PLANNING COMMISSION WORK SESSION
Wednesday, August 5, 2026 @ 6 PM
Town Hall – 2nd Floor, East Conference Room

AGENDA

CALL TO ORDER

ROLL CALL

WORK SESSION BUSINESS

1. **2600380 –** An Ordinance Amendment to Town Code §175-147 to refine the delineation of responsibilities of the Zoning Administrator and the Deputy Zoning Administrators.

2. Draft Zoning Ordinance.

3. Proposed Amendment to the Comprehensive Plan – Removal of "Data Center(s)".

OTHER

ADJOURNMENT

WORK SESSION BUSINESS ITEM 1

2600380 – AN ORDINANCE AMENDMENT TO TOWN CODE §175-147 TO REFINE THE DELINEATION OF RESPONSIBILITIES OF THE ZONING ADMINISTRATOR AND THE DEPUTY ZONING ADMINISTRATORS.

175-147 ADMINISTRATIVE OFFICIAL

~~The Director of Planning shall be designated as the Zoning Administrator, and have all necessary authority for the enforcement and administration of the zoning ordinance. The Zoning Officer, or other individual as appointed by the Town Manager, shall serve as the deputy of the Zoning Administrator.~~

~~(Ord. of 4-19-99)~~

The Director of Planning shall be designated as the Zoning Administrator, and shall have all necessary authority for the enforcement and administration of the zoning ordinance on behalf of the Town Council. One or more individuals as designated and appointed by the Town Council shall serve as deputies of the Zoning Administrator. The Zoning Administrator may delegate specific administrative and enforcement responsibilities to individual designated deputies, subject to final approval by the Town Council.

Staff Notes (not part of the ordinance)

This change will accomplish two things:

1. Clarify that staff is enforcing the Code on Town Councils behalf. The Legislative Body adopts the code that staff is charged with enforcing.
2. It permits there to be more than one Deputy Zoning Administrator. The way the code reads now, there can only be one deputy, which is problematic when several staff members enforce the Code by way of their job title.

WORK SESSION BUSINESS ITEM 2

DRAFT ZONING ORDINANCE

INTRODUCTION, PURPOSE, HOW TO USE

ARTICLE 1 – GENERAL PROVISIONS

DIVISION 1.1 – AUTHORITY, ESTABLISHMENT, AND PURPOSES

Section 1.1.1 – SHORT TITLE.

This chapter shall be known and may be cited as the "Town of Front Royal Zoning Ordinance", the "Zoning Ordinance", or referred to herein as "this Chapter" or "this Ordinance". The accompanying map shall be known as the "Town of Front Royal Official Zoning Map" or the "Zoning Map".

Section 1.1.2 – AUTHORITY.

The Zoning ordinance is adopted in accordance with the enabling authority contained in Title 15.2, Chapter 22 of the Code of Virginia, the Charter of the Town of Front Royal, and all other relevant laws of the Commonwealth of Virginia.

Section 1.1.3 – EFFECTIVE DATE, REPEAL OF PRIOR ZONING ORDINANCE.

This chapter shall be effective upon adoption by the Front Royal Town Council. Upon adoption, it shall supersede any and all previous Zoning regulations in the Town.

Section 1.1.4 – GENERAL PURPOSE AND INTENT.

This ordinance is enacted in order to promote the health, safety, and welfare of the present and future residents of the Town of Front Royal and to implement the Town's adopted Comprehensive Plan. More specifically, tis ordinance is intended to:

A. To promote orderly and harmonious growth and development of the built environment.

B. To implement the vision and intent of the adopted Comprehensive Plan.

C. To promote the efficient and effective expenditure of Town funds and tax dollars.

D. To provide for the protection of the natural environment and the Shenandoah River.

E. To encourage viable economic development and enlargement of the tax base.

F. To develop the Town in a manner consistent with the community's vision.

G. To concentrate development and density in a manner that benefits Town residents.

H. To provide for a harmonious transition between areas of different character.

I. To anticipate and accommodate future development.

J. To provide a sufficient and appropriate mix of housing types and housing options, and to make housing affordable and accessible to the largest number of Front Royal residents.

K. To provide a mix of options and uses that benefits Town residents and ensures economically sustainable development.

L. To guide development to maximize benefits to residents and minimize taxpayer burden.

M. To guide the location and character of future development.

DIVISION 1.2 – RELATIONSHIP TO OTHER LAWS

Section 1.2.1 – REFERENCES TO THE CODE OF VIRGINIA AND FEDERAL LAW.

Whenever any provision of this Ordinance refers to or cites a section of the Code of Virginia or federal laws and statues, and that section is later amended or superseded, this Chapter shall be deemed to refer to the amended section or the section that corresponds to the superseded section.

Section 1.2.2 – CONFLICTS BETWEEN PROVISIONS OF THIS ORDINANCE AND WITH OTHER TOWN CODES OR LAWS.

If a provision of this Ordinance is inconsistent with another provision of this Ordinance, or with a provision found in other codes or ordinances of the Town, the provision that imposes greater restrictions or more stringent controls will govern unless otherwise expressly stated or modified by the appeal process.

Section 1.2.3 – CONFLICTS WITH FEDERAL OR STATE LAW.

If a provision of this Ordinance is inconsistent with a provision found in the law or regulations of the Commonwealth of Virginia or of the Federal government, the more restrictive provision will govern, to the extent permitted by law.

Section 1.2.4 – CONFLICTS WITH PRIVATE AGREEMENTS.

The Town will not be responsible for monitoring or enforcing private easements, covenants, and restrictions, although the County may inquire if land is subject to easements, covenants, and restrictions during the review of development applications. Private easements, covenants, and

restrictions notwithstanding, all development, unless expressly by this Ordinance, must comply with this Ordinance's minimum requirements.

Section 1.2.5 – EXISTING VESTED RIGHTS.

Nothing in this Ordinance is intended to repeal, supersede, annul, impair, or interfere with any vested rights under applicable laws, provided that such rights are lawfully established and remain in effect.

Section 1.2.6 – CONSISTENCY WITH THE ADOPTED COMPREHENSIVE PLAN.

This Ordinance is intended to ensure all development within the Town's jurisdiction is consistent with the vision, goals, objectives, and policies of the adopted Comprehensive Plan. All amendments to this Ordinance's text or the Official Zoning Map should be consistent with the Town's adopted Comprehensive Plan or any adopted amendments thereto.

Section 1.2.7 – GENERAL APPLICATION OF ORDINANCE.

The regulations and restrictions in this Ordinance shall apply to all buildings, structures, land, water, and uses within the territorial limits of the Town of Front Royal, Virginia. All buildings and structures erected after approval of this Ordinance, all uses of land, water, or buildings established hereafter, all structural alterations or relocations of existing buildings occurring hereafter, and all enlargements of, additions to, changes in and relocations of existing uses occurring hereafter, shall be subject to all regulations of this Ordinance which are applicable to such buildings, structures, uses, or land. Existing buildings, structures, and uses which comply with the regulations of this Ordinance shall likewise be subject to all regulations of this ordinance and, if they do not comply with the regulations of this Ordinance, shall be governed by the provision of Division 2.4 (Nonconforming Uses and Features).

Section 1.2.8 – No development until compliance with this Ordinance.

Unless exempted, no land within Town Limits shall be developed without compliance with this Ordinance and all other applicable state and federal regulations, including a Zoning Certificate, if required. A building or structure shall not be occupied unless a Certificate of Occupancy is approved, if required, in accordance with the Building Code of Warren County.

Section 1.2.9 – EXEMPTIONS.

Activities related to the development and operation of railroads and public utilities, as well as property owned by the Commonwealth of Virginia, are exempted from the requirements of this Ordinance.

Section 1.2.10 – PERMITS AND CERTIFICATES.

No construction may commence, no use may be established or changed, and no structure shall be constructed, erected, altered, moved, or demolished unless and until all permits required by Article 3 and Article 4 of this Ordinance.

Section 1.2.11 – SEVERABILITY.

Should any section or any provision of this Ordinance be decided by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole, or any part thereof other than the part so held to be unconstitutional or invalid, and such remainder of this Ordinance shall continue in full force and effect.

Section 1.2.12 – RULES OF LANGUAGE CONSTRUCTION.

A. Words used in the present tense include the future tense; words used in the singular number include the plural number, and words in the plural number include the singular number, unless the obvious construction of the wording indicates otherwise.

B. The word “shall” is mandatory, “may” is permissive.

C. Unless otherwise specified, all distances shall be measured horizontally and at right angles to the line in relation to which the distance is specified.

D. The word “building” includes the word “structure;” the word “lot” includes the words “plot” and “parcel.”

E. The word “used” shall be deemed also to include “erected,” “reconstructed,” “altered,” “placed,” or “moved.”

F. The terms “land use” and “use of land” shall be deemed also to include “building use” and “use of building.”

G. The word “state” means the Commonwealth of Virginia.

H. The word “town” means the Town of Front Royal, Virginia.

I. The word “person” includes a firm, association, organization, partnership, trust, company or corporation as well as an individual.

   The word “he” includes “she” and “they.”

ARTICLE 2 – APPLICATION OF REGULATIONS

DIVISION 2.1 – APPLICATION OF DISTRICT REGULATIONS

Section 2.1.1 – APPLICATION OF DISTRICT REGULATIONS.

The regulations set by this Ordinance within each district shall be minimum or maximum limitations as appropriate to the case and shall apply uniformly to each class or kind of structure or land, and particularly, except as hereinafter provided.

Section 2.1.2 – USE, OCCUPANCY, AND CONSTRUCTION.

Each use, building and structure, whether primary or accessory, shall hereafter be established only compliance with all applicable regulations of the zoning district upon which the particular use, building or structure is located, except for nonconforming uses and structures as provided in this chapter.

Section 2.1.3 – HEIGHT, BULK, DENSITY, LOT COVERAGE, AND OPEN SPACES.

No building or other structure shall hereafter be erected or altered:

A. To exceed the height or bulk.

B. To accommodate or house a greater number of buildings, families or to have great floor area.

C. To occupy a greater percentage of lot area.

D. To have narrower or smaller rear yards, front yards, side yards or other open areas than herein required; or in any other manner contrary to the provisions of this ordinance.

DIVISION 2.2 – ESTABLISHMENT OF DISTRICTS; OFFICIAL ZONING MAP; INTERPRETATION OF BOUNDARIES

Section 2.2.1 – ESTABLISHMENT OF DISTRICTS, OFFICIAL ZONING MAP.

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

Section 2.2.2 – IDENTIFICATION OF OFFICIAL ZONING MAP.

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

Section 2.2.3 – CHANGES ON ZONING MAP.

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

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

Section 2.2.4 – LOCATION OF OFFICIAL ZONING MAP.

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

Section 2.2.5 – REPLACEMENT OF OFFICIAL ZONING MAP.

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

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

Section 2.2.6 – ENUMERATION OF DISTRICT.

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

Zoning District Name	Abbreviation
Agriculture and Open Space Preservation District	A-1
Estate Residential District	R-E
Suburban Residential District	R-S
Residential District	R-1
Residential District	R-1A
Residential District	R-2
Residential District	R-3
Planned Neighborhood Development	PND
Mixed-Use Campus Development	MCD
Community Business District	C-1
Commercial District	C-2
Highway Corridor Business District	C-3
Limited Industrial	I-1
Industrial Employment	I-2

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

Floodplain District

Historic Front Royal District

Entrance Corridor District

Section 2.2.7 – CLASSIFICATION OF ANNEXED TERRITORY.

Any property coming into the territorial jurisdiction of the Town of Front Royal by annexation or otherwise shall be temporarily classified in the “Agriculture and Open Space Preservation District A-1” which shall apply pending the orderly amendment of the Zoning Ordinance.

Section 2.2.8 – INTERPRETATION OF BOUNDARIES.

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

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

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

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

Section 2.2.10 – EXCLUDED USES.

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

Section 2.2.11 – TEMPORARY EMERGENCY USES.

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

DIVISION 2.3 – TRANSITIONAL PROVISIONS

Section 2.3.1 – EFFECTIVE DATE.

This Ordinance shall become effective on _____, 2026, and repeals and replaces Chapter 175 of the Front Royal Municipal Code, or the "Zoning Ordinance of Front Royal, Virginia," as originally adopted _____ and subsequently amended.

Section 2.3.3 – VIOLATIONS CONTINUE.

Any violation of the previous zoning ordinance shall continue to be a violation under this Ordinance, unless the development complies with the express terms of this Ordinance, a subsequently adopted ordinance, or other applicable ordinances, laws, variances, waivers or statues.

Section 2.3.3 – COMPLETE APPLICATIONS.

A. Any development application submitted and accepted as complete before (adoption date), but still pending final action as of that date, shall be reviewed and decided in accordance with the regulations in effect when the application was accepted. To the extent such an application is approved and proposes development that does not comply with this Ordinance, the subsequent development, although permitted, shall be nonconforming and subject to the provisions of Division 2.4, Nonconforming Uses and Features.

