

PLANNING COMMISSION WORK SESSION
Wednesday, June 3, 2026 @ 6 PM
Town Hall – 2nd Floor, East Conference Room

AGENDA

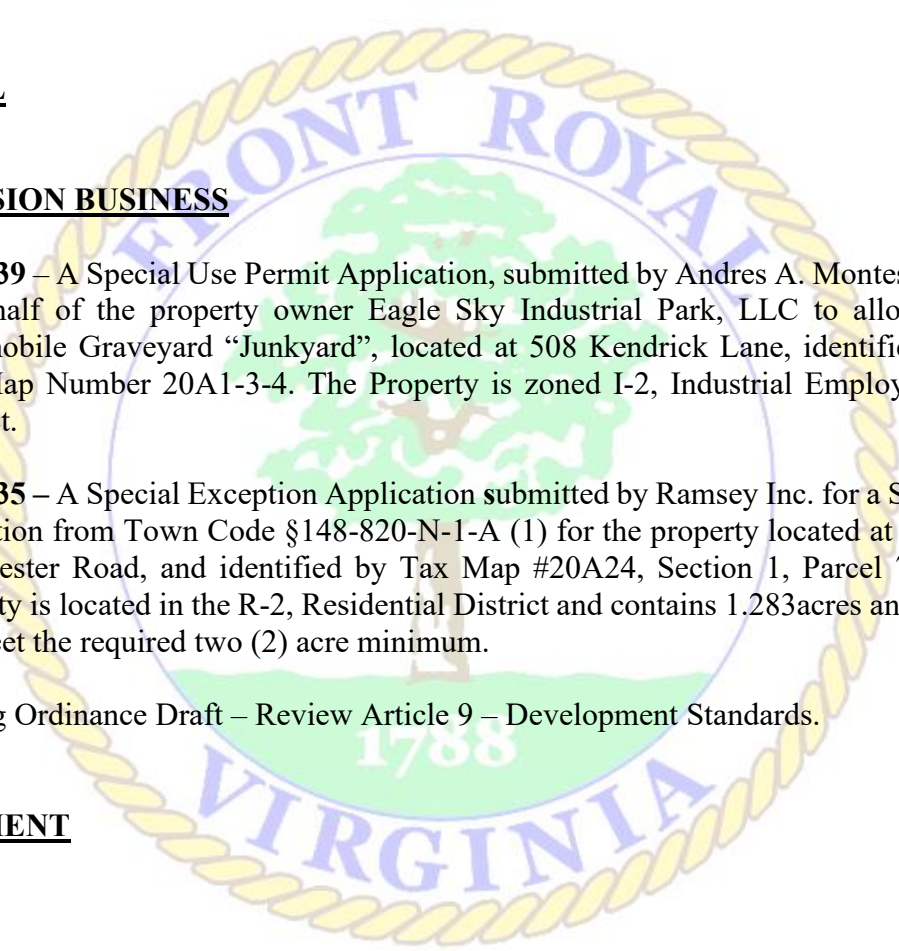
CALL TO ORDER

ROLL CALL

WORK SESSION BUSINESS

1. **2600139** – A Special Use Permit Application, submitted by Andres A. Montesinos, on behalf of the property owner Eagle Sky Industrial Park, LLC to allow an Automobile Graveyard “Junkyard”, located at 508 Kendrick Lane, identified by Tax Map Number 20A1-3-4. The Property is zoned I-2, Industrial Employment District.
2. **2600235** – A Special Exception Application submitted by Ramsey Inc. for a Special Exception from Town Code §148-820-N-1-A (1) for the property located at 10160 Winchester Road, and identified by Tax Map #20A24, Section 1, Parcel 7. The property is located in the R-2, Residential District and contains 1.283 acres and does not meet the required two (2) acre minimum.
3. Zoning Ordinance Draft – Review Article 9 – Development Standards.

ADJOURNMENT



WORK SESSION BUSINESS ITEM 1

2600139 – A SPECIAL USE PERMIT APPLICATION, SUBMITTED BY ANDRES A. MONTESINOS, ON BEHALF OF THE PROPERTY OWNER EAGLE SKY INDUSTRIAL PARK, LLC TO ALLOW AN AUTOMOBILE GRAVEYARD “JUNKYARD”, LOCATED AT 508 KENDRICK LANE, IDENTIFIED BY TAX MAP NUMBER 20A1-3-4. THE PROPERTY IS ZONED I-2, INDUSTRIAL EMPLOYMENT DISTRICT.

TOWN OF FRONT ROYAL
DEPARTMENT OF PLANNING AND ZONING
102 EAST MAIN STREET, PO BOX 1560
FRONT ROYAL, VA 22630

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

SPECIAL USE PERMIT REQUEST

APPLICANT:

Name: Andres A. Montesinos PHONE: 571-526-8800
Address: 14275 Bristow Rd Manassas VA 20112
Email: _____

PROPERTY OWNER:

Name: Mohammed Ijaz PHONE: 703-424-3287
Address: 6220 Hanover Ave. Springfield, VA 22150
Email: _____

PROPERTY DESCRIPTION: 508

Property Address: 570 Kendrick Ln. Front Royal, VA 22630
Tax Map 20A1 Section 3 Block — Lot 4
Subdivision Name: _____ Acreage: _____ Zoning District: I-2

REQUEST:

Proposed Use of Property: Automobile Graveyard
Specific Special Use Permit Request: Storage of Junk cars, ~~Auto sales~~

Attachments – The following must be submitted with the application. Additional information may be required depending on the nature of the request.

1. Survey Plat of property showing all existing improvements. (3 Originals and a Digital Copy)
2. Preliminary Site Development Plan required for new development or a Conceptual Drawing for existing structures.
3. Application Fee of \$1000.00 Form of Payment: Check #1300 Date Paid: 3/27/2026
4. Additional information as required by the Department of Planning and Zoning.

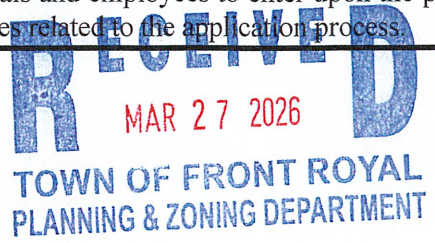
CERTIFICATION:

I certify that the information provided with this application is correct to the best of my knowledge and should the Special Use Permit be granted, the project will comply with the conditions imposed upon it and will be implemented only as approved by Town Council.

Applicant Signature: [Signature] Date: 3/27/26
Property Owner Signature: [Signature] Date: 3/27/26

By submitting this application, the applicant grants permission to Town officials and employees to enter upon the property, which is the subject of this application, during reasonable hours and for purposes related to the application process.

Revised 6-5-2025



RECEIVED
APR 22 2026

TOWN OF FRONT ROYAL
PLANNING & ZONING DEPARTMENT

EAGLE SKY INDUSTRIAL PARK LLC

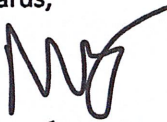
508 KENDRICK LN
FRONT ROYAL, VA 22630

JUSTIFICATION STATEMENT

To Whom It May Concern:

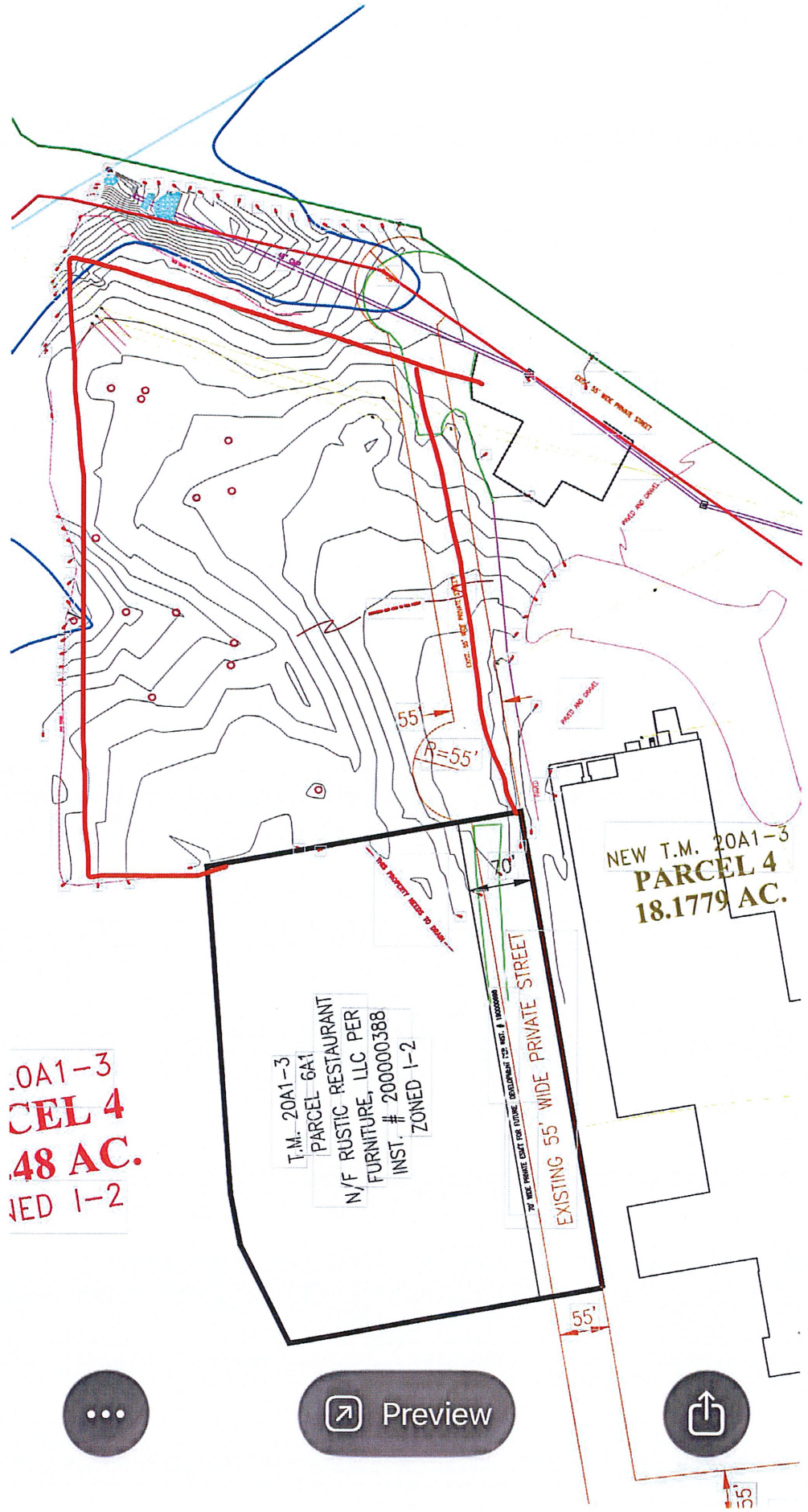
I am the owner of Eagle sky industrial Park LLC, Mohammed Ali Ijaz, I have a new tenant who would like to lease space on my lot approximately 6 acres worth. Tenant wants to occupy the space for conducting an auto salvage operation, operating as, Sirena Towing inc. His hours of operation will be from 8 am - 5pm, he currently has 6 employees working for him and wants to conduct business on 508 Kendrick Ln front royal. Sirena towing will install a 8 foot wooden fence at the site when the special use permit process gets accepted. If you have any questions or concerns please do not hesitate to contact me.

Regards,



Mohammed Ali Ijaz

703-424-3287

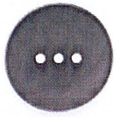


.0A1-3
 CEL 4
 48 AC.
 ZONED 1-2

T.M. 20A1-3
 PARCEL 6A1
 N/F RUSTIC RESTAURANT
 FURNITURE, LLC PER
 INST. # 200000388
 ZONED 1-2

NEW T.M. 20A1-3
 PARCEL 4
 18.1779 AC.

EXISTING 55' WIDE PRIVATE STREET

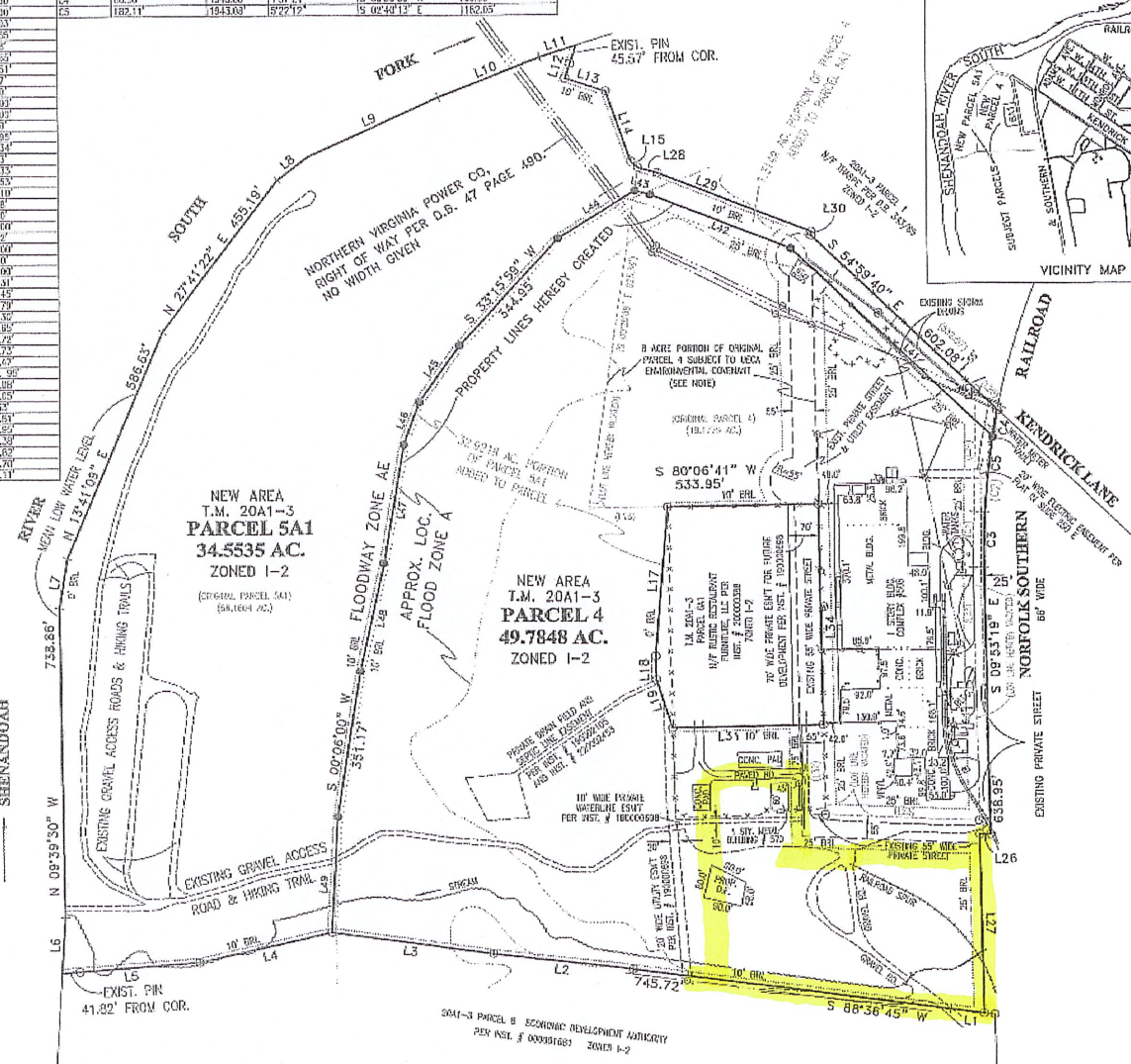
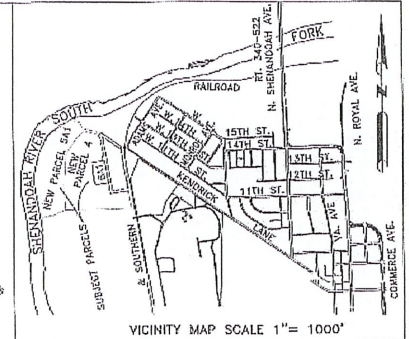


Preview



55'

LINE	BEGINNING	BEARING	COURSE	ARC LENGTH	BEARINGS	DELTA ANGLE	CORNER NUMBER	CURVED LENGTH
L1	S 86°38'45" W	101.02	R1	134.14'	1865.30	4°30'00"	H 0421718 W	134.10
L2	S 87°48'11" W	456.00	R2	248.42'	1845.63	7°18'36"	S 0141311 E	248.50
L3	S 88°18'41" W	376.20	R3	132.19'	1810.20	4°32'00"	S 0737193 E	132.12
L4	S 07°49'41" W	116.80	C4	66.36	1843.08	1°57'24"	S 0259355 W	66.35
L5	S 70°46'45" W	122.20	C5	168.11'	1843.88	5°27'12"	S 0249113 E	162.05
L6	H 05°50'01" W	135.03						
L7	H 00°01'29" E	121.55						
L8	H 43°24'41" E	98.78						
L9	H 52°59'51" E	139.64						
L10	H 59°03'54" E	254.51						
L11	H 63°28'21" E	602.77						
L12	S 10°33'29" W	62.00						
L13	S 60°28'51" E	102.03						
L14	S 28°15'30" E	178.03						
L15	S 59°46'10" E	231.00						
L16	H 80°00'41" E	185.95						
L17	S 04°10'32" E	381.34						
L18	S 10°43'31" E	56.23						
L19	S 25°44'40" E	121.33						
L20	N 83°40'41" E	381.53						
L21	N 07°43'53" W	283.10						
L22	S 54°38'40" E	66.35						
L23	S 40°00'41" W	26.00						
L24	S 26°53'19" E	241.00						
L25	S 34°20'44" E	46.92						
L26	S 77°00'12" W	355.00						
L27	S 40°00'41" W	26.00						
L28	S 69°50'40" E	103.00						
L29	H 40°01'37" E	253.00						
L30	S 08°23'19" E	215.34						
L31	H 82°53'18" W	608.45						
L32	H 82°53'18" W	245.79						
L33	H 20°18'34" E	192.30						
L34	H 84°48'29" E	174.50						
L35	H 43°59'53" E	125.72						
L36	H 44°38'49" W	102.23						
L37	S 82°00'00" E	351.77						
L38	S 82°22'11" E	164.50						
L39	S 52°53'40" W	66.35						
L40	S 77°00'12" W	355.00						
L41	H 86°04'44" W	16.35						
L42	S 46°32'00" W	214.51						
L43	S 29°16'43" W	164.50						
L44	S 05°50'40" W	104.30						
L45	S 00°59'54" W	266.63						
L46	S 01°12'47" W	263.70						
L47	S 09°16'19" E	278.11						



BOUNDARY LINES SHOWN HEREON ARE BASED OFF OF A CURRENT FIELD SURVEY MEETING THE REQUIREMENTS OF THE MINIMUM STANDARDS AND PROCEDURES FOR LAND BOUNDARY SURVEYING PRACTICE (18 VAC 10-20-37D) OF THE CODE OF VIRGINIA.

SURVEYOR'S CERTIFICATE

THIS IS TO CERTIFY THAT THE LAND SHOWN ON THIS PLAT IS TAX MAP 20A1-3 PARCEL 4 CONVEYED TO EAGLE SKY INDUSTRIAL PARK, LLC PER DEEDS DATED OCTOBER 1, 2021 AND SEPTEMBER 15, 2022 RECORDED IN THE WARREN COUNTY CIRCUIT COURT CLERKS OFFICE IN INST. # 210008973 AND # 220005701. TAX MAP 20A1-3 PARCEL 5A1 CONVEYED TO POE'S RIVER EDGE, LLC PER DEED DATED SEPTEMBER 14, 2018 RECORDED IN THE WARREN COUNTY CIRCUIT COURT CLERKS OFFICE IN INST. # 180304663. THAT I HAVE SURVEYED THESE PROPERTIES ON THE GROUND, AND THAT THIS PLAT IS CORRECT TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF.

Joseph G. Brogan, Jr. 2/24/24
 JOSEPH G. BROGAN, JR. LIC. # 3209

- ⊙ DENOTES WATER METER.
- ⊕ DENOTES STORM MANHOLE.
- ⊖ DENOTES UTILITY POLE.
- ⊙ DENOTES REBAR SET.
- ⊙ DENOTES EXISTING PIN OR RAILROAD SPIKE.
- — — DENOTES OVERHEAD WIRES.
- — — DENOTES RAILROAD SPUR.
- — — DENOTES APPROX LOC. FEMA FLOOD ZONE.
- — — DENOTES CHAIN LINK FENCE.

NOTE: AN 8 ACRE PORTION OF ORIGINAL PARCEL 4 AND ENTIRE ORIGINAL PARCEL 5A1 SUBJECT TO UECA ENVIRONMENTAL COVENANT PER INSTRUMENT # 140004559.

NO TITLE REPORT FURNISHED TO THIS OFFICE. SUBJECT TO ANY AND ALL EASEMENTS OF RECORD.
 DERIVATION OF TITLE PARCEL 5A1 TO: POE'S RIVER EDGE, LLC PER INST. # 180004663.
 DERIVATION OF TITLE PARCEL 4 TO: EAGLE SKY INDUSTRIAL PARK, LLC PER INST. # 210008973 AND INST. # 220005701.
 SUBJECT PARCELS PARTIALLY SITUATED OUTSIDE THE LIMITS OF THE FEMA FLOOD ZONE AND IN FLOOD ZONES A AND X PER FIRM MAP NO. 51187C0112C, EFF. DATE 6/3/08.
 SUBJECT AND ADJOINING PROPERTIES ZONED I-2.
 PLAT REF: P.B. 1/68 AND INSTRUMENT # 220002453 AND # 220005701.

BOUNDARY LINE ADJUSTMENT BETWEEN TAX MAP 20A1-3 PARCELS 4 AND 5A1
 FORK MAGISTERIAL DISTRICT
TOWN OF FRONT ROYAL
WARREN COUNTY, VA.

REVIEWED AND APPROVED BY THE TOWN OF FRONT ROYAL
 ALL TOWN REAL ESTATE TAXES HAVE BEEN PAID IN FULL.

Lauren Kozminski 2/29/24
 FINANCE DIRECTOR DATE
Lauren Kozminski 2/29/24
 DIRECTOR OF PLANNING AND ZONING DATE
Jim Wally 3/1/24
 TOWN MANAGER DATE

AREA TABULATION:

ORIGINAL PARCEL 5A1	=	66.1604 ACRES
AREA ADDED TO PARCEL 4	-	32.9218 ACRES
AREA ADDED FROM PARCEL 4	+	1.3149 ACRES
NEW AREA PARCEL 5A1	=	34.5535 ACRES
ORIGINAL PARCEL 4	=	18.1779 ACRES
AREA ADDED FROM PARCEL 5A1	+	32.9218 ACRES
AREA ADDED TO PARCEL 5A1	-	1.3149 ACRES
NEW AREA PARCEL 4	=	49.7848 ACRES

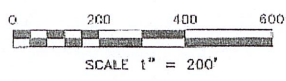
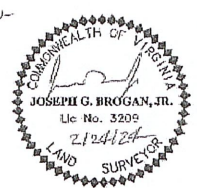
THIS PLAT WAS MADE WITH THE FREE CONSENT AND DESIRE OF THE UNDERSIGNED OWNERS.

BY *[Signature]*
 EAGLE SKY INDUSTRIAL PARK, LLC
 BY *[Signature]*
 EAGLE SKY INDUSTRIAL PARK, LLC
 BY *[Signature]*
 EAGLE SKY INDUSTRIAL PARK, LLC
 ACKNOWLEDGED BEFORE ME
 THIS 27th DAY OF February 2024.
 MY COMMISSION EXPIRES 02/28/2025
 NOTARY



THIS PLAT WAS MADE WITH THE FREE CONSENT AND DESIRE OF THE UNDERSIGNED OWNERS.

BY *[Signature]*
 POE'S RIVER EDGE, LLC
 BY *[Signature]*
 POE'S RIVER EDGE, LLC
 ACKNOWLEDGED BEFORE ME
 THIS 27th DAY OF February 2024.
 MY COMMISSION EXPIRES 12/31/2024
 NOTARY




PREPARED BY:
 BROGAN LAND SURVEYING, PLC
 P.O. BOX 1578
 FRONT ROYAL, VA. 22630-0034
 TEL. & FAX (540) 635-5657
 FEBRUARY 24, 2024

NO.	DATE	ACRES	DEED NO.	DEED PAGE	RECORD
1	1912	111.00	111.00	111.00	111.00
2	1912	111.00	111.00	111.00	111.00
3	1912	111.00	111.00	111.00	111.00
4	1912	111.00	111.00	111.00	111.00
5	1912	111.00	111.00	111.00	111.00
6	1912	111.00	111.00	111.00	111.00
7	1912	111.00	111.00	111.00	111.00
8	1912	111.00	111.00	111.00	111.00
9	1912	111.00	111.00	111.00	111.00
10	1912	111.00	111.00	111.00	111.00



THE CREATION OF THE BOUNDARY LINES SHOWN ON THIS PLAT PER INSTRUMENT RECORDED IMMEDIATELY PRIOR TO


 DENOTES EXISTING PRIVATE STREETS.

WORK SESSION BUSINESS ITEM 2

2600235 – A SPECIAL EXCEPTION APPLICATION SUBMITTED BY RAMSEY INC. FOR A SPECIAL EXCEPTION FROM TOWN CODE §148-820-N-1-A (1) FOR THE PROPERTY LOCATED AT 10160 WINCHESTER ROAD, AND IDENTIFIED BY TAX MAP #20A24, SECTION 1, PARCEL 7. THE PROPERTY IS LOCATED IN THE R-2, RESIDENTIAL DISTRICT AND CONTAINS 1.283ACRES AND DOES NOT MEET THE REQUIRED TWO (2) ACRE MINIMUM.

SPECIAL EXCEPTION APPLICATION

TOWN OF FRONT ROYAL ~102 East Main Street, Front Royal, Va. 22630 ~ Main: 540-635-4236 ~ Fax: 540-631-2727

APPLICANT

PROPERTY OWNER (if different)

APPLICANT'S NAME: <u>Ramsey Inc</u>	PROPERTY OWNER'S NAME:
ADDRESS: <u>400 Fulton Lane Front Royal VA 22630</u>	OWNER'S ADDRESS:
PHONE NUMBER: <u>540 660-2159</u>	PHONE NUMBER:
EMAIL:	MAIL:

SECTION A - Property Information

Tax Map No. 20A-24-1 ~~148-920-N-1-A-1~~ Zoning District: R-2

Site Address: 10160 Winchester Rd

Entrance Corridor Historic District Floodplain

SECTION B - Details of Request

Project Name: _____

Special Exception Code Section(s): 148-920-N-1-A-1

General Describe of the request (please attached supporting information, such as plats, plans, details, etc.):
Current lot is 1.2837 acres, the code requires 2 acre minimum. The lot is developed w/ caretakers quarters & accessed off private access RD PER DB 2741678

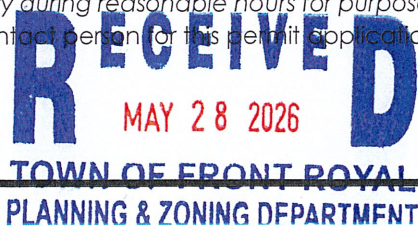
SIGNATURE OF APPLICANT: [Signature] Date: 5/28/26

PRINT NAME OF APPLICANT: Chris S. Ramsey

SIGNATURE OF PROPERTY OWNER: _____ Date: _____

PRINT NAME OF PROPERTY OWNER: _____

By the submission of this application, permission is hereby granted to Town Officials and employees to enter upon the subject property during reasonable hours for purposes related to the review of this application. The Applicant will be the designated contact person for this permit application. (APPLICATION FEE: \$650.00)

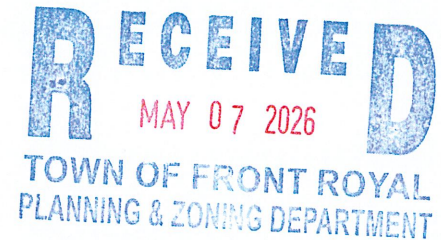


June 5, 2025

pl check # 8079

#2600235

Ramsey Inc
400 Fulton Lane
Front Royal, Virginia 22630
540-660-2159



May 7, 2026

Lauren Kopishke Director of Planning and Zoning
102 E. Main St
Front Royal, Virginia 22630

RE: 10160 Winchester Road

T.M. 20A24-1-7

Dear Lauren;

Please accept this letter and Application for Variance for the above referenced property. This tract of property was created by the Boundary Line Adjustment between the County of Warren and The Town of Front Royal in approximately 1999.

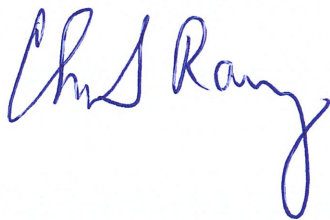
The lot created in 1999 is in direct conflict with Town Code Section 148-820-N-1-A [1] "Each lot parcel shall be a minimum of two {2} acres in area, regardless of zoning district classification,". To that end, I hereby request that the nonconforming lot of record be considered a legal existing lot under the code. If it be the pleasure of the Staff, I would welcome an administrative determination

that the parcel qualifies as a Grandfathered tract of land with all rights and privileges so afforded.

In reviewing the process for determining the acceptability of a non-conforming parcel of land that is 2-acres or more the issue of proper access is also an issue to be addressed. Town Code Section 148-820-N-1-A-[2] "Each lot and residual parcel shall abut with a minimum frontage of one hundred seventy five [175] feet on the existing private non-dedicated street, regardless of zoning district classification". The above referenced so created parcel has a frontage on said non-dedicated road of 128.87'. I hereby request a variance to the 175' requirement.

Additionally, I also request a variance to Town Code 148-820-N-2-A-G. This code puts forth the criteria for creating a code compliant access to a 2-acre parcel of land. This parcel fronts on a Town Access Road with all legal and recorded rights to said Town Access Road as stipulated in Deed Book 274/678 of the Land Records of Warren County. The referenced easement and access are existing and not to be created. Therefore, I request that the existing access be considered acceptable and sufficient to satisfy the requirements as set forth in this section of the code.

Respectfully Submitted

A handwritten signature in blue ink that reads "Chris Rany". The signature is written in a cursive style with a large, looped initial "C".

T.M. 20 PARCEL 24
N/F ALPHA PORTFOLIO OWNER, LLC.
PER INST. # 220004727
ZONED AGRICULTURAL

T.M. 20 PARCEL 26
N/F RAMSEY, INC.
PER INST. # 020004485
ZONED AGRICULTURAL

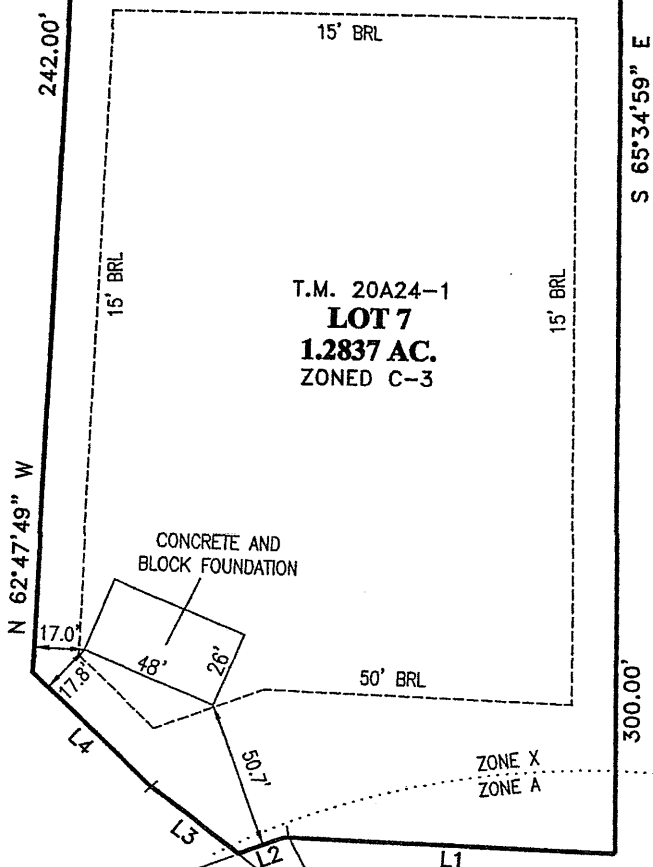
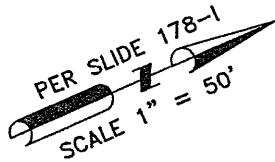
LINE	BEARING	DISTANCE
L1	S 27°09'55" W	112.37'
L2	S 04°47'22" W	16.50'
L3	S 62°30'41" W	37.22'
L4	S 67°38'41" W	56.26'

COUNTY OF WARREN
TOWN OF FRONT ROYAL

N 25°21'24" E 186.33'

T.M. 20A24-1 PARCEL 5
N/F ALPHA PORTFOLIO OWNER, LLC.
PER INST. # 220004727
ZONED C-3

T.M. 20A24-1
LOT 7
1.2837 AC.
ZONED C-3

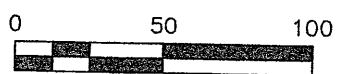


ZONE X
ZONE A

RIGHT OF INGRESS AND EGRESS
PER D.B. 274/678

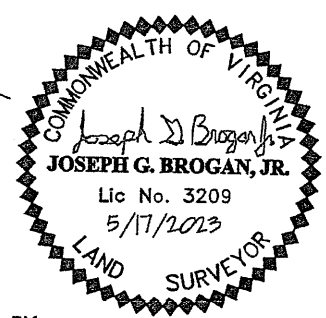
T.M. 20A24-1 PARCEL 8
N/F TOWN OF FRONT ROYAL, VA
PER INST. # 970006598
ZONED C-3

WINCHESTER RD. - RT. 340
VARIABLE WIDTH R/W



NO TITLE REPORT FURNISHED TO THIS OFFICE.
SUBJECT TO ANY AND ALL EASEMENTS OF RECORD.
DERIVATION OF TITLE TO: RAMSEY INC.
PER INSTRUMENT # 020004485.
PLAT REF: SLIDE 178-1 AND INST. # 020004485.
PROPERTY PARTIALLY SITUATED WITHIN FEMA FLOOD ZONE A
PER FIRM MAP 51187C0104C EFFECTIVE JUNE 3, 2008.

FOUNDATION LOCATION
T.M. 20A24-1 PARCEL 7
NORTH RIVER MAGISTERIAL DISTRICT
TOWN OF FRONT ROYAL
WARREN COUNTY, VA.



PREPARED BY:
BROGAN LAND SURVEYING, PLC
P.O. BOX 1578
FRONT ROYAL, VA. 22630-0034
TEL. & FAX (540) 635-5657
MAY 17, 2022

WORK SESSION BUSINESS ITEM 3

ZONING ORDINANCE DRAFT – REVIEW ARTICLE 9 – DEVELOPMENT STANDARDS.

ARTICLE 9 – DEVELOPMENT STANDARDS

DIVISION 9.1 – VISIBILITY AT INTERSECTIONS (175-101)

On a corner lot, nothing shall be erected, placed, planted or allowed to grow, except street signs, utility poles or traffic signs, in such a manner as to impede vision between a height of two and one-half (2 1/2) and ten (10) feet above the center-line grades of the intersecting streets in the area bound by the street lines of such intersecting streets and a line joining the street center lines at a distance of fifty (50) feet from the point of intersection.

DIVISION 9.2 – LANDSCAPING

All landscaping requirements shall be developed in accordance with Town's adopted Landscape Preservation and Planting Guide. Details may be required at the discretion of the Planning Director.

DIVISION 9.3 - FENCES (175-102)

A. No fragile, readily flammable material, such as paper, cloth or canvas, shall constitute a part of any fence, nor shall any such material be employed as an adjunct or supplement to any fence.

B. Fences on corner lots shall meet the requirements of [Division 9.1](#).

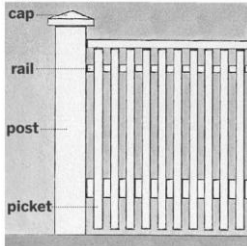
C. Fences in residential districts shall not exceed the height of four (4) feet in the required front yard or six (6) feet in the side or rear yard as measured from the topmost point thereof to the ground or surface, along the center line of the fence.

D. Within commercial zoning districts, fences located within the front yard shall not exceed the height of six (6) feet as measured from the topmost point thereof to the ground or surface, along the center line of the fence. Fences located within commercial zoning districts may be eight (8) feet in height when located within a side or rear yard. The Planning Director may authorize fences in the front yard to be up to eight (8) feet in height when the additional height is determined to be necessary for safety or screening purposes of permitted uses. Appropriate landscape screening may be required for approval of additional fence height in the front yard.

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

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

ILLUSTRATION 175-102.G.
Typical Example of a Finished Fence Side



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

DIVISION 9.4 – PROFESSIONAL OFFICES (175-108)

Regulations pertaining to professional offices shall be as follows:

- A. Professional offices (doctors, lawyers, engineers and architects, among others) are permitted in the R-3 District after meeting all requirements of this chapter.
- B. All activity and equipment, other than parking, must be housed in a fully enclosed building.
- C. No noise or odor produced as a result of activity in such offices shall be discernible beyond the boundaries of the lot.
- D. All vehicular access to the site shall be from a street which meets Town standards for streets.
- E. No display in the building shall be visible from outside of the building.

DIVISION 9.5 - SHOPPING CENTERS (175-111)

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

- A. Permitted principal uses shall be as follows:
 - 1. Stores for the sale of goods at retail or the performance of customary personal services or services clearly incidental to retail sales.
 - 2. Business, professional or banking offices.
 - 3. Restaurants, cafes or similar places serving food and/or beverages.

4. Parking areas for transient auto vehicles, but not for the storage of new or used motor vehicles for sale.
5. Gasoline service stations, with repairs done within a building.
6. Theaters, not including drive-in theaters.

B. Permitted accessory uses located on the same lot with the permitted principal use. Only the customary

associated with a commercial district shall be permitted, provided that they are limited to the same lot as the principal uses.

C. Area and bulk regulations shall be as follows:

1. Lot size: The area for development shall be a minimum of two (2) acres.
2. Building height: two (2) stories or thirty-five (35) feet maximum.
3. Front yard: thirty (30) feet minimum.
4. Side yards: thirty (30) feet minimum.
5. Rear yard: thirty (30) feet minimum.
6. Lot coverage: twenty-five percent (25%) maximum.

D. Supplementary regulations.

1. Off-street parking and loading: Off-street parking shall be provided on the premises at the rate of five (5) parking spaces per one thousand (1,000) gross square feet for every shopping center facility ten thousand (10,000) square feet in size or less. For shopping centers over ten thousand (10,000) square feet, the parking requirement shall be four (4) parking spaces per one thousand (1,000) gross square feet. Parking shall be permitted in the areas required for front, side and rear yard setbacks up to a point of twenty-five (25) feet from any front, side or rear of the lot line of the shopping center. All parking areas shall be suitably paved with permanent hard-surfaced coverings. Off-street loading spaces shall be provided in accordance with [Section 9.1.4](#).
2. Access and traffic controls: All means of ingress or egress from the shopping center to any public street or state highway shall be located at least two hundred (200) feet from any other intersecting street or streets and shall be designed to conduct traffic in a safe manner. The developer shall be responsible for the purchase and erection of any necessary traffic control devices and the construction of additional acceleration or deceleration lanes or service walks as may be required by the State Department of Highways and Transportation or by the Town.
3. Interior circulation: Interior access ways shall be designed so as to prevent the blocking of vehicles entering or leaving the site. Areas provided for loading or unloading of trucks and/or other vehicles or for servicing of shops for rubbish collection or other services shall

be adequate in size and shall be so arranged that they may be used without blocking or interfering with interior circulation and parking facilities.

4. Lighting: Lighting for buildings, signs, access ways and parking areas shall be so arranged as not to reflect toward public streets or cause any annoyance to surrounding property owners or residents.
5. Shopping cart storage: Establishments furnishing carts or mobile baskets shall provide definite areas on the site for the storage of said carts. Storage areas shall be clearly marked and designated for the storage of shopping carts and/or mobile baskets.
6. Screening: All lot lines abutting residential districts along the side yard or rear yard shall be appropriately screened by fences, walls or year-round planting and/or other suitable enclosures of a minimum height of four (4) feet. All outdoor storage areas shall be screened or enclosed.
7. Storage of trash or rubbish: Storage areas for trash and rubbish shall be completely screened, and all organic rubbish shall be contained in containers with tightly fitting lids. No such storage shall be permitted within any required yard space.

8. Signs: Signs shall conform to [Article 10](#)

9. Development plan required:

a. Prior to the issuance of a ~~special permit~~ Special Use Permit, ten (10) copies of a development plan shall be submitted to the Zoning Administrator for review by the Administrator, Planning Commission and Town Council.

b. The Development Plan shall contain the following data, together with supplementary data for a particular development, as deemed necessary by the Planning Commission or Town Council.

c. Development site information:

- [1] A vicinity map at a scale of not less than one (1) inch equals two thousand (2,000) feet.
- [2] A title insurance policy or attorney's certificate showing the owner or owners of the subject property, marketable title to the subject property in such owner or owners, the source of applicant's title or interest in the subject property and the place of record of the latest instrument in the chain of title for each parcel constituting the tract.
- [3] Total area of the tract.
- [4] Abutting Street names, widths and route numbers.
- [5] Owners, zoning districts and uses of each adjoining tract.
- [6] A topographic map with minimum contour intervals and scale acceptable to the Administrator.

- [7] Development design information.
- [8] A concept plan, illustrating the location and functional relationship between all proposed land uses.
- [9] A land use plan or plans, showing the location and arrangement of all proposed land uses, including the height and number of all buildings both above and below finished grade; the building setbacks and yard areas from the development boundaries and adjacent streets, road and alleys and easements; the proposed traffic circulation pattern, including the location and width of all streets, driveways, walkways and entrances to parking areas; all off-street parking and loading areas; all proposed open space areas, including common open space, dedicated open space and developed recreational open space; and the approximate location of existing and proposed utility systems of sanitary sewer, storm sewer, water, electric, telephone and gas lines, along with any necessary easements.
- [10] A plan or statement showing the location and design of all screening and indicating the type and height of such screening.
- [11] Statements or plans relating to all covenants, restrictions and conditions pertaining to the use, maintenance and operation of common spaces, and the percentage of the tract to be used as open space.
- [12] A statement in tabular form of the anticipated commercial floor area.
- [13] When the development is to be constructed in stages or units, a sequence-of-development schedule showing the order of construction of each principal functional element of such stages or units, the approximate completion date for each stage or unit and a cost estimate of all improvements within each stage or unit.
- [14] A plan or report indicating the extent, timing and estimated cost of all off-site improvements, such as road, sewer and drainage facilities, necessary to construct the proposed development, which plan or report shall relate to the sequence-of-development schedule if the development is to be constructed in stages or units.
- [15] Where required by the Planning Commission, a traffic-impact analysis, showing the effect of traffic generated by the project on surrounding roads.
- [16] Where required by the Planning Commission, a fiscal-impact analysis, listing Town revenue generated by the project and Town expenditures resulting from the construction of the project.

DIVISION 9.6 -TOWNHOUSES (Site Plan Requirements) (175-112)

All townhouses shall comply with the following regulations:

A. Area regulations shall be as follows:

1. Minimum lot size for townhouse construction: twenty thousand (20,000) square feet.

2. Minimum lot area per dwelling unit: two thousand five hundred (2,500) square feet.

B. Minimum width shall be as follows:

1. Minimum lot width for development: one hundred twenty-five (125) feet at setback line.

2. Minimum lot width per townhouse unit: twenty (20) feet.

a. In the case of a lot at the end of a row of townhouses, the lot width shall be forty (40) feet.

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

C. Minimum yard requirements shall be as follows:

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

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

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

D. Maximum building height shall be as follows:

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

E. Minimum parking space shall be as follows:

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

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

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

F. Other regulations for all townhouse construction:

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

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

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

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

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

6. The radii of cul-de-sac shall be at least fifty (50) feet. No more than twenty-five (25) dwelling units shall be located on any cul-de-sac.
7. Accessory buildings are not permitted, except that on any lot there may be an enclosed storage shed not exceeding seven (7) feet in height nor exceeding ten (10) feet in length by ten (10) feet in width.
8. A ten-foot easement along the side and rear of each townhouse structure shall be provided in addition to the side yard in all townhouse developments.
9. Variation in townhouse design. The facades of dwelling units in a townhouse structure shall be varied by changed front yards of not less than three (3) feet and variation in materials and design so that not more than four (4) abutting units will have the same front yard depth and the same or essentially the same architectural treatment of facades and rooflines. Balconies and roofed porches may encroach up to five (5) feet into the front yards.
10. As determined by the Planning Commission and approved of by the Town Council, parking, as shown on the site plan, may be permitted in the rear of properties and access to such spaces may be permitted over an alley.

G. Special regulations for townhouse developments of one (1) acre and over. For townhouse developments of one (1) acre or more, the following regulations shall apply in addition to those previously noted:

1. Parking areas shall be set back at least thirty (30) feet from property lines of the development.
2. There shall be provided twenty-five hundredths (0.25) square feet of usable open space (not including parking or driveway areas) devoted to recreational use for every one (1) square foot of gross residential floor area. This space shall take the form of parks or play areas, etc. Usable open space shall not include front, rear or side yard areas of individual townhouse units.
3. Management of open space:
 - a. All open space shall be preserved for its intended purpose as expressed in the final site plan.
 - b. Should the units be for rental purposes, the developer or rental agent shall be responsible for maintenance and management of open space.
 - c. Should the units be for sale, there shall be an establishment of a nonprofit association, corporation, trust or foundation of all individuals or corporations owning residential property within the planned development to ensure the maintenance of open spaces.
 - d. When the development is to administer open space through an association, nonprofit corporation, trust or foundation, said organization shall conform to the following requirements:

- [1] The developer must establish the organization prior to the sale of any lots and/or units.
- [2] Membership in the organization shall be mandatory for all residential property owners, present or future, within the planned community, and said organization shall not discriminate in its members or shareholders.
- [3] The organization shall manage all open space and recreational and cultural facilities, shall provide for the maintenance, administration and operation of said land and improvements and any other common land within the planned community and shall secure adequate liability insurance on the land.
- [4] The organization shall conform to the Condominium Act, Code of Virginia 1950, as amended.
4. The horizontal distance between groups of townhouses shall be:
- Two (2) times the average height of the two (2) groups of townhouses for front or rear walls facing front or rear walls.
 - One and one-half (1 1/2) times the average height for front or rear walls facing side walls.
 - Equal to the height of the highest building for side walls facing side walls.
5. Access and service shall be provided in the front of each townhouse. Parking may be provided on the lot, as carports, as an integral part of the townhouse or a joint parking facility for a group of townhouses with such deed restrictions as are necessary to determine ownership and maintenance of common parking facilities and methods of assigning charges for maintenance, snow removal and repairs.
6. Usable open space devoted to recreational use as herein required shall be designed for use by tenants of the development and shall be improved and equipped by the developer in accordance with plans submitted and approved by the Town Planning Commission.
7. Screening shall be provided of sufficient height and density to screen the site from adjoining residential districts whether R-1 or R-2. A planting plan specifying type, size and location of existing and proposed planting material shall be submitted with the application for the permit. Screening shall be at least six (6) feet in height.
8. Parking facilities:
- Required parking spaces shall be provided on the same lot as the building served or within three hundred (300) feet of property. All parking shall be off-street.
 - All access drives shall be at least fifteen (15) feet from any building on the lot and from exterior lot lines.
 - Parking areas shall not be designed or located so as to require or encourage cars to back into a public street in order to leave the lot.

- d. Entrance and exit ways to parking areas shall have a minimum width of twelve (12) feet for each lane of traffic entering or leaving the site, but shall at no time exceed thirty (30) feet in width at the point of intersection with the street.
 - e. All dead-end parking lots shall be designed to provide sufficient back-up area for the end stalls of the parking area.
 - f. All access ways and parking areas shall be paved with a hard surface, a double-surface treatment or concrete covering.
 - g. Entrance and exit ways and interior access ways shall be designed so as to prevent the blocking of vehicles entering or leaving the site.
 - h. Any other requirements deemed necessary by the Planning Commission or Town Council for the public safety shall be complied with.
9. Drainage:
- a. A storm runoff and drainage system shall be installed by the developer in accordance with sound engineering practice so as to adequately drain the project site, to adequately dispose of all runoff and drainage away from the project site and so as not to permit excess flow of water across streets or adjoining properties. Plans for such drainage systems shall be submitted with the application for the permit and shall be subject to approval by the Town Engineer, who may request assistance from other agencies.
 - b. All provisions of existing Town ordinances and regulations regarding storm drainage shall be complied with.
10. Lighting: Lighting for buildings, access ways and parking areas shall be so arranged as not to reflect toward public streets or cause any annoyance to building occupants or surrounding property owners or residents.
11. Storage of trash and rubbish: Exterior storage areas for trash and rubbish shall be well screened on three (3) sides with evergreen plantings, and trash shall be contained in vermin-proof containers. Interior storage areas for trash and rubbish shall at all times be kept in an orderly and sanitary fashion.
12. Site plan review and approval: Site plans for new townhouses shall be reviewed by the Planning Commission and approved or rejected by the Town Council. Such plans shall be drawn in accordance with the requirements of Chapter 148.

DIVISION 9.7 - APARTMENTS (175-113)

All apartment developments shall comply with the following regulations:

A. Area regulations: The minimum lot size for apartment developments is ten thousand (10,000) square feet for an apartment structure having three (3) units, with an additional two thousand (2,000) square feet of lot area for each additional unit above three (3).

B. The minimum lot width shall be one hundred twenty-five (125) feet at the setback line.

C. Minimum yard requirements shall be as follows:

1. Front yard: - forty (40) feet from road right-of-way. Required parking may be located in a front yard, but not closer than ten (10) feet to the ultimate street right-of-way.
2. Rear yard: - forty (40) feet.
3. Side yard: - thirty-five (35) feet on each side.

D. Maximum building height shall be three (3) stories, but not to exceed thirty-five (35) feet.

E. Other regulations for all apartment construction:

1. Each apartment structure and/or apartment parking area shall have parking areas on a dedicated public street or on an access easement meeting State Department of Transportation and Town standards.
2. Concrete curb and gutters shall be installed along both sides of all new streets within the development. However, should a new street act as a boundary for an apartment development, curb and gutter need only be installed on the side of the street adjacent to the development.
3. Walkways of four (4) feet in width, constructed of concrete or brick, shall be installed from parking areas to all apartment structures served by such parking areas.
4. The radii of cul-de-sac shall be at least fifty (50) feet. No more than twenty-five (25) dwelling units shall have sole principal access on any cul-de-sac.
5. Minimum parking space. There shall be two (2) off-street parking spaces for each unit. An off-street parking space shall be a minimum of ten by twenty (10 x 20) feet.

F. Special regulations for apartment developments of one (1) acre and over. For apartment developments of one (1) acre or more, the following regulations shall apply in addition to those previously noted:

1. Parking areas shall be set back at least thirty (30) feet from property lines of the development.
2. There shall be provided twenty-five hundredths (0.25) square feet of usable open space (not including parking or driveway areas) devoted to recreational use for every one (1) square foot of gross residential floor area. This space shall take the form of parks or play areas, etc.
3. Management of open space:
 - a. All open space shall be preserved for its intended purpose as expressed in the final site plan.
 - b. Should the units be for rental purposes, the developer or rental agent shall be responsible for maintenance and management of open space.

- c. Should the units be for sale, there shall be an establishment of a nonprofit association, corporation, trust or foundation of all individuals or corporations owning residential property within the planned development to ensure the maintenance of open spaces.
- d. When the development is to administer open space through an association, nonprofit corporation, trust or foundation, said organization shall conform to the following requirements:
 - [1] The developer must establish the organization prior to the sale of any lots.
 - [2] Membership in the organization shall be mandatory for all residential property owners, present or future, within the planned community, and said organization shall not discriminate in its members or shareholders.
 - [3] The organization shall manage all open space and recreational and cultural facilities, shall provide for the maintenance, administration and operation of said land and improvements and any other common land within the planned community and shall secure adequate liability insurance on the land.
 - [4] The organization shall conform to the Condominium Act, Code of Virginia 1950, as amended.
- 4. The horizontal distance between apartment structures shall be:
 - a. Two (2) times the average height of the two (2) groups of apartments for front or rear walls facing front or rear walls;
 - b. One and one-half (1 1/2) times the average height for front or rear walls facing side walls; and
 - c. Equal to the height of the highest building for side walls facing side walls.
- 5. Parking may be provided in a joint parking facility for a group of apartments with such deed restrictions as are necessary to determine ownership and maintenance of common parking facilities and methods of assigning charges for maintenance, snow removal and repairs.
- 6. Usable open space devoted to recreational use as herein required shall be designed for use by tenants of the development and shall be improved and equipped by the developer in accordance with plans submitted and approved by the Town Planning Commission and Town Council.
- 7. Screening shall be provided of sufficient height and density to screen the site from adjoining residential districts whether R-1 or R-2. A planting plan specifying type, size and location of existing and proposed planting material shall be submitted with the application for the permit. Screening shall be at least six (6) feet in height.
- 8. Parking facilities:
 - a. Number of spaces. Off-street parking, whether garage or on lot, shall be provided on the premises at the rate of two (2) spaces for each apartment unit.

- b. Location. Required parking spaces shall be provided on the same lot as the building served.
- c. All access drives shall be at least fifteen (15) feet from any building on the lot and from exterior lot lines.
- d. Parking areas shall not be designed or located so as to require or encourage cars to back into a public street in order to leave the lot.
- e. Entrance and exit ways to parking areas shall have a minimum width of twelve (12) feet for each lane of traffic entering or leaving the site, but shall at no time exceed thirty (30) feet in width at the street line.
- f. All dead-end parking lots shall be designed to provide sufficient back-up area for the end stalls of the parking area.
- g. All access ways and parking areas shall be paved with a hard-surface, double-surface treatment or concrete covering.
- h. Entrance and exit ways and interior access ways shall be designed so as to prevent the blocking of vehicles.
- i. Any other requirements deemed necessary by the Planning Commission or Town Council for the public health and safety shall be complied with.

9. Drainage:

- a. A storm runoff and drainage system shall be installed by the developer in accordance with sound engineering practice so as to adequately drain the project site, to adequately dispose of all runoff and drainage away from the project site and so as not to permit excess flow of water across streets or adjoining properties. Plans for such drainage system shall be submitted with the application for the permit and shall be subject to approval by the Town Engineer, who may seek assistance from other agencies.
 - b. All provisions of existing Town ordinances and regulations regarding storm drainage shall be complied with.
10. Lighting: Lighting for buildings, access ways and parking areas shall be so arranged as not to reflect toward public streets or cause any annoyance to building occupants or surrounding property owners or residents.
11. Storage of trash and rubbish: Exterior storage areas for trash and rubbish shall be well screened on three (3) sides with evergreen plantings and contained in vermin-proof containers. Interior storage areas for trash and rubbish shall at all times be kept in an orderly and sanitary fashion.
12. Site plan review and approval: Site plans for new apartment buildings shall be reviewed by the Planning Commission and approved or rejected by the Town Council. Such plan shall be drawn in accordance with the requirements of Chapter 148.

DIVISION 9.8 – AUXILIARY DWELLING UNIT (ADU)

The ADU ordinance permits one (1) 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. The applicant shall submit a notarized statement attesting that they are residing on the property, in either the primary or auxiliary unit.
- C. Detached ADUs cannot exceed 1000 square feet or 80% of the gross floor area of the principal dwelling, whichever is less.
- D. Detached ADUs shall be a minimum of 600 square feet.
- 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 where the ADU is located.
- F. As part of the application process, Town staff will conduct an inspection prior to final approval.
 1. Staff will reach out to the property owner to schedule an annual inspection to recertify the ADU is compliant with code.
 2. The Zoning Administrator or designee may inspect a property if there is a complaint registered with the Town or if the official has other reason to believe that the owner or occupants are in violation of the ADU approval.
 3. The owner shall make provisions to allow inspections of the property by town personnel during reasonable hours with prior notice.
- G. The ADU shall meet the applicable regulations for safety, health and sanitation through the appropriate County agencies.
- H. Upon transfer of ownership of the subject property, the new owner shall be required to certify in writing to the Zoning Administrator that either:
 1. Continued use of the ADU will comply with the conditions of the previous approval for the ADU use or;
 2. The ADU will no longer be used as a separate dwelling unit.

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DIVISION 9.9 PORTABLE STORAGE CONTAINERS (175-109.2)

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A. Portable Storage Containers - Notwithstanding any contrary provision of the Town Code, portable storage containers located outside of a fully enclosed building or structure shall be permitted in all zoning districts, subject to the following restrictions:

B. In Residential Districts and commercial business districts no more than one (1) portable storage container shall be allowed on a lot of record, and for no longer than a total of thirty (30) days in any consecutive twelve (12) month period. In industrial districts, the use of portable storage containers shall be limited to a period of time not to exceed (90) days, unless the portable storage containers are converted to permanent structures that comply with all applicable zoning and building code requirements.

C. In agricultural districts, on lots where the principal use is a bona fide agricultural activity, and in industrial districts, there shall be no restriction on the number of portable storage containers permitted as accessory uses.

D. In commercial business districts, portable storage containers may be allowed for more than thirty (30) days in any consecutive twelve (12) month period upon approval of a special use permit.

E. In any district, if the owner or lawful occupant of property can demonstrate, to the reasonable satisfaction of the Zoning Administrator, the need to continue the use of a portable storage unit on the property to alleviate an issue or problem to permit or allow the reasonable use or repair of the property occasioned on or to the property due to an act of God (defined herein as a natural disaster or phenomena including a hurricane, tornado, storm, flood, high water, wind-driven water, tidal wave, earthquake, or fire caused by natural or non-negligent accidental causes), the Zoning Administrator may extend the use of portable storage containers on the property for a period of thirty (30) days longer than the corresponding period otherwise allowed in that district. The Town Manager may authorize additional extensions when such extension of time is necessary to permit or allow the reasonable use or repair of the property for the reasons set forth in the above sentence.

F. In residential districts, no portable storage containers shall have dimensions greater than sixteen feet (16') in length, eight feet (8') in height or eight feet (8') in width. Portable storage containers in commercial business districts shall be limited to twenty feet (20') in length, eight feet six inches (8' 6") in height or eight feet (8') in width.

G. No portable storage container shall be located closer than five (5) feet from the side or rear property line.

H. Portable storage containers shall not be located closer than eight (8) feet from required parking spaces, and shall not project into any area required for vehicular mobility and maneuvering.

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

J. Only one (1) portable storage container per one (1) calendar year period shall be allowed per lot or parcel of record in residential and commercial districts; and only one (1) portable storage container per twelve (12) consecutive month period shall be allowed per owner or lawful occupant of property.

DIVISION 9.10 - TOBACCO, SMOKE, OR VAPE SHOP PERFORMANCE STANDARDS

A. *Definitions.* For purposes of this section only:

TOBACCO, SMOKE, OR VAPE SHOP shall be defined as 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 the Code of Virginia § 59.1-200.

B. *Performance Standards.*

Shall not be located within one thousand (1,000) feet of any child or day care center, as defined in Code of Virginia § 22.1-289.02, or a public, private, or parochial school.

a. Measurements made to verify compliance shall be made in a straight line, without regard for structures or objects, for one thousand (1,000) feet from the boundaries of the property on which a public or private school or day care center.

This ordinance shall become effective upon adoption.

DIVISION 9.119 - WIRELESS TELECOMMUNICATION TOWERS (175-110.474)

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

1. Existing wireless telecommunication towers.
2. Public structures, such as water towers, utility structures, fire stations, bridges, and other public buildings within all zoning districts not utilized primarily for residential uses.
3. New wireless telecommunication towers.

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

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C. The maximum height of any wireless telecommunication tower shall be made a condition of the ~~special permit~~ Special Use Permit, but in no event shall exceed one hundred fifty feet (150') above finished grade of the property upon which it stands.

D. Wireless telecommunication towers shall conform to each of the following minimum setback and minimum yard requirements:

1. Towers shall have a minimum front, side and rear yard setback equal to the height of the tower; except that, Town Council may allow a reduction to these setback standards when it is designed with breakpoint technology. If the wireless telecommunication tower has been constructed using breakpoint technology, as defined, the minimum setback distance shall be equal to one hundred percent (100%) of the distance from the top of the structure to the height of the breakpoint, plus the standard minimum setback distance for the underlying zoning district; except that, in no case shall the setback be less than $\frac{1}{2}$ the height of the entire tower.
2. Towers guys and accessory structures shall satisfy the minimum setback requirements of the underlying zoning district.
3. Towers shall not be located between the principal structure and a public street.

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

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

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

H. Before activating the facility into service the applicant/developer shall provide the Town with a certificate by a qualified consultant that the radio frequencies used by the facility shall not interfere with any other pre-existing radio frequencies in use within the coverage area of the facility including, but not limited to, public safety communication frequencies.

I. For any proposed tower, photographs shall be taken of a balloon test, which shall be conducted as follows:

1. The applicant shall provide the Administrator with at least seven (7) days prior notice of the conducting of the test; provided that this deadline may be extended due to inclement weather or by the agreement of the applicant and the Administrator.
2. The test shall consist of raising one or more balloons from the site to a height equal to the proposed facility.
3. The balloons shall be of a color or material that provides maximum visibility.

4. The photographs of the balloon test shall be taken from the nearest residence and from appropriate locations on abutting properties, along each publicly used road from which the balloon is visible, and other properties and locations as deemed appropriate by the Administrator.

J. If antennas are proposed to be added to an existing structure, all existing antennas and other equipment on the structure, as well as all ground equipment, shall be identified by owner, type and size. The method(s) by which the antennas will be attached to the mounting structure shall be depicted.

K. The Town shall require the review of the application by a third-party consultant retained by the Town at the expense of the applicant.

L. The applicant shall execute a letter of intent to allow other parties to share space (co-locate) on their tower and negotiate in good faith with other interested parties, including the Town Council and the Board of Supervisors of Warren County for emergency services radio and telephone facilities.

M. The tower construction shall be of a design that minimizes the visual impact of the tower and related facilities shall be camouflaged and/or screened from view from adjacent properties and rights-of-way to the greatest extent practicable. To this end, the application must provide for the retention of existing stands of trees and the installation of screening where existing trees do not mitigate the visual impact of the facility. Such screening shall, at a minimum, include a double row of evergreen trees at least two inches (2") in diameter at breast height separated by not further than ten feet (10') on center. The Planning Commission may recommend and the Council may require additional trees and screening when the minimum provisions do not mitigate adverse visual impacts of the facility.

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

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

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

Q. Any equipment cabinet not located within an existing building shall be fenced only with the approval of the Administrator upon finding that the fence: (i) would protect the facility from trespass in areas of high volumes of vehicular or pedestrian traffic or in rural areas, to protect the facility from livestock or wildlife; (ii) would not be detrimental to the character of the area; (iii)

would not be detrimental to the public health, safety or general welfare; and (iv) shall assist in the effective screening of the facility.

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

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

DIVISION 9.12 – PARKING AND LOADING

Section 9.12.1 - PARKING (175-103)

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

Section 9.12.2 - OFF-STREET PARKING (175-104)

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

Section 9.12.3 - OFF-STREET LOADING (175-105)

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

Section 9.12.4 – 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.

A. The one-time application fee shall be twelve hundred dollars (\$1200.00 dollars).

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. An existing residential use 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 current Uniform Statewide Building Code; 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. Failure to comply with the approved conditions and/or supplemental regulations will subject the permit to revocation by the Zoning Administrator at any time.

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

DIVISION 9.13 – DESIGNATED SPECIAL PURPOSE HOUSING

The following provisions shall apply to Designate Special Circumstance Housing (DSCH):

A. All DSCH, with the exception of individuals with developmental disabilities in any residential zoning district, shall have no more than eight (8) individuals along with one (1) or more staff member(s). Congregate Living with one or more staff members may be approved in R-2 and R-3 residential areas via SUP on a case-by-case basis as state and local laws and regulations allow. Case-by-case evaluation includes type/size of home, acceptable number of residents, location, zoning district and other mitigating factors considered in the SUP application.

B. All DSCH facilities shall be licensed by the appropriate state agency(s).

C. DSCH operations in residential districts shall be restricted to structures that are permitted by right in the respective residential district in question, or any facilities which are currently in existence as a nonconforming use. Page 3 of 4D. Any newly constructed DSCH facilities shall comply with all of the standards that exists in the residential zoning district where the structure will be located.

E. All DSCH in residential zoning districts shall be required to submit a management plan addressing staffing, resident services, security, and community engagement. This shall include:

1. A plat of the parcel and all buildings and structures thereon, both permanent and temporary.
2. Access control points and any fencing and screening for the parcel and all buildings and structures.
3. The use and occupancy of each room or space inside a building or structure, including accommodations for sleeping, accommodations for sanitary health and hygiene (e.g. sinks, toilets, latrines, showers, or washing stations); and accommodations for food preparation.
4. The size of emergency ingress points, egress points, and evacuation routes.
5. Smoke alarms, carbon monoxide alarms, and fire extinguishers.
6. An operations information statement that shall include, at minimum, the following:
 - a. The name of the operating entity, its articles of incorporation or similar organizational document and its bylaws, if any, and a statement of the operating entity's experience providing emergency housing, transitional housing, permanent supportive housing, or social service delivery.
 - b. Anticipated dates, days, and hours of operation.
 - c. Maximum intended number of overnight occupants, which shall at all times be in compliance with all applicable provisions of building, fire, health, and zoning codes.
 - d. List of requirements for admission of occupants.

e. Description of each staff position, qualifications necessary for each position, and a statement of the anticipated number of staff serving in such positions.

f. Statement of intention, or not, to provide occupants meals, minor medical care, job counseling, and services to help occupants transition to more permanent housing, and if so, whether provision of each will be on or offsite.

g. Pet care plan as required.

After SUP approval, any changes to the management plan must be submitted to Front Royal Planning and Zoning for impact assessment.

F. The SUP applicant must submit a plat of the property showing the existing conditions and location of the proposed parking and any anticipated parking waivers.

G. DSCH use of the property shall not change the general exterior appearance of the dwelling unit or change the character of the neighborhood.

H. In assessing the request for a special use permit to operate in residential zoning districts, the Council shall consider and may require the availability of safe on-site drop-off and pickup areas, outdoor play areas, fenced play areas, and pet accommodations. The Council shall also consider the nature and suitability of the proposed facility, the size, location and characteristics of the grounds or yard, the safety of the occupants at the facility, parking, the effects on nearby property and residents, and such other factors which the Council deems pertinent in assessing the suitability of any proposed DSCH operation in a residential zoning district.