~  
3927 ~~premises. The operation of a mini-warehouse shall in no way be deemed to include a~~  
3928 ~~transfer and storage business where the use of vehicles is part of such business.~~  
3929  
3930 ~~c. When a mini-warehouse is built adjacent to or within 100 feet of a lot in a residential~~  
3931 ~~district without an intervening street, a solid wall or fence at least six (6) feet in height~~  
3932 ~~with a finished side facing the residential lot shall be erected between the mini-~~  
3933 ~~warehouse and the residential lot. However, the wall or fence shall not be required to~~  
3934 ~~extend into the front yard required on the lot on which it is located.~~  
3935  
3936 ~~d. The minimum landscaped open space for a mini-warehouse building shall not be less~~  
3937 ~~than .20 times the gross acreage of the lot. Such landscaped open space shall not be~~  
3938 ~~open to vehicular traffic, and shall be used to buffer and shield adjacent uses from the~~  
3939 ~~mini-warehouse operation. The required amount of open space may be reduced with the~~  
3940 ~~special permit approval for the reuse of an existing building/developed property.~~  
3941  
3942 ~~e. The maximum height of the storage section of a mini-warehouse building shall be~~  
3943 ~~twenty-five (25) feet.~~  
3944  
3945 ~~f. The maximum total storage area in a mini-warehouse building shall be seven thousand~~  
3946 ~~five hundred (7,500) square feet.~~  
3947  
3948 ~~g. The maximum size of an individual storage unit shall be five hundred (500) square feet.~~  
3949  
3950 ~~18. Lodging houses and boarding houses.~~  
3951  
3952 ~~19. Kennels~~  
3953

3954 20. ~~Bed & Breakfast Uses as set forth in Section 107.3.~~

3955

3956 ~~C. Accessory uses permitted.~~

3957 -

3958 1. ~~Off-street parking for uses permitted in this district.~~

3959 2. ~~Home occupations, subject to the standards of Section 175-108.1.~~

3960 3. ~~Signs, as set forth in Section 175-106.~~

3961 4. ~~Accessory buildings and uses customarily incidental to permitted uses, including portable~~  
3962 ~~storage containers as set forth in Section 175-109.2.~~

3963

3964 ~~DC.~~ For the purpose of this section, "retail stores" are defined as buildings for the display and  
3965 sale of merchandise at retail or for the rendering of personal services, but specifically exclusive  
3966 of coal, wood and oil and lumberyards, accessory uses, adult bookstores (stores engaged in the  
3967 sale of magazines and other publications of sexually-oriented nature), massage parlors and stores  
3968 engaged in the sale of sexual aids, devices and merchandise.

3969

3970 **175-40 AREA REGULATIONS (C-1)**

3971 A. Minimum Lot Size:

3972 1. Residential uses with four (4) or more units = 6,000 s.f first unit; 1,500 s.f each additional  
3973 unit.

3974 2. All other uses: 7,500 s.f.

3975

3976 B. Minimum Unit Size: The minimum average unit size (floor area) per dwelling unit, where  
3977 fewer than four (4) units are provided shall be three hundred (300) square feet. No dwelling unit  
3978 shall have less than two hundred fifty (250) square feet of living area. This living area shall not  
3979 include bathroom, closet and storage space.

3980

3981 C. Minimum District Size: Five (5) acres.

3982

3983 D. Minimum Lot Width:

3984

3985 1. Interior Lot: Seventy-five (75) feet.

3986 2. Corner Lot: Ninety (90) feet.

3987 **175-41 MAXIMUM HEIGHT OF BUILDINGS (C-1)**

3988 A. Residential Buildings: 35 feet, except as otherwise provided in this section.

3989

3990 B. Other Principal Buildings: 45 feet except as provided in Section 175-39B.

3991

3992 C. Residential structures may have a maximum overall height of 45 feet, provided that the slope  
3993 of the roof exceeds 35 percent and the required yards are increased by one (1) foot for each  
3994 foot in height over 35 feet.

3995

3996 D. Exemptions from height requirements:

3997

3998 1. Church spires.

3999 2. Belfries.

4000 3. Cupolas.

4001 4. Municipal water towers.

4002 5. Chimneys.

4003 6. Flues.

4004 7. Flagpoles.

4005 8. Television antennas.

4006 9. Radio aerials.

4007 10. Parapet walls up to four (4) feet above the height of the building on which the wall rests.

4008

4009 E. Accessory buildings and structures: 35 feet; however, in no case, shall the height of an  
4010 accessory structure exceed the height of the principal structure.

4011

4012 ~~F. Where the Town approves a structure exceeding 45 feet in height, the maximum height shall~~  
 4013 ~~be seventy (70) feet and up to six (6) stories. All required yards shall be increased by two (2)~~  
 4014 ~~feet for each foot over forty-five (45) feet. There shall be a minimum lot size of seven thousand~~  
 4015 ~~five hundred (7,500) square feet; however, in the case of permitted renovation of a residential~~  
 4016 ~~use, the lot must be six thousand (6,000) square feet, plus an additional one thousand five~~  
 4017 ~~hundred (1,500) square feet for each individual dwelling unit above one (1).~~

4018

**175-42 MINIMUM SETBACK AND YARD DIMENSIONS (C-1)**4019 A. Principal Structures, when abutting properties are in a commercial or industrial district.

4020

4021 1. Front setback:

4022 a. Where no parking is provided between the structure and the street: five (5) feet.  
 4023 Provided, however, that no drive aisle shall be located within five (5) feet of any structure  
 4024 having a setback less than fifteen (15) feet.

4025 b. Where parking is provided between the structure and the street: fifty (50) feet.

4026 2. Side: 10 feet on one (1) side only.

4027 3. Rear: 15 feet.

4028 4. Corner side: 15 feet.

4029

4030 B. Accessory Structures:

4031

4032 1. Front setback: 25 feet, except that accessory structures shall not be located closer to the  
4033 street than the principal structure.

4034 2. Side: 5 feet or 50% of building height, whichever is greater.

4035 3. Rear: 5 feet or 50% of building height, whichever is greater.

4036 4. Corner side: 20 feet, except that accessory structures shall not be located closer to the  
4037 street than the principal structure.

4038

4039 C. Transitional yards, when located adjoining a residential district.

4040

4041

1. Side yard: 15 feet.

4042

2. Rear yard: 20 feet.

4043

3. No structures, storage, use or parking shall be located in a transitional yard.

4044

4. Transitional yards shall be landscaped in accordance with the provisions of Section 148-

4045

44.

4046

4047

D. Where parking is provided in a perpendicular manner between the principal structure and the

4048

street a minimum parking setback of ten (10) feet and a minimum building setback of fifty (50)

4049

feet shall be provided. The parking setback shall be landscaped in accordance with Section 148-

4050

48(E)(2).

4051

4052

E. The Town Council may waive the setback, yard and lot size requirements for townhouse style

4053

commercial project, approved by special permit, where such waiver is needed to produce a

4054

functional and desirable site layout; provided, however, that no adverse impact to adjoining

4055

property results from the waiver.

4056

**175-43 OPEN SPACE REGULATIONS (C-1)**

4057

A. Maximum building coverage for apartment structures exceeding four (4) units: Fifty percent

4058

(50%).

4059

B. Maximum building coverage for all other structures: Seventy - five percent (75%).

4060

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

4061

**175-44 PERFORMANCE STANDARDS (C-1)**

4062

A. Screening:

4063

4064

1. Permitted uses shall be conducted wholly within a completely enclosed building or within

4065

an area enclosed on all sides by a solid masonry wall, a uniformly painted solid board

4066

fence or a dense evergreen hedge at least six (6) feet in height. Public utilities and signs

4067

requiring natural air circulation, unobstructed view or other technical consideration

4068

necessary for proper operation may be exempt from this provision. This exception does

4069

not include storing of any materials.

4070

4071

2. Commercial development shall be permanently screened from adjoining and contiguous

4072

residential district by a wall, fence, evergreen hedge, and/or other suitable enclosure with a

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minimum height of five (5) feet. Any area between such enclosure and the property line

4074

shall be landscaped to form a permanent screening area. The requirement for a screening

4075

area may be waived if equivalent screening is provided by existing parks, recreational

4076

areas, or by topographic or other natural conditions.

4077

4078

3. The provision of subsection 2 shall not apply when the (architectural) front of any

4079

commercial building faces the street across from a residential district or when strict

4080

application of the requirement relative to screening can be demonstrated as not serving the

4081

purpose for which it is intended.

4082

4083 B. Lighting: Lighting facilities shall be arranged in a manner that will protect the public roadway  
4084 and neighboring properties from direct glare, intrusion or hazardous interference. Parking lot and  
4085 building lighting shall be directed so that the lighting does not extend beyond the property  
4086 boundary. Lighting facilities shall be required along private and public streets and within  
4087 parking areas, installed at the developer's expense.

4088

4089 C. Outdoor Storage/Waste Disposal:

4090

4091 1. No flammable or explosive liquids, solids or gases shall be stored in bulk above ground;  
4092 provided, however, that tanks or drums of fuel directly connecting to energy devices,  
4093 heating devices or appliances located on the same lot as the tanks or drums of fuel are  
4094 excluded from this provision.

4095

4096 2. All fuel, raw materials and products stored outdoors shall be enclosed by a fence adequate  
4097 to conceal the facilities from any adjacent properties or roadways.

4098

4099 3. No materials or wastes shall be deposited upon a lot in such form or manner that it may be  
4100 transferred off the lot by natural causes or forces.

4101

4102 4. All refuse containers shall be adequately sized to handle the needs of the facility or  
4103 development and all material or wastes which might cause fumes or dust, constitute a fire  
4104 hazard,, or may be edible or otherwise attractive to rodents or insects shall be stored only  
4105 in completely closed containers.