B. Completed applications shall be processed and comply with any time frames for review, approval, and completion as established in the regulations in effect at the time of application acceptance. If the application fails to comply with the required time frames, it shall expire and future development shall be subject to the requirements of this Ordinance.

C. An applicant with a pending application accepted before (adoption date) may opt to have the proposed development reviewed and decided under the standards of this Ordinance by withdrawing the pending application and submitting a new application in accordance with the procedures and standards of this Ordinance.

D. Any Zoning Permit issued prior to the date of effect of this Ordinance, regardless if construction has begun, shall be valid and subject to the regulations of the Zoning Ordinance in effect when the permit was issued. Consistent with Section 4.1.1 of this Chapter, the Zoning Permit shall become invalid if the authorized work is not commenced within one (1) year of its issuance.

Section 2.3.4 – APPROVED ZONING SUBJECT TO PROFFERS.

Lands subject to zoning classification approved subject to proffers before (adoption date) shall continue to be subject to the approved conditional rezoning and proffers until or unless the Town Council amends the zoning classification of the lands in accordance with the procedures and standards of this Ordinance and the Code of Virginia.

DIVISION 2.4 – NONCONFORMING USES AND FEATURES

Section 2.4.1 – CONTINUATION.

A. Any legal use that was in operation, or any building or structure that legally existed prior to the effective adoption date of this chapter, that no longer conforms to the requirements of this chapter at the effective adoption date, may be continued so long as the use, building and/or structure remains otherwise lawful. Such legally nonconforming uses, buildings and structures shall conform to all applicable laws in effect at the time when the use, building and/or structure was established.

B. If there is any change of ownership, possession, or lease, of any legally nonconforming use, building or structure, it may continue according to the requirements of this chapter.

C. When the boundaries of a district are changed, any uses, buildings, and/or structures, which become nonconforming as a result of such change, shall be subject to the provisions of this Chapter.

Section 2.4.2 – VESTED RIGHTS.

Pursuant to §15.2-2307 of the Virginia Code, plans for the establishment of new uses, buildings and/or structures may proceed, despite if the requirements of this chapter are not complied with, if a vested right is determined by the zoning Administrator, after concurrence with the Town Attorney.

Section 2.4.3 – DISCONTINUANCE.

If any legally nonconforming use is discontinued for a period exceeding two (2) years after the enactment of this chapter, it shall be deemed abandoned, and any use thereafter shall conform to the use requirements of this chapter. However, the Town Council may approve, by a Special Use Permit, the use to be reinstated and continued, if the structure was declared blighted by the Town Council and a spot blight abatement plan was approved by the Town Manager or designee pursuant to Town Code Chapter 9-303. (A. Brooks states this section was repealed in 2024.)

Section 2.4.4 – PARKING EXEMPTION FOR THE REUSE OF EXISTING PROPERTIES.

Regardless of Section 2.4.3, the reuse of properties with existing parking areas and/or loading spaces shall be except from the requirement to comply with the current parking area and loading space requirements of this Chapter, or Chapter 148; provided that, the following conditions are met:

A. A zoning permit was previously issued by the Town on the property for a business (commercial) or industrial use.

B. Town Council may require site improvements when a Special Use Permit is required.

C. The number of existing parking spaces shall not be reduced for display or other purposes.

D. When the existing parking area and/or loading spaces are in disrepair, the Zoning Administrator may require the following types of maintenance improvements at the time of issuance of a zoning permit:

1. Additional landscaping.

2. The demarcation of existing parking spaces by striping, restriping, wheel stops, or signage.

3. The resurfacing of the existing surface material.

Section 2.4.5 – NONCONFORMING LOTS OF RECORD.

A. Except as hereinafter provided, the minimum lot width and lot area shall be required for the establishment of any new lot, or use of a lot, in the R-1, Residential District. Wherever possible, the consolidation of existing nonconforming lots is encouraged to meet the minimum lot size requirements. All new construction shall conform to the yard dimensions and all other regulations for the R-1, Residential District.

1. The Administrator may issue an administrative variance of up to twenty percent (20%) of the required lot width and/or area, where it is found that the proposed new construction is consistent with the structure size, orientation and pattern of development on the street and in the immediate neighborhood.

    a. The proposed structure is compatible with the comparative homes in terms of building orientation, scale, proportion and site layout.

    b. The proposed structure is compatible with comparative homes in terms of building orientation, scale, proportion and site layout. (Lauren discussed with Town Manager, this shouldn't be a political decision)

    c. The site grading provides for adequate drainage on and off the site, without any adverse impact onto adjoining properties.

2. For the purpose of this section, comparative homes shall mean characteristics that are present in at least sixty percent (60%) of the homes located on both sides of the street in the immediate block where the proposed structure is located…

3. The Town Council may approve a reduction of the required lot width and/or area, by not more than forty percent (40%), where necessary, to achieve increased compatibility with other structures in the immediate block.

B. In any other residential district, a single dwelling may be erected on any single lot of record, notwithstanding limitations imposed by other provisions of this chapter. This provision shall apply even though such lot fails to meet the requirements for lot area and/or lot width, that are generally applicable in the district, provided that yard dimensions shall conform to the regulations for the district in which such lot is located. All other uses, except a single dwelling, are required to meet the minimum lot area requirements for the district in which it is located.

C. In any commercial or industrial district, a permitted structure may be erected on any single lot of record at the effective date of adoption or amendment of this chapter, notwithstanding limitation imposed by other provisions of this chapter. This provision shall apply even though such lot fails to meet the requirements for lot area and/or lot width, that are generally applicable in the district, provided that yard dimensions shall conform to the regulations for the district in which such lot is located.

D. If any nonconforming lot of record contains a conforming use and/or structure, such use and/or structure may be replaced in the area of the preexisting use and/or structure should damage or destruction occur. Expansion of said use and/or structure may occur within the limits of this chapter.

E. Except as otherwise noted herein, a variance of yard requirements may be obtained only though action of the Board of Zoning Appeals.

Section 2.4.6 – CHANGES OF USE.

A nonconforming use, if changed to a conforming use, shall not thereafter be changed back to any nonconforming use. A nonconforming use may, by Special Use Pemrit, be changed to another nonconforming use, provided that the Town Council shall find that the proposed use is equally appropriate or more appropriate in the zoning district than the existing nonconforming use.

Section 2.4.7 – EXPANSIONS AND OTHER TYPES OF ALTERATIONS.

A. Except by approval of a Special Use Permit by Town Council, a nonconforming use, building or structure shall not be enlarged, increased or extended to occupy a greater area of land area than was occupied at the effective date of adoption of this chapter unless such expansion conforms to the requirements of this chapter. However, the Town Council may approve by a Special Use Permit the expansion of a nonconforming building or structure that will not create a new nonconformity, if it was deemed blighted by Town Council pursuant to Town Code Chapter 9-303 (A. Brooks states this was repealed in 2024) and the proposed expansions is part of a spot blight abatement plan to remedy the blighted building or structure.

B. New nonconforming structures or buildings shall not be erected in connection with a nonconforming use of land.

C. A nonconforming building or structure may be enlarged if the expansion does not create a new nonconformity and does not increase the degree or intensity of the existing nonconformity, as determined by the Zoning Administrator.

D. A nonconforming structure or building shall not be moved, for any distance or reason, unless it shall thereafter conform to the zoning district regulations for the district in which it is located after it is moved.

Section 2.4.8 – REPLACEMENT, REMOVE, REPAIR, AND RECONSTRUCTION.

A. If a nonconforming use of land is damaged or destroyed, such use may be replaced to the extent to which it existed prior to said damage or destruction. Removal or destruction of a building or structure in which a nonconforming use was located shall eliminate the use which the structure or building was used for (a nonconforming use), except if the structure was declared blighted by the Town Council and a spot blight abatement plan pursuant to Town Code Chapter 9-303 (Town Code Chapter 9-303 (A. Brooks states this was repealed in 2024) was approved by the Town Manager or designee prior to the use being damaged or destroyed, in which case, the blighted building or structure may be completely replaced upon the approval of a Special Use Permit by the Town Council.

B. Nonconforming buildings and structures that are damaged by a natural event or man-made accident may be repaired and/or reconstructed to their previous condition and size if the work does not exceed fifty percent (50%) of the replacement value.

C. Town Council may approve a Special Use Permit for the repair and/or reconstruction of a building or structure beyond fifty percent (50%) of the market value, provided the Special Use Permit application is submitted within twelve (12) months of said damage or destruction or at any time if the building or structure was deemed blighted by Town Council pursuant to Town Code Chapter 9-303 (Town Code Chapter 9-303 (A. Brooks states this was repealed in 2024). Otherwise, when the repair and/or reconstruction work to a nonconforming building or structure exceeds fifty percent (50%) of the market value, it may only be repaired and/or reconstructed to the requirements of this chapter, as applicable for new construction.

D. If a nonconforming building or structure was deemed blighted by the Town Council pursuant to Town Code Chapter 9-303 (Town Code Chapter 9-303 (A. Brooks states this was repealed in 2024), the Town Manager or designee may approve the demolition and reconstruction of said building or structure as part of a spot blight abatement plan. The Town Manager or designee shall impose a time period in which demolition and reconstruction must occur.

E. Nothing in this chapter shall be deemed to prevent the strengthening or restoring to a safe condition of any structure or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

Section 2.4.9 – PERCENT OF DAMAGE.

The cost of land or any factors other than the cost of the structure are excluded in the determination of fair market value for the purpose of calculating the percent of damage. Such percentage shall be determined by the Town Manager or designee.

Section 2.4.10 – USES UNDER SPECIAL USE PERMIT PROVISIONS.

Any use which is permitted by a Special Use Permit in a zoning district under the terms of this chapter (other than a change through the Town Council action from one nonconforming use to another nonconforming use) shall not be deemed a nonconforming use in such zoning district, but shall without further action be considered a conforming use.

ARTICLE 3 – ADMINISTRATION, DECISION MAKING, AND ENFORCEMENT

DIVISION 3.1 – ADMINISTRATIVE STAFF

Section 3.1.1 – PLANNING DIRECTOR – DUTIES AND AUTHORITY.

The Director of the Department of Planning and Zoning ("Planning Director") is designated by the Town Manager to assist in the administration of this Ordinance. Any act authorized by this Ordinance to be carried out by the Planning Director may be delegated to staff under the Planning Director's direction, with appropriate authorization. The designated Planning Director for the purposes of this Ordinance is the Director of the Department of Planning and Zoning, or the head of the equivalent department that carries out the planning and zoning functions of the Town.

Section 3.1.2 – ZONING ADMINISTRATOR – DUTIES AND AUTHORITY.

The Director of Planning shall be designated as the Zoning Administrator and have all necessary authority for the enforcement and administration of the Zoning Ordinance. The Zoning Officer, or other individual as appointed by the Town Manager, shall serve as the deputy of the Zoning Administrator.

Section 3.1.3 – BUILDING INSPECTOR.

All building inspections in the Town of Front Royal shall be conducted by the Warren County Building Inspections Department.

Section 3.1.4 – FLOOD PLAIN ADMINISTRATOR.

The Director of the Department of Planning and Zoning, or their designee, shall act as the Floodplain Administrator.

DIVISION 3.2 – DECISION-MAKING BODIES

Section 3.2.1 – TOWN COUNCIL.

The Town Council of Front Royal has adopted this Zoning Ordinance and must approve and adopt any amendments to either the text or map. For all legislative land use applications, the Town Council shall review the recommendation of the Planning Commission and determine whether to grant a Special Use Permit ("SUP") or adopt an Amendment to rezone or conditionally rezone a property.

Section 3.2.2 – PLANNING COMMISSION.

The duties of the Planning Commission shall be as described in Chapter 28, Section 5 of the Town of Front Royal Municipal Code.

The Planning Commission shall review and provide a recommendation to the Town Council for legislative land use applications, including Special Use Permits or Amendments to the Zoning Map.

Section 3.2.3 – BOARD OF ZONING APPEALS.

A. Membership and Terms of Office of the Board of Zoning Appeals.

    1. A Board consisting of five (5) Town residents shall be appointed by the Circuit Court of the county. Members of the Board shall each be compensated in an amount determined by the Town Council. Members shall be removable for malfeasance, misfeasance or nonfeasance, upon written charges and after public hearing. Appointments for vacancies occurring other than by expiration of term shall in all cases be for the unexpired term.

    2. The term of office shall be for five (5) years, except that, of the first five (5) members appointed, one (1) shall serve for five (5) years, one for four (4) years, one for three (3) years, one for two (2) years and one for one (1) year. One (1) of the five (5) appointed members may be an active member of the Planning Commission.

    3. Members may be removed for cause by the appointment authority upon written charges and after a public hearing held after at least fifteen (15) days' notice.

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

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

B. Powers of the Board of Zoning Appeals.

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

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

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

    b. No such variance shall be authorized by the Board, unless if finds:

        i. That the strict application of the chapter would produce undue hardship.

        ii. That such hardship is not shared generally by other properties in the same zoning district.

