PLANNING COMMISSION WORK SESSION
Wednesday, August 6, 2025 @ 6 PM
Town Hall – 2nd Floor, East Conference Room

AGENDA

CALL TO ORDER

ROLL CALL

WORK SESSION BUSINESS

1. **2500317** – A Zoning Text Amendment to Town Code §175-3 – Definitions, to redefine the definition of "Overhang" as it pertains to any projection, either roof, bay window or similar cantilevered construction which extends beyond the foundation of a structure.

2. **2500319** – For the public necessity, convenience, general welfare, or good zoning practice, Zoning Text Amendments to Town Code §175-3 - Definitions, to define the use of an "Auxiliary Dwelling Unit", to amend the Residential Districts in which it would be permitted by-right, and to establish §175-115 "Auxiliary Dwelling Unit" performance standards within the Supplementary Provisions of Town Code.

3. **2500347** – For the public necessity, convenience, general welfare, or good zoning practice, Zoning Text Amendments to Town Code §175-151 - Short-Term Rental performance standards, to address modifications pertaining to fees, parking and applicable Uniform Statewide Building Code regulations and to retitle and recodify Town Code §175-151 to §175-114.

4. **BZA Variance Application 2500335** submitted by Orange Creek LLC for a variance from Town Code §175-24.A. pertaining to the construction of a building and the side yard setback located on the property at 15 & 17 W. 11th Street identified by Tax Map 20A2-4-43-24. The property is located in the R-2, Residential District. The variance would effectively allow the applicant a side yard setback of 8.7 feet. The required side yard setback should be a minimum of ten feet (10'). The variance requested by the applicant is to allow a setback of less than ten feet (10') for a recently constructed two family attached dwelling.

5. **2500345 –** For the public necessity, convenience, general welfare, or good zoning practice, Zoning Text Amendment to Town Code §175-3 – Definitions to define Data Centers and Town Code §175-64 Industrial Employment District (I-2) to add Data Centers with performance standards by Special Use Permit.

ADJOURNMENT

WORK SESSION – ITEM 1

2500317 – A Zoning Text Amendment to Town Code §175-3 – Definitions, to redefine the definition of “Overhang” as it pertains to any projection, either roof, bay window or similar cantilevered construction which extends beyond the foundation of a structure.

JUNE 25, 2025

ZONING TEXT AMENDMENT REQUEST

We are requesting the rewrite of the definition of OVERHANG in the Town of Front Royal Code of Ordinances 175 - 3 - Definition as follows:

OVERHANG - The part of a roof or wall that extends beyond the facade of a lower wall.

This definition as written is found in the book "The Latest Illustrated Book of DEVELOPMENT DEFINITIONS" by Harvey Moskoowitz and Carl Lindbloom and this definition is also supported by the Town of Front Royal Zoning Office.

It is our opinion the current definition as written is onerous, encourages simple box construction with no overhangs or architectural character and adds unnecessary cost to residential construction. In some circumstances the existing definition contradicts the County requirements.

Thank you for your review and consideration of our request.

Best Regards,
Jay McCarty & Neal McCarty
12425 Chapel Road,
Clifton, VA 20124
703-407-7559

(Application fee paid this date $650 Invoice No. 194393)

175-3 DEFINITIONS

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

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

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

ACCESSORY USE - A use of a building, lot or portion thereof which is customarily incidental and subordinate to the principal permitted use of the main building or lot. Accessory uses shall include the use of accessory buildings as a separate accessory dwelling unit, provided that the lot is at least twelve thousand (12,000) square feet in size, the accessory building complies with the minimum setback and yard area requirements that are required for main buildings within the applicable zoning district, no more than one (1) accessory dwelling is located on the property, and the accessory dwelling unit does not utilize more than five hundred (500) square feet. Urban agriculture is considered an accessory use when the requirements of Section 175-110.5 are complied with.

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

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

AGRICULTURE, URBAN (Urban Agriculture) - An umbrella term that describes a range of food growing practices conducted as an accessory use that may include the raising of crops, horticulture, aquaculture, hydroponics, forestry, gardening, apiculture, and both livestock and fowl keeping, subject to compliance with the regulations of Section 175-110.5.

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

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

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

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

APARTMENT HOUSE - A multifamily structure originally intended, arranged or designed to be occupied by three (3) or more families, each in an individual dwelling unit and living independently of each other. The number of families in permanent residence shall not exceed the number of dwelling units provided. Entranceways through the structure to the units may be either common or separate, and each lot on which the building is located shall be

held in single ownership, even though individual units may be sold in accordance with this chapter. Such term shall not include "row house" or "townhouse." Each apartment unit shall occupy space on not more than one (1) story in a structure.

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

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

AUTOMOBILE GRAVEYARD - See "Junkyard."

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

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

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

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

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

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

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

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

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

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

BOARDINGHOUSE - See "Lodging House."

BREAKPOINT TECHNOLOGY - Means the particular design of a monopole wireless telecommunication tower, certified by an engineer licensed in the Commonwealth of Virginia, that devises a specified point of the structure, referred to as the breakpoint, to have stress concentrated so that the breakpoint is at least five percent (5%) more susceptible to failure than any other point along the structure, so that in the event of a structural failure, the failure will occur at the breakpoint rather than at the base plate, anchor bolts, or any other point on the structure.

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

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

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

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

CARETAKER QUARTERS - A dwelling unit located within a building that is used by a business enterprise, and is occupied by the owner or an employee of the business. Only one (1) caretaker quarters shall be permitted per building, and shall not utilize more than twenty percent (20%) of the ground floor area of the building.

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

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

CEMETERY - Any land or structure used or intended to be used for the interment of human remains. The sprinkling or interment of ashes on church grounds or their placement in a columbarium on church property shall not constitute the creation of a cemetery. Cemeteries are subject to performance standards in Section 175-107.4 and local regulation pursuant to Code of Virginia §§ 15.2-978, 15.2-1111, and 57-26 and may be for public or private use.

CHURCH - Buildings or structures primarily intended for organized religious services and associated accessory uses.

CHURCHYARD - an area of land not exceeding two (2) acres, surrounding and located on the same lot or parcel as a church, which may be used as a cemetery.

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

COMMISSION, THE - See "Planning Commission."

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

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

CONVALESCENT HOME - See "Nursing Home."

COVERAGE - See "Building Coverage."

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

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

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

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

DOMESTIC PRODUCTS - Processed, cooked, dried or preserved foodstuffs and other agricultural products meant for human consumption, to include, but not limited to, jellies, pickles, herbs, smoked meats, baked goods, candies, canned foods, and other prepared edibles.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

FALL ZONE - Means an area around the base of a wireless telecommunication tower required to be kept clear of buildings, other than those accessory to the wireless telecommunication tower, for the purpose of containing

debris in the event of a tower structural failure. The fall zone is measured by a circular radius around the wireless telecommunication tower that equals the structure's height.

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

FARM PRODUCTS - Ice, wood, charcoal, meats, milk, butter, eggs, poultry, game, vegetables, fruits or other family supplies of a perishable nature or farm products grown or produced by them and not purchased by them for sale.

FARMERS' MARKET - A collection of two (2) or more vendors, selling farm or domestic products, garden produce, or nursery products, ornamental or otherwise, which have been grown or produced by the vendor offering the same for sale, in an open-air setting or with temporary or partially enclosed structures.

FAST-FOOD ESTABLISHMENT - See "Drive-in Eating Establishment."

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

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

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

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

FRONTAGE - See "Lot Width."

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

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

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

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

GAS STATION AND GASOLINE SALES - See "Automobile Service Station."

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

LOT INTERIOR - Any lot other than a corner lot.

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

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

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

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

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

MANUFACTURED BUILDING - A building that is manufactured, typically in a factory, and is built in accordance with the United States Department of Housing and Urban Development Code, Manufactured Home Construction and Safety Standards, or other similar federal standards; and does not meet all local or state building code standards. Modular and pre-fabricated buildings that are manufactured and constructed in accordance with all local and state building code standards shall not be considered manufactured buildings.

MANUFACTURED HOME - A residential dwelling built in a factory in accordance with the United States Department of Housing and Urban Development code and the federal Manufactured Home Construction and Safety Standards. Modular and pre-fabricated buildings that are manufactured and constructed in accordance with all local and state building code standards shall not be considered manufactured buildings.

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

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

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

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

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

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

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

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

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

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

NURSING HOME also known as **"EXTENDED-CARE HOME,""REST HOME"** or **"CONVALESCENT HOME"** - A nursing facility is any place containing beds for two (2) or more patients, established to render domiciliary and/or nursing care for chronic or convalescent patients and which is properly licensed by the state.

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

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

OUTDOOR DISPLAY - The keeping of products, goods, merchandise, and/or materials, excluding signs, outside of an enclosed building for the purpose of making it known that similar items or related services are available for purchase.

OUTDOOR SALES - The retail selling of products, goods, merchandise, and/or materials, outside of an enclosed building.

OUTDOOR STORAGE - The keeping, without retail sale, of products, goods, merchandise, and/or materials outside of an enclosed building.

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

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

PEDDLER - A short-term temporary use of property that is permitted on commercially zoned, subject to compliance with the provisions of Chapter 98, Section 61, of the Town Code, or as amended.

PHARMACEUTICAL CENTER - An establishment in which only pharmaceutical services are provided. Its purpose shall be limited to providing the public and various health professionals with information and articles intended for use in diagnosis, cure, mitigation, treatment or prevention of a disease state, including drugs and medical instruments or devices of the type used under the strict supervision of a physician in the treatment of a specific disease entity. No articles shall be displayed for sale. The square footage of the "pharmaceutical center" shall be limited to a maximum of two thousand (2,000) square feet.

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

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

PORTABLE STORAGE CONTAINERS - A large portable container, other than trailers and semitrailers, and which are typically referred to as "PODS" or cargo containers that are transported to a desired location for use as storage of products, goods, merchandise, and/or materials. Portable storage containers are subject to the provisions of Section 175-109.2.

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

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

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

PUBLIC FACILITY - Any area, building or structure used or controlled for government purposes, that is owned, held, or operated by any department, branch or unit of the federal government, the Commonwealth of Virginia or one (1) or more of its local governments, political subdivisions or municipal corporations.

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

PUBLIC UTILITY - Any person, firm, corporation, municipal department or board duly authorized to furnish and furnishing, under federal, state or municipal regulations, to the public electricity, gas, steam, communications, telegraph, transportation, water or such other services as may be provided. Where public utilities are permitted under this Chapter, poles, lines, water towers, reservoirs, water and sewer treatment facilities, booster and relay stations, distribution transformers, pipes, meters, and other facilities necessary for the provision and maintenance of public utilities shall be permitted.

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

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

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

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

REST HOME - See "Nursing Home."

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

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

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

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

ROOMING HOUSE - See "Lodging House."

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

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

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

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

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

SHORT-TERM RENTAL - Means the provision of a room or space that is suitable or intended for occupancy for dwelling, sleeping, or lodging purposes for a period of fewer than thirty (30) consecutive days, in exchange for a charge for the occupancy. Any residential use that falls within the definition of short-term rental as defined in Code of Virginia § 15.2-983, as amended.

SHORT-TERM RENTAL FACILITY - A building or accessory structure, other than a hotel, motel, or bed-and-breakfast home, where lodging is provided for compensation on a short-term basis, and open to the public or transient guests. The maximum number of occupants shall not exceed ten (10) unless determined appropriate by Town Council.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

TECHNOLOGY BUSINESS - A business consisting of one (1) or more than one (1) in combination of the following:

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

TEMPORARY TRAILERS - A transportable manufactured building, similar to a manufactured home, but not used for residential purposes.

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

TOBACCO, SMOKE, OR VAPE SHOP - A business involving the sale of tobacco products, nicotine vapor products, or alternative nicotine products, as those terms are defined in the Code of Virginia § 18.2-371.2, or hemp products intended for smoking, as such term defined in Code of Virginia § 3.2-4112, or any kratom products as regulated by Code of Virginia § 59.1-200, or paraphernalia, and where any combination of any such products represent twenty-five (25) percent or more of the store's total inventory or fifteen (15) percent or more of the store's total display area.

"Paraphernalia" refers to any objects, devices, or equipment that are primarily used to facilitate or enhance the act of smoking or vaping. This includes but not limited to; cigarette rolling papers, Cigarette filters, Pipes, Bongs, Hookahs, Vape Pens and E-Cigarettes, Grinders, Rolling Machines, Screens and Dab Rigs.

TOURIST HOME - See "Bed and Breakfast Home."

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

TRAILER - Every vehicle without motive power designed for carrying property and passengers wholly on its own structure and for being drawn by a motor vehicle.

TRAVEL TRAILER - Any recreational vehicle.

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

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

WIRELESS TELEPHONE TELECOMMUNICATION TOWERS - Facilities for the proviso of personal wireless services, as defined by 47 U.S.C. Section 332 (Section 704 of the Telecommunications Act of 1996), including those Federal Communications Commission licensed commercial wireless telecommunications services such as cellular, personal communications services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), and unlicensed wireless services and common carrier wireless exchange access services; also referred to generally as "tower(s)" under Section 175-110.4.

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

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

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

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

ZONING ADMINISTRATOR - See "Administrator."

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

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

(Ord. of 8-24-98; Ord. of 6-26-00; Ord. of 1-27-03; Ord. of 2-24-03; Ord of 4-14-03; Ord. of 7-25-05; Ord. of 9-26-05; Ord. of 7-24-06; Ord. of 7-28-08; Ord. of 2-28-11; Ord. of 1-9-12; Ord of 3-12-12; Ord. of 7-23-12; Ord of 1-28-13; Ord. of 3-24-14; Ord. of 6-22-15; Ord. of 11-23-15; Ord. of 10-10-17; Ord. of 2-28-22; Ord. of 5-1-23; Ord. of 2-24-25(2))

WORK SESSION – ITEM 2

2500319 – For the public necessity, convenience, general welfare, or good zoning practice, Zoning Text Amendments to Town Code §175-3 - Definitions, to define the use of an “Auxiliary Dwelling Unit”, to amend the Residential Districts in which it would be permitted by-right, and to establish §175-115 “Auxiliary Dwelling Unit” performance standards within the Supplementary Provisions of Town Code.

ADUs/Granny Flats

Changes to Zoning Code:

New Zoning Text: *Suggest adding a new Section 175-115*

Section 175-115 – Auxiliary Dwelling Unit (ADU)

The ADU ordinance permits one Auxiliary dwelling unit in the selected zoning districts of R1, R1A, R2, R3 and PND with residential housing, subject to the following:

A. The Auxiliary dwelling unit must be located on the same lot as a single-family detached dwelling (existing or proposed) and only one (1) ADU is permitted per residential lot.

B. The property must be owner occupied.

C. The internal ADU cannot exceed 33% of the floor area of the main single-family dwelling or 500 square feet, whichever is greater. Please see the definition below in order to calculate floor area:

1. *Floor area* means the sum of the horizontal areas of enclosed building space on all floors of all buildings on a lot measured from the exterior face of exterior walls and including intervening partitions, halls, lobbies, stairways and elevator shafts. The following shall be excluded from calculation of floor area:

    a. Open exterior balconies and other unenclosed spaces.

    b. Uncovered terraces, patios, porches, or steps.

    c. Garages, carports or other areas, enclosed or unenclosed, used for the parking or circulation of motor vehicles.

    d. Areas for housing major mechanical equipment which serves the building as a whole or major portion thereof, but not including utility areas within individual dwelling units.

    e. Areas for common special purpose use by occupants of the premises, including laundries, recreation areas, sitting areas and libraries in buildings devoted to dwelling use, and storage areas, and areas devoted exclusively to management and/or maintenance of the premises in buildings devoted to any use, but not including incidental commercial activities in any case.

D. Detached ADUs cannot exceed 1000 square feet or 80% of the gross floor area of the principal dwelling, whichever is less.

E. The Auxiliary dwelling unit must follow the underlying zoning district requirements (setbacks, lot coverage, appearance, height, etc.). Detached ADUs shall not exceed the maximum lot square foot coverage allowed in the zoning district the ADU is located.

F. Access to an ADU shall be provided in accordance with requirements of the Department of Fire and Emergency Services.

G. An additional one (1) off street parking space must be added or available above standard residential parking space requirements for the zoning district where the ADU is located.

Revised Zoning Text

Is:

STATEMENT OF INTENT (R-1) (175-11)

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

Proposed:

STATEMENT OF INTENT (R-1) (175-11)

The R-1 District is composed of quiet, low-density residential areas, plus undeveloped areas where similar residential construction appears likely to occur. The standards set forth for this district are designed to stabilize and protect the essential character of the areas so delineated, to promote and encourage a suitable environment for family life, to provide areas for suitable

expansion of the Town as facilities are provided and to prohibit all commercial activities. Development is, therefore, limited to relatively low concentration, and permitted uses are limited to single-unit dwellings, plus selected additional uses, such as schools, parks, churches, Auxiliary Dwelling Units (ADUs) and certain public facilities that serve the residents of the district. Mobile homes or rooming houses are prohibited.

Is:

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

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

RESIDENTIAL:
Single-family dwellings, detached.

COMMERCIAL:

INDUSTRIAL:

ORGANIZATIONAL:
Churches.
Public libraries.
Schools.

Proposed:

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

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

RESIDENTIAL:
Single-family dwellings, detached.
Auxiliary Dwelling Units (ADUs) .

COMMERCIAL:

INDUSTRIAL:

ORGANIZATIONAL:
Churches.
Public libraries.
Schools.

Is:

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

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

RESIDENTIAL:
Single-family dwellings, detached.
Single-Family, attached.
Two-Family dwellings (Duplex).

Proposed:

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

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

RESIDENTIAL:
Single-family dwellings, detached.
Single-Family, attached.
Two-Family dwellings (Duplex).
Auxiliary Dwelling Units (ADUs).

Is:

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

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

RESIDENTIAL:
Duplexes.
Single-family dwellings, detached.
Two-family dwellings.
Townhouses.

Proposed:

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

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

RESIDENTIAL:
Duplexes.
Single-family dwellings, detached.
Two-family dwellings.
Townhouses.
Auxiliary Dwelling Units (ADUs).

Is:

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

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

RESIDENTIAL:
Duplexes.
Single-family dwellings, detached.
Townhouses developed on sites of twenty thousand (20,000) square feet up to one (1) acre as set forth in Division 9.6.
Two-family dwellings.

Proposed:

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

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

RESIDENTIAL:
Duplexes.
Single-family dwellings, detached.
Townhouses developed on sites of twenty thousand (20,000) square feet up to one (1) acre as set forth in Division 9.6.
Two-family dwellings.
Auxiliary Dwelling Units (ADUs).

Is:

PERMITTED USES (PND) (175-37.3)

A. All planned neighborhood developments shall permit the following residential and Auxiliary uses:

1. Detached single-family dwellings;
2. Two-family dwellings;
3. Multi-family dwellings;
4. Townhouses with a maximum of eight units per structure;
5. Auxiliary buildings or uses as defined in Article 11;
6. Recreation or park facilities;
7. Retirement living facilities (handicapped accessible);
8. Municipal buildings or uses;
9. 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. Such utilities shall be buried or otherwise screened in accordance with design standards of the development;
10. Home Occupations as set forth in Division 8.5;
11. Public libraries;
12. Schools;
13. Churches;
14. Special childcare services;
15. Open space and conservation areas; and
16. Such other uses as determined similar to one or more enumerated uses by the Zoning Administrator.

Proposed:

PERMITTED USES (PND) (175-37.3)

A. All planned neighborhood developments shall permit the following residential and Auxiliary uses:

1. Detached single-family dwellings;
2. Two-family dwellings;

3. Multi-family dwellings;
4. Townhouses with a maximum of eight units per structure;
5. Auxiliary Dwelling Units (ADUs);
6. Auxiliary buildings or uses as defined in Article 11;
7. Recreation or park facilities;
8. Retirement living facilities (handicapped accessible);
9. Municipal buildings or uses;
10. 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. Such utilities shall be buried or otherwise screened in accordance with design standards of the development;
11. Home Occupations as set forth in Division 8.5;
12. Public libraries;
13. Schools;
14. Churches;
15. Special childcare services;
16. Open space and conservation areas; and
17. Such other uses as determined similar to one or more enumerated uses by the Zoning Administrator.

Definitions:

Auxiliary Dwelling Unit (ADU) also known as in-law units, backyard cottage, or granny flat - A secondary, self-contained residential unit located on the same lot as a primary single-family dwelling. It includes independent living facilities such as a kitchen, bathroom, sleeping area, and separate entrance.

Changes to existing Definitions:

Is:

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

Proposed:

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

Is

ACCESSORY USE - A use of a building, lot or portion thereof which is customarily incidental and subordinate to the principal permitted use of the main building or lot. Accessory uses shall include the use of accessory buildings as a separate accessory dwelling unit, provided that the lot is at least 12,000 square feet in size, the accessory building complies with the minimum setback and yard area requirements that are required for main buildings within the applicable zoning district, no more than one accessory dwelling is located on the property, and the accessory dwelling unit does not utilize more than 500 square feet. Urban agriculture is considered an accessory use when the requirements of Section 175-110.5 are complied with.

Proposed:

ACCESSORY USE - A use of a building, lot or portion there of which is customarily incidental and subordinate to the principal permitted use of the main building or lot. ~~Accessory uses shall include the use of accessory buildings as a separate accessory dwelling unit, provided that the lot is at least 12,000 square feet in size,~~ The accessory building complies with the minimum setback and yard area requirements that are required for main buildings within the applicable zoning district, no more than one accessory dwelling is located on the property, and the accessory dwelling unit does not utilize more than 500 square feet. Urban agriculture is considered an accessory use when the requirements of Section 175-110.5 are complied with.

Is:

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

Proposed:

GARAGE, PRIVATE – A vehicle storage structure used for the storage of vehicles by the occupants of a lot on which such building is located.

Conflicts with definition of Accessory.

Is:

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

Proposed:

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

Conflicts with definition of Accessory.

Is:

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

Proposed:

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

Is:

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

Proposed:

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

Is:

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

Proposed:

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

Auxiliary Dwelling Units (ADU)

What is an ADU

- Accessory Dwelling Units (ADUs) – also known as in-law units, backyard cottages, among other names.
  - ADUs are small independent structures built on the same lot as a single-family residence or a prescribed percentage of square footage within the primary residential structure (single family residence).
  - ADUs occupy a different category than “Accessory Use” which is intended for utility purposes (storage, sheds, etc.).
- ADUs are permitted by state law with localities setting guidelines.
    - There has been some state legislation intended to mandate ADUs in R1 but to date none of this legislation has been implemented.
      - The main objections in the legislature seems to concern having the state vice local control of where ADUs can be located and not if they are desirable.
- ADUs are common in other Virginia towns and counties.
  - ADUs allowed in Richmond, Virginia Beach, Falls Church, Rockingham County and more.

Why Front Royal Should Support ADUs

- ADUs expand affordable housing options.
  - ADUs are maintained by homeowners and not taxpayers.
  - ADUs help meet demand for smaller, more affordable homes ideal for seniors, young workers, and small families.
  - Provides lower-costs without the need for taxpayer-funded housing projects.
- Support Local Families & Aging in Place.
  - Allows individuals to remain in their own homes or with family instead of moving into full-time institutional care.
  - Often less expensive than nursing homes or assisted living facilities
  - Reduces the financial burden on families and public health systems (e.g., Medicaid).
- Encourages autonomy and dignity for participants.
  - Offers flexible space for multigenerational living, caregivers, or returning college kids.

Why Front Royal Should Support ADUs (cont.)

- Smart Growth, Not Sprawl.
  - Adds gentle density without changing neighborhood character
- Encourages infill housing and uses existing infrastructure efficiently.
  - **Boost Local Economy & Tax Base.**
  - Potential generation of new property tax revenue from increased property value.
  - Brings more people into the local economy supporting shops, schools, and services.
- Enhances Property Rights.
  - Gives homeowners more choice in how they use their property.
  - Helps residents stay in their homes by generating rental income.

What The Proposed ADU Ordinance Provides

- The ADU ordinance permits one Auxiliary dwelling unit per lot in all zoning districts with residential housing, subject to the following:
  - The Auxiliary dwelling unit must be located on the same lot as a single-family dwelling (existing or proposed).
  - The property must be owner occupied.
  - The internal ADU cannot exceed 33% of the floor area of the main single-family dwelling or 500 square feet, whichever is greater.
  - Detached ADUs cannot exceed 1000 square feet or 80% of the gross floor area of the principal dwelling, whichever is less.
  - The Auxiliary dwelling unit must follow the underlying zoning district requirements (setbacks, lot coverage, appearance, height, etc.).
    - Detached ADUs shall not exceed the maximum lot square foot coverage allowed in the zoning district the ADU is located .
  - An additional one (1) off street parking space must be added or available above standard residential parking space requirements for the zoning district the ADU is located.

Example ADU in R1

- External ADU in an R-1 district consisting of a 2000 sq ft primary home on a ¼ acre lot consisting of 10890 sq. ft.
  - Code dictates 30% max structure coverage or 3267 sq. ft.
  - Proposal will allow an ADU size of 80% of exiting structure maximum footprint or 1000 sq ft, whichever is less.
  - 80% of 2000 sq ft equates to a 1600 sq ft size of potential external ADU and is therefore limited to the max size of ADUs of 1000 sq ft by regulation.
  - This allow1267 sq feet on the lot for ADU construction, egress and set-backs.
    - Set backs and easements can further restrict ADU size, placement or project viability.
- The internal ADU cannot exceed 33% of the floor area of the main single-family dwelling or 500 square feet, whichever is greater.
  - In this 2000 sq ft home example, 660 sq ft is the limit (2000 x .33 = 660).

R-2 and R-3 Coverage Areas

- R2 and R3 allow for greater lot coverage but with same protections of max lot coverage and constrained by setbacks and easements.
  - R-2 – Max 45% building Coverage.
  - R-3 – Max 40% building Coverage with exceptions.

WORK SESSION – ITEM 3

2500347 – For the public necessity, convenience, general welfare, or good zoning practice, Zoning Text Amendments to Town Code §175-151 - Short-Term Rental performance standards, to address modifications pertaining to fees, parking and applicable Uniform Statewide Building Code regulations and to retitle and recodify Town Code §175-151 to §175-114.

175-~~151~~ 114 SHORT-TERM RENTALS

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

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

B. The one-time application fee shall be four hundred dollars ($~~400.00~~ 1200.00).

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

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

~~E. Parking for the use shall be located in driveways or other designated and approved parking areas.~~ The property shall be exempt from off-street parking requirements of Town Code Chapter 148-870.

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

G. A fire extinguisher shall be provided and visible in all kitchen and cooking areas; smoke detectors shall be installed in all locations as identified in ~~the 2015 or 2018~~ the current Uniform Statewide Building Code ~~(2018 Version required usage beginning July 1, 2022)~~; and a carbon monoxide detector must be installed on each floor in every dwelling.

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

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

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

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

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

M. All outdoor burning shall be in compliance with Chapter 78 of the Town of Front Royal Code.

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

(Ord. of 2-28-22)

WORK SESSION – ITEM 4

BZA Variance Application 2500335 submitted by Orange Creek LLC for a variance from Town Code §175-24.A. pertaining to the construction of a building and the side yard setback located on the property at 15 & 17 W. 11th Street identified by Tax Map 20A2-4-43-24. The property is located in the R-2, Residential District. The variance would effectively allow the applicant a side yard setback of 8.7 feet. The required side yard setback should be a minimum of ten feet (10'). The variance requested by the applicant is to allow a setback of less than ten feet (10') for a recently constructed two family attached dwelling.

Town of Front Royal

Department of Planning and Zoning
102 East Main Street
P.O. Box 1560
Front Royal, VA 22630

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

2500335
FRBZA _____

BOARD OF ZONING APPEALS

Application for Variance

Property Address: 15 & 17 W. 11th Street, Front Royal, VA 22630 Current Zoning: R-2

Parcel Number 20A2 4 43 24

Subdivision: _____ Section: 4 Block: 43 Lot: Lot 24

Request for variance in order to build: Boundary Line Adjusment

Fill in only the line(s) that apply to your request(s)	Code Section	Applicant has	Code requires	Variance requested
Total area				
Lot width				
Front yard setback		left, left,		Left, Left,
Minimum side yard setback	175-24.A	9.6' (front), 8.7' (rear)	10'	0.4' (front), 1.3' (rear)
Rear yard setback				
Public street frontage				
Other (write in)				

*** Six copies of a plan must be submitted with this application, showing size and location of the lot, dimensions and location of the proposed building or structure, and the dimensions and location of the existing structures on the lot.**

Applicant: Orange Creek LLC	Representative: Brent Henderson
Address: PO BOX 5137, Arlington, VA 22205	Address: 4125 Lafayette Center Dr, Ste #100
Phone: (540) 305-1977 Fax:	Phone: (540)878-3591 Fax:
email: greg.kelley@blueorionholdings.com	email: bhenderson@mossbuildinganddesign.com

REASONS FOR VARIANCE

Property Location: Front Royal

If strictly adhered to , the Town Code Sections cited above would cause unnecessary hardship as follows:

1 My use of the property would be prohibited or unreasonably restricted because of the:

exceptional narrowness,shallowness,size or shape of the property existing at the time the ordinance became effective

or

exceptional topographical conditions or other extraordinary situation or condition of the property

or

condition, situation or development of property immediately adjacent to the subject property

State **specifically** the reason/conditions affecting this property.
The lot has an irregular shape and limited buildable width, which contributed to a minor encroachment into the side yard setback. The encroachment is 0.4' at the front and 1.3' at the rear corner of the structure.

RECEIVED
JUL 3 2025
TOWN OF FRONT ROYAL
PLANNING & ZONING DEPARTMENT

BZA mtg. 8-19-25

or

2 A **clearly demonstrable hardship*** would result if a variance is not granted. Specify the hardship that would result from strict application of the ordinance.

Strict enforcement of the side yard setback would require significant structural alterations to a nearly completed home. This would involve modifying load-bearing walls and potentially compromising the building's integrity. The hardship is not financial but practical and physical, arising from the unique shape and constraints of the lot.

* **Note: Financial burden or added cost in complying with the ordinance is not a hardship under the law.**

3 My property was acquired in good faith, without foreknowledge of the restrictions upon it.

[Correct] Incorrect

The hardship outlined above is not shared generally by other properties in the same zoning district and the same vicinity

Specify: The property was acquired and developed in good faith, with no prior knowlege of the setback encroachment.

4 Authorizing this variance will not result in substantial detriment or adverse impact to adjacent property.

[Correct] Incorrect

5 The character of the district will not be changed by the granting of this variance request.

[Correct] Incorrect

Additional comments or justification may be attached on a separate sheet.

I hereby certify that all of the statements and information contained herein are, to the best of my knowledge, complete and correct. By signing this application, the owner authorizes the Board of Zoning Appeals and Town employees to enter the property during the normal discharge of their duties in regard to this request. I (we) agree to comply with any conditions for the variance required by the BZA.

Owner's Signature

Date: 06/25/2025

Douglas Kelley

Print Name

Application Fee: ~~**$400.00**~~ Pd. $650.00 by C/C on 7-3-25

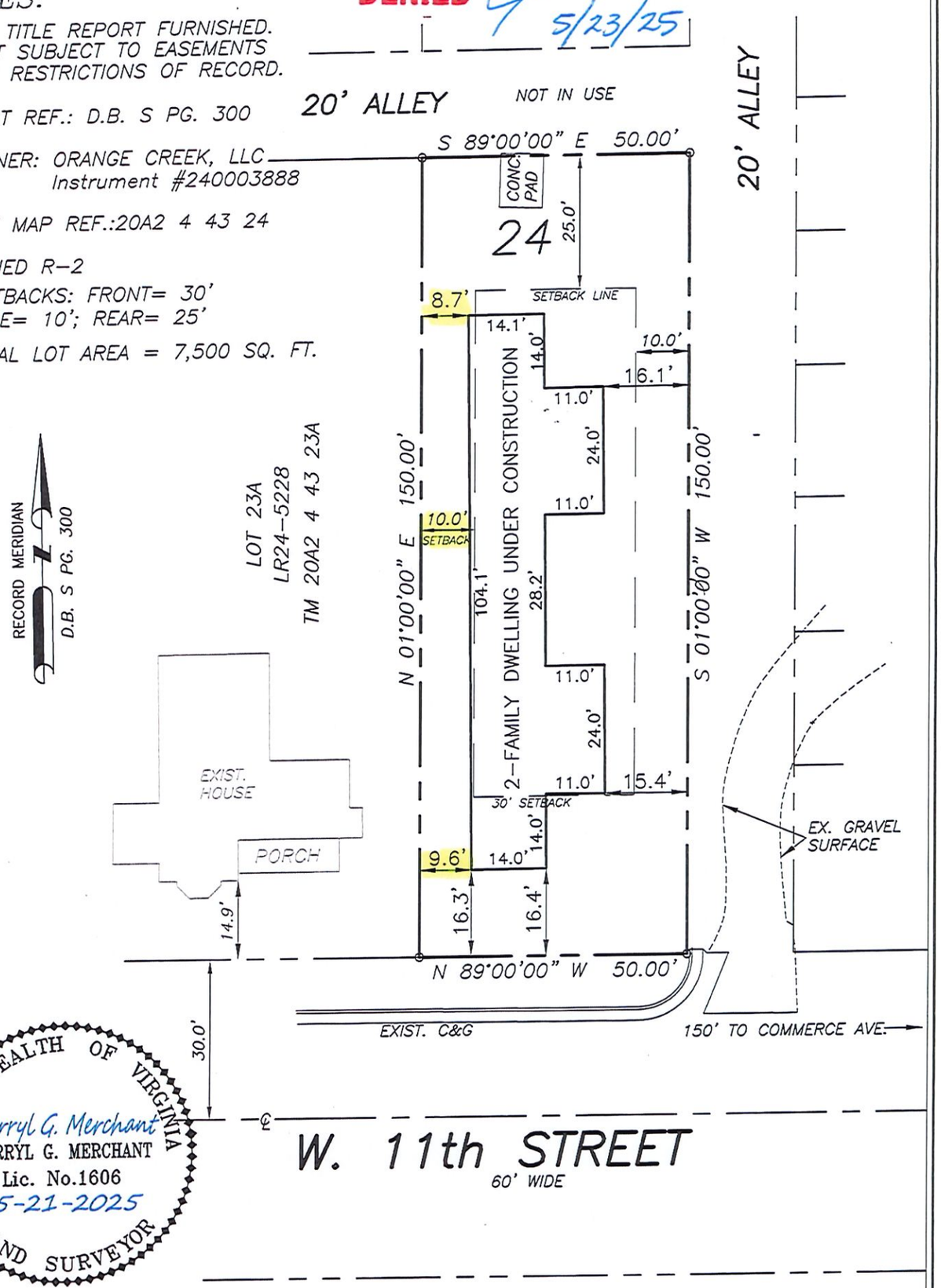
Revised June 23, 2020

APPLICATION DENIED

5/23/25

NOTES:

1. NO TITLE REPORT FURNISHED. PLAT SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.
2. PLAT REF.: D.B. S PG. 300
3. OWNER: ORANGE CREEK, LLC Instrument #240003888
4. TAX MAP REF.:20A2 4 43 24
5. ZONED R-2
   SETBACKS: FRONT= 30'
   SIDE= 10'; REAR= 25'
6. TOTAL LOT AREA = 7,500 SQ. FT.



COMMONWEALTH OF VIRGINIA
Darryl G. Merchant
DARRYL G. MERCHANT
Lic. No.1606
5-21-2025
LAND SURVEYOR

BOUNDARY INFORMATION SHOWN HEREON BASED ON CURRENT FIELD SURVEY.

SCALE: 1"= 25'
0' 25' 50' 75'

survey@measure-map.com
540-636-4949
Darryl G. Merchant
Consulting Land Surveyor
P.O. BOX 1508
FRONT ROYAL, VA 22630
DGM

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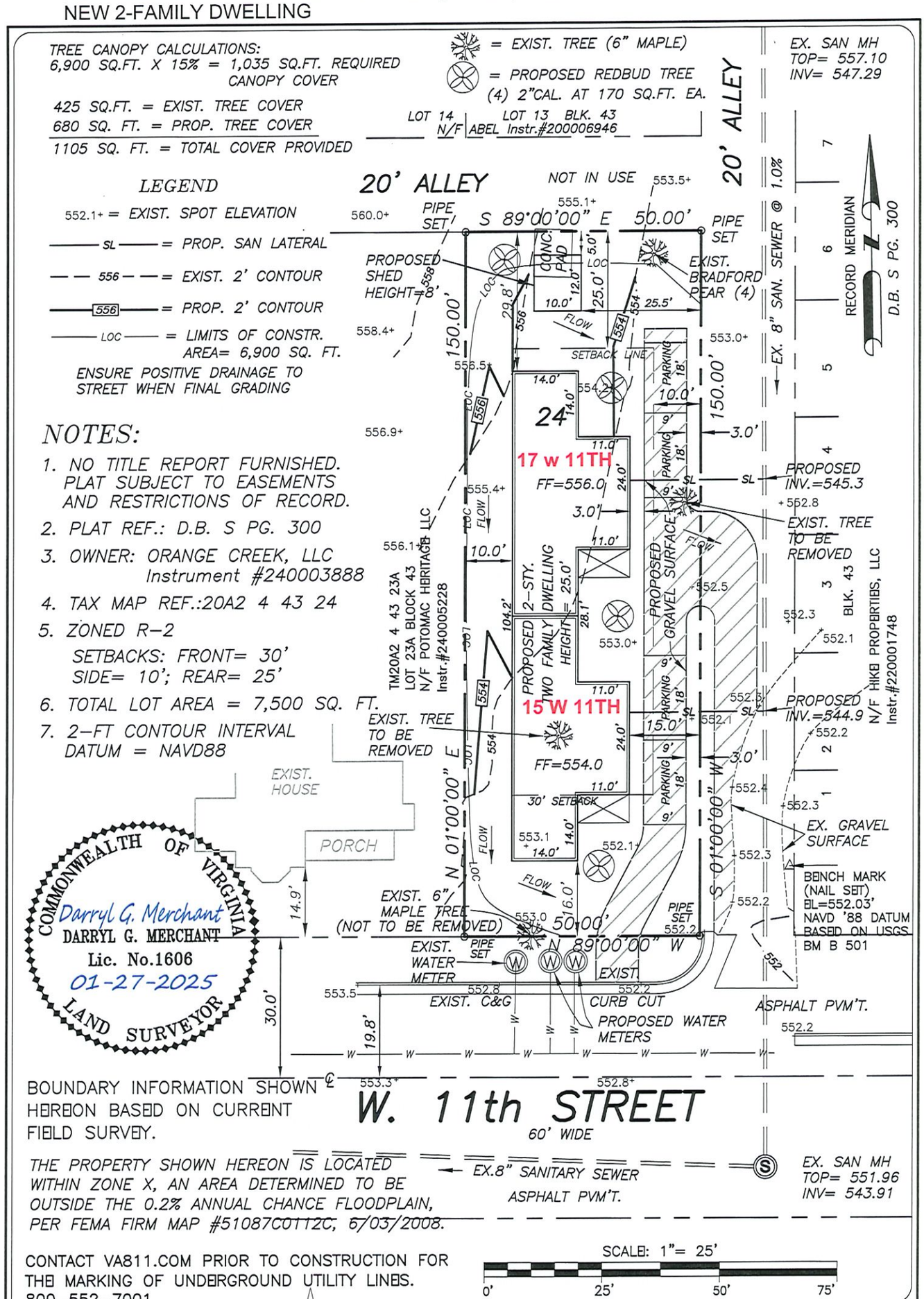
24-F138 | DWG. No. AM-1848WCS

FOUNDATION LOCATION SURVEY

LOT 24
BLOCK 43
FRONT ROYAL - RIVERTON IMPROVEMENT CO.
TOWN OF FRONT ROYAL - WARREN COUNTY, VIRGINIA

DATE: 21 MAY 2025 | SCALE: 1" = 25'

NEW ADDRESS: 15 W 11STH STREET (FRONT) AND 17 W 11TH STREET (REAR) AD25-60
NEW 2-FAMILY DWELLING



COMMONWEALTH OF VIRGINIA
Darryl G. Merchant
DARRYL G. MERCHANT
Lic. No.1606
01-27-2025
LAND SURVEYOR

survey@measure-map.com
540-636-4949
Darryl G. Merchant
Consulting Land Surveyor
P.O. BOX 1508
FRONT ROYAL, VA 22630
DGM

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24-F138 | DWG. No. AM-1848

PROPOSED HOUSE LOCATION SURVEY

LOT 24
BLOCK 43
FRONT ROYAL - RIVERTON IMPROVEMENT CO.

TOWN OF FRONT ROYAL - WARREN COUNTY, VIRGINIA

DATE: 18 DECEMBER 2024
REV.: 27 JANUARY 2025

SCALE: 1" = 25'

TOWN OF FRONT ROYAL
DEPARTMENT OF PLANNING & ZONING

T: (540) 635-4236
F: (540) 631-2727

Town Hall 102 E. Main Street
P.O. Box 1560, Front Royal, VA 22630-1560

STOP WORK ORDER

Owner: Orange Creek, LLC

Date of Order: May 23, 2025

Applicant: Moss Building and Design

Zoning Permit #: 2500013

Address: 15 and 17 W. 11th Street, Front Royal, VA
Tax Map No. 20A2-4-43-24A
Construction of Attached Two (2) Family Dwelling

IT IS HEREBY ORDERED pursuant to Town Code 175-134.1.B that all persons immediately cease and desist from and stop work pertaining to the construction of the two (2) family dwelling until the following specified corrective measures have been taken:

1. Town Code 175-24.A Each side yard shall have a minimum setback of ten feet (10').

THESE VIOLATIONS MUST BE CORRECTED prior to continuation of any construction activity.

John M. Moss

Deputy Zoning Administrator

Date: 5/23/25

☐ OFFICE COPY
☐ FIELD COPY
☑ OWNER/APPLICANT COPY
☐ WARREN COUNTY BUILDING INSPECTIONS/PERMITS

WORK SESSION – ITEM 5

2500345 – For the public necessity, convenience, general welfare, or good zoning practice, Zoning Text Amendment to Town Code §175-3 – Definitions to define Data Centers and Town Code §175-64 Industrial Employment District (I-2) to add Data Centers with performance standards by Special Use Permit.

Additions to Definitions

DATA CENTER: A use where digital information is processed, transferred, and/ or stored, occupying 10,000 square feet or more, where the majority of space is occupied by computers, servers, telecommunications and related equipment (including supporting equipment).

SMALL DATA CENTER: A use where digital information is processed, transferred, and or stored, occupying less than 10,000 square feet, where the majority of space is occupied by computers, servers, telecommunications and related equipment (including supporting equipment).

Data Center Campus (Campus): Land occupied and maintained by Data Center

Decibel Audible (dbA): Weighted power measurement for noise that filters high and low frequencies not of concern to human hearing.

Foot candles (fc): A unit of measurement for illuminance, which indicates how much light is received on a surface. Specifically, one foot-candle equals one lumen per square foot.

Luminous Efficacy (lm/w): luminous efficacy relates the luminous flux produced by a light source and the actual luminous flux emitted, i.e. how much light a light source is capable of producing and how much light it actually emits.

Correlated color temperature (CCT): It is essentially a gauge of how yellow or blue the color of light emitted from a light bulb appears. It's measured in the Kelvin.

Best Management Process (BMP): Proven and repeatable practices and workflows that represent the most effective and efficient ways to achieve organizational goals, maintain compliance, and enhance overall performance.

Emergency Management Systems (EMS): The immediate medical response and pre-hospital care provided by trained professionals (such as paramedics and emergency medical technicians) to individuals experiencing acute illness or injury, typically in emergency situations like accidents, cardiac arrest, trauma, or other medical crises.

Power Use Effectiveness (PUE): A **metric used to measure the energy efficiency of a data center.** It compares the total amount of power used by the facility to the power used specifically by the computing equipment (like servers, storage, and networking devices).

INDUSTRIAL EMPLOYMENT DISTRICT (I-2)

175-64 STATEMENT OF INTENT (I-2)

The I-2 Industrial Employment District is designed to:

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

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

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

D. Establish standards and guidelines for the construction, use and operation of Data Centers.

175-65 USE REGULATIONS (I-2)

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

RESIDENTIAL:

Caretaker quarters.

COMMERCIAL:

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

Automobile garage (auto repair).

Automobile service stations (gas stations).

Business Offices.

Coal and wood yards, lumberyards and feed/seed stores.

Commuter parking facilities.

Contractor's offices, display rooms and storage.

Furniture stores.

Lumber and building supply.

Professional Offices.

Technology Business.

Veterinary hospitals.

INDUSTRIAL:

Distribution facilities.

Light Manufacturing.

Woodworking and upholstery shop.

Wholesale.

ORGANIZATIONAL:

Laboratory, pharmaceutical and/or medical.

Schools.

MISCELLANEOUS:

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 (1) or more enumerated uses by the Zoning Administrator.

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

RESIDENTIAL:

COMMERCIAL:

Airport (including heliports).

Assembly Halls.

Barber and beauty shops.

Catering Services.

Clubs.

Daycare and daycare facilities.

Kennels.

Recreation facility, commercial.

Restaurant, including drive-in restaurants.

Retail Stores.

INDUSTRIAL:

Automobile Graveyard.

Data Center (subject to the supplemental provisions prescribed in Section 175-70.J & 175-74)

Hazardous Material Storage.

Heavy Manufacturing.

Medium Manufacturing.

Scrap metal processing.

ORGANIZATIONAL:

MISCELLANEOUS:

Any use permitted under Section 175-65.A, or specifically listed above under this subsection, that proposes to occupy a building or structure that exceeds the height requirements of Section 175-67, subject to the requirements of Section 175-136. Additional heights approved by a special use permit shall be required to increase the required setback and yard area requirements by an equivalent distance from each property line.

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

Conservation Areas.

Mini-warehouses.

Parking Structures.

(Ord. of 6-26-00; Ord. of 4-14-03; Ord. of 7-25-05; Ord. of 9-26-05; Ord. of 7-28-08; Ord. of 2-28-11; Ord of 6-22-15; Ord. of 3-28-16)

175-66 AREA REGULATIONS (I-2)

A. *Minimum lot size:* Twenty thousand (20,000) square feet.

B. *Minimum lot width:* Eighty (80) feet.

C. *Minimum district size:* Ten (10) acres.

175-67 MAXIMUM HEIGHT OF BUILDINGS (I-2)

A. *All buildings/structures:* Seventy-five (75) feet, except as provided for in Section 175-65.B.

B. *Exemptions to height requirements:*

1. Chimneys and flues.
2. Cooling towers.
3. Flagpoles.
4. Radio and communications towers.
5. Parapet walls up to four (4) feet above the height of the building on which the wall rests.
6. Water towers.
7. Elevator towers.

175-68 MINIMUM YARD DIMENSIONS (I-2)

A. *All structures:*

1. Front: Twenty-five (25) feet.
2. Side: Ten (10) feet.
3. Rear: Zero (0).
4. Corner side: Twenty-five (25) feet.

B. *Transitional requirements, when adjoining a residential district:*

1. Side: Forty (40) feet.
2. Rear: Forty (40) feet.
3. All transitional yards shall be landscaped in accordance with Section 148-44.

175-69 LOT COVERAGE (I-2)

A. *Maximum building coverage:* Fifty percent (50%).

B. *Maximum impervious surface coverage:* Seventy-five percent (75%).

175-70 PERFORMANCE STANDARDS (I-2)

The following performance standards shall apply to all uses within the I-2 Industrial Employment District:

A. *Vibration:*

1. No continuous, frequent or repetitive vibrations shall be produced which are discernible to a person of normal sensitivities, without instruments, on land that is not zoned for industrial uses.
2. Vibrations from temporary construction and vehicles leaving the property (such as trucks or trains) are excluded. Vibrations from on-site equipment or vehicles that remain primarily on-site are included.
3. Vibrations of no more than five (5) minutes in any one (1) day between the hours of 7:00 a.m. and 7:00 p.m. shall not be deemed continuous, frequent or repetitive.

B. *Glare:* Any operation or activity producing intense light or glare shall be performed in such a manner as not to create a glare effect across lot lines. Direct illumination from any source shall be screened from adjoining properties.

C. *Heat:*

1. Heat from an industrial use shall not at any time cause a temperature increase in the air on any adjacent property in excess of ten degrees Fahrenheit (10° F.).
2. Heat from an industrial use shall not at any time cause a temperature increase in a stream, wetland, lake or any other body of water, at or beyond the property line of the lot on which it is located, that would have an adverse effect on any aquatic life.

D. *Liquid or Solid Wastes:*

1. No industrial use shall result in the discharge of liquid or solid waste into any public sewer, private sewage system, public waters or into the ground except in compliance with applicable federal, state or local laws governing such discharge.
2. There shall be no accumulation outdoors of solid wastes conducive to the breeding of rodents or insects.

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

E. *Smoke and Particulate Matter:*

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

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

F. *Toxic and Hazardous Materials:*

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

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

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

G. *Odor:*

1. No continuous, frequent or repetitive emission of odors or odor-causing substances of such intensity and character as to be detrimental to the health and welfare of the public or neighboring landowners or to interfere with the comfort of the public or neighboring landowners at or beyond the property line shall be permitted. Any such odor or odor causing activity or substance shall be removed, stopped or so modified as to remove the odor.

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

H. *Noise:*

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

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

3. Maximum permitted sound levels (in decibels):

Octave Band Cycles Per Second	Maximum Permitted Sound Level in Decibels
0 to 75	72
75 to 150	67
150 to 300	59
300 to 600	52

600 to 1200	46
1200 to 2400	41
2400 to 4800	38
Above 4800	35

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

I. *Screening:*

1. Except where otherwise specifically approved in the Town Code, permitted uses shall be conducted wholly within a completely enclosed building.

2. Outdoor storage, outdoor display or outdoor sale of goods shall only be permitted when each of the following standards are met:

   a. Outdoor storage, outdoor display, or outdoor sale of goods shall be used in direct association with the primary use or uses of the property.

   b. Outdoor storage, outdoor display and/or outdoor sales shall be screened to obstruct view from any adjacent public street. A screen may consist of a building, solid masonry wall, uniformly painted solid board fence or landscaping. The height of the screening shall be six feet (6') feet unless an alternative height is approved by the Planning Commission during the review of a site plan.

3. The following types of outdoor display and/or outdoor sales shall be exempt from the requirements of Section 175-70.I.2.b:

   a. Motor vehicles.

   b. Power operated machines designed for outdoor labor, such as farming, construction or lawn maintenance, as well as large equipment, products, and materials designed to be kept outdoors.

   c. Plants and other landscaping products typically sold with plants.

   d. Temporary or seasonal activities, such as but not limited to, peddlers and itinerant merchants that have obtained approval from the Town.

   e. Pre-manufactured buildings.

   f. Vending machines.

   g. General products, goods, merchandise, and/or materials, provided that: (i) no more than two hundred (200) square feet of area is used, and (ii) outdoor display and/or sales are restricted from the evening and night hours from 8:00 p.m. to 5:00 a.m., except that general products, goods, merchandise, and/or materials may be kept outdoors if located under a roofed structure.

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

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

J. *Data Center Performance Standards:*

1. Data centers shall be subject to application requirements and performance standards intended to mitigate adverse impacts on adjacent properties, infrastructure, and natural resources. These standards shall address, at a minimum, operational noise, visual buffering, stormwater management, energy infrastructure, and emergency power systems. Application requirements will include:
    a. Data Center Utility Impact Analysis.
    b. Data Center Physical Impact Analysis.
    c. Data Center Environmental Impact Analysis.
2. Data Center Impact Analysis requirements can be found in section 175-74.

Minimum Setback Requirements:

1. Adjacent to residential zoning districts: minimum setbacks shall be at least 200 feet..
2. Adjacent to Planned Neighborhood Development (PND) zoning districts: minimum setbacks shall be at least 150 feet.
3. Adjacent to commercial and industrial zoning districts: minimum setbacks shall be at least 25 feet.
    a. Adjacent to public streets, railways and other rights-of-way: minimum setbacks shall be at least 40 feet.
    b. Adjacent to Agriculture and Open Space Preservation District (A1) shall be no less than 100 ft.
    c. Unless otherwise specified by zoning districts of the Town of Front Royal, setbacks for property that adjoins the corporate limits of the town shall have a setback or no less than 200 ft.
    d. Between buildings: Within a common scheme of development where individual lots or building sites are to be sited, the minimum setback between buildings on adjacent lots or building sites shall be at least 25 feet.

Perimeter Buffers:

1. All buffers shall be inclusive of required setbacks.
2. Buffer yard plantings shall be designed to minimize visual impacts from adjacent public streets and properties not in common ownership. Notwithstanding the requirements of this section, use of natural topography and preservation of existing vegetation, supplemented by new vegetation and security fencing. All new trees shall be at least 6 feet tall at time of planting and achieve a height of at least 25 feet at maturity.
3. A perimeter buffer shall be established and maintained with a minimum width of twenty-five feet along the perimeter of each Data Center Campus. In addition, additional plantings within the setback area but spread outside of the separately landscaped perimeter buffer shall be installed and maintained by the campus owner.

3. Open Spaces

a. A minimum of thirty (30) percent open space (permeable surface area) shall be maintained for each campus or contiguous group of parcels in common ownership within the lot, including undeveloped land, wetlands, steep slopes, stormwater best management practice features, open areas, landscape buffers, and land used primarily for resource protection or recreational purposes.

b. The on-site open space requirement may be reduced to 20% on a parcel where all stormwater best management practices are designed where all volume and nutrient treatment occurs on site without the purchase of offsite nutrient credits.

4. Noise Standards

a. Any noise which emanates from operation or other activity associated with any data center or research, development, or light manufacturing facility, or their accessory uses will be limited to a maximum volume in A-weighted decibels of 59 dBA during the day (7:00 a.m. until 10:00pm) and 52 dBA night (10:00pm through 7:00 a.m.). Such levels may be measured at the campus boundary.

Exemptions would include:

1. Construction work (governed by existing noise ordinance).
2. Emergency operations.

b. Generator testing shall be conducted between 7:00 a.m. until 10:00 pm unless testing at a time outside of this range is required by the Department of Environmental Quality.

c. The sound study shall be specific to the proposed site layout and building type, scale, and height shown on the site plan and shall evaluate (i) the noise conditions at the site prior to project development at set locations as determined by the Town and (ii) provide model-predicted noise conditions resulting from the proposed project post-development.

d. The sound study shall include recommendations for mitigation measures, and which mitigation measures, if applicable, should be incorporated into conditions of issuance of site plan approval, or to issuance of building permit(s).

e. The sound study shall be specific to the proposed site layout and building type, scale, and height shown on the site plan and shall evaluate (i) the noise conditions at the site prior to project development at set locations as determined by the Town and (ii) provide model-predicted noise conditions resulting from the proposed project post-development.

f. The sound study shall include recommendations for mitigation measures, and which mitigation measures, if applicable, should be incorporated into conditions of issuance of site plan approval, or to issuance of building permit(s).

h. Post-development noise conditions at and/or within the lot will be evaluated and compared to all local code requirements within sixty (60) days after the issuance of the/a occupancy permit for each phase and/or campus facility, and annually thereafter for a period of ten (10) years. Said evaluations shall be conducted by the campus operator at a time(s) generally known for peak data center cooling operations.

g. Backup generators shall be housed in an interior structure for noise abatement.

5. **Outdoor Lighting Standards**

a. Lighting standards apply to all new data centers in Front Royal, as well as expansions or renovations involving exterior lighting.

b. A photometric Lighting Plan must accompany site/subdivision plan or building permit applications, showing:

1. Fixture locations & mounting heights.
2. Full manufacturer's specs (cutoff, wattage, CCT, shielding).
3. Calculated illuminance (fc) over the site and at all property lines.

4. Light trespass values extending to adjacent residential or commercial zones.

c. Fixture Requirements

1. Fixtures ≥ 3,000 lumens must be full-cutoff, horizontal, and shielded to avoid upward glare.
2. Private security lighting is allowed if motion-activated and ≤30 minutes per activation.

d. Mounting Heights

1. Pole lights: Max 25 ft in industrial zones.
2. Wall-mounted lights: Max 20 ft above finished grade.

e. Color Temperature & Efficiency

1. Correlated color temperature (CCT) ≤ 3,000 K.
2. Minimum efficacy 110 lm/W.
3. LED or energy-efficient equivalent mandatory.

f. Illuminance Limits

1. Entries/loading zones: ≤ 10 fc.
2. Parking areas: ≤ 5 fc average.
3. Drive aisles/internal roads: ≤ 3 fc.
4. Perimeter fencing: ≤ 1 fc.
5. At property lines: ≤ 0.2 fc (adjacent residential); ≤ 0.5 fc (adjacent non-residential).

g. Controls & Dim-Down Requirements

1. Dimming ≥ 50% within 30 minutes of facility close (unless lighting supports active operations).
2. Photocells or timeclocks required.
3. Occupancy sensors in low-traffic/service areas.

h. Prohibitions

1. No exposed floodlights, cobra heads, uplighting, colored or flashing lights (unless emergency).
2. No light trespass or glare onto surrounding public roads.
3. Exceptions (Special Exception Only)
   Security lighting exceeding standard limits may be approved if:
   a. Motion-activated or timed.
   b. Limited to ≤ 5 minutes per activation.
   c. Proved no glare or boundary trespass.

i. Compliance Verification

1. Prior to Certificate of Occupancy, the applicant must submit:
   a. Field measurements from a lighting engineer, or

b. Engineer certificate attesting full compliance.

6. **Water Cooling Standards**

1. No permitted or accessory use described in the underlying zoning district shall be permitted to permanently utilize potable water for industrial cooling, including but not limited to a data center cooling.

2. Shall not apply to water requirements of domestic water (drinking water and sanitary facilities for employees and occupants) and fire suppression standards.

3. Temporary potable water for industrial cooling may be provided through a Water Service Agreement approved by the Town Council to bridge initial water requirements while an industrial reuse water cooling system is constructed.

7. Building Height Standards

1. The maximum height shall be no more than seventy-five (75) feet.

2. The height limitation shall not apply to parapets, screening, spires, belfries, cupolas, roof-mounted antennas or communications towers, air cooling ventilation equipment, ventilators, or other appurtenances usually required to be placed on the roof level and not intended for human occupancy, which shall be subject to the exception stated in Town Code.

3. A special exception may be permitted via the Special Use Permit process.

8. Building Size Standards

1. The maximum size of an individual building is 100,000 square feet. A special exception is required to exceed this size. A special exception may be permitted via the Special Use Permit process.

9. Differentiated Surfaces Standards

a. Any building facade visible from adjacent properties or public streets shall incorporate a differentiation that breaks the mass of the facade every 100 horizontal linear feet and no less frequent than 3 times the average height of the building by changes in at least two of the following design elements: building height, facade step-back or recesses (minimum 2 1/2 feet depth), fenestration, façade materials, pattern, texture, color, or use of accent materials. All visible facades of a building must be consistent in terms of design, materials, details, and treatment.

b. Windows, doors, or similar fenestration design features such as faux windows must be distributed horizontally and vertically across the façade and comprise a minimum of 15% of each visible building façade. A green-wall treatment may be provided to meet up to half of the required 15% area.

c. The following elements shall be included in the building design:
   i. A main entrance feature that is differentiated from the remainder of the façade;
   ii. High albedo or light-colored roof;
   iii. Enclosures for on-site generators; and
   iv. Shrouds for any exhaust stacks.

10. Building façade material requirements

a. Primary facade materials shall be limited to one or more of the following: tinted textured masonry block, pre-cast concrete, tilt-up concrete panels, brick or stone veneer, glass (clear or architectural panels), stucco and external insulation finish system that simulates a stucco appearance, metal panel systems, structural metal siding, or smooth-faced concrete blocks. All metal panels shall be fully engineered, architectural quality systems.

b. Accent or trim building materials may include any of the primary facade materials, wood, fiber cement, vinyl, or composite trim.

11. Data Center Parking Standards

Small data center:	1 parking space/1,000 square feet.
Large Data Center:	4 parking spaces for the first 4,000 square feet and a maximum of 1 parking space for every additional 6,000 square feet.

175-71 LOCATIONS FOR DETERMINATION OF PERFORMANCE STANDARDS (I-2)

Measurements may be made at ground level or at habitable levels of buildings. Measurements shall be made at the property boundary of the parcel where the industrial use is located.

175-72 ADMINISTRATION AND ENFORCEMENT OF PERFORMANCE STANDARDS (I-2)

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

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

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

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

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

A. *Parking space requirements:*

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

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

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

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

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

C. *Loading space requirements:*

1. Number: One (1) space for first ten thousand (10,000) square feet of gross floor area, plus one (1) space for each additional forty thousand (40,000) square feet or fraction thereof. For purposes of this section, gross floor area shall include gross outdoor storage areas, covered or uncovered.

2. Size of space: Minimum twelve (12) feet wide and fifty-five (55) feet in length, with a minimum clear height of fifteen (15) feet.

175-74 Data Center Impact Analysis (I-2)

Required Utility Impact Analysis (UIA)

Applicants must include a UIA certified by a Professional Engineer, containing:

1. **Electrical System Impacts**
   a. Projected peak & average load (MW).
   b. Power delivery plan (e.g., Dominion Energy service connections, Rappahannock Electric CoOp and Front Royal Power). Impact shall include Backup generator plans.
   c. Grid impact assessment: load studies, reliability analysis.
   d. Utility coordination documentation verifying capacity or required upgrades.
   e. Statement on cost/responsibility for infrastructure enhancements (e.g., private vs. public).

2. **Water & Wastewater Assessment**
   If applicable:
   a. Daily and peak water usage (gallons/day).
   b. Cooling technology description (closed-loop, evaporative, reuse).
   c. Impact analysis on municipal water/wastewater systems.
   d. Water treatment plan for recycled water and other fluids.
   e. Correspondence from the Town of Front Royal/Public Works on capacity & fees.

3. **Telecommunications Infrastructure**
   a. Summary of fiber/broadband needs and planned connectivity.
   b. Confirmation from providers regarding availability and capacity.

4. **Sustainability & Efficiency Measures**
   a. Energy-efficiency features, including Power Use Effectiveness (PUE) targets.
   b. On-site renewable energy or offset strategies.
   c. Noise and heat mitigation strategies (e.g., screening, sound dampening, limited generator testing hours).

5. **Review Criteria**:
   a. Adequate utility capacity and service availability.

b. Whether infrastructure upgrades are funded by the developer, not taxpayers.
c. Environmental/sustainability mitigations and community impacts (noise, heat, water use).

B. Data Center Physical Impact Analysis

Purpose
To ensure new data centers can integrate within the surrounding environment by evaluating their physical impacts to include:

1. Noise.
2. Traffic.
3. Visual appearance.
4. Heat.
5. Site development as part of the review process.

Physical Impact Analysis (PIA) Required
Applicants must submit a Physical Impact Analysis (PIA), prepared by a qualified engineer, architect, or planner, as part of the zoning or site plan application. The PIA shall include the following:

1. **Noise Impact Study**
   a) Assessment of projected operational noise (e.g., cooling units, generators) at property boundaries.
   b) Description of generator testing schedules and backup systems.
   c) Comparison to Town noise ordinance thresholds (in dBA).
   d) Mitigation measures: sound walls, enclosures, operational limits.

2. **Heat and Air Emissions Impact**
   a) Analysis of waste heat discharge from servers and HVAC systems.
   b) Evaluation of any thermal plumes or heat impacts on adjacent properties or ecosystems.
   c) Description of cooling system emissions (water vapor, particulates if using evaporative or diesel systems).
   d) Heat mitigation strategies: green roofs, heat exchangers, landscaping, exhaust redirection.

3. **Traffic and Access Impact**
   a) Description of construction and operational traffic volumes, including truck deliveries, equipment servicing, employee vehicles.
   b) Peak trip generation analysis using Institute of Transportation Engineers **(**ITE) standards (Land Use 770: Data Center).
   c) Truck routing and site access plans.
   d) Traffic mitigation strategies: turn lanes, signalization (if warranted).
   e) Coordination with Town and VDOT if applicable.

4. **Visual and Aesthetic Impact**
   a) Rendered site elevations or photomontages showing the facility from public roads and adjacent uses.
   b) Analysis of height, scale, and bulk compared to surroundings.
   c) Screening plans: landscaping, fencing, architectural treatments.
   d) Exterior lighting plan demonstrating compliance with dark sky standards.

5. **Vibration and Ground Impact (if applicable)**
    a) Analysis of potential vibration impacts from generators, cooling towers, or mechanical systems.
    b) Mitigation strategies: vibration dampers, equipment pads, sound-absorbing materials.

6. **Land Use Compatibility Assessment**
    a) Assessment of how the facility aligns with adjacent zoning, comprehensive plan, and surrounding land uses.
    b) Identification of sensitive uses nearby (residential, schools, parks, trails).
    c) Compatibility strategies: setbacks, buffering, hours of operation, community engagement.

7. **Review Criteria**
    The Zoning Administrator and Planning Commission shall evaluate the PIA for:
    a) Conformance with Town noise and lighting regulations.
    b) Adequacy of visual screening and building orientation.
    c) Impacts on neighboring land uses and mitigation adequacy.
    d) Safe and sufficient traffic circulation and site access.
    e) Compliance with sustainability and resiliency goals in the Town's Comprehensive Plan.

8. **Conditions of Approval**
    a) Approval of a zoning permit or site plan for a data center shall be contingent upon satisfactory mitigation of any significant physical impacts identified in the PIA.
    b) Noise testing, generator operation logs, or traffic monitoring may be required as conditions of approval.

9. **Enforcement and Monitoring**
    a. The Town shall require a post-construction physical impact audit to verify compliance with approved mitigation measures.
    b. Violations of approved physical performance standards may result in fines, operating restrictions, or permit revocation.

C. Data Center Environmental Impact Analysis

Purpose
To evaluate and mitigate the potential environmental impacts of data center development—particularly land disturbance, air and water quality degradation, and energy and carbon intensity, in a manner that protects the Shenandoah Valley's natural resources and supports sustainable land use in the Town of Front Royal.

Required Environmental Impact Analysis (EIA)
Applicants shall submit an Environmental Impact Analysis (EIA) prepared by a qualified environmental consultant, certified engineer, or licensed planner. The EIA must be submitted as part of the rezoning application package:

1. **Land Disturbance and Soil Impact Assessment**
    a) Total area of grading, clearing, and impervious surface coverage.
    b) Soil erosion potential and slope stability (per NRCS classification).
    c) Mitigation measures: erosion & sediment control plan, phased clearing, vegetated buffers.

2. **Stormwater and Water Quality Analysis**
    a) Stormwater runoff projections under pre- and post-development conditions.
    b) Identification of potential pollutants of concern (e.g., heated discharge, oils, sediment).

c) Description of Best Management Practices (BMPs) and green infrastructure used (e.g., bioswales, retention basins).
d) Compliance with VA DEQ stormwater regulations and Town stormwater ordinance.
e) Impacts on nearby surface waters or floodplains (e.g., Shenandoah River tributaries).
f) Waste water from industrial processes must be treated to applicable EPA standards either on site or removed for treatment elsewhere before release.

3. **Air Quality and Emissions Impact**
   a) Estimation of greenhouse gas emissions, diesel generator emissions (NOx, PM2.5, CO2).
   b) Identification of airborne pollutants during construction and backup power use.
   c) Mitigation plans: generator testing limits, air filtration, clean diesel or battery backup.

4. **Energy and Carbon Intensity Analysis**
   a) Projected annual energy consumption and Peak Load in Mega Watts (MW).
   b) Use of renewable energy sources, energy efficiency measures Power Use Effectiveness (PUE) targets, server cooling efficiency).
   d) Carbon offset strategies, if applicable.
   e) Leadership in Energy and Environmental Design (LEED) or equivalent sustainability certification plans (if proposed).

5. **Ecological and Habitat Impact Assessment**
   a) Description of site's pre-development vegetation, habitat, and biodiversity.
   b) Inventory of wetlands, streams, or critical habitats based on field survey or state/federal datasets.
   c) Documentation of compliance with the Chesapeake Bay Preservation Act, if applicable.
   d) Wildlife impact mitigation (e.g., tree preservation, fencing, lighting restrictions for nocturnal species).

6. **Hazardous Materials and Spill Prevention Plan**
   a) Identification of onsite fuel or chemical storage (e.g., diesel, refrigerants, batteries).
   b) Spill containment and response strategies.
   c) Emergency environmental response procedures and coordination with Fire & EMS.

7. **Facility Life Cycle Plan**

   a) A facility life cycle plan shall be included prior to approval of site plan.

   b) Comprehensive planning to provide information needed to make sound decisions about facility project planning and base development.
   c) Design
      a. The materials, technologies, and types of systems chosen that have a direct and life-long impact on operation, maintenance, repair, and dispose of the facility.
   d) Restoration or Disposal
      a. Plans for the repurposing, demolition and rehabilitation of land after end of use of facility.

8. **Review Standards**

   The Zoning Administrator, Town Council (Town Engineer), and Planning Commission shall evaluate the EIA to determine:

a) Whether proposed mitigation sufficiently reduces impacts to soil, air, water, and habitat.
b) If the project complies with Town ordinances, State DEQ standards, and federal Clean Water/Air Acts.
c) The project's alignment with sustainable development goals of the Town Comprehensive Plan.

9. **Conditions of Approval**

Approval of any zoning, site plan, or zoning permit for a data center is contingent upon:

a) Town verification of compliance with applicable stormwater, erosion, and pollution control measures.
b) Developer commitment to implement all environmental mitigations identified in the approved EIA.
c) Provision of updated documentation if project changes increase environmental footprint.

10. **Post-Construction Monitoring**

For major facilities, the Town may require annual post-construction reporting, submitted to Planning and Zoning on:

a) Actual energy use and carbon emissions vs. projected.
b) Groundwater or surface water sampling.
c) Long-term maintenance of stormwater Best Management Practices (BMPs) and erosion controls.

Data Center Text Amendment Overview

Front Royal Planning Commission July 2024

Data Center Text Amendment Composition

- **The Code of Virginia § 15.2-2280 gives Front Royal the authority to enact zoning ordinances in the local municipal code**
  - **It allows towns to divide their territory into districts and regulate land use, density, size, height, location of structures, and use of buildings and land as shown below;**
    - **Use of land (residential, commercial, industrial, agricultural, business, flood plain, and other specific uses)**
    - **The size, height, area, bulk, location, erection, construction, reconstruction, alteration, repair, maintenance, razing, or removal of structures**
    - **The areas and dimensions of land, water, and air space to be occupied by buildings, structures and uses, and of courts, yards, and other open spaces to be left unoccupied by uses and structures, including variations in the sizes of lots based on whether a public or community water supply or sewer system is available and used**
    - **The excavation or mining of soil or other natural resources**

Data Center Text Amendment Composition

- **The Data Center Text Amendment is an addition to the existing I-2 zoning regulations 175-64 in the Front Royal Municipal Code**
- **The text amendment consists of 4 parts:**
  - **Performance Standards**
    - **Quantitative or qualitative measures that regulate the effects or performance of a land use such as noise, traffic, emissions, light, and environmental impact.**
  - **Utility Impact Analysis**
  - **Physical Impact Analysis**
  - **Environmental Impact Analysis**
- **The text amendment is designed to provide a technical, legal and ethical standard for Data Centers while protecting the interests of the citizens of Front Royal.**

Performance Standards

- **Performance Standards are are a method of further regulating land use based on specific, measurable criteria that a development must meet**
- **Data centers will be allowed by Special Use Permits (SUP) only. The SUP process allows for additional conditions to be added to meet specific applications**
  - **Minimum Setback Requirements**
    - **Setbacks serve different functions depending on which side of the property they apply to and what is the adjoining property.**
      - **Setbacks for Data Centers are:**
        - **200 feet Residential.**
        - **150 feet Planned Neighborhood Development (PND).**
        - **25 feet when adjacent to other commercial property.**
        - **40 feet when adjacent to public streets, railways and other right of ways.**
        - **100 feet when adjacent to Agriculture and Open Space Preservation District (A1).**
        - **200 feet unless otherwise specified by zoning districts of Warren County, setbacks for property that adjoins the corporate limits of the town .**
    - **Setback distances protect residential zones at the strictest level and other zones based on their function and existing background noise level.**
      - **A road or railroad tracks have a higher background noise level that is much higher than the required maximum noise level set for property boundary of Data Centers.**
      - **Noise standards chosen reflect both technical standards and experiences from other localities in Virginia.**

Performance Standards (cont.)

- **Perimeters Buffers**
  - **Buffer yard management shall be designed to minimize visual impacts from adjacent public streets and properties not in common ownership.**
  - **Buffer is established and maintained with a minimum width of twenty-five feet along the perimeter of each Data Center Campus.**
    - **Additional plantings within the setback area but spread outside of the separately landscaped perimeter buffer shall be installed and maintained by the campus owner.**
- **Open Spaces**
  - **A minimum of thirty (30) percent open space (permeable surface area) shall be maintained for each campus.**
    - **Additional regulations to protect steep slopes, flood management and best practice features shall be implemented.**

Performance Standards (cont.)

- **Noise Standards**
  - **Any noise which emanates from operation or other activity associated with any data center is regulated.**
    - **A-weighted decibels of 59 dBA during the day (7:00 a.m. until 10:00pm).**
    - **52 dBA night (10:00pm through 7:00 a.m.) .**
    - **Generator testing shall be conducted between 7:00 a.m. and 10:00 pm.**
      - **Generators shall be in an enclosed structure.**
  - **A sound study shall be accomplished and specific to the proposed site layout and building type, scale, and height shown on the site plan.**
    - **The sound study shall include recommendations for mitigation measures and implementation plans for mitigation.**
    - **Post-development noise conditions will be evaluated and compared to all local code requirements within sixty (60) days after the issuance of the/a occupancy permit and then annually for the next 10 years.**

Performance Standards (cont.)

Typical Daily Environmental Noise

Sound Source	Typical dBA Level
Threshold of hearing	0 dBA
Whisper (at 3 feet)	30 dBA
Quiet library	35–40 dBA
Normal conversation (3–5 ft)	55–65 dBA
Background music in a store	60 dBA
Busy office	60–70 dBA
Vacuum cleaner	70–75 dBA
Average traffic (inside a car)	70–85 dBA
Shouting (at 3 feet)	85–95 dBA
Lawnmower (gas-powered, close)	85–90 dBA
Hair dryer	85–90 dBA
Blender	85–90 dBA
Large truck (close by)	90–100 dBA
Jackhammer (close by)	100–110 dBA
Rock concert / nightclub	110–120 dBA
Ambulance siren (close)	120 dBA
Jet takeoff (at 100 ft)	130 dBA
Threshold of pain	130–140 dBA
Leaves rustling / light breeze	10–20 dBA
Light bird chirping	40–50 dBA
Thunderclap	120 dBA+

Data Center Noise Standard at property line falls within this range

Performance Standards (cont.)

- **Outdoor Lighting Standards**
  - **A photometric Lighting Plan must accompany site/subdivision plan or building permit applications, showing:**
    - **Fixture locations & mounting heights.**
    - **Full manufacturer's specs (cutoff, wattage, CCT, shielding).**
    - **Calculated illuminance (fc) over the site and at all property lines.**
    - **Light trespass values extending to adjacent residential or commercial zones.**
    - **Work within Dark Sky Compliance standards.**
    - **Protect surrounding properties from excessive spillover of light.**

Performance Standards (cont.)

- **Water Cooling Standards**
  - **Data Centers are not permitted to permanently utilize potable water for industrial cooling, including but not limited to a data center cooling.**
    - **Shall not apply to water requirements of domestic water (drinking water and sanitary facilities for employees and occupants) and fire suppression standards.**
    - **Temporary potable water for industrial cooling may be provided through a Water Service Agreement approved by the Town Council to bridge initial water requirements while an industrial reuse water cooling system is constructed.**

Performance Standards (cont.)

- **Building Height and Size Standards**
  - **The maximum height shall be no more than seventy-five (75) feet.**
    - **75 Feet height is common in industrial areas to allow for cranes, flexibility for heavy equipment & machinery, storage and warehousing and allowing for various manufacturing processes.**
- **Building size and number of buildings**
  - **Size limited to 100,000 sq ft building.**
    - **Prevents Hyper-Scale Data Centers.**
    - **The determination of number or density possible on a given site is driven by the results of the Utility Impact Analysis, Physical Impact Analysis, and Environmental Impact Analysis as well as the inherent Performance Standards. The Data Center impact analysis are rigorous and are evaluated on a case-by-case basis. Setting some unsupported number of buildings per acre could be seen as arbitrary and capricious would be legally questionable.**

Performance Standards (cont.)

- **Data Center aesthetics and appearance**
  - **The Data Center will be required to have differentiated surfaces and building façade material requirements.**
    - **Avoid large ugly monotonous buildings.**
- **Parking Standards**
  - **Standard parking formulas do not apply well to data centers.**
    - **Smaller number of people given number of square feet in facility.**
    - **Allows for greater permeable area which is captured in requirements.**

Performance Standards (cont.)

Proposed Data Center Standards and Current I-2 Code Allowed With SUP

Minimum Distance from Property Line	Residential	PND	Adjacent to Commercial	Public Streets & other R-O-W	Adjacent to A-1 (Agriculture & Open Space	Corporate Boundary with Warren County
Data Center Use	200 Feet	150 Feet	Side 25 Feet Rear 25 Feet	40 Feet	Side 100 Feet Rear 100 feet	200 Feet
Other Uses (Hazardous Material Storage, Automobile Graveyard, Scrap Metal Processing, etc.	40 Feet	40 Feet	Side 10 Feet Rear 0 Feet	25 Feet	Side 10 Feet Rear 0 Feet	Side 10 Feet Rear 0 Feet

Performance Standards (cont.)

- **Summary**
  - **The Data Center Performance Standards are significantly influenced by the proposed zoning regulations and are both qualitative and quantitative**
    - **The quantitative part of these proposed regulations govern the location, design and operational parameters of facilities and are derived by comparative analysis with surrounding jurisdictions as well as technical standards. They also ensure data centers comply with land use designations, building height and size limits, setbacks and noise control, open space and buffers, lighting standards, water cooling standards, visual impacts and parking standards.**
    - **The qualitative part of these performance standards help balance the perceived technical performance, safety, environmental responsibility and community compatibility of data center facilities.**
      - **In addition, the required Impact Analysis will further shape and control development activities and along with performance standards ensure Data Center compatibility with adjoining properties**
  - **Focusing purely on the numbered standards of performance of others or our own standards will not in its self yield the desired results. It will be decided by a balance of both Performance and Impact analysis data and careful evaluation of all available information.**

Data Center Impact Analysis

- **Utility Impact Analysis**
  - **Safeguard Front Royal's utility infrastructure**
    - **Especially power, water, and telecommunications.**
    - **Support sustainable economic development.**
  - **Utility Impact Analysis includes:**
    - **Electrical System Impacts.**
    - **Water & Wastewater Assessment.**
    - **Telecommunications Infrastructure.**
    - **Sustainability & Efficiency Measures.**
    - **Review Criteria.**
    - **Approval Condition.**

Data Center Impact Analysis (cont.)

- **Data Center Physical Impact Analysis**
  - **To ensure that new data centers integrate compatibly with the surrounding environment and community by evaluating their physical impacts to include:**
    - **Noise**
    - **Traffic**
    - **Visual and Aesthetic Impact.**
    - **Heat and Air Emissions.**
    - **Land Use Compatibility Assessment.**
    - **Site development as part of the review process.**

Data Center Impact Analysis (cont.)

- **Environmental Impact Analysis**
  - **Evaluate and mitigate the potential environmental impacts of data center development that protects the Shenandoah Valley's natural resources and supports sustainable land use in the Town of Front Royal.**
    - **Land disturbance.**
    - **Air and water quality degradation.**
    - **Stormwater and Water Quality.**
    - **Ecological and Habitat Impact Assessment.**
    - **Hazardous Materials and Spill Prevention Plan.**
    - **Facility Life Cycle Plan.**
      - **Three-part plan that covers the full life cycle of the data center. This plan will cover from the planning phase to the design phase ending with the restoration or disposal phase of the structure and its dedicated infrastructure.**
    - **Energy and carbon intensity, in a manner that protects the Shenandoah Valley's natural resources and supports sustainable land use in the Town of Front Royal.**
    - **Post construction monitoring.**

Back- up Slides

Possible Impact of No Regulation

Loopholes & Legal Gray Areas

- **Data centers might still be allowed under general industrial or commercial zoning unless explicitly prohibited.**
- **Developers may exploit these ambiguities and challenge zoning decisions, sometimes successfully in court.**

- **Loss of Local Control**
  - **Without clear guidelines, municipalities have less leverage to impose conditions (noise, water use, emissions, energy, etc.).**
  - **By not planning proactively, you risk reactive approvals through special use permits or variances.**
- **Economic Development Pressure**
  - **Front Royal is attractive (cheap land, fiber, power), companies might lobby hard or go to the state level to override local inaction.**

Missed Opportunities for Regulation

- **A zoning code lets you shape where and how data centers operate: e.g., setback requirements, noise limits, water usage, energy sourcing, design standards, etc.**
- **Without this, you're less protected, not more.**

- **Bottom Line**
  - **Doing nothing (i.e., having no zoning code for data centers) usually means *less* control, not more. If your goal is protection, the smarter approach is to actively zone against or regulate them.**