4106

4107 5. All outdoor refuse storage areas shall be located in a paved area and hidden from general  
4108 public view, either from within or outside the lot, by means of fences or walls, and  
4109 landscape planting. A solid wood or masonry fence at least six (6) feet in height shall be  
4110 provided on three (3) sides, with a solid opaque gate on the fourth side. Landscaping  
4111 shall be incorporated to improve the visual appearance.

4112

4113 D. Landscaping: All sites and parking areas shall be landscaped in accordance with the  
4114 provisions of Sections 148-46, 148-47 and 148-48.

4115

4116 E. Automobile and truck sales lots and leasing agencies: *Vehicle repair shall only be permitted*  
4117 *as an accessory use to automobile and truck sales lots and leasing agencies, except where a*  
4118 *special use permit is issued for automobile repair. All incidental repair of vehicles shall be*  
4119 *conducted within a building enclosed on all sides.*

4120

4121 F. Farmer's Markets & Flea Markets: *Where farmer's markets are permitted under the*  
4122 *provisions of this Chapter, the following standards shall be required:*

4123

4124 1. *Adequate water and sanitary facilities shall be provided if found necessary based on the*  
4125 *size, frequency and duration of the market.*

4126

2. *A minimum twenty-five (25) foot setback shall be maintained from all property lines.*

- 4127 3. No adverse effect on adjoin properties, including but not limited to excessive or untimely  
4128 noise or lighting, overflow parking, or visual problems potentially affecting property  
4129 values or marketability, is found.
- 4130 4. All tables, facilities and structures shall be maintained in a well-kept and attractive  
4131 manner.
- 4132 5. Any building and metal canopy frame associated with and attached or semi-detached  
4133 from such building used for the storage or sale of goods and materials and as the market  
4134 operator's office shall be constructed on a permanent foundation and meet appropriate  
4135 building code regulations; provide that any such building and metal canopy frame in  
4136 existence prior to July 1, 2001, shall not be required to be on a permanent foundation or  
4137 meet building code regulations except as additions and enlargement are made thereon.  
4138 No trailers or mobile home units shall be permitted.
- 4139 6. All temporary structures or facilities, including but not limited to canopy frames except as  
4140 provided in sub-section (e) above, table extensions and display shelving, shall be removed  
4141 during the hours that the market is not in operation.
- 4142 7. Operation of the market shall be confined to Saturday, Sunday, and Holidays, unless other  
4143 dates are specifically approved by the Town Council in conjunction with the Special  
4144 Permit. The hours of operation shall be posted on the property.
- 4145 8. Open air markets shall only be conducted during the months of April through October.  
4146 During the period from November 15 to March 15, all tables and other temporary fixtures  
4147 shall be removed. Such fixtures may be stored on the site, provided they are located within  
4148 a completely enclosed building or otherwise screened from public view, in accordance with  
4149 Section 175-44(A). The provisions of this sub-section (h), shall not be applicable to any  
4150 flea market in existence and operation as of July 1, 2001.
- 4151
- 4152 G. Mini-warehouses: Where mini-warehouses are permitted, the following standards shall  
4153 be required:
- 4154
- 4155 1. No exterior storage shall be permitted.
- 4156 2. No business activities other than rental of storage units and office use shall be  
4157 conducted on the premises or within the building, except as specifically approved  
4158 with the special permit approval. The servicing or repair of motor vehicles, trucks,  
4159 mobile homes, boats, trailers, lawn mowers, or other similar equipment shall not be  
4160 conducted on the premises. The operation of a mini-warehouse shall in no way be  
4161 deemed to include a transfer and storage business where the use of vehicles is part of  
4162 such business.
- 4163 3. When a mini-warehouse is built adjacent to or within 100 feet of a lot in a residential  
4164 district without an intervening street, a solid wall or fence at least six (6) feet in  
4165 height with a finished side facing the residential lot shall be erected between the mini-  
4166 warehouse and the residential lot. However, the wall or fence shall not be required to  
4167 extend into the front yard required on the lot on which it is located.
- 4168 4. The minimum landscaped open space for a mini-warehouse building shall not be less  
4169 than .20 times the gross acreage of the lot. Such landscaped open space shall not be  
4170 open to vehicular traffic, and shall be used to buffer and shield adjacent uses from the  
4171 mini-warehouse operation. The required amount of open space may be reduced with  
4172 the special permit approval for the reuse of an existing building/developed property.

- 4173 5. The maximum height of the storage section of a mini-warehouse building shall be  
 4174 twenty-five (25) feet.  
 4175 6. The maximum total storage area in a mini-warehouse building shall be seven  
 4176 thousand five hundred (7,500) square feet.  
 4177 7. The maximum size of an individual storage unit shall be five hundred (500) square  
 4178 feet.  
 4179 8. Buildings used in association with mini-warehousing shall be setback at least 150 feet  
 4180 from the public road.  
 4181

4182 **175-45 OFF-STREET PARKING (C-1)**

4183 **A. Space Requirements**, except where specifically exempted under Section 175-104.

- 4184  
 4185 1. Retail and personal service uses: 1 space per 200 gross square feet.  
 4186 2. Dwelling units in conjunction with business establishments: 1.5 spaces per unit.  
 4187 — 3. Offices, except medical offices: 1 space per 300 gross square feet.  
 4188 — 4. Medical offices: 1 space per 200 gross square feet.  
 4189 — 5. Apartments: 2 spaces per unit.  
 4190 — 6. Hotels/Motels: 1 space per room and 1 additional space for every 10 rooms.  
 4191 7. Lodging houses/Bed and Breakfast: 1 space per bedroom and an additional 2 spaces for  
 4192 employees.  
 4193 8. Theaters and Assembly Halls: 1 space per 4 fixed seats in the main assembly area or 1  
 4194 space per 100 net square feet.  
 4195 9. Automobile Service Facilities: 2 spaces per service bay, or 2 spaces per 360 gross square  
 4196 feet, with a minimum of 3 paces.  
 4197 10. Funeral Homes: 1 space per 4 fixed seats or 1 space per 100 square feet net visitation  
 4198 area, plus 5 employee parking spaces.  
 4199 11. Other uses not specifically enumerated, see Section 175-104.  
 4200

4201 **B. Minimum setback for driveways and parking:**

- 4202  
 4203 1. All parking areas adjoining commercial properties: Five (5) feet from side and rear  
 4204 property lines  
 4205  
 4206 2. Parking areas with less than fifteen (15) spaces and no more than 4,500 square feet in area:  
 4207 Five (5) feet from public right-of-way except where driveway entrance is located.  
 4208  
 4209 3. Parking areas with fifteen (15) or more spaces or greater than 4,500 square feet in area:  
 4210 Ten (10) feet from public right-of-way, except where driveway entrance is located.  
 4211  
 4212 4. Parking areas adjoining residential district: Fifteen (15) from side and rear property lines.  
 4213  
 4214 5. All parking areas with fifteen (15) or more spaces or greater than 4,500 square feet in area  
 4215 shall meet the requirements of Section 148-48.  
 4216

4217 C. Construction:

4218

4219 1. ~~All driveway entrances shall be constructed to meet the requirements of the Virginia~~  
4220 ~~Department of Transportation for commercial entrances.~~

4221

4222 ~~2. All parking areas greater than 4,500 square feet in area shall be paved.~~

4223

4224

4225

4226

**DOWNTOWN BUSINESS DISTRICT (C-2)**

(Adopted 2-22-99 by Z-3-99 formerly known as Commercial District C-2)

4227 **175-46 STATEMENT OF INTENT (C-2)**

4228 The Downtown Business District C-2 is intended to encompass the major downtown retailing  
4229 center and to provide for the orderly expansion of the central business district. The Downtown  
4230 Business District C-2 should provide a framework for a strong nucleus of the business  
4231 community, where all the amenities and services of downtown can be provided. In addition,  
4232 certain high-density residential uses whose proximity to the downtown area would tend to  
4233 strengthen the retail core shall be permitted. Mobile homes for all purposes are prohibited.

4234 **175-47 USES PERMITTED BY RIGHT (C-2)**

4235 A. ~~Subject to the standards and requirements set forth in this Chapter, the following uses~~  
4236 ~~of land and buildings are permitted by right in the Community Business C-1 District:~~  
4237 *Subject to the standards and requirements set forth in this Chapter, except as prohibited*  
4238 *or restricted by separate restrictions of record that may pertain to property within the C-2*  
4239 *District, the following uses of land and buildings are permitted by-right in the C-2*  
4240 *District:*

4241

4242

**RESIDENTIAL**

4243

4244 *Conversion of existing residential and/or commercial structures into buildings with a*  
4245 *greater number of dwelling units.*4246 *Single-family and two-family dwellings.*

4247

4248

**COMMERCIAL**

4249

4250 *Assembly Halls*4251 *Bakeries, when products are sold as retail on the premises.*4252 *Banks, branch banks, and financial institutions.*4253 *Barber and beauty shops*4254 *Bed & Breakfasts*4255 *Catering Services*4256 *Department Stores, 15,000 square feet or less*4257 *Drugstores*4258 *Florist shops/floral designers*4259 *Funeral homes*

- 4260 Furniture stores
- 4261 Grocery stores, 15,000 square feet or less
- 4262 Hardware stores
- 4263 Laundries, Laundromats, and dry cleaners
- 4264 Motels, hotels, and tourist homes.
- 4265 Newspaper and other printing establishments
- 4266 Personal Services
- 4267 Pet Shops, without boarding kennel.
- 4268 Retail Stores, as defined in Section 175-47.B.
- 4269 Professional and Business Offices
- 4270 Radio and television broadcasting stations, studios or offices.
- 4271 Recreational Facility, Commercial
- 4272 Restaurants, excluding drive-in restaurants
- 4273 Technology business, as defined in Section 175-3, provided that such use does not involve
- 4274 broadcast or communications towers or manufacturing operations.
- 4275 Theatres, Indoor
- 4276 Wearing-apparel stores

4277

**INDUSTRIAL**

4278

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4279

**ORGANIZATIONAL**

- 4280 Art galleries and museums.
- 4281 Churches, excluding churches with ground level frontage on E. Main Street.
- 4282 Public libraries.

4283

4284

**MISCELLANEOUS**

- 4285
- 4286 Accessory uses, structures and buildings.
- 4287 Clubs
- 4288 Home occupations.
- 4289 Open space.
- 4290 Public event, see Chapter 72 for additional permitting requirements for entertainment
- 4291 festivals.
- 4292 Public facilities.
- 4293 Public parks and playgrounds.
- 4294 Public utilities.
- 4295 Signs, as set forth in Section 175-106.
- 4296 Special childcare services.
- 4297 Such other uses as determined similar to one or more enumerated uses by the Zoning
- 4298 Administrator.
- 4299

4300 A. In Downtown Business District C-2, structures to be erected or land to be used shall be for

4301 one (1) or more of the following principle uses:

4302

- 4303 1. ~~Retail stores, as defined in Section 175-47B.~~
- 4304 2. ~~Banks and financial institutions.~~
- 4305 3. ~~Restaurants, excluding drive-in restaurants.~~
- 4306 4. ~~Theaters, assembly halls and dance studios.~~
- 4307 5. ~~Hotels, motels, and bed and breakfast homes.~~
- 4308 6. ~~Clubs and lodges.~~
- 4309 7. ~~Churches, when located in free-standing structures.~~
- 4310 8. ~~Pet shops, but excluding boarding kennels.~~
- 4311 9. ~~Radio and television broadcasting stations, studios or offices, excluding broadcasting~~
- 4312 ~~towers.~~
- 4313 10. ~~Governmental offices and buildings.~~
- 4314 11. ~~Fire and rescue squad stations.~~
- 4315 ~~12. Libraries.~~
- 4316 13. ~~Professional, commercial and public offices.~~
- 4317 14. ~~Billiard parlors and poolrooms.~~
- 4318 ~~15. Bowling Alleys.~~
- 4319 16. ~~Recreation Centers.~~
- 4320 ~~17. Newspaper and other printing establishments and associated offices.~~
- 4321 18. ~~Barber and beauty shops.~~
- 4322 19. ~~Public garages and parking lots.~~
- 4323 20. ~~Art galleries and museums.~~
- 4324 ~~21. Bakeries where products are sold at retail on the premises.~~
- 4325 ~~22. Funeral homes.~~
- 4326 23. ~~Conversion of existing residential and/or commercial structures into buildings with a~~
- 4327 ~~greater number of dwelling units.~~
- 4328 24. ~~Personal services (including shoe repair, Laundromats, dry cleaners, beauty shops and~~
- 4329 ~~similar uses).~~
- 4330 25. ~~Public utilities, including poles, booster and relay stations, distribution transformers,~~
- 4331 ~~pipes, meters and other facilities necessary for the provision and maintenance of public~~
- 4332 ~~utilities, including water and sewerage systems.~~
- 4333 26. ~~Technology business, as defined in Section 175-3, provided that such use does not~~
- 4334 ~~involve broadcast or communications towers or manufacturing operations.~~
- 4335 27. ~~Single family and two family dwellings.~~
- 4336 28. ~~Public event, see Chapter 72 for additional permitting requirements for entertainment~~
- 4337 ~~festivals.~~
- 4338 29. ~~Such other uses as determined similar to one or more enumerated uses by the Zoning~~
- 4339 ~~Administrator.~~
- 4340
- 4341
- 4342 B. For the purpose of this section, "retail stores" are defined as buildings for the display and sale
- 4343 of merchandise at retail or for the rendering of personal services, but specifically exclusive of
- 4344 coal, wood and oil and lumberyards, accessory uses, adult bookstores (stores engaged in the sale
- 4345 of magazines and other publications of a sexually-oriented nature), and stores engaged in the sale
- 4346 of sexual aids, devices and merchandise.
- 4347
- 4348 C. ~~Accessory Uses:~~
- 4349

- 4350 1. Signs as set forth in Section 175-106.  
 4351 2. Fences as set forth in Section 175-102.  
 4352 3. Accessory uses which are clearly incidental to the permitted principal use  
 4353 4. Home occupations, subject to the standards of Section 175-108.1.  
 4354 5. Off-street parking for uses permitted in this district.  
 4355 6. Portable storage containers as set forth in Section 175-109.2.  
 4356

4357 **175-48 USES PERMITTED BY SPECIAL PERMIT (C-2)**

- 4358 A. *The following uses are permitted within the C-2 District only by approval of a special use*  
 4359 *permit, except as prohibited or restricted by separate restrictions of record that may*  
 4360 *pertain to property within the C-2 District:*

4361

4362

**RESIDENTIAL**

4363

- 4364 *Apartments located in buildings constructed after January 1, 1999, in accordance with*  
 4365 *the area requirements in Section 175-49.*

4366

4367

**COMMERCIAL**

4368

- 4369 *Automobile garages, excluding where repairs work is only an accessory use, subject to*  
 4370 *the requirements of Section 175-110.3 where motor vehicle painting or body work*  
 4371 *services are provided.*

4372

*Automobile service stations, in accordance with 175-110.*

4373

*Automobile and truck sales lots and leasing agencies, in accordance with 175-52.D.*

4374

*Bed & Breakfasts, as set forth in Section 175-107.3.*

4375

*Day Care Facilities, subject to the provisions of Section 175-107.1F, and any necessary*  
 4376 *improvements or changes to address the considerations of that section.*

4377

*Farmers' markets, in accordance with 175-52.E.*

4378

4379

**INDUSTRIAL**

4380

4381

--

4382

4383

**ORGANIZATIONAL**

4384

*Schools*

4385

4386

4387

**MICELLANEOUS**

4388

*Conservation areas.*

4389

4390

*Lodging houses and boarding houses*

4391

4392

- 4393 Uses permitted by special permit shall be as follows:  
 4394

- 4395 ~~A. Automobile service stations, with major repair under cover, as set forth in Section 175-110.~~
- 4396 ~~B. Farmers' markets, subject to the following provisions, any conditions imposed on a special~~
- 4397 ~~use permit by Town Council, and the requirements of Chapter 78.~~
- 4398 ~~1. Adequate water and sanitary facilities shall be provided if found necessary based on the~~
- 4399 ~~size, frequency and duration of the market.~~
- 4400 ~~2. A minimum twenty five (25) foot setback shall be maintained from all property lines.~~
- 4401 ~~3. No adverse effect on adjoining properties is found.~~
- 4402 ~~4. All tables, facilities and structures shall be maintained in a well-kept and attractive~~
- 4403 ~~manner.~~
- 4404 ~~5. Any building used for the storage or sale of goods and materials shall be constructed on a~~
- 4405 ~~permanent foundation and meet appropriate building code regulations. No trailers,~~
- 4406 ~~manufactured homes, or mobile home units shall be permitted.~~
- 4407 ~~6. All temporary structures or facilities, including but not limited to canopy frames, table~~
- 4408 ~~extensions and display shelving, shall be removed during the hours that the market is not~~
- 4409 ~~in operation.~~
- 4410
- 4411 ~~C. Day care facilities: day care facilities and operations which have been licensed by the State~~
- 4412 ~~of Virginia in accordance with the requirements of Virginia Code Section 63.1-196, as~~
- 4413 ~~amended, unless otherwise specifically exempted from such licensing requirements assessing the~~
- 4414 ~~request for a special permit, the Town Council shall consider the factors as set forth in Town~~
- 4415 ~~Code Section 175-107.1F, as those factors apply in a commercial zoning district. The Council~~
- 4416 ~~may require such improvements or changes set forth in Section 175-107.1F.~~
- 4417
- 4418 ~~D. Schools: schools certified by the State of Virginia in accordance with the requirements of~~
- 4419 ~~Virginia Code Section 22.1-319 et seq., unless otherwise specifically exempted from such~~
- 4420 ~~licensing requirements under the provisions of the Virginia State Code. In assessing the request~~
- 4421 ~~for a special permit, the Town Council shall consider the same factors set forth in Town Code~~
- 4422 ~~Section 175-107.1F, as those factors apply to schools in a commercial zoning district. The~~
- 4423 ~~Council may require such improvements or changes which it deems necessary to address the~~
- 4424 ~~considerations set forth in Section 175-107.1F.~~
- 4425
- 4426 ~~E. Apartments, located in buildings constructed after January 1, 1999, in accordance with the~~
- 4427 ~~area requirements in Section 175-49.~~
- 4428
- 4429 ~~F. Lodging houses and boarding houses.~~
- 4430
- 4431 ~~G. Bed & Breakfast Uses as set forth in Section 175-107.3.~~
- 4432 ~~H. New and used automobile and truck sales and accessory uses, including but not limited to~~
- 4433 ~~auto-detailing, reconditioning and car washes.~~

4434 **175-49 AREA REGULATIONS (C-2)**

- 4435 A. Minimum Lot Size: There are no area requirements except in the case of new apartment
- 4436 structures, whereby the lot must be three thousand (3,000) square feet, plus an additional one
- 4437 thousand (1,000) square feet for each individual dwelling unit above one (1).
- 4438

4439 B. Minimum Unit Size: The minimum average unit size (floor area) in any structure containing  
4440 dwellings shall be three (300) hundred square feet. No dwelling unit shall have less than two  
4441 hundred and fifty (250) square feet of floor area. This floor area shall not include bathroom,  
4442 closet and storage space.

4443  
4444 C. Minimum District Size: Ten (10) acres.

4445 **175-50 OPEN SPACE AND HEIGHT REGULATIONS (C-2)**

4446 A. Maximum Building Coverage for new residential structures: 75%

4447

4448 B. Maximum Building Coverage for all other structures: 90%

4449

4450 C. Buildings may be erected up to forty-five (45) feet in height from grade as a matter of right.  
4451 Buildings may be erected at heights between forty-five feet (45') and sixty feet (60') by Special  
4452 Use Permit, with reasonable conditions necessitated by the historic and unique nature of the  
4453 Downtown Business District, issued by Town Council after recommendation of the Planning  
4454 Commission.

4455

4456

4457 D. Church spires, belfries, cupolas, monuments, cooling towers, elevator shafts, chimneys, flues  
4458 and flagpoles are exempt. Parapet walls may be up to four (4) feet above the height of the  
4459 building on which the walls rests.

4460 **175-51 FRONTAGE AND YARDS (C-2)**

4461 There are no frontage or yard requirements, except as follows:

4462

4463 A. Transitional yards, when located adjoining a residential district to the side or rear, shall be  
4464 twenty (20) feet.

4465

4466 B. Established Front Setback: Where a front setback has been established along one side of a  
4467 subdivided block or street, all new construction shall conform to this established front  
4468 setback, except where such variation is approved by the Board of Architectural Review with a  
4469 Certificate of Appropriateness.

4470 **175-52 PERFORMANCE STANDARDS (C-2)**

4471 A. Screening:

4472

4473 1. Permitted uses shall be conducted wholly within a completely enclosed building or within  
4474 an area enclosed on all sides by a solid masonry wall, a uniformly painted solid board  
4475 fence or a dense evergreen hedge at least six (6) feet in height. Public utilities and signs  
4476 requiring natural air consideration, unobstructed view or other technical consideration  
4477 necessary for property operation may be exempt from this provision. This exception does  
4478 not include storing of any materials.

4479

4480 2. Commercial development shall be permanently screened from any adjoining and  
 4481 contiguous residential district by a wall, fence, evergreen hedge, and/or other suitable  
 4482 enclosure with a minimum height of five (5) feet. Any area between such enclosure and  
 4483 the property line shall be landscaped to form a permanent screening area. The requirement  
 4484 for a screening area may be waived if equivalent screening is provided by existing parks,  
 4485 recreational area, or by topographic or other natural conditions.  
 4486

4487 3. The provision of subsection 2 shall not apply when the (architectural) front of any  
 4488 commercial building faces the street across from a residential district or when strict  
 4489 application of the requirement relative to screening can be demonstrated as not serving the  
 4490 purpose for which it is intended.  
 4491

4492 B. Lighting: Lighting facilities shall be arranged in a manner that will protect the public  
 4493 roadway and neighboring properties from direct glare, intrusion or hazardous interference.  
 4494 Parking lot and building lighting shall be down-directed so that the lighting does not extend  
 4495 beyond the property boundary. Where needed, lighting facilities shall be required along private  
 4496 and public streets and within parking areas, installed at the developer's expense.  
 4497

4498 C. Outdoor Storage/Waste Disposal:

4499 1. No flammable or explosive liquids, solids or gases shall be stored in bulk above ground;  
 4500 provided, however, that tanks or drums of fuel directly connecting to energy devices,  
 4501 heating devices or appliances located on the same lot as the tanks or drums of fuel are  
 4502 excluded from this provision.  
 4503

4504 2. All fuel, raw materials and products stored outdoors shall be enclosed by a fence adequate  
 4505 to conceal the facilities from any adjacent properties or roadways.  
 4506

4507 3. No materials or wastes shall be deposited upon a lot in such form or manner that it may be  
 4508 transferred off the lot by natural causes or forces.  
 4509

4510 4. All refuse containers shall be adequately sized to handle the needs of the facility or  
 4511 development and all material or wastes which might cause fumes or dust, constitute a fire  
 4512 hazard, or may be edible or otherwise attractive to rodents or insects shall be shored only  
 4513 in completely closed containers.  
 4514

4515 5. All outdoor refuse storage areas shall be located in a paved area and hidden from general  
 4516 public view, fences or walls, and landscape planting. A solid wood or masonry fence at  
 4517 least six (6) feet in height shall be provided on three (3) sides, with a solid opaque gate on  
 4518 the fourth side. Landscaping shall be incorporated to improve the visual appearance.  
 4519

4520 D. Automobile and truck sales lots and leasing agencies: *Vehicle repair shall only be permitted*  
 4521 *as an accessory use to automobile and truck sales lots and leasing agencies, except where a*  
 4522 *special use permit is issued for automobile repair. All incidental repair of vehicles shall be*  
 4523 *conducted within a building enclosed on all sides.*

4524 *E. Farmer's Markets: Where farmer's markets are permitted in the C-2 District, the following*  
 4525 *standards shall be required in addition to the requirements of Chapter 78 and any other*  
 4526 *conditions imposed by special use permit.*

- 4527 *1. Adequate water and sanitary facilities shall be provided if found necessary based on the*  
 4528 *size, frequency and duration of the market.*
- 4529 *2. A minimum twenty-five (25) foot setback shall be maintained from all property lines.*
- 4530 *3. No adverse effect on adjoining properties is found.*
- 4531 *4. All tables, facilities and structures shall be maintained in a well-kept and attractive*  
 4532 *manner.*
- 4533 *5. Any building used for the storage or sale of goods and materials shall be constructed on a*  
 4534 *permanent foundation and meet appropriate building code regulations. No trailers,*  
 4535 *manufactured homes, or mobile home units shall be permitted.*
- 4536 *6. All temporary structures or facilities, including but not limited to canopy frames, table*  
 4537 *extensions and display shelving, shall be removed during the hours that the market is not*  
 4538 *in operation*

4539 ~~175-53~~ — ~~PLANS REQUIRED (C-2)~~

4540 ~~Before a zoning permit shall be issued or construction begun on any permitted use in this district~~  
 4541 ~~or a permit issued for a new use, detailed site plans indicating compliance with the substantive~~  
 4542 ~~provisions of this chapter and in sufficient detail to show the operations and processes shall be~~  
 4543 ~~submitted to the Zoning Administrator for study. The Administrator may refer these plans to the~~  
 4544 ~~Planning Commission for its recommendation. Modification of the plans may be required. Such~~  
 4545 ~~plans shall be drawn in accordance with Sections 175-116 and 175-117.~~

4546

4547 **HIGHWAY CORRIDOR BUSINESS DISTRICT (C-3)**

4548 (Adopted 12-15-97 by Z-8-97)

4549 **175-53.1 STATEMENT OF INTENT (C-3)**

4550 The Highway Corridor Business C-3 District is intended to selected commercial uses, and  
 4551 retailing and service operations, located along the major transportation corridors into the Town.  
 4552 The Highway Corridor Business C-3 District recognizes the demand for a variety of land uses  
 4553 along the major entrances into Town and strives to ensure that such development is compatible  
 4554 in use, appearance and functional operation with the Town's economic development policies and  
 4555 action strategies.

4556 **175-53.2 USE REGULATIONS (C-3)**

- 4557 A. ~~Subject to the standards and requirements set forth in this Chapter, the following uses~~  
 4558 ~~of land and buildings are permitted by right in the Community Business C-1 District:~~  
 4559 *Subject to the standards and requirements set forth in this Chapter, except as prohibited*  
 4560 *or restricted by separate restrictions of record that may pertain to property within the C-3*  
 4561 *District, the following uses of land and buildings are permitted by-right in the C-3*  
 4562 *District:*  
 4563

4564

**RESIDENTIAL**

4565

4566

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

4567

4568

**COMMERCIAL**

4569

4570

*Appliance stores and repair services*

4571

*Assembly Halls*

4572

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

4573

*Automobile service stations, in accordance with 175-110.*

4574

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

4575

*Banks, branch banks, and financial institutions.*

4576

*Barber and beauty shops*

4577

*Billiard parlors and poolrooms.*

4578

*Bowling alleys.*

4579

*Commuter parking facilities.*

4580

*Department Stores*

4581

*Drugstores*

4582

*Florist shops/floral designers*

4583

*Funeral homes*

4584

*Furniture stores*

4585

*Grocery stores*

4586

*Hardware stores*

4587

*Lumber and building supply, with storage under cover*

4588

*Machinery sales and service*

4589

*Motels, hotels, and tourist homes.*

4590

*Personal Services*

4591

*Retail Stores, as defined in Section 175-53.2D.*

4592

*Pharmaceutical Center*

4593

*Professional and Business Offices*

4594

*Radio and television broadcasting stations, studios or offices.*

4595

*Recreational Facility, Commercial*

4596

*Restaurants, including drive-in restaurants*

4597

*Technology business, as defined in Section 175-3, provided that such use does not involve broadcast or communications towers or manufacturing operations.*

4598

4599

*Theatres, Indoor*

4600

*Veterinary hospitals*

4601

*Wearing-apparel stores*

4602

**INDUSTRIAL**

4603

--

4604

**ORGANIZATIONAL**

4605

4606 *Art galleries and museums.*  
 4607 *Churches*  
 4608 *Boarding Houses, Clubs & Lodging Houses.*  
 4609 *Public libraries.*

4610  
 4611

**MISCELLANEOUS**

4612  
 4613  
 4614 *Accessory uses, structures and buildings.*  
 4615 *Home occupations.*  
 4616 *Open Space*  
 4617 *Public facilities.*  
 4618 *Public parks and playgrounds.*  
 4619 *Public utilities.*  
 4620 *Signs, as set forth in Section 175-106.*  
 4621 *Special childcare services.*  
 4622 *Such other uses as determined similar to one or more enumerated uses by the Zoning*  
 4623 *Administrator.*  
 4624  
 4625

4626 A. Uses permitted by right Subject to the standards and requirements set forth in this Article, the  
 4627 following uses of land and buildings are permitted by right in the Highway Corridor Business C-  
 4628 3-District:

- 4629
- 4630 1. ~~Appliance stores and repair services.~~
  - 4631 2. ~~Automobile and truck sales lots and leasing agencies, provided that all incidental repair of~~  
 4632 ~~vehicles is conducted in a building enclosed on all sides.~~
  - 4633 3. ~~Bakeries when products are sold at retail on the premises.~~
  - 4634 4. ~~Banks, branch banks and financial institutions.~~
  - 4635 5. ~~Barber and beauty shops.~~
  - 4636 6. ~~Recreation Facility (commercial).~~
  - 4637 7. ~~Churches.~~
  - 4638 8. ~~Commuter parking facilities.~~
  - 4639 9. ~~Department stores.~~
  - 4640 10. ~~Drugstores.~~
  - 4641 11. ~~Florist Shops/Floral Designers.~~
  - 4642 12. ~~Funeral homes.~~
  - 4643 13. ~~Furniture stores.~~
  - 4644 14. ~~Gasoline Sales (Retail), in accordance with the requirements of Section 175-110.~~
  - 4645 15. ~~Grocery stores.~~
  - 4646 16. ~~Hardware stores.~~
  - 4647 17. ~~Lumber and building supply (with storage under cover).~~
  - 4648 18. ~~Machinery sales and services.~~
  - 4649 19. ~~Motels and hotels.~~
  - 4650 20. ~~Private club or lodge.~~
  - 4651 21. ~~Professional and public offices, including veterinary hospitals.~~

- 4652 ~~22. Public utilities, including poles, booster and relay stations, distribution transformers,~~  
 4653 ~~pipes, meters and other facilities necessary for the provision and maintenance of public~~  
 4654 ~~utilities.~~  
 4655 ~~23. Public protection facilities: fire department, rescue squads, police stations or substations.~~  
 4656 ~~24. Radio and television broadcasting stations, studios or offices.~~  
 4657 ~~25. Restaurants, including drive-in restaurants.~~  
 4658 ~~26. Retail stores as defined in Section 175-53.2D.~~  
 4659 ~~27. Theaters, assembly halls.~~  
 4660 ~~28. Wearing apparel stores.~~  
 4661 ~~29. Such other uses as determined similar to one or more enumerated uses by the Zoning~~  
 4662 ~~Administrator.~~

4663  
 4664 **B.** *The following uses are permitted within the C-3 District only by approval of a special use*  
 4665 *permit, except as prohibited or restricted by separate restrictions of record that may*  
 4666 *pertain to property within the C-3 District:*

4667  
 4668 **RESIDENTIAL**

4669 --

4670  
 4671 **COMMERCIAL**

4672  
 4673 *Automobile Parking Lots, Commercial.*

4674 *Shopping centers as set forth in Section 175-111.*

4675  
 4676 **INDUSTRIAL**

4677  
 4678 *Wholesale establishments with storage and processing, subject to the standards and*  
 4679 *criteria for industrial uses provided in Section 175-70.*

4680 *Distribution facilities, subject to the standards and criteria for industrial uses provided in*  
 4681 *Section 175-70.*

4682  
 4683 **ORGANIZATIONAL**

4684 --

4685  
 4686 **MICELLANEOUS**

4687  
 4688  
 4689 *Communications Towers and cable television facilities, with wireless telephone (cell*  
 4690 *phone) communications tower subject to the supplemental provisions prescribed in*  
 4691 *Section 175-110.4.*

4692 *Conservation Areas.*

4693 *Parking Structures.*

4694 *Structures with a gross floor area of 50,000 square feet or more.*

4695 *Structures with a height between 45 feet and 70 feet.*

4696

4697 ~~B. Uses permitted by special permit. Subject to the standards and requirements set forth in this~~  
 4698 ~~Article, the following uses may be permitted upon authorization of the Town Council in~~  
 4699 ~~accordance with Section 175-136.~~

4700

4701 1. ~~Shopping centers as set forth in Section 175-111.~~

4702 2. ~~Wholesale establishments with storage and processing, subject to the standards and criteria~~  
 4703 ~~for industrial uses provided in Section 175-70.~~

4704 3. ~~Distribution facilities, subject to the standards and criteria for industrial uses provided in~~  
 4705 ~~Section 175-70.~~

4706 ~~—4. Structures with a height between 45 feet and 70 feet.~~

4707 ~~—5. Structures with a gross floor area of 50,000 square feet or more.~~

4708 ~~—6. Automobile Parking Lots, Commercial.~~

4709 ~~—7. Parking Structures.~~

4710 8. ~~Communications Towers and cable television facilities, with wireless telephone (cell~~  
 4711 ~~phone) communications tower subject to the supplemental provisions prescribed in Section~~  
 4712 ~~175-110.4.~~

4713

4714 ~~C. Accessory uses permitted.~~

4715 ~~—1. Off street parking for uses permitted in this district.~~

4716 ~~—2. Signs, as set forth in Section 175-106.~~

4717 ~~—3. Accessory buildings and uses customarily incidental to permitted uses.~~

4718 ~~—4. Portable storage containers as set forth in Section 175-109.2.~~

4719

4720 **DC.** For the purpose of this section, "retail stores" are defined as buildings for the display and  
 4721 sale of merchandise at retail or for the rendering of personal services, but specifically exclusive  
 4722 of coal, wood and oil and lumberyards, accessory uses, adult bookstores (stores engaged in the  
 4723 sale of magazines and other publications of sexually-oriented nature), massage parlors and stores  
 4724 engaged in the sale of sexual aids, devices and merchandise.

#### 4725 175-53.3 AREA REGULATIONS (C-3)

4726 A. Minimum Lot Size: One (1) acre.

4727 B. Minimum District Size: Five (5) acres.

4728 C. Minimum Lot Width: One Hundred (100) feet.

#### 4729 175-53.4 MAXIMUM HEIGHT OF BUILDINGS (C-3)

4730 A. Principal Buildings: - 45 feet, except as provided in Section 175-53.2B.

4731

4732 B. Exemptions from height requirements

4733

4734 1. Church spires.

4735 2. Belfries.

4736 3. Cupolas.

4737 4. Municipal water towers.

4738 5. Chimneys.

4739 6. Flues.

- 4740 7. Flagpoles.  
 4741 8. Television antennas.  
 4742 9. Radio aerials.  
 4743 10. Parapet walls up to four (4) feet above the height of the building on which the wall rests.  
 4744  
 4745 C. Accessory buildings and structures: 35 feet; however, in no case, shall the height of an  
 4746 accessory structure exceed the height of the principal structure.  
 4747  
 4748 D. Where the Town approves a structure exceeding 45 feet in height, the maximum height shall  
 4749 be seventy (70) feet and up to six (6) stories. All required yards shall be increased by two (2)  
 4750 feet for each foot over forty-five (45) feet.

4751

4752 **175-53.5 MINIMUM SETBACK AND YARD DIMENSIONS (C-3)**

- 4753 A. Principal Structures, when abutting properties are in a commercial or industrial district  
 4754  
 4755 1. Front Setback: Fifty (50) feet.  
 4756 2. Side: Fifteen (15) feet.  
 4757 3. Rear: Fifteen (15) feet.  
 4758 4. Corner Side: Thirty-Five (35) feet.  
 4759  
 4760 B. Accessory Structures:  
 4761  
 4762 1. Front Setback: 50 feet, except that accessory structures shall not be located closer to the  
 4763 street than the principal structure.  
 4764 2. Side: 10 feet or 50% of building height, whichever is greater.  
 4765 3. Rear: 10 feet or 50% of building height, whichever is greater.  
 4766 4. Corner Side: 30 feet, except that accessory structures shall not be located closer to the  
 4767 street than the principal structure.  
 4768  
 4769 C. Transitional yards, when located adjoining a residential district.  
 4770  
 4771 1. Side Yard: 20 feet.  
 4772 2. Rear Yard: 25 feet.  
 4773 3. No structures, storage, use or parking shall be located in a transitional yard.  
 4774 4. Transitional yards shall be landscaped in accordance with the provisions of Section 148-  
 4775 44B.

4776 **175-53.6 OPEN SPACE REGULATIONS (C-3)**

- 4777 A. Maximum building coverage: Seventy-five percent (75%)  
 4778 B. Maximum impervious surface coverage: Ninety percent (90%), including off-street parking.

4779 **175-53.7 PERFORMANCE STANDARDS (C-3)**

4780 A. Screening:

4781

4782

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4800

4801 B. Lighting: Lighting facilities shall be arranged in a manner that will protect the public  
4802 roadway and neighboring properties from direct glare, intrusion or hazardous interference.  
4803 Parking lot and building lighting shall be down-directed so that the lighting does not extend  
4804 beyond the property boundary. All gasoline canopy lighting shall be down-directed and shielded  
4805 to direct the lighting to the area under the canopy only. Lighting facilities shall be required along  
4806 private and public streets and within parking areas, installed at the developer's expense.

4807

4808 C. Outdoor Storage/Waste Disposal:

4809

4810 1. No flammable or explosive liquids, solids or gases shall be stored in bulk above ground;  
4811 provided, however, that tanks or drums of fuel directly connecting to energy devices,  
4812 heating devices or appliances located on the same lot as the tanks or drums of fuel are  
4813 excluded from this provision.

4814

4815 2. All fuel, raw materials and products stored outdoors shall be enclosed by a fence adequate  
4816 to conceal the facilities from any adjacent properties or roadways.

4817

4818 3. No materials or wastes shall be deposited upon a lot in such form or manner that it may be  
4819 transferred off the lot by natural causes or forces.

4820

4821 4. All refuse containers shall be adequately sized to handle the needs of the facility or  
4822 development and all material or wastes which might cause fumes or dust, constitute a fire  
4823 hazard, or may be edible or otherwise attractive to rodents or insects shall be stored only  
4824 in completely closed containers.

4825

4826 5. All outdoor refuse storage areas shall be located in a paved area and hidden from general  
4827 public view, either from within or outside the lot, by means of fences or walls, and  
4828 landscape planting. A solid wood or masonry fence at least six (6) feet in height shall be  
4829 provided on three (3) sides, with a solid opaque gate on the fourth side. Landscaping shall  
4830 be incorporated to improve the visual appearance.

4831

4832 D. Landscaping:

4833

4834 1. All new developments shall provide for the planting, replacement and/or maintenance of  
4835 trees on the site to the extent that, at maturity of twenty (20) years, minimum tree cover  
4836 shall be at least ten (10) percent of the site area. Such sites shall be planted in accordance  
4837 with the provisions of Section 148-46.

4838

4839 2. All sites and parking areas shall be landscaped in accordance with the provisions of  
4840 Sections 148-46, 148-47 and 148-48.

4841

4842 E. Building location and treatment:

4843

4844 1. Integrated development. All buildings within a property shall be developed as a cohesive  
4845 entity, ensuring that building placement, architectural treatment, vehicular and pedestrian  
4846 circulation and other development elements work together functionally and aesthetically.  
4847 Architectural treatment shall be designed so that all building facades of the same building  
4848 (whether front, side or rear) that are visible from the public right-of-way shall consist of  
4849 similar architectural treatment in terms of materials, quality, appearance and detail.

4850

4851 2. Building bulk and mass. All buildings and parking areas should be designed with  
4852 treatments to break up the mass and bulk. The treatment of buildings shall include vertical  
4853 architectural treatment at least every fifty (50) feet to break down the scale of the building  
4854 into smaller components. Any facade with a blank wall must be screened in a manner  
4855 approved by the Zoning Administrator. Architectural details shall continue on all facades  
4856 visible from the public right-of-way.

4857

4858 3. Materials. Building materials for structures and retaining walls should be typical of those  
4859 prevalent in Front Royal and Warren County, including stucco, brick, wood siding and  
4860 standing seam metal roofs. Inappropriate materials include reflective glass, and plastic  
4861 and fiberglass replications of natural materials. No facade visible from adjoining property  
4862 or the corridor highway shall be constructed of unadorned cinder block, concrete,  
4863 corrugated metal or sheet metal.

4864

4865 4. Color. The permanent color of building materials (to be left unpainted) should resemble  
4866 primarily earthen tones.

4867 **175-53.8 OFF-STREET PARKING (C-3)**

4868 A. Space Requirements, except where specifically exempted under Section 175-104.

4869

- 4870 1. Retail and personal service uses: 1 space per 200 gross square feet.
- 4871 2. Restaurants:
- 4872 a. Sit-Down: 1 space per 4 seats.
- 4873 b. Carry-Out: 1 space per 50 net square feet of customer service area.
- 4874 c. Drive-Through: 3 spaces plus stacking lanes for six (6) vehicles.
- 4875
- 4876
- 4877 3. Offices, except medical offices: 1 space per 300 gross square feet.
- 4878 4. Medical offices: 1 space per 200 gross square feet.
- 4879 5. Furniture/appliance/lumber and building supply: 1 space per 400 gross square feet.
- 4880 6. Hotels/Motels: 1 space per room and 1 additional space for every 10 rooms.
- 4881 7. Theaters and Assembly Halls: 1 space per 4 fixed seats in the main assembly area, or 1
- 4882 space per 100 net square feet.
- 4883 8. Shopping centers: as provided in Town Code Section 175-111.
- 4884 9. Indoor court game facilities: 1 space for every two (2) players as designed.
- 4885 10. Indoor recreation facilities: 1 space per 200 net square feet of improved area.
- 4886 11. Other uses not specifically enumerated, see Section 175-104.
- 4887

B. Minimum setback for driveways and parking:

- 4888
- 4889
- 4890 1. All parking areas adjoin commercial properties: Five (5) feet from side and rear property
- 4891 lines.
- 4892 2. Front Setback: Ten (10) feet from public right-of-way, except where driveway entrance is
- 4893 located.
- 4894 3. Parking areas adjoining residential district: Twenty-five (25) feet from side and rear
- 4895 property lines.
- 4896 4. Parking areas shall be landscaped in accordance with the provisions of 148-48.
- 4897

C. Construction:

- 4898
- 4899
- 4900 1. All driveway entrances shall be constructed to meet the requirements of the Virginia
- 4901 Department of Transportation for commercial entrances.
- 4902 2. All parking areas and access aisles shall be paved.
- 4903

**MIXED-USE CAMPUS DEVELOPMENT (MCD) DISTRICT**

(Adopted 3-12-12 by 7-12)

**175-53.9 STATEMENT OF INTENT**

4908

4909 The purpose for establishing the MCD District is to implement the policies of the

4910 Comprehensive Plan that support the redevelopment or development of large tracts of land for

4911 principally non-residential purposes. In addition, the MCD District is intended to encourage

4912 greater creativity through regulations that are more flexible than the traditional zoning districts of

4913 this Chapter. The regulations of the MCD District are designed to permit development that

4914 includes a mixture of commercial, industrial and organizational land uses within a planned

4915 campus environment. The regulations herein will protect the health and safety of town citizens

4916 while promoting the public's general welfare through the establishment of new economic  
4917 development opportunities for the promotion of jobs, tax revenue, and a vibrant community.

4918

4919 **175-53.10 PERMITTED USES**

4920 A. **By-Right.** Subject to the standards and requirements set forth in this Chapter, except as  
4921 prohibited or restricted by separate restrictions of record that may pertain to property within the  
4922 MCD District, the following uses of land and buildings are permitted by-right in the MCD  
4923 District:

4924 **RESIDENTIAL**

4925 Caretaker quarters

4926 Nursing Homes

4927

4928 **COMMERCIAL**

4929

4930 Appliance stores and repair services

4931 Assembly Halls

4932 Automobile and truck sales lots and leasing agencies

4933 Bakeries

4934 Barber and beauty shops

4935 Car washing

4936 Catering Services

4937 Department Stores

4938 Drugstores

4939 Florist shops/floral designers

4940 Funeral Homes

4941 Furniture stores

4942 Grocery stores

4943 Hardware stores

4944 Hospitals

4945 Laundries, Laundromats and dry cleaners

4946 Lumber and building supply, with storage under cover

4947 Machinery sales and services

4948 Newspaper and other printing establishments

4949 Personal Services

4950 Retail Stores

4951 Pharmaceutical Center

4952 Professional and Public **Business** Offices

4953 Recreational Facility, Commercial

4954 Recreational Facility, Public

4955 Restaurant, except drive-in

4956 Shopping Center

4957 Technology Businesses

4958 Theatres, Indoor

- 4959 Veterinary hospitals  
 4960 Wearing-apparel stores  
 4961 Wireless Telecommunication Facilities  
 4962  
 4963 **INDUSTRIAL**  
 4964  
 4965 Contractor's offices, display rooms and storage  
 4966 Light Manufacturing  
 4967  
 4968 **ORGANIZATONAL**  
 4969  
 4970 College or university, without living quarters  
 4971 Community Center  
 4972 Government Offices and Buildings  
 4973 Schools, adult instructional facilities only  
 4974 Churches  
 4975 Parks and Playgrounds  
 4976 Public utilities  
 4977 Public events.  
 4978 Public garage  
 4979 Public transportation terminals  
 4980 Public facilities  
 4981 Commuter Parking Facilities  
 4982 Fire and rescue squad stations  
 4983 Libraries  
 4984 Radio and television broadcasting stations, studios or offices  
 4985 Art galleries and museums  
 4986  
 4987 **MISCELLANEOUS**  
 4988  
 4989 Accessory uses, structures and buildings  
 4990 Communal Garage  
 4991 Home occupations  
 4992 Open Space and Conservation Areas  
 4993 Parking lot  
 4994 Private Garage  
 4995 *Signs*  
 4996 *Special childcare services.*  
 4997  
 4998 B. **Special Use Permit.** The following uses are permitted within the MCD District only by  
 4999 approval of a special use permit or where specifically designated on an approved Concept Plan,  
 5000 except as prohibited or restricted by separate restrictions of record that may pertain to property  
 5001 within the MCD District:  
 5002  
 5003 **RESIDENTIAL**  
 5004

5005 Multi-family  
5006 Single-family attached or detached

5007

5008 **COMMERCIAL**

5009

5010 Automobile Repair  
5011 Day Care and Day Care Facilities  
5012 Motels, hotels, lodging and tourist homes  
5013 Gasoline Sales  
5014 Restaurant, Drive-In

5015

5016 **INDUSTRIAL**

5017 Distribution facilities  
5018 Medium Industrial  
5019 Mini-Storage Facility  
5020 Wholesale and warehouse establishments

5021

5022 **ORGANIZATIONAL**

5023

5024 College or university, with living quarters  
5025 Schools, other than adult instructional facilities

5026

5027 **MISCELLANEOUS**

5028

5029 **175-53.10 REVIEW AND CREATION**

5030

5031 A. The MCD District may only be established for properties that consist of at least 50 contiguous  
5032 acres of land area.

5033

5034 B. In addition to the requirements of this Chapter, the following additional information shall be  
5035 submitted with an application to rezone, or conditional rezone, property to the MCD District.

5036

5037 1. Concept Plan. A Concept Plan shall be submitted with an application for rezoning or  
5038 conditional rezoning. The Concept Plan shall illustrate how the property is intended to be  
5039 developed, and how the proposed development will conform to Town ordinances,  
5040 including any associated proffers, and the Comprehensive Plan. When illustrating the  
5041 intended development, the Concept Plan shall include the location of existing structures,  
5042 and the existing and/or proposed location of the following.

5043

- 5044 a. Roads  
5045 b. Sidewalks and trails  
5046 c. Recreational facilities and parks  
5047 d. Open Space  
5048 e. Stormwater infrastructure  
5049 f. Topography  
5050 g. Floodplains

- 5051 h. Wetlands  
5052 i. Sinkholes, caves or caverns  
5053 j. Hazardous areas  
5054 k. Tree canopy  
5055 l. Archeological sites and historic structures  
5056 m. Endangered species  
5057 n. Land uses and building areas  
5058 o. Adjacent properties  
5059 p. Public and private utilities & easements  
5060 q. Other information related to the proposed development that is necessary to assess the  
5061 impacts and scope of the project.  
5062
- 5063 2. Traffic Impact Analysis (TIA). A detailed TIA shall be prepared and submitted with an  
5064 application to rezone, or conditionally rezone, to the MCD District. The TIA shall show  
5065 the expected average daily traffic movements over any and all existing and planned  
5066 streets within the proposed planned development, including motor vehicle traffic  
5067 generated by the uses within the planned development. The traffic impact analysis shall  
5068 include vehicle traffic generated by the lots within the planned development and expected  
5069 to be generated in the future from the development of any and all adjacent properties to  
5070 which and from which additional street connections are reasonably projected to be made  
5071 and to which and from which additional traffic is reasonably expected to be generated.  
5072 The study shall also include an analysis of the impact of the projected traffic on the  
5073 adjacent local, collector and arterial road network, an assessment of the capacity of  
5074 nearby intersections and appropriate solutions for improvements to the network (based on  
5075 identified traffic problems) in accordance with Institute of Transportation Engineers  
5076 (ITE) standards for acceptable street and intersection service levels.  
5077
- 5078 3. Phase 1 Environmental Analysis. At a minimum, a Phase 1 Environmental Site  
5079 Assessment shall be submitted with a rezoning application to the MCD District. The  
5080 Phase I Environmental Site Assessment shall be based on the anticipated use of the  
5081 property proposed for development, and shall be prepared by generally accepted national  
5082 standards for such assessments, such as those developed by the American Society for  
5083 Testing and Materials (ASTM). A Phase II Environmental Site Assessment may be  
5084 required at the time of rezoning application, or site plan application, based on the findings  
5085 of the Phase 1 Environmental Site Assessment. A Phase II Environmental Site  
5086 Assessment shall be prepared in accordance with the regulations of the Environmental  
5087 Protection Agency (EPA) and the ASTM. In circumstances where more detailed studies  
5088 have been completed and provided to the Town, those studies shall be accepted in lieu of  
5089 an Environmental Site Assessment.  
5090
- 5091 4. Impact Statement. The applicant shall provide an Impact Statement that provides a  
5092 narrative of the existing and proposed land use of the property and describe how it  
5093 conforms to the Comprehensive Plan. The Impact Statement shall also identify how the  
5094 project will impact the following, and how those impacts are proposed to be mitigated.  
5095
- 5096 a. Fiscal Impacts, capital and operating.

- 5097           b. Impacts to the Quality of Life of citizens.  
 5098           c. Impacts to Property Values.  
 5099           d. Impacts to the Environment.  
 5100           e. Impacts to Archeological and Historic Resources.

5101

5102 **175-53.12       SUBSTANTIAL CONFORMANCE TO CONCEPT PLAN**

5103

5104   The submission of a concept plan with a rezoning application, including all conditions and  
 5105   elements proposed on the plan, shall be considered as proffers for the conditional rezoning of the  
 5106   property. Upon approval of the requested conditional rezoning, and acceptance of all conditions,  
 5107   including the concept plan and all other proffers that may be offered, all future land use activities  
 5108   shall be in substantial conformance with the concept plan. All future site development plan  
 5109   applications and subdivision plat applications shall be in substantial conformance with the  
 5110   concept plan. Minor deviations of the concept plan that do not significantly alter the overall land  
 5111   use layout, or conflict with specific conditions on the plan, or other proffers, may be considered  
 5112   in substantial conformance. Major deviations to the concept plan shall undergo the review  
 5113   process standard for proffer revisions.

5114

5115 **175-53.13       AREA REGULATIONS**

5116

5117   Lot Size & Width. New lots created on property within the MCD District shall not have a  
 5118   minimum lot size or width, except for corner lots, which shall have a minimum lot width at the  
 5119   setback line of one hundred (100) feet.

5120

5121 **175-53.14       MAXIMUM HEIGHT**

5122

5123   A. The maximum structural height of buildings used for colleges, universities or hospitals shall  
 5124   be 5 stories, up to a maximum of 70 feet.

5125

5126   B. The maximum structure height of buildings used for parking garages, hotels, or technology  
 5127   businesses shall be 4 stories, up to a maximum of 56 feet.

5128

5129   C. Except as authorized under subsection 175.53.12A and 175.53.12B, the maximum building  
 5130   height shall be 3 stories, up to a maximum of 42 feet.

5131

5132   D. A clear zone void of structures, signage, vegetation, and berms shall be established in areas  
 5133   determined by the Director to ensure appropriate emergency access for all permitted land uses.  
 5134   Where a clear zone is required, an easement shall be obtained to establish required clear zone  
 5135   areas.

5136

5137 **175-53.15       MINIMUM SETBACK AND YARD DIMENSIONS**

5138

5139   A. The following setback and yard dimension requirements shall apply to lots within the MCD  
 5140   District.

5141

- 5142       1. Yards abutting existing public streets: Thirty (30) feet.

- 5143 2. Yards abutting new public or private streets: Twenty (20) feet.  
5144 3. Yards abutting alleys or internal travel lanes: Fifteen (15) feet.  
5145 4. Side yard: Zero (0) feet  
5146 5. Rear yard: Zero (0) feet  
5147 6. Residential uses that may be approved by special use permit shall provide a minimum  
5148 rear yard of at least twenty-five (25) feet.  
5149

5150 **175-53.16 STANDARDS**  
5151

5152 In addition to the other requirements of the Town Code, developments within the MCD District  
5153 shall comply with the following standards.  
5154

5155 **A. Open Space Standards**  
5156

- 5157 1. At least thirty percent (30%) of the acreage of the property shall be dedicated open space  
5158 with public access.  
5159  
5160 2. Up to 25 percent (25%) of the open space required by subsection 175-53.13B.1. may be  
5161 satisfied with land covered by water.  
5162  
5163 3. Required open space, including ingress/egress to the required open space, shall not be  
5164 located within individual building lots.  
5165  
5166 4. Required open space shall not be further subdivided, and any future development of open  
5167 space shall only be for the purpose of enhancing the use that it is dedicated for.  
5168  
5169 5. Open space shall be permanently dedicated for one of more of the following uses: natural  
5170 resource conservation, or recreational facilities, wetland and water course preservation,  
5171 selective forestry, wildlife habitat, undeveloped parklands or scenic preservation.  
5172  
5173 6. The open space shall be conveyed by the applicant as a condition of plat approval and  
5174 may be conveyed by any of the following means as determined by the Town Council:  
5175  
5176 [a] Deeded in perpetuity to the Town of Front Royal or other governmental agency for  
5177 the purposes herein.  
5178  
5179 [b] Reserved for common use or ownership of all property owners within the  
5180 development by covenants in the deeds approved by the Town Attorney. A copy of  
5181 the proposed deed covenants shall be submitted with the application.  
5182  
5183 [c] Deeded in perpetuity to a private, non-profit, tax-exempt organization legally  
5184 constituted for conservation purposes under terms and conditions that ensure the  
5185 perpetual protection and management of the property for conservation purposes. A  
5186 copy of the proposed deeds and relevant corporate documents of the land trust shall  
5187 be submitted with the application.  
5188

5189 [d] Deeded to a property owner's association within the development upon terms and  
5190 conditions approved by the Town Attorney that will ensure the continued use and  
5191 management of the land for the intended purposes. The formation and incorporation  
5192 by the applicant of one or more appropriate property owners' associations shall be  
5193 required prior to plat approval. A copy of the proposed property owner's deed and  
5194 the by-laws and other relevant documents of the property owner's association shall  
5195 be submitted with the application. The following shall be required if open space is  
5196 to be dedicated to a property owner's association:

- 5197
- 5198 i. Covenants providing for mandatory membership in the association and setting  
5199 forth the owner's rights, interests, and privileges in the association and the  
5200 common land, must be included in the deed for each lot or unit;
- 5201
- 5202 ii. The property owners' association shall have the responsibility of maintaining  
5203 the open space and operating and maintaining recreational facilities;
- 5204
- 5205 iii. The association shall have the authority to levy charges against all property  
5206 owners to defray the expenses connected with the maintenance of open space  
5207 and recreational facilities; and
- 5208
- 5209 iv. The applicant shall maintain control of dedicated open space and be  
5210 responsible for its maintenance until 75% of occupancy permits for residential  
5211 units have been issued and development is sufficient to support the association.

5212

5213 7. If development occurs in phases, the provision of dedicated natural open space may also  
5214 be phased with the construction of improvements.

5215

5216 8. Pre-development streets and other impervious surfaces shall be excluded from the  
5217 calculation of the minimum dedicated open space requirement.

5218

5219 **B. Lighting Standards.**

5220

5221 1. All outdoor lighting shall be designed to the standards of the International Dark-Sky  
5222 Association (IDA), or an equivalent set of standards that effectively reduce light  
5223 pollution.

5224

5225 2. Lighting shall be provided within all parking lots.

5226

5227 **C. Underground Utility Standards.** All new utilities shall be located underground. The Planning  
5228 Commission may authorize the use of overhead lines where underground lines would adversely  
5229 impact wetlands or other physical features of the land, or where the use of overhead lines is  
5230 temporary.

5231

5232 **D. Buffer Standards.** Landscaped buffers shall be provided for uses within the MCD District as  
5233 follows:

5234

- 5235 1. A fifty-foot (50') buffer shall be provided between adjoining properties of a different  
 5236 zoning category and nonindustrial uses within the MCD District.  
 5237
- 5238 2. A one-hundred-foot (100') buffer shall be provided between industrial and nonindustrial  
 5239 uses within the MCD District.  
 5240
- 5241 3. A two-hundred-foot (200') buffer shall be provided between adjoining properties of a  
 5242 different zoning category and industrial uses within the MCD District.  
 5243
- 5244 4. Buildings or structures shall be restricted within buffer areas, excluding small buildings  
 5245 or structures necessary to provide public utilities. Fifty percent (50%) of buffer areas  
 5246 may be used for active uses other than buildings and structures.  
 5247

5248 E. Screening Standards. Screening shall be provided for uses within the MCD District as follows:  
 5249

- 5250 1. Service bays shall be screened or oriented so they are not visible from public streets.  
 5251 2. Outdoor display or storage of goods or merchandize shall be restricted, unless screened  
 5252 from view. The Planning Commission may authorize specific locations for outdoor  
 5253 display or seasonal outdoor storage as part of the site plan review process. To minimize  
 5254 negative aesthetical impacts of any authorized outdoor display or seasonal outdoor  
 5255 storage that is not fully screened, the Planning Commission may require additional  
 5256 landscaping or other site improvements.  
 5257
- 5258 3. Dumpster pad sites and mechanical equipment systems shall be screened so they are not  
 5259 visible from public streets. Such screening shall consist of an evergreen screen, wood  
 5260 fencing, or masonry wall that is consistent with the architectural design of the principle  
 5261 building on the lot.  
 5262
- 5263 4. An ornamental fence, masonry or stone wall, and/or landscaping screen shall be provided  
 5264 around the perimeter of a development within the MCD District and adjoining properties  
 5265 of a different zoning category. General details of such screening shall be designated on  
 5266 the Concept Plan.  
 5267

5268 F. Miscellaneous Standards  
 5269

- 5270 1. The gross land area of land devoted to commercial retail shall not exceed forty (40)  
 5271 percent of the gross land area of the development.  
 5272
- 5273 2. The gross land area of land devoted to residential uses shall not exceed forty (40) percent  
 5274 of the gross land area of the development.  
 5275
- 5276 3. Pedestrian sidewalks, trails, and crosswalks shall be designed to connect clusters of  
 5277 buildings to common areas and retail areas.  
 5278

- 5279 4. Common areas shall be provided throughout the project. Common areas shall include  
 5280 amenities such as, but not limited to, pedestrian and bicycle trails, bicycle parking racks,  
 5281 pavilions, gardens, benches, picnic tables, and fountains.  
 5282
- 5283 5. Incidental automobile repairs shall be permitted as an accessory use for automobile and  
 5284 truck sales lots and leasing agencies only if the use is located within a fully enclosed  
 5285 building.  
 5286

5287

5288

### LIMITED INDUSTRIAL DISTRICT (I-1)

#### 5289 175-54 STATEMENT OF INTENT (I-1)

5290 The primary purpose of the I-1 District is to permit certain industries in town which do not in any  
 5291 way detract from residential desirability of nearby areas and to permit industries to locate near a  
 5292 labor supply. Mobile homes for residential purposes are prohibited but may be used for certain  
 5293 other uses as stated below.

#### 5294 175-55 USES PERMITTED BY RIGHT (I-1)

5295 A. ~~In the Limited Industrial District I-1, any structure to be erected or land to be used shall be~~  
 5296 ~~for one (1) of the following uses:~~ *Subject to the standards and requirements set forth in this*  
 5297 *Chapter, except as prohibited or restricted by separate restrictions of record that may pertain to*  
 5298 *property within the I-1 District, the following uses of land and buildings are permitted by-right*  
 5299 *in the I-1 District:*

5300

5301

5302

#### RESIDENTIAL

5303

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

5304

5305

5306

#### COMMERCIAL

5307

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

5308

*Automobile garage (auto repair)*

5309

*Automobile service stations (gas stations)*

5310

*Coal and wood yards, lumberyards and feed/seed stores.*

5311

*Commuter parking facilities*

5312

*Contractor's offices, display rooms and storage.*

5313

*Furniture stores*

5314

*Lumber and building supply.*

5315

*Veterinary hospitals*

5316

#### INDUSTRIAL

5317

*Distribution facilities*

5318

*Light Manufacturing.*

5319 *Woodworking and upholstery shop.*  
5320 *Wholesale*

5321 **ORGANIZATIONAL**

5322 *Laboratory, pharmaceutical and/or medical.*

5323

5324

5325 **MISCELLANEOUS**

5326

5327 *Accessory uses, structures and buildings.*

5328 *Home occupations.*

5329 *Open Space*

5330 *Public facilities.*

5331 *Public parks and playgrounds.*

5332 *Public utilities.*

5333 *Signs, as set forth in Section 175-106.*

5334 *Special childcare services.*

5335 *Such other uses as determined similar to one or more enumerated uses by the Zoning Administrator.*

5336

5337

5338 1. ~~Assembly of electrical appliances, electronic instruments and devices, radios and~~  
5339 ~~phonographs, computer instrument and devices; also the manufacture of small parts, such~~  
5340 ~~as coils, condensers, transformers, crystal holders and computer parts.~~

5341

5342 2. ~~Automobile assembling, painting, upholstering, repairing, rebuilding, reconditioning,~~  
5343 ~~body and fender work~~

5344

5345 3. ~~Blacksmith shop, welding or machine shop, excluding punch presses exceeding twenty-~~  
5346 ~~ton-rated capacity and drop hammers.~~

5347

5348 4. ~~Laboratories, pharmaceutical and/or medical.~~

5349

5350 5. ~~Manufacture, compounding, processing, packaging or treatment of such products as~~  
5351 ~~bakery goods, candy, cosmetics, dairy products, drugs, perfumes, pharmaceuticals,~~  
5352 ~~perfumed toilet soap, toiletries and food products, except fish and meat products,~~  
5353 ~~sauerkraut or the refining of fats and oils.~~

5354

5355 6. ~~Manufacture, compounding, assembling or treatment of articles of merchandise from the~~  
5356 ~~following prepared materials: bone, cellophane, canvas, ice, cloth, cork, feathers, felt,~~  
5357 ~~fiber, fur, hair, horn, leather, paper, plastic, precious or semiprecious stone, shell, straw,~~  
5358 ~~textiles, tobacco, wood, yam, paint and fiberglass.~~

5359

5360 7. ~~Manufacture of pottery and figurines or other similar ceramic products, using only~~  
5361 ~~previously pulverized clay and kilns fired only by electricity or gas.~~

5362

- 5363 — ~~8. Manufacture of musical instruments, toys, novelties and rubber and metal stamps.~~  
5364 —
- 5365 — ~~9. Building material sales yards and plumbing supplies storage.~~  
5366
- 5367 ~~10. Coal and wood yards, lumberyards and feed and seed stores.~~  
5368
- 5369 ~~11. Oil storage yards.~~  
5370
- 5371 ~~12. Packing plants.~~  
5372
- 5373 ~~13. Contractors' equipment storage yard or plant or rental of equipment commonly used by~~  
5374 ~~contractors.~~  
5375
- 5376 ~~14. Cabinets, furniture and upholstery shops.~~  
5377
- 5378 ~~15. Boat building.~~  
5379
- 5380 ~~16. Stone monument works.~~  
5381
- 5382 ~~17. Veterinary hospitals.~~  
5383
- 5384 ~~18. Automobile sales and services, with service repair under cover.~~  
5385
- 5386 ~~19. Automobile service stations, with major repair under cover, as set forth in Section 175-~~  
5387 ~~110.~~  
5388
- 5389 ~~20. Wholesale businesses, storage warehouses and distribution plants.~~  
5390
- 5391 ~~21. Junk storage (screened).~~  
5392
- 5393 ~~22. Car washes.~~  
5394
- 5395 ~~23. Accessory uses as defined, including portable storage containers as set forth in Section~~  
5396 ~~175-109.2.~~  
5397
- 5398 ~~24. Automobile wrecking yards.~~  
5399
- 5400 ~~25. Off-street parking as set forth in Section 175-104.~~  
5401
- 5402 ~~26. Public utility generating, booster or relay stations, transformer substations, transmission~~  
5403 ~~lines and towers and other facilities for the provision and maintenance of public utilities,~~  
5404 ~~including railroads and facilities and water and sewerage installations.—~~  
5405
- 5406 ~~27. Signs as set forth in Section 175-106.~~  
5407
- 5408 ~~28. Fences as set forth in Section 175-102.~~