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

c. No such variance shall be authorized except after notice and hearing as required by Section 15.2-2204 of the Code of Virginia as amended.

d. No variance shall be authorized unless the Board finds that the condition or situation of the property concerned or the intended use of the property is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the chapter.

e. In authorizing a variance, the Board may impose such conditions regarding the location, character and other features of the proposed structure or use as it may deem necessary in the public interest and may require a guaranty or bond to ensure that the conditions imposed are being and will continue to be complied with.

f. In the event that a variance is not granted, the same variance application, or a variance application that is substantially the same, may not be submitted to the Board for consideration for a period of one (1) year from the date on which the variance request was denied.

3. To hear and decide appeals from the decision of the Zoning Administrator.

4. To hear and decide applications for interpretation of the district map where there is any uncertainty as to the location of a district boundary. Public hearings after appropriate notice must be held prior to such adjustments. The Board shall not have the power to change substantially the locations of district boundaries as established by this chapter. The Board shall not have the power to rezone property.

C. Rules and Regulations of the Board of Zoning Appeals.

1. The Board of Zoning Appeals shall adopt such rules and regulations as it may consider necessary.

2. The meeting of the Board shall be held at the call of its Chairman or at such time as a quorum of the Board may determine.

3. The Chairman or, in his absence, the Acting Chairman may administer oaths and compel the attendance of witnesses.

4. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question or, if absent or failing to vote, indicating such fact. It shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board and shall be a public record.

5. All meetings of the Board shall be open to the public.

6. A quorum shall be at least three (3) members.

7. A favorable vote of three (3) members of the Board shall be necessary to reverse any order, requirement, decision or determination of any administrative official or to decide in favor of the applicant on any matter upon which the Board is required to pass.

D. Appeals to the Board of Zoning Appeals.

1. An appeal to the Board may be taken by any person aggrieved or by any officer, department, board or bureau of the county or municipality affected by any decision of the Zoning Administrator. Such appeal shall be taken within thirty (30) days after the decision appealed from by filing with the Zoning Administrator and with the Board a notice of appeal specifying the grounds thereof. The administrator shall forthwith transmit to the Board of the papers constituting the record upon which the action appealed from was taken. An appeal shall stay all proceedings in furtherance of the action appealed from unless the Zoning Administrator certifies to the Board that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order granted by the Board or by a court of record, on application and on notice to the Zoning Administrator, and for good cause shown.

2. From notices of violation for temporary or seasonal commercial uses, parking of commercial trucks in residential districts or similar short-term, recurring violations, as determined by the Zoning Administrator, an appeal shall be filed within ten (10) days of the date of receipt of such notice of violation.

E. Appeal Procedure.

Appeals shall be mailed to the Board of Zoning Appeals in care of the Zoning Administrator, and a copy of the appeal shall be mailed to the Secretary of the Planning Commission. A third copy shall be mailed to the individual, official, department or agency concerned, if any.

F. Public Hearing of Application of Appeal.

The Board shall fix a reasonable time for the hearing of an application or appeal, give public notice thereof as well as due notice to the parties in interest and decide the same within sixty (60) days. In exercising its powers, the Board may reverse or affirm, wholly or partly, or may modify an order, requirement, decision or determination of administrative officer or decide in favor of the applicant on any matter upon which it is required to pass under this chapter or effect any variance from the chapter. The Board

shall keep minutes of its proceedings and other official actions, which shall be filed in the office of the Board and shall be public records. The Chairman of the Board or, in his absence, the Acting Chairman may administer oaths and compel the attendance of witnesses.

G. Appeal of Decision of Board of Zoning Appeals.

1. Any person or persons jointly or severally aggrieved by any decision of the Board of Zoning Appeals, or any taxpayer or any officer, department, board or bureau of the municipality, may present to the Circuit Court of the county a petition specifying the grounds on which aggrieved within thirty (30) days after the filing of the decision in the office of the Board.

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

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

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

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

Section 3.2.4 – BOARD OF ARCHITECTURAL REVIEW.

A. Establishment and Terms of Office.

1. A Board to be known as the "Board of Architectural Review (BAR) is hereby established and shall consist of five (5) voting members who shall be appointed by

the Town Council. All members shall have a demonstrated interest, competence, or knowledge in historic preservation. One (1) member shall be a property owner/resident of an historic district overlay area and one (1) shall have professional training or equivalent experience in architecture, history, American studies, architectural history, archaeology or planning. All members shall be residents of Warren County, with knowledge of and demonstrated interest in the historic character of the Town. These members shall serve terms of four (4) years each.

2. BAR members may be reappointed for consecutive terms.

3. The BAR shall elect from its own membership a Chairman and Vice Chairman, who shall serve annual terms as such and who may succeed themselves. The Board shall appoint a Secretary who shall serve at its pleasure.

4. When a vacancy occurs, a new appointment shall be made by the Town Council for the unexpired terms within sixty (60) days after the vacancy occurs. The Town Council shall publicly announce and solicit qualified candidates for Board of Architectural Review vacancies.

5. Any appointed member of the BAR may be removed from office by the Town Council for inefficiency, neglect of duties or malfeasance. An appointment to fill a vacancy shall be only for the unexpired term on the vacancy.

6. Members shall make every effort to attend at least one (1) training session annually sponsored by the Department of Historic Resource, the Preservation Alliance of Virginia or other organizations that are involved with historic preservation issues, design and review standards or other work of the BAR.

B. Duties, Power and Responsibilities.

The Board of Architectural Review shall have the power and authority for issuing or denying certificates of appropriateness for construction, reconstruction, substantial exterior alteration, razing or relocation within the historic district overlay area. In addition, the Board shall have the following duties:

1. To assist and advise the Town Council, the Planning Commission and other Town departments, agencies and property owners in matters involving historically significant sites and buildings or other properties in historic districts, such as but not limited to appropriate land usage, parking facilities and signs.

2. To continuously evaluate conditions and to advise owners of historic landmarks or contributing structures or other properties in historic districts on problems of preservation.

3. To conduct studies deemed necessary by the Town Council or the Planning Commission concerning location of historic districts and means of preservation, utilization, improvement and maintenance of historic assets in the Town.

4. To propose additional historic districts or additions or deletions to districts.

5. To adopt standards for review to supplement the standards set forth in this Chapter.

6. to establish an appropriate system of markers for selected historic sites and buildings, including proposals for the installation and care of such historic markers, and to invite each owner of a building of historical significance to display the marker thereon.

7. To cooperate with and enlist assistance from the Virginia Department of Historic Resources, the National Trust for Historic Preservation and other interested parties, both public and private, in its efforts to preserve, restore and conserve local historic landmarks, buildings, sites or areas with the Town.

8. To prepare and adopt specific guidelines, illustrated as necessary, for those historic districts which have special characteristics and architectural features that are peculiar to the district and which should be preserved and to make these guidelines available to property owners within each historic district and to the general public. After these historic districts are approved, specific guidelines shall be adopted for such historic districts as may require specific guidelines.

9. To preserve existing single-family homes within the Historic District.

10. To restrict the conversion of any existing single-family dwelling into multi-family dwelling, commercial property, or any other non-residential use.

11. To restrict new development of multi-family dwelling in the residential zoned areas of the Historic District.

12. To sponsor public information activities, when deemed appropriate, publicizing historic preservation efforts, which activities may include, but not be limited to, speaking engagements, handouts, press releases and films.

13. To hold public meetings as often as necessary to fulfill the responsibilities assigned by this Chapter.

C. Organization and Meetings:

1. The Chairman shall conduct the meetings of the Bar.

2. The Secretary shall keep the minutes of the meetings and a permanent record of all resolutions, motions, transactions and determinations.

3. All members of the BAR, except for advisory members, shall be entitled to vote; and the decisions of the BAR shall be determined by a majority vote.

4. A quorum of three (3) voting members present is required before the BAR may take any official action.

5. The BAR shall meet within twenty (20) days after notification by the Zoning Administrator of an application for a certificate of appropriateness or a permit requiring action by the BAR.

6. The BAR shall have regularly scheduled meetings at least four (4) times a year. The meetings of the BAR shall be open to the public, and a full and impartial hearing shall be granted. All regularly scheduled meetings shall be conducted in the evening hours for the convenience of the public.

7. The BAR shall vote and announce its decision on any matter properly before it not later than forty-five (45) after the conclusion of the hearing on the matter, unless the time is extended with the written consent of the applicant.

8. In matters covering the procedures for meetings not covered by this document, the BAR may establish its own rules, provided that they are not contrary to Town policy or the intent of this Chapter.

D. Authority to Receive Funding and Advisory Services.

1. All persons interested in the preservation of historic buildings or historic sites in the Town are invited to make fits, devises and bequests to the Town to be used for that purpose. All such donations, other than money, shall be subject to acceptance by the Town Council. All donations of money shall be made through the Department of Finance, and it is hereby authorized and directed to receive such donations and to deposit them in a special fund to be known as the “Historic Buildings and Sites Trust Fund,” and shall be used only for the purpose of preserving and promoting the preservation of historic buildings and sites in the Town. Expenditures from such fund shall be made by the Town Manager as authorized, from time to time, by the Town Council.

2. The BAR may seek federal, state or private grants or funding to assist in the performance of its duties as herein defined.

3. Within the limits of funds that may be made available to the BAR for the performance of its work, the BAR may obtain services of qualified persons to advise and assist the BAR as required.

4. Upon request of the BAR, with approval by the Town Manager, the departments, boards, commissions, offices and agencies of the Town government shall furnish to the Board such available information and render such service as may be required for the exercise of the powers and performance of the duties of the BAR.

E. Creation of Historic Districts and Landmarks.

1. The BAR shall prepare and recommend for adoption as part of this Article a district boundary map and an inventory map covering the area or areas to be considered for inclusion in an historic district overlay area. These maps, when adopted in accordance with the provisions of the Code of Virginia Section 15.2-2285, shall be as much a part of this Article as if fully described herein and shall be filed as a part of this Article by the Clerk of the Town of Front Royal. The inventory map shall delineate local historic landmarks, contributing properties and noncontributing properties. The inventory and district boundary maps may be amended, from time to time, in the same manner as the Zoning District Map.

2. The Board of Architectural Review may propose to the Planning Commission and the Town Council such amendments as deemed appropriate, including the establishment of historic districts or revision to existing historic districts. Upon receipt of said proposal, the Town Council may initiate such amendment pursuant to Division 5.2. The BAR shall prepare and submit simultaneously with said proposal a report to substantiate establishment of a historic district or a proposed amendment. Such report shall establish and define the historic district boundaries, as delineated upon an appropriate map, as well as describe the historic and/or architectural significance of the buildings, structures or sites to be protected, and the special characteristic, qualities and/or fabric to be preserved, and shall describe present trends and conditions, current and long-range planning and desirable public objectives for preservation. The report may also include plans for public action in or adjoining a district that is likely to affect its character or development.

3. Applications for creation or expansions of an historic district or for the designation of landmarks or landmark sites may also be filed by the Planning Commission, the Town Council, the owner, the contract purchaser with the owner's written consent or the owner's agent or sixty percent (60%) of the owners of all buildings within a proposed historic district. All requests shall be made in the same manner as other zoning amendments, as provided for in Division 5.2.

4. Any historic district and any historic map which have been created and adopted by the Front Royal Town Council prior to the amendment of this Article shall not be repealed but shall remain intact and in effect, subject now to the provisions of this amended Article.

5. Any historic district created and adopted by the Front Royal Town Council after February 1, 1993, shall remain in effect, except as amended or modified pursuant to the regulations herein, for an initial maximum period of ten (10) years from the date of its adoption. Subsequent action by the Front Royal Town Council shall be made to continue the district beyond the initial ten-year period.

6. Upon the presentation of a request to withdraw from an adopted subarea within the historic district overlay area, with such request having been duly executed by at least sixty-seven percent (67%) of the owners of taxable parcels (with a vote for each separate tax parcel) within the designated historic subarea, the Town Council, at its next meeting, shall take appropriate action to remove the historic district designation. This provision shall be applicable only where the historic resource overlay area shall have been in place for a period of not less than two (2) years.

F. Criteria for Selection of Historic Districts and Landmarks.

Criteria for evaluating the merits of a given structure or space shall be based on architectural features as well as historic factors. Certain buildings or areas, although not associated with a historic personage or event, may be valuable examples of the Town's physical and cultural heritage. Structures of local significance shall be evaluated, as well as those of state and national significance, and any structures individually listed upon the National Register of Historic Places or the Virginia Landmarks Register shall be designated upon the Town Register. In addition, such evaluation shall be based on the following specific matters:

1. Architectural and landscape style: The evaluation shall respect the qualities of each architectural and landscape style and shall judge a structure's merit on how well it exemplifies the distinguishing characteristics of said style. Consideration will be given to:

    a. The significance of the architectural design.

    b. The scale and/or interrelationships of the structures and/or environmental features.

    c. The significant patterns of development.

    d. The quality of workmanship.

e. The amount of surviving original fabric.

f. The original location and use.

g. The remaining outbuildings or dependencies.

h. The surrounding environment; gardens, landscaping and walks.

i. The aesthetic quality.

j. The original integrity of the structure and its details.

2. Historical and/or cultural significance: Structures or spaces relating to one (1) or more of the following criteria will be considered historically or culturally valuable:

a. Association with a historic personage.

b. Association with a historic event.

c. Work of the leading architect or master craftsman.

d. Site or structure of cultural significance.

3. In addition, sole or infrequent surviving building types and structures not historic in themselves but adding to the character of an historic district need to be looked at a potentially deserving preservation.

G. Boundaries of Historic Districts or Landmarks.

1. The boundaries of an historic district or overlay area shall, in general, be drawn to include areas containing buildings or places in which historic events occurred or having special public value because of notable architectural or other features relating to the cultural or artistic heritage of the community of such significance as to warrant conservation and preservation. The district may include either individual buildings or places of such character and a reasonable distance beyond, or it may include areas or groupings of structure which have significance relative to their patterns of development or social and economic or architectural interrelationships even though some structures in the area might not possess significant merit when considered alone. In any case, the location of the district shall be based upon careful studies that describe the characteristics of the area and support the purposes of conservation and preservation.

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

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

4. A map delineating the adopted boundaries of each historic district shall be maintained in the office of the Zoning Administrator.

H. Certificate of Appropriateness Required.

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

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

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

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

I. Board Review of Major Actions.

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

a. The razing, demolishing or moving of a designated landmark or contributing structure.

b. Construction of any new main building, or an accessory building which exceeds five hundred (500) square feet in size within a designated historic district or on a site adjacent to a designated landmark site.

c. Any addition to or substantial alteration of a designated landmark or structure on a contributing property, which increases the square footage of the structure or otherwise alters substantially its size, height, contour or outline.

d. any significant change or alteration of the exterior architectural style of a designated landmark or contributing property.

e. Any addition to a noncontributing structure, which alters substantially the size height, contour or outline by increasing the square footage and/or volume of the structure by one hundred percent (100%) or more of the original structure.

f. Any fence or sign that is not in conformance with the design guidelines adopted in accordance with this Article.

g. Any other major actions not specifically covered by the terms of this section, but which would have a substantial effect on the character of the Historic District.

2. The BAR shall be guided in its review by the guidelines and criteria established in Section 3.2.4(M). the BAR shall have authority to request modifications in order to comply with the guidelines and criteria.

3. The BAR shall not disapprove an application except with respect to the criteria and guidelines set for in Section 3.2.4(M). The BAR shall give reasons for its decisions, shall act promptly on applications before them, and shall coordinate its procedures with those of other agencies and individuals charged with the administration of this Article. The BAR shall be strict in its judgment of plans for those structures designated as landmarks and contributing properties but shall be lenient in its judgment of plans for non-contributing properties. For plans involving new construction the Board's concern shall focus on whether such plans are compatible with and enhance the historic or architectural value of surrounding structures or the surrounding area.

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

J. Actions Requiring Administrative Review (Historic District).

1. The following actions will require administrative review by the Zoning Administrator:

   a. The razing, demolishing or moving of a noncontributing structure or a structure which is substantially damaged to the point of being completely uninhabitable.

   b. Construction of a new accessory structure less than five hundred (500) square feet in size within a designated historic district or on a site adjacent to a designated landmark site that is generally in keeping with the character of the historic district and its surroundings.

   c. Substantial alteration of a noncontributing structure.

   d. Any addition to a noncontributing structure, which increases the size (square footage and/or volume) of the structure by less than one hundred percent (100%) of the original structure.

   e. Landscaping, fences and signs in conformance with the design guidelines adopted in accordance with this Article.

2. The Zoning Administrator shall be guided in his decisions by the standards and guidelines adopted by the BAR and shall have authority to request modifications of specific proposal in order that the proposal may comply with said standards and guidelines. In any case where the Administrator is uncertain of his authority to act on a particular application under this section or in any case where the Administrator and the applicant cannot agree on changes in the proposal, the application shall be referred to the BAR for action by said Board. In case of disapproval by the Administrator, the applicant may appeal the Administrator's decision within thirty (30) days thereof to the BAR. The Administrator shall keep a record of his decisions under this section and shall report such decisions to the BAR at its next regular meeting.

K. Exemptions from Review (Historic District).

Certain minor actions which are deemed not to permanently affect the character of the historic district are exempted from review for architectural compatibility. Such actions shall include:

1. Repainting resulting in the same or a similar color. (Original painting of masonry surfaces is not exempted from review.)

2. Repair or construction in kind, resulting in no significant changes in appearance of form.

3. Addition or deletion of storm windows and doors, window gardens, awnings, temporary canopies or similar appurtenances and window air conditioners.
4. Addition or deletion of television or radio antennas, skylights or solar collectors in locations not visible from public place.

5. Installation of plant materials but not including landscape treatment which substantially alters the contour of a contributing property or involves landscaping or construction of fences, pools and the like that affect the appearance of a contributing property.

6. Permitted outside storage in a residential or commercial district that does not require structural changes.

7. Improvements, alterations and renovations that can be accomplished without obtaining a building permit, except fences, signs, and window replacement.

8. Any changes to a structure that are not visible from a public street, alley or public place.

9. Temporary window signs.

L. Authority to Stop Work (Historic District).

The Zoning Administrator shall have authority to order that work be stopped and that an appropriate application be filed or reviewed in any case where, in his opinion, the action may produce arresting and spectacular effects, violent contrasts of materials or colors, intense and lurid colors or patterns, or a multiplicity of incongruous details clearly inconsistent with the character of the present structures or with the prevailing character of the surroundings and the historic district , or when it appears that the work does not conform to the list of administrative review or exempted actions stated herein and, in fact, is more extensive than originally represented.

M. Guidelines and Criteria for Review (Historic District).

1. All reviewing bodies shall be guided by the following guidelines and criteria:

    a. The historic archaeological or architectural value and significance of a structure and its relationship to the historic value of the surrounding area.

    b. The age and character of the historic structure, its condition, an its probable life expectancy and the appropriateness of the proposed changes to the period or periods during which the structure was built.

    c. The general compatibility of the site plan and the exterior design arrangement, texture and materials proposed to be used.
    d. The view of the structure or area from a public street or road, present or future.

    e. The present character of the setting of the structure or area and its surroundings.

    f. The probable effect of proposed construction on trees, wooded areas or historic sites.

    g. Any other factors, including aesthetic factors, which the reviewing bodies deem to be pertinent.

    h. The appropriateness of the exterior architectural features of such building or structure to the compatibility with the exterior architectural features of landmarks, buildings or structures in the district, taking into consideration the following:

        i. General design.

        ii. Character and appropriateness of design.

        iii. Form.

        iv. Proportion and scale.

        v. Mass.

        vi. Configuration.

        vii. Arrangement.

        viii. Texture.

ix. Material.

x. The permanent color of exterior materials (excluding paint).

xi. The relationship of such elements to similar features of structures in the immediate surroundings.

xii. Congruity with the character of the Historic District.

5. The reviewing bodies shall not adopt or impose any specific architectural style in the administration of this Article.

6. The reviewing bodies shall also be guided by the purposes for which landmarks, landmark sites and historic districts are designated and by the particular standards and considerations contained in the Secretary of the Interior's Standards for Rehabilitation.

N. Issuance of Certificate of Appropriateness (Historic District).

1. Within fifteen (15) days of approval for construction or alteration pursuant to Section 3.2.4 (I), a certificate of appropriateness signed by the Zoning Administrator and bearing the date of issuance but subject to the provisions of Section 3.2.4(N)(B), shall be made available to the applicant.

2. Any certificate of appropriateness issued pursuant to Section 3.2.4 (I) shall expire of its own limitations twelve (12) months from the date of issuance if the work authorized by said certificate has not commenced and, further, if any such work is suspended or abandoned for a period of twelve (12) months after being commenced. Any period or periods of time during which the right to use any such certificate is stayed pursuant to this Article shall be excluded from the computation of the twelve-month period.

O. Building Demolition and Relocation (Historic District).

1. No historic landmark, building or structure within any historic district shall be razed, demolished or moved until the razing, demolition or movement thereof is approved by the BAR or approved on appeal as provided herein.

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

a. He has applied to the Town Council for such right.

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

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

Offering Price vs Minimum Offer-to-Sell Period

Offering Price	Minimum Offer-to-Sell Period (Months)
Less than $25,000.00	3
$25,000.00 to $39,999.99	4
$40,000.00 to $54,999.99	5
$55,000.00 to $74,999.99	6
$75,000.00 to $89,999.99	7
$90,000.00 or more	12

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

i. The reasonable relationship of the offering price to the fair market value of the historic landmark, building or structure, by filing injunctive proceedings int eh Warren County Circuit Court, whenever the Town obtains an appraisal of the property in question by a certified land appraiser at a value at least ten percent (10%) below the offering price asked by the owner, regardless of any conflicting appraisal obtained by the property owner.

P. Appeals (Historic District).

1. Any applicant aggrieved by a final decision of the BAR may appeal said decision to the Front Royal Town Council, provided that such appeal is filed, in writing, with the Town Clerk within ten (10) days after the final decision is rendered by the BAR. The Town Council will here the matter at its next regularly scheduled meeting and will render its decision on the appeal at the following regularly scheduled meeting. The Town Council, in its discretion, may consider additional evidence and submissions during the period between meetings and at the second regularly scheduled meeting prior to rendering its decision.

2. Any applicant aggrieved by a final decision of the BAR following the decision rendered on appeal to the Front Royal Town Council, may appeal said decision to the Circuit Court of Warren County, Virginia, by filing a petition at law setting forth the alleged illegality of the BAR's action, provided that such petition is filed with the Circuit Court within thirty (30) days after the appealed decision of the Front Royal Town Council. The filing of said petition with the Circuit Court shall stay the decision of the BAR pending the outcome of the appeal, except that the filing of such petition shall not stay the decision of the BAR if such decision denies the right to raze or demolish an historic landmark, building or structure. The Circuit Court may reverse or modify the decision of the BAR, in whole or in part, if the Court finds, upon review, that the decision is arbitrary and constitutes and abuse of discretion. The Circuit Court may also affirm the decision of the BAR.

Q. Maintenance, Public Safety, and Permitted Uses (Historic District).

1. Nothing in this Article shall allow the BAR to prevent the routine maintenance or repair of any exterior elements of any building or structure so long as there is no change in form or materials; nor shall anything in this Article be construed to prevent the construction, reconstruction, alteration or demolition of any exterior elements that the authorized municipal officers shall certify as required by public safety.

2. Nothing in this Article shall be construed to prevent any use of any land, building or structure permitted by the regulations prescribed in this Chapter for the district in which such land, building or structure is otherwise located. Due to peculiar

conditions of design and construction in historic neighborhoods where buildings and structures are often built close to the lot lines, it is in the public interest to retain a neighborhood's historic appearance by granting variances to normal yard requirements, where appropriate and where it is deemed that such a variance will not adversely affect neighboring properties. The BAR may recommend to the Board of Zoning Appeals that such variance to standard yard requirements be made.

R. Yard Variances (Historic District).

Due to peculiar conditions of design and construction in historic neighborhoods where buildings and structures are often built close to the lot lines, it is in the public interest to retain a neighborhood's historic appearance by granting variances to normal yard requirements, where appropriate and where it is deemed that such a variance will not adversely affect neighboring properties. The BAR may recommend to the Board of Zoning Appeals that such variance to standard yard requirements be made.

S. Exemption for Public Works (Historic District).

The Front Royal Town Council may exempt public structures, works, utilities and buildings from compliance with this Article where public safety is endangered or an emergency situation arises. Retroactive approval for emergency work undertaken shall be sought within thirty (30) days following completion of the work. All work shall strive to maintain architectural compatibility within the historic district for its public works and structures.

Section X.X – OATH REGARDING PROPERTY INTEREST OF LOCAL OFFICIALS (VA Code Sec. 15.2-2287)

In accordance with Section 15.2-2287 of the Code of Virginia, petitions brought by property owners, contract purchasers or the agents thereof, shall be sworn to under oath before a notary public or other official before who oaths may be taken, stating whether or not any member of the local Planning Commission or governing body has any interest in such property, either individually, by ownership of stock in a corporation owning such land, partnership, as the beneficiary of a trust, or the settler of a revocable trust or whether a member of the immediate household of any member of the Planning Commission or governing body has any such interest.

ARTICLE 4 – STANDARD REVIEW PROCEDURES

DIVISION 4.1 – ZONING PERMITS

A. No buildings, structures or uses shall be started, reconstructed, enlarged or substantially altered until after a zoning permit has been obtained from the Zoning Administrator.

B. Each application for a zoning permit shall be accompanied by one (1) hard copy, or one (1) digital copy of an adequately dimensioned drawing, to scale, unless as otherwise specified.

   The drawing shall show:

   1. The size, shape and dimensions of the parcel of land on which the building is to be constructed, as surveyed and prepared by a licensed surveyor or registered architect, the nature of the proposed use of the building or land, the location and arrangement of off-street parking.

   2. The location of such building or use with respect to the property line of said parcel of land and to the right-of-way of any street or highway adjoining said parcel of land, the developer's drainage plan for properly distributing surface water and additional information as required by this chapter. Such dimensional drawing shall be prepared by a licensed surveyor or a registered engineer or architect for new main building.

   3. Any other information which the Administrator may deem necessary for the considered of the application may be required. If the proposed building or use is in conformity with the provisions of this chapter, a permit shall be issued to the applicant by the Administrator.

   4. One (1) copy of the drawing shall be returned to the applicant with the permit.

   5. The required dimensional drawing is not required for applicants who have submitted site plans in accordance with Chapter 148.

Section 4.1.1 – DURATION OF VALID ZONING PERMIT.

Any Zoning Permit issued shall become invalid if the authorized work is not commenced within one (1) year of the date of issuance or is suspended or abandoned for a continuous period of one (1) year. The Zoning Administrator may, upon good cause shown, extend a permit with or without charge for an additional period not exceeding one (1) year.

Section 4.1.2 – ZONING PERMIT FEES.

Fees established by the Town Council, and posted in accordance with Division 4.2 Fees, shall be paid at the time of application and are non-refundable.

Section 4.1.3 – PLANS OF DEVELOPMENT (15.2-2286(A)(8)).

A. As consistent with §15.2-2286(A)(8) of the Code of Virginia, prior to issuance of a Zoning Permit, an applicant must submit a Plan of Development. Plans of Development will be

either a Site Plan or a Sketch Plan, according to the size and complexity of the development. Site Plan required. For any development other than one single- or two-family home, a Site Plan will be required. For developments of one single- or two-family home or an addition to a single- or two-family home, a Sketch Plan will be required. Both Site Plans and Sketch Plans must be submitted in a printed copy as well as in digital format as a Portable Document Format (PDF) file.

B. Site plan requirements in accordance with §15.2-2286(A)(8) of the Code of Virginia. Site plans shall require plans and profiles of water lines, sewer lines and storm drains, as well as storm water management ponds where applicable, parking lot details, size of spaces and travel aisles, landscaping plans, with individual plant species identified.

C. Sketch plan including the project name, north arrow, vicinity sketch, proposed use, location of trash receptacle, lighting plan, building elevations, building colors, building materials, roof drainage system, sprinkler systems, and compliance with the Chesapeake Bay Act.

Section 4.1.4 – FOUNDATION LOCATION INSPECTIONS.

A. For the purpose of this section, a “foundation” shall be defined as that portion of the building consisting of the footers, slab, block, concrete or other building materials constructed under and upon the ground and rising no more than three (3) feet above grade.

B. No building or structure shall be constructed beyond the foundation stage until such time as the foundation location has been inspected and approved by the Administrator. Upon construction of a foundation, the builder shall submit to the Zoning Administrator and the Building Inspector a plat prepared by a certified land surveyor certifying the location of the foundation and all structural projections therefrom upon the property. The Zoning Administrator shall respond within ten (10) days. In the event that the foundation is in its proper location as shown on the Zoning Permit and all building setbacks and area requirements have been met, the Zoning Administrator shall mark the plat approved. If the plat is rejected, the Zoning Administrator shall give to the builder as written basis for the rejection.

C. No Certificate of Occupancy shall be issued without a foundation location survey plat marked approved by the Zoning Administrator.

D. The provisions of this section shall not apply to accessory buildings, as defined in Article 11, with an area of two hundred (200) square feet or less. Furthermore, the Zoning Administrator may waive the foundation location survey where previous surveys adequately demonstrate that the new building or addition, as proposed by the zoning permit application, will comply with the required setbacks.

Section 4.1.5 – EFFECT ON PERMITS ISSUES PRIOR TO ADOPTION.

Nothing contained herein shall require any change in the plans or construction of any building or structure for which a permit was granted prior to the effective date of this chapter. However, such construction must commence within thirty (30) days after this chapter becomes effective and be completed within a period of one (1) year after construction is initiated. If construction is discontinued for a period of one (1) year after construction is initiated. If construction is discontinued for a period of six (6) months or more, further construction shall be in conformity with the provisions of this chapter for the district in which the operation is located.

DIVISION 4.2 – FEES

The Town Council shall adopt a schedule of fees to be paid upon the filing of each application, permit and inspection required by this Zoning Ordinance.

Section 4.2.1 – APPLICATION AND PERMIT FEES.

The Planning Director shall cause to be posted a current fee schedule on the Town website.

Section 4.2.3 – FEES TO BE PAID BEFORE APPLICATIONS PROCESSED.

In accordance with Section 15.2-2286(16)(B) of the Code of Virginia, no application shall be processed for any Town approval until all outstanding real estate taxes or other fees have been paid.

Section 4.2.4 – FREEDOM OF INFORMATION ACT. (didn't this change?)

Freedom of Information Act (FOIA) requests for available information shall be submitted to the appropriate department that maintains the records sought for processing. Any request for records or documents from the Twon is considered a FOIA request. All FOIA requests shall be communicated by the Department of the Town Manager and Town Attorney. FOIA regulations allow the Town to assess a reasonable charge for the costs to access, search, duplicate, and supply the requested materials if they exist. The Town shall not assess fees if staff time is less than thirty (30) minutes and ten pages of 8-1/2 x 11 paper. An individual requesting materials through a FOIA request will be notified as soon as practicably possible. The Town shall conform to all FOIA regulations established by the Commonwealth of Virginia to ensure access to all available Town documents.

DIVISION 4.3 – CERTIFICATES OF OCCUPANCY

Section 4.4.1 – VIOLATIONS AND PENALTIES.

A. All departments, officials and public employees of this jurisdiction which are vested with the duty or authority to issue permits or licenses shall conform to the provisions of this

chapter. They shall issue permits for uses, buildings or purposes only when they are in harmony with the provisions of this chapter. Any such permit, if issued in conflict with the provisions of this chapter, shall be null and void.

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

DIVISION 4.5 – BUILDING PERMITS

Building Permits for any development activities in the Town of Front Royal are issued by the Warren County Building Department. In order for a property owner to be issued a building permit by the Warren County, the Town must issue a letter of Zoning Approval, in accordance with stating that the proposed development is in compliance with the requirements of this chapter. Until the letter of Zoning Approval is issued, no building activities may commence.

ARTICLE 5 – EXCEPTIONS OR CHANGES TO THE ZONING ORDINANCE

DIVISION 5.1 – SPECIAL USE PERMITS

A. Where uses are permitted by Special Use Permit, the location and beginning of operation of such uses shall require, in addition to the Zoning Permit and Certificate of Occupancy, a Special Use Permit. The issuance of these permits shall be subject to such conditions as are required in this chapter and such conditions as are deemed necessary by the Front Royal Town Council, after recommendations of the Front Royal Planning Commission. At a minimum, a Special Use Permit may only be permitted, when Town Council determines that the use (i) is not detrimental to the overall health, safety and general welfare of the public, (ii) does not conflict with the Comprehensive Plan, (iii) is substantially compatible with surrounding land uses, and (iv) complies with laws of the Commonwealth of Virginia. Application for a Special Use Permit shall be made to the Zoning Administrator, and a public hearing shall be held in accordance with the provisions of Virginia Code §15.2-2204 or §15.2-2286. Special Use Permits are not transferable to another property. IN the event that a special use request is denied, the same special use request, or substantially the same special use request, shall not be considered by the Town Council or Board of Zoning Appeals for a period of one (1) year from the date on which the Special Use Permit request was denied.

B. New Special Use Permit applications shall include the submission of a preliminary site development plan to be reviewed in concurrence with the Special Use Permit

application. No Special Use Permit application may be authorized to operate until a final site development plan is approved.

DIVISION 5.2 – VARIANCES

Section 5.2.1 – VARIANCES.

Variances shall be permitted in accordance with the Code of Virginia §15.2-2309, as described in Section 3.2.3(2) of this Ordinance.

Section 5.2.2 – ADMINISTRATIVE VARIANCES.

The Zoning Administrator is authorized to grant a variance from the requirements contained in sections 6.4.7(c), 6.6.8(c), and 6.7.8(c), if the Zoning Administrator finds in writing that:

A. The strict application of the Ordinance would produce undue hardship or prove impractical due to the topographic, architectural or other unusual conditions.

B. Such hardship is not shared generally by other properties in the same zoning district and the same vicinity.

C. The authorization of the variance will not be of substantial detriment to adjacent property and the character of the zoning district will not be changed by the granting of the variance.

DIVISION 5.3 – CONDITIONAL ZONING

Section 5.3.1 – CONDITIONAL ZONING PROFFERS IN REZONING APPLICATIONS.

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

    1. The rezoning of the land must itself give rise for the need for the conditions.

    2. The conditions must have a reasonable relation to the rezoning of the land.

    3. The conditions shall not include a cash contribution of the Town of Front Royal.

    4. The conditions shall not include a mandatory dedication of real or personal property for open space, parks, schools, fire departments or other public facilities which are not otherwise provided for in Virginia Code §15.2-2241.

5. The conditions shall not include payment for or construction of off-site improvements, except those provided for in Virginia Code §15.2-2241.

6. No conditions shall be proffered that are not related to the physical development or physical operation of the property to be rezoned.

7. All conditions shall be in conformity with the Comprehensive Plan of the Town of Front Royal.

8. All conditions shall be in writing and shall be submitted to the Town of Front Royal as part of the rezoning petition prior to public hearing before the governing body.

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

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

1. The ordering in writing of the remedy of any noncompliance with the conditions.

2. The brining of legal action to ensure compliance with such conditions, including injunction, abatement or other appropriate action or proceeding.

3. Requiring a guaranty, satisfactory to the governing body, in an amount sufficient for and conditioned upon the construction of any physical improvements required by the conditions, or a contract for the construction of such improvements and the contractor's guaranty, in like amount and so conditioned, which guaranty shall be reduced or released by the governing body, or agent thereof, upon the submission of satisfactory evidence that construction of such improvements has been completed in whole or in part.

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

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

Section 5.3.2 – CONDITIONAL ZONING PROFFERS IN REZONING APPLICATIONS; HIGH GROWTH PERIODS.

As provided in Virginia Code §15.2-2298, notwithstanding any contrary provisions in section 5.3.2, the provisions of this section shall apply during periods where in the Town and/or County of Warren has had population growth of five percent (5%) or more from the next-to-latest decennial census year, based on population reported by the United States Bureau of the Census, or during periods when Warren County is contiguous with at least three (3) counties which have experienced ten-percent (10%) population growth or more as described herein.

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

    1. The rezoning of the land must itself give rise to the need for the conditions.

    2. The conditions must have a reasonable relation to the rezoning of the land.

    3. All conditions shall be in conformity with the Comprehensive Plan for the Town of Front Royal.

    4. The conditions may include a cash contribution to the Town of Front Royal or contributions of personal property and services.

    5. The conditions may include dedication of real property for open space, parks, schools, fire departments or their public facilities.

    6. The conditions may include payment for or construction of off-site improvements.

    7. All conditions shall be in writing and shall be submitted to the Town of Front Royal as part of the rezoning application prior to public hearing before the governing body.

    8. All applicable requirements of the Virginia Code shall be complied with, including, but not limited to, the requirements of §15.2-2298.

B. No proffer shall be accepted under this section unless and until the Town has adopted a Capital Improvement Program. In the event that the proffered conditions include a dedication of real property or payment of cash, such property shall not transfer and such payment of cash shall not be made until the facilities for which such property is dedicated or such cash is tendered are included in the Capital Improvement Program. However, the Town may accept proffered conditions which are not normally included in the Capital Improvement Program. Proffered conditions shall provide for the disposition

of dedicated property or cash payments in the event that said property or cash payments are not used for the purposes for which they are proffered.

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

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

   1. Ordering by written notice the remedy of any noncompliance with zoning conditions.

   2. Bringing legal action to ensure compliance with such conditions, including injunction, abatement or other appropriate action or proceeding.

   3. Requiring a guaranty satisfactory to the governing body in an amount sufficient for and conditioned upon the construction of any physical improvements required by the zoning conditions or a contract for the construction of such improvements and the contractor's guaranty in like amount and so conditioned, which guaranty shall be reduced or released by the governing body or agent thereof upon the submission of satisfactory evidence that the construction of such improvements has been completed, in whole or in part.

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

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

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

DIVISION 5.4 – AMENDMENTS

The regulations, restrictions and boundaries established in this chapter may, from time to time, be amended, supplemented, changed, modified or repealed by a favorable majority of votes of the Town Council, provided that:

A. A public hearing shall be held in relation thereto at which the parties in interest and citizens shall have an opportunity to be heard.

B. Notices shall be given of the time and place of such hearing by publication in at least two (2) issues of some newspaper having a general circulation in the jurisdiction. Such notice shall be presented in accordance with Virginia Code §15.2-2204, as amended. After enactment of any such amendment, further publication shall not be required.

C. When a proposed amendment of the Zoning Ordinance involves a change in the zoning classification of twenty-five (25) or less parcels of land, then, in addition to the advertising as above required, written notice shall be given by the Commission at least five (5) days before the hearing to the owner or owners, their agent or the occupant of each parcel involved and to the owners, their agent or the occupant of all abutting property and property involved and to the owners, their agent or the occupant of all abutting property and property immediately across the street or road from the property affected. In any county or municipality where notice is required under the provisions of this section, notice shall be given to the owner, their agent or the occupant of all abutting property and property immediately across the street from the property affected which lies in an adjoining county or municipality of the commonwealth. Notice sent by registered or certified mail to the last known address of such owner as shown on the current real estate tax assessment books shall be deemed adequate compliance with this requirement. If the hearing is continued, notice shall be remailed. Whenever the notices required hereby are sent by an agency, department or division of the local governing body, such notices may be sent by first class mail; provided, however, that a representative of such agency, department or division shall make affidavit that such mailings have been made and file such affidavit with the papers in the case. Costs of any notice required under this section shall be taxed to the applicant.

D. Changes shall be make by the governing body in the Zoning Ordinance or the Zoning Map only after such changes have been referred to the Planning Commission for its recommendations. Action shall be taken by the governing body only after a report has been received from the Planning Commission, unless a period of ninety (90) days has elapsed after the date of the first regular meeting on the Commission after the proposed amendment has been referred to the Commission, after which time it may be assumed the Commission has approved the change or amendment. No land may be zoned to a more intensive use classification than was contained in the public notice without an additional public hearing after notice as required herein.

E. Individual property owners may petition the governing body to have their property rezoned by submitting their request in writing to the Administrator. The application for rezoning shall be accompanied by a Phase I Environmental Site Assessment based on the anticipated use of the property proposed for rezoning that meets generally accepted national standards for such assessments, such as those developed by the American

Society for Testing and Materials (ASTM), and Phase II Environmental Site Assessments, that also meet accepted national standards, such as, but not limited to, those developed by ASTM, if the Town deems such to be reasonably necessary, based on the findings of the Phase I assessment, and in accordance with the regulations of the United States Environmental Protection Agency and ASTM; provided, however, that where the applicant clearly demonstrates to the satisfaction of the Director of Planning and Zoning that there will be no land disturbing activity as a consequence of the proposed rezoning, the requirement for a Phase I Environmental Site Assessment may be waived in writing of such absence of land disturbing activity. An applicant shall disclose and remediate any contamination and other adverse environmental conditions of property revealed by such environmental assessment, prior to the approval of subdivision and development plans.

F. After proper public hearing, the Planning Commission shall make its recommendation to the Town council, who will then act upon the applicant's request. If the Planning Commission makes no recommendation within ninety (90) days from the date of referral, the Town Council may assume that the Commission concurs with the applicant.

ARTICLE 6 – ZONING DISTRICTS/DISTRICT REGULATIONS

DIVISION 6.1 – AGRICULTURE AND OPEN SPACE PRESERVATION DISTRICT (A-1)

Section 6.1.1 – STATEMENT OF INTENT (A-1).

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

Section 6.1.2 – USES PERMITTED BY-RIGHT (A-1).

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 A-1 District, the following uses of land and buildings are permitted by-right in the A-1 District.

RESIDENTIAL:

Manufactured home, subject to the standards of Section 5.1.9C.

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

COMMERCIAL:

INDUSTRIAL:

MISCELLANEOUS:

Accessory uses, structures and buildings.

Agriculture, excluding tenant housing and all slaughtering activities subject to the standards of Section 6.1.9A.

Cemeteries.

Home occupations.

Open space and conservation areas.

Public facilities.

Public parks and playgrounds.

Public Utilities.

Signs, as set for in Article 10.

Special childcare services.

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

Section 6.1.3 – USES PERMITTED BY SPECIAL USE PERMIT (A-1).

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

RESIDENTIAL:

Tenant housing for an agricultural use.

COMMERCIAL:

Commercial outdoor recreation, including athletic and park facilities, amphitheaters, stadiums, botanical gardens, campgrounds and seasonal recreational facilities, subject to the standards of Section 6.1.9D.

Flea Markets and Farmer's Market, subject to the standards of Section 6.1.9B.

Hospitals.

INDUSTRIAL:

ORGANIZATIONAL:

Churches.

Schools.

MISCELLANEOUS:

Wireless telephone communication towers, and similar communication facilities subject to the standards found under Article 11.

Any use permitted under Section 6.2.1, or specifically listed above under this subsection, that proposes to occupy a building or structure that exceeds the height requirements of Section 6.1.8, subject to the requirements of Division 5.1. Additional heights approved by a Special Use Permit shall be required to increase the required setback and yard area requirements by an equivalent distance from each property line

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

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

Section 6.1.4 – AREA AND FRONTAGE (A-1).

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

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

Section 6.1.5 – SETBACK (A-1).

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

Section 6.1.6 – YARDS (A-1).

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

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

Section 6.1.7 – LOT COVERAGE (A-1).

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

Section 6.1.8 – HEIGHT (A-1).

A. Except for uses that are categorized under subsection B, shown below, and uses that obtain approval of an alternative maximum height, as may be authorized in accordance with Section 6.1.3, the maximum height in the A-1 District shall be thirty-five (35) feet.

B. Buildings and structures related to agricultural pursuits, including but not limited to, barns and silos, as well as church spires and cupolas may be erected to a height of sixty (60) feet from grade.

Section 6.1.9 – STANDARDS (A-1).

A. Slaughtering Activities. All slaughtering activities in the A-1 District shall comply with the following standards:

    1. Such activity shall not be conducted within one hundred fifty (150) feet.

    2. No frequent or repetitive emission of noises or odors of such intensity and character as to interfere with the health, welfare and comfort of the public or neighboring landowners at or beyond the property line shall be permitted.

B. Farmers' Markets and Flea Markets. Where flea markets are permitted by approval of a Special Use Permit, the following standards shall be complied with, in addition to any conditions placed on the Special Use Permit, and Section 98-46 of the Town Code.

    1. Adequate water and sanitary facilities shall be provided if found necessary based on the size, frequency and duration of the market.

    2. A minimum fifty (50) feet setback shall be maintained from all property lines, excluding structures and uses in existence prior to July 1, 2001.

3. No adverse effect on adjoining properties, including but not limited to excessive or untimely noise or lighting, overflow parking, or visual problems potentially affecting property values or marketability, is found.

4. No manufactured buildings shall be permitted.

5. All tables, facilities and structures shall be maintained in a well-kept and attractive manner.

6. Unless otherwise approved as part of a Special Use Permit, all temporary structures or facilities shall be removed during the days that the market is not in operation.

7. Operation of a Flea Market shall be confined to Friday, Saturday, Sunday and Holidays, unless other dates are specifically approved by the Town Council in conjunction with the Special Use Permit. The hours of operation shall be posted on the property.

8. If a Flea Market or Farmers' Market elects to close during part of the year, or is required to close during part of the year by a condition of a Special Use Permit, all tables and other temporary fixtures shall be removed within two (2) weeks of such closure. Such fixtures may be stored on the site, provided they are located within a completely enclosed building or otherwise screened from public view.

9. All Flea Markets and Farmers' Markets shall be swept clean, hosed down and/or picked clean daily. No food products or debris shall be permitted to remain upon the site overnight. All food products sold at the market must be displayed under sanitary conditions and sold in compliance with all requirements of the Virginia Department of Health or Virginia Department of Agriculture and Consumer Services.

10. Any expansion, including, but not limited to new construction, an increase in the days of operation, or other significant changes to the use of the property, shall only be authorized with a Special Use Permit.

11. Landscaping shall be provided where feasible and desirable for purposes of improvement aesthetics, screening, shade and the natural environment.

12. Fencing may be required for purposes of improvement aesthetics, screening or public safety.

13. The sale of live animals is prohibited.

14. The sale of new merchandise or serving of food, other than farm and domestic products, shall only be authorized if the vendor obtains an itinerant merchant or peddler license, in accordance with the Town Code regulations for such uses.

15. Farmers' Markets and Flea Markets on public property shall be classified as a public event.

C. Manufactured Housing. Manufactured housing shall be permitted on individual parcels or lots in the A-1 District, provided the following standards are met:

1. The manufactured housing unit shall have a minimum width of nineteen (19) or more feet.

2. The manufactured housing unit shall be attached to a permanent foundation in the ground.

3. The manufactured housing unit shall have the appearance and character of conventional, site-built, single-family housing.

4. Such manufactured housing units shall meet all applicable Building Code requirements.

D. Commercial Outdoor Recreation, Hospitals, Schools and Churches. Where commercial outdoor recreation, hospitals, schools and/or churches are permitted by Special Use Permit the following standards shall be complied with, in addition to any conditions placed on the Special Use Permit:

1. A minimum of fifty percent (50%) of the lot area shall be designated as open space.

2. Buildings and structures used in association with outdoor recreation, hospital, school and churches shall be setback from adjoining property lines by a distance of two hundred (200) feet, except that the setback specified under Section 6.1.5 shall apply along property lines abutting a public road or the Shenandoah River.

3. Amphitheaters, stadiums and other similar activities that involve the outdoor gathering of large groups of people shall submit a traffic impact study for evaluation by the Town during the Special Use Permit application process if the total number of attendees is anticipated to exceed two thousand five hundred (2,500) persons. Gatherings of people above two thousand five hundred (2,500) may only be permitted by the Town on a temporary basis.

4. All outdoor lighting shall be reviewed and approved during the Special Use Permit process. If outdoor lighting is authorized by Special Use Permit, such lighting shall

be designed so that light fixtures and the light that they emit minimize light glare to adjoining properties and the night-sky.

5. Campgrounds, and similar facilities, shall comply with all requirements of the Virginia Department of Health, except that in no circumstance shall a campground not be provided with public bathroom facilities with either public utilities or an approved independent well and sanitary sewer system.

6. The hours of operation for outdoor activities shall be defined on any Special Use Permit that may be approved by the Town.

Section 6.1.10 – PERFORMANCE STANDARDS FOR URBAN AGRICULTURE (A-1).

Statement of Intent: Urban agriculture involving bees, chickens, and rabbits shall be permitted only on lots occupied by a single-family dwelling. It is restricted and categorized to form a compromise between urban residential character and small-scale Urban Agriculture by utilizing a three=tier system. Yard maintenance, landscaping, and customary residential gardening shall not be considered urban agriculture.

Urban Agriculture, as defined under Article 11 of this section, shall comply with the following performance standards:

Summary Table

Category	Tier 1(<1 acre)	Tier 2 (≥1 acre but < 5 acres)	Tier 3 (≥ 5 acres)	Notes/Exceptions
Chickens (hens only)	Up to six (6) Hens	Up to twelve (12) Hens	Up to eighteen (18) hens (one (1) Rooster allowed)	Roosters must have at least ten (10) hens if hens are present. A rooster counts as part of the total number of chickens.
Rabbits (outdoor, for meat purposes)	Up to six (6) Rabbits	Up to twelve (12) Rabbits	Up to eighteen (18) Rabbits	Indoor pet rabbits not counted/ temporary exceedance for breeding allowed ≤12 weeks; max 2 x allowed number.
Bee Hives	Up to six (6) Hives	Up to six (6) Hives	Up to twelve (12) Hives	At least a two (2) square foot in size warning sign and solid fence at least four (4) feet high. Twelve (12) hives require additional setbacks.

Setbacks	Ten (10) feet from side/rear property lines.	Ten (10) feet from side/rear property lines.	Ten (10) to fifty (50) feet depending on number of hives or the presence or a rooster.	Additional restriction for proximity to water sources and drainage. Zoning Administrator may impose additional setbacks based on management plan.
Housing and Care	Chickens: coop/run. Rabbits; hutch. Bee hives.	Chickens: coop/run. Rabbits; hutch. Bee hives.	Chickens: coop/run. Rabbits; hutch. Bee hives.	Min. four (4) sq ft/ chicken or eight (8) sq ft/ rabbit. Runs: four (4) sq ft/ chicken, sixteen (16) sq ft/rabbit; clean, ventilated, sanitary; feed in rodent-proof containers.
Zoning Permit	Required	Required	Required	Includes management plan (waste, odor, noise, biosecurity, maintenance); 1-year term, renewable; may be revoked for violations.
Temporary Breeding Exception	Up to twelve (12) weeks	Up to twelve (12) weeks	Up to twelve (12) weeks	Chickens and raabbits must be reduced to allowed number afterward; absolute cap = two (2) x allowed number. Lots must be maintained and provided for inspection.
Sale of Agricultural Products	Not Permitted.	Not Permitted.	Not Permitted.	Incidental sharing/trading allowed; commercial sales require zoning approval.
Commercial / Industrial Uses	Not Permitted.	Not Permitted.	Not Permitted.	School properties are exempt from the population requirements of the Tier System.

A. General Requirements.

1. An Urban Agriculture Permit shall be required for the keeping of chickens, bees, and rabbits. Such a permit application shall include a management plan that adequately addresses waste disposal, site suitability, setbacks, animal density,

biosecurity and health measures, odor control, noise control, appearance, and maintenance.

2. The management plan shall be reviewed by the Virginia Cooperative Extension Office, or other qualified expert, nonprofit organization or government entity. Conditions of approval or recommendations may be required as part of the permit.

3. The permit shall only be valid for one (1) year and may be renewed annually provided that the use remains in compliance with the management plan and otherwise remains lawful. The Zoning Administrator, or designee, may impose conditions of approval based on the review.

4. Bees, chickens and rabbits shall only be kept in rear and/or side yards.

5. Any permit may be revoked by the Zoning Administrator if the use:

    a. Deviates form the approved management plan.

    b. Violates the Town Code.

    c. Creates noise or nuisance violations.

    d. Expands without authorization.
    e. Vermin infestation, or signs thereof.

B. Tier 1 Standards.

1. Single-family dwellings may keep:

    a. Up to six (6) female chickens (hens only, no roosters).

    b. Up to six (6) bee hives.

    c. Up to six (6) rabbits kept outdoors for meat purposes.

2. Setbacks:

    a. Coops, hutches and hives must be at least ten (10) feet from side and rear property lines.

    b. All coops and hutches shall be located at least twenty (20) feet from streams, tributaries, ditches, swales, stormwater management facilities, drop-inlets, or other storm drainage areas that might allow fecal matter to enter any Town storm drainage system or stream.

c. Additional setbacks may be required by the Zoning Administrator if recommended as part of the submitted management plan or review agency recommendation.

C. Tier 2 Standards.

1. Single-family dwellings may keep:

a. Up to twelve (12) female chickens (hens only, no roosters).

b. Up to six (6) bee hives.

c. Up to twelve (12) rabbits kept outdoors for meat purposes.

2. Setbacks:

a. Coops, hutches and hives must be at least ten (10) feet from side and rear property lines.

b. All coops and hutches shall be located at least twenty (20) feet from streams, tributaries, ditches, swales, stormwater management facilities, drop-inlets, or other storm drainage areas that might allow fecal matter to enter any Town storm drainage system or stream.

c. Additional setbacks may be required by the Zoning Administrator if recommended as part of the submitted management plan or review agency recommendation.

D. Tier 3 Standards.

1. Single-family dwellings may keep:

a. Up to eighteen (18) chickens, including one (1) rooster.

b. Up to twelve (12) bee hives.

c. Up to eighteen (18) rabbits kept outdoors for meat purposes.

2. Setbacks:

a. Coops, hutches and hives must be at least ten (10) feet from side and rear property lines.

b. If a rooster is present, the coop setback requirement increases to fifty (50) feet from side and rear property lines.

c. If there are more than six (6) hives, the setback requirement increases to fifty (50) feet from side and rear property lines.

d. All coops and hutches shall be located at least twenty (20) feet from streams, tributaries, ditches, swales, stormwater management facilities, drop-inlets, or other storm drainage areas that might allow fecal matter to enter any Town storm drainage system or stream.

e. Additional setbacks may be required by the Zoning Administrator if recommended as part of the submitted management plan or review agency recommendation.

E. Chicken and Rabbit Housing Requirements.

1. Chickens must be confined to a coop and/or run, and rabbits confined to a hutch and/or run at all times. Neither shall be permitted to run at large.

2. The coop must be used for chickens only and the hutch for rabbits only, and both must be well ventilated.

3. Coops and hutches must be at least eighteen (18) inches in height.

4. Coops must have a minimum of four (4) square feet of floor area per chicken and hutches must have a minimum of eight (8) square feet per rabbit.

5. Runs must provide four (4) square feet per chicken and sixteen (16) square feet per rabbit.

6. Runs must be well drained with no accumulation of water.

7. The coop or hutch shall be kept clean, sanitary, and free from accumulation of animal excrement and objectionable odors. The floor and walls of the coop must be kept in a clean, sanitary and healthful condition, with all dropping and organic waste material removed and disposed of in a proper manner. Chicken and rabbit litter waste shall not be deposited in any trash container that is collected by any public or private waste collector and shall be disposed of by composting on site, collected by a bona fide poultry or rabbit litter service, or bagged and taken to the county landfill. Any dead bird or rabbit shall not be deposited in any trash container that is collected by any public or private waste collector but shall be either composted or buried on site or taken to the county landfill. Further, all unexplained bird and rabbit deaths shall be reported to the Virginia Department of

Agriculture and Consumer Services prior to composting burial, or transport to the county landfill.

8. Notwithstanding the maximum number of rabbits or chickens otherwise permitted, the number of rabbits or chickens (where roosters are allowed) may be temporarily exceeded as a result of breeding. Any such increase shall not exceed twelve (12) weeks form the date of birth of the litter or chicks, after which the total number of animals on the premises must be reduced to comply with the maximum permitted. In no case shall the number of animals exceed twice the number otherwise allowed based on acreage.

9. Any owner or keeper of chickens or rabbits who intends to breed animals under this section shall maintain accurate records, including:

    i. Breeding logs indicating the dates of birth of litters or chicks.

    ii. Animal counts, including any temporary increases permitted in this performance standard.

    Such records shall be made available for inspection by the Zoning Administrator or other authorized official upon request and shall be used to verify compliance with the limits and standards of this ordinance.

10. All feed or other material intended for consumption by chickens or rabbits shall be kept in containers impenetrable by rats or other rodents, and such containers shall be equipped with tightly fitting caps or lids. The presence of rats in an area used for the keeping of fowl shall be prima facie evidence that such area is maintained in violation of this section.

F. Bee Keeping Standards.

1. Only the Western honeybee (Apis mellifera) – the primary species for U.S. honey production and common subspecies are allowed:

    a. Italian honeybee (Apis mellifera ligustica).

    b. Carniolan honeybee (Apis mellifera carnica).

    c. Buckfast hybrid bees.

    d. Russian honeybee (Apis mellifera caucasica hybrid).

2. Hives shall be enclosed by a solid fence at least four (4) feet in height, either around the hive or around the yard.

a. A sign at least two (2) square feet in size shall be posted indicating bees are present.

b. Honey harvesting must occur within an enclosed building.

G. Sale of Agricultural Products.

1. The sale of goods or services related to agricultural activity is not permitted on site.

2. This restriction does not prohibit:

a. Incidental sharing or trading with neighbors, family, or friends.

b. Selling produce off-site at markets or similar venues.

H. Commercial and Industrial Uses.

1. Commercial and industrial use shall not keep livestock, fowl, rabbits, or bees as part of any agricultural pursuit.

2. School properties are exempt from the population requirements of the Tier system.

I. Applicability.

These requirements are in addition to all other provisions of the Town Code.

DIVISION 6.2 – ESTATE RESIDENTIAL DISTRICT (R-E)

Section 6.2.1 – STATEMENT OF INTENT (R-E).

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

Section 6.2.2 – USES PERMITTED BY-RIGHT (R-E).

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

RESIDENTIAL:

Single-family dwellings, detached.

COMMERCIAL:

INDUSTRIAL:

ORGANIZATIONAL:

MISCELLANEOUS:

Accessory uses, structures and buildings.

Home occupations.

Open space and conservation areas.

Public facilities.

Public parks and playgrounds.

Public utilities.

Signs, as set forth in Article 10.

Special childcare services.

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

Section 6.2.3 – USES PERMITTED BY SPECIAL USE PERMIT (R-E).

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

RESIDENTIAL:

COMMERCIAL:

Day care, and day-care facilities as set forth in the Section 8.1.2.

INDUSTRIAL:

ORGANIZATIONAL:

MISCELLANEOUS:

Any use permitted under Section 6.2.3, or specifically listed above under this subsection, that proposed to occupy a building or structure that exceeds the height requirements of Section 6.2.9, subject to the requirements of Division 5.1. Additional heights approved by a Special Use Permit shall be required to increase the required setback and yard area requirements by an equivalent distance from each property line.

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

Section 6.2.4 – MODEL HOMES AND SALES OFFICES (R-E).

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

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

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

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

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

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

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

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

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

Section 6.2.5 – AREA AND FRONTAGE (R-E).

Area and frontage regulations shall be as follows:

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

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

Section 6.2.6 – SETBACK (R-E).

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

Section 6.2.7 – YARDS (R-E).

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

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

C. Front: The required depth of the front yard shall be as provided in Section 6.2.6.

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

Section 6.2.8 – LOT COVERAGE (R-E).

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

Section 6.2.9 – HEIGHT (R-E).

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

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

Section 6.2.10 – CORNER LOTS (R-E).

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

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

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

DIVISION 6.3 – SUBURBAN RESIDENTIAL DISTRICT (R-S)

Section 6.3.1 – STATEMENT OF INTENT (R-S).

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

Section 6.3.2 – USES PERMITTED BY-RIGHT (R-S).

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

<u>RESIDENTIAL</u>:

Single-family dwellings, detached.

COMMERCIAL:

INDUSTRIAL:

ORGANIZATIONAL:

MISCELLANOUS:

Accessory uses, structures and buildings.

Home occupations.

Open space and conservation areas.

Public facilities.

Public parks and playgrounds.

Public utilities.

Signs, as set forth in Article 10.

Special childcare services.

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

Section 6.3.3 – USES PERMITTED BY SPECIAL USE PERMIT (R-S).

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

RESIDENTIAL:

COMMERCIAL:

Bed and Breakfasts, as set forth in Section 8.1.3.

Day care, and day-care facilities as set forth in Section 8.1.2 of this Chapter.

INDUSTRIAL:

ORGANIZATIONS:

Churches.

Public Libraries.

Schools.

MISCELLANEOUS:

Any use permitted under Section 6.3.2, or specifically listed above under this subsection, that proposes to occupy a building or structure that exceeds the height requirements of Section 6.3.9, subject to the requirements of Division 5.1. Additional heights approved by a Special Use Permit shall be required to increase the required setback and yard area requirements by an equivalent distance from each property line.

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

Section 6.3.4 – MODEL HOMES AND SALES OFFICES (R-S).

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

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

B. The model home shall be standard site-built home similar in type and appearance to the other homes sold in the development and shall be used as residential dwelling after expiration of the model home Zoning Permit.

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

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

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

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

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

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

Section 6.3.5 – AREA AND FRONTAGE (R-S).

Area and frontage regulations shall be as follows:

A. Minimum area per lot: one-half (1/2) acre (twenty-one thousand seven hundred eighty (21,780) square ft).

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

Section 6.3.6 – SETBACK (R-S).

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

Section 6.3.7 – YARDS (R-S).

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

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

C. Front: The required depth of the front yard shall be as provided in Section 6.3.6.

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

Section 6.3.8 – LOT COVERAGE (R-S).

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

Section 6.3.9 – HEIGHT (R-S).

A. Buildings may be erected up to three and one-half (3 1/2) stories, but not to exceed forty-five (45) feet in height.

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

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

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

Section 6.3.10 – CORNER LOTS (R-S).

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

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

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

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

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

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

C. Each corner lot shall have a minimum width at the setback line of two hundred (200) feet.

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

DIVISION 6.4 – RESIDENTIAL DISTRICT (R-1)

Section 6.4.1 – STATEMENT OF INTENT (R-1).

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.

Section 6.4.2 – USES PERMITTED BY-RIGHT (R-1).

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.

Designated Special Purpose Housing.

Auxiliary Dwelling Units (ADUs).

COMMERCIAL:

INDUSTRIAL:

ORGANIZATIONAL:

Churches

Public libraries.

Schools.

MISCELLANEOUS:

Accessory uses, structures and buildings.

Home occupations.

Open space and conservation areas.

Public facilities.

Public parks and playgrounds.

Public utilities.

Signs, as set forth in Article 10.

Special childcare services.

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

Section 6.4.3 USES PERMITTED BY SPECIAL USE PERMIT (R-1).

A. The following uses are permitted within the R-1 District only by approval of a Special Use Permit, except as prohibited or restricted by separate restriction of record that may pertain to property within the R-1 District:

RESIDENTIAL:

COMMERCIAL:

Bed and Breakfasts, as set forth in Section 8.1.3.

Day care, and day-care facilities as set forth in Section 8.1.2 of this Chapter.

INDUSTRIAL:

ORGANIZATIONAL:

Community centers.

Fire and Rescue squads and Police Stations.

MISCELLANEOUS:

Any use permitted under Section 6.4.2, or specifically listed above under this subsection, that proposes to occupy a building or structure that exceeds the height requirements of Section 6.4.9, subject to the requirements of Division 5.1. Additional heights approved by a

Special Use Permit shall be required to increase the required setback and yard area requirements by an equivalent distance from each property line.

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

Section 6.4.4 – MODEL HOMES AND SALES OFFICES (R-1).

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

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

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

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

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

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

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

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

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

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

Section 6.4.5 – AREA AND FRONTAGE (R-1).

Area and frontage regulations shall be as follows:

A. On-lot water sewer:

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

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

B. Public water or public sewer:

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

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

C. Public water and public sewer:

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

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

Section 6.4.6 – SETBACK (R-1).

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

Section 6.4.7 – YARDS (R-1).

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

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

C. Front: The required depth of the front yard shall be as provided in Section 6.4.6. On lots of less than two (2) acres in size or where the front yard provided for any single-family dwelling is less than one hundred fifty (150) feet, the main or front building façade and entrance shall be oriented toward the front yard of the property, unless an administrative variance is granted pursuant to Section 5.1.2.

D. Accessory buildings shall be set back from side and rear property lines by no less than five (5) feet.

Section 6.4.8 – LOT COVERAGE (R-1).

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

Section 6.4.9 – HEIGHT (R-1).

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

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

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

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

Section 6.4.10 – CORNER LOTS (R-1).

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

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

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

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

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

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

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

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

E. Previously platted lots less than (100) feet in width.

DIVISION 6.5 – RESIDENTIAL DISTRICT (R-1A)

Section 6.5.1 – STATEMENT OF INTENT (R-1A).

The R-1A District is designed to accommodate single-family and two-dwelling duplex residential development of a medium density on smaller individual lots. The standards for this district are designed to maintain the character of the designated areas and to protect and encourage a suitable environment for family life, with a diversity of housing options and density choices to allow for aging in place, and different income levels, that are in line with intentions of the Neighborhood Residential Future Land Use Map designation. Optional cluster subdivision standards are included with the intent and purpose of providing greater flexibility for larger development projects. To ensure quality development, the added development flexibility is balanced with requirements that require additional open space and recreational amenities. These additional requirements support development with a diversity of property values and housing choices; better preservation of the natural environment, tree canopy; and a more active and healthy community.

Section 6.5.2 – USE REGULATIONS (R-1A).

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.

Auxiliary Dwelling Units (ADUs).

Two-family dwellings (Duplex).

COMMERCIAL:

INDUSTRIAL:

ORGANIZATIONAL:

Churches.

Schools.

MISCELLANEOUS:

Accessory uses, structures and buildings.

Home occupations.

Open space and conservation areas.

Public facilities, excluding Fire and Rescue and Police Stations.

Public parks and playgrounds.

Public utilities.

Signs, as set forth in Article 10 of this chapter.

Special childcare services.

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

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

RESIDENTIAL:

COMMERCIAL:

Daycare, and day-care facilities as set forth in Section 8.1.2 of this Chapter.

ORGANIZATIONAL:

Fire and Rescue Squad and Police Stations.

Public Libraries.

Community Center.

MISCELLANEOUS:

Any use permitted under Section 6.5.2, or specifically listed above under this subsection, that proposes to occupy a building or structure that exceeds the height requirements of Section 6.2.8, subject to the requirements of Division 5.1. Additional heights approved by a Special Use Permit shall be required to increase the required setback and yard area requirements by an equivalent distance from each property line. Such other uses as determined similar to one or more enumerated uses by the Zoning Administrator.

Section 6.5.3 – AREA (R-1A).

Notwithstanding the provisions of Section 2.4.5, all newly established uses, with the exception of single-family dwellings, shall be required to meet the minimum area requirements at the time of establishment of the use.

A. Minimum lot size:

1. Residential dwellings: seven thousand (7,000) square feet. (Should this be 5,000 or 7,000)

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

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

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

5. Public utilities: no regulation.

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

B. Minimum lot width:

1. Residential dwellings:

a. Corner lots: seventy (70) feet. Fifty or seventy?

b. Interior lots: fifty (50) feet. Fifty or forty?

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

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

C. Minimum district size: two (2) acres.

Section 6.5.4 – HEIGHT (R-1A).

A. Residential dwellings: thirty-five (35) feet maximum.

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

C. Exemptions from height requirements:

1. Church spires.

2. Belfries.

3. Cupolas.

4. Municipal water towers.

5. Chimneys.

6. Flues.

7. Flagpoles.

8. Television antennas.

9. Radio aerials.

D. Height of Accessory buildings and structures:

1. On lots with an area of less than a half (0.5) acre: two-thirds (2/3) height of principal structure, with the exception where the principal structure is a one-story building, an accessory building may match the height of the principal structure.

2. On lots with an area of a half (0.5) acre or more: not to exceed height of principal structure or thirty-five (35) feet, whichever is less.

Section 6.5.5 – MINIMUM YARD DIMENSIONS (R-1A).

A. Residential dwellings:

1. Front setback: fifteen (15) feet.

2. Side: five (5) feet.

3. Corner side: twenty-five

4. Rear: Five (5) feet.

B. Other principal structures:

1. Front setback:

2. Side:

3. Rear:

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

C. Accessory buildings and structures:

1. Front setback: Accessory buildings shall all be behind the primary structure by five (5) feet.

2. Side: five (5) feet.

3. Rear: five (5) feet.

4. Corner side: Fifteen (15) feet.

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

E. The main or front building façade and entrance for any residential dwelling shall be oriented toward the front yard of the property, unless an administrative variance is granted pursuant to Section 5.2.1.

Section 6.5.6 – LOT COVERAGE (R-1A).

A. Maximum building coverage, primary and accessory buildings: sixty-five percent (65%).

Section 6.5.7 – OFF-STREET PARKING (R-1A).

A. Space requirements:

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

2. Duplexes: one (1) space per unit.

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

4. School: one (1) space per employee plus parking space for assembly areas as provided in Subsection A (2) above.

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

B. Location: Minimum setback for driveways and parking: three (3) feet from side and rear property lines for parking areas consisting of no more than 4,500 square feet in area. All parking areas with more than 4,500 square feet in area shall meet the requirements of Section 148-870. (is this the correct reference?)

C. Parking spaces where one (1) car is parked behind another car are permitted in this district for individual dwelling units.

Section 6.5.8 – OPTIONAL CLUSTER DEVELOPMENT STANDARDS (R-1A).

A. In lieu of the traditional design standards of Sections 6.5.3 through 6.5.7, the following design standards may be used for cluster developments in the R-1A District.

1. Area:

a. Minimum lot size: five thousand five hundred (5,500) square feet.

b. Minimum lot width:

i. Corner lots: sixty (60) feet.

ii. Interior lots: fifty (50) feet.

2. Height:

a. Residential dwellings: thirty-five (35) feet maximum.

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

c. Exemptions from height requirements:

i. Church spires.

ii. Belfries.

iii. Cupolas.

iv. Municipal water towers.

v. Chimneys.

vi. Flues.

vii. Flagpoles.

viii. Television antennas.

ix. Radio aerials.

x. Accessory buildings and structures: Not to exceed the height of principal structure, or thirty-five (35) feet, whichever is less.

3. Minimum Yard Dimensions:

a. Residential dwellings, detached:

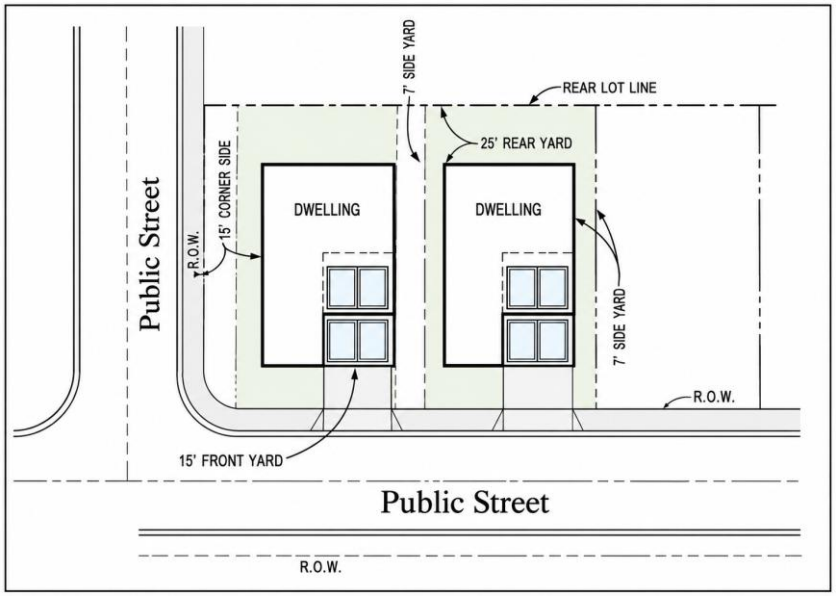
i. Front: fifteen (15); provided that required off-street parking is at least eighteen (18) feet in length, and the required setbacks from any

building are met as specified below under Section 6.5.8A.5. An unenclosed porch may encroach within the required front yard an additional five (5) feet.

ii. Side: five (5) feet; except that the setback can be reduced to a minimum of three (3) feet when a separation of ten (10) feet is maintained between the adjacent structure.

iii. Corner side: fifteen (15) feet; provided that any accessory building is not closer than other houses located along the same street.

iv. Rear: twenty-five (25) feet.



b. Accessory buildings and structures:

i. Front: Accessory buildings shall all be behind the primary structure by five (5) feet, provided that any accessory building is not closer than other houses located along the same street..

ii. Side: five (5) feet.

iii. Corner side: fifteen (15) feet; provided that any accessory building is not closer than other houses located along the same street.

iv. Rear: five (5) feet.

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

d. The main or front building façade and entrance for any single-family dwelling shall be oriented toward the front yard of the property, unless an administrative variance is granted pursuant to Section 5.1.2, or alternatively, a Special Use Permit, in accordance with Division 5.1____ , may be issued to allow frontage along open space areas when such request is submitted with a site plan or subdivision plan for review.

4. Lot Coverage.
   a. Maximum building coverage: sixty five percent (65%).

5. Off-Street parking:

   a. Space Requirements:

      i. Single-family dwellings: two (2) spaces per unit. See Anne Darby Note

      ii. Duplex: one (1) space per unit.

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

      iv. Schools: one (1) space per employee, plus one (1) space per four (4) fixed seats in the main assembly, or alternatively for the latter, one (1) per one hundred (100) net square feet.

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

   b. Minimum setback for driveways and parking: three (3) feet from side and rear property lines for parking areas consisting of no more than four thousand five hundred (4,500) square feet in area. All parking areas with more than four thousand five hundred (4,500) square feet in area shall meet the requirements of Section 148-870. (is this correct?)

   c. As required under Section 148-870.A.10, (is this correct?) required off-street parking spaces shall be setback at least five (5) feet from all buildings; excluding the setback between the side orientation of the parking space and a single-family detached dwelling, provided that a garage is provided that is recessed behind the front building façade of such dwelling.

d. Parking spaces where one (1) car is parked behind another car are permitted in this district for individual dwelling units. Furthermore, within cluster subdivision, regardless of other provisions within this Chapter or Chapter 148, up to one (1) space within a garage or carport may be counted as required off-street parking within a cluster development, provided that the minimum parking space dimensions are met.

6. Community Open Space:

a. Minimum community open space area: a minimum amount of common open space shall be provided at the equivalence that the minimum lot area of all lots is reduced below 7,000 square feet. Below is an example of how the required minimum common open space for a cluster subdivision shall be calculated:

Total Number of Building Lots x 7,000 square feet = X
X – Total Area of Building Lots Proposed = Required Open Space

b. No more than fifty (50%) of open space may be located within developmentally restricted areas, such as, but not limited to, the floodway.

c. Surface water bodies may be included within common open space areas, but may not be counted towards the required amount of open space.

d. Access to community open space shall be provided by adjoining street frontage. In lieu of adjoining street frontage, a 20-foot-wide public access easement may be authorized by the Planning Commission during the site plan or subdivision plan review process. In such consideration, the Planning Commission may require pedestrian improvements to ensure adequate access is provided to the common open space. (Is this still accurate with the new state code review process?)

e. Cluster subdivisions shall provide recreational facilities within common open space based on the number of dwelling units. For the purpose of determining minimum requirements, one (1) recreational unit shall be provided for every fifty (50) dwelling units.

i. The number of recreational unit credits that each type of recreational facility receives shall be based on the table shown below:

Recreational Unit Type		Recreational Unit Credit
Playground, as described under 175-18.8.A.6.e (2i). Needs new reference #		1.5
Community Center, including an enclosed building with a meeting hall.		2.5
In-ground Swimming Pool with fencing.		2
Tennis Court Facility with fencing.		1
Pocket Park w/ vegetable gardens.		1
Pocket Park w/ meditation gardens.		1
Partial or full Athletic Fields or courts, such as soccer or baseball fields.		1
6' wide asphalt Hiking / Biking Trail. (or other approved material)	≥ ¼ mile	1
	≥ 1 mile	2
	≥ 3 mile	3
	≥ 4 mile	4
Picnic Shelters with cooking facilities, picnic tables & trash receptacles.		1
Horseshoe pit and/or fire pit with seating area.		1
Covered structure with seating area .		1
Improved/landscaped passive or active nature areas with wildflowers or edible landscaping or ornamental trees or orchards.		1
Neighborhood green/square of ½ acre or more with pathways.		1
Community park of eight (8) acres or more with pathways.		2
Other types of recreational facilities.		As equivalent to any of the above-listed types, as determined by the Planning Commission.

ii. The first recreational unit type of a cluster subdivision shall consist of a playground, with the amenities described below. Alternative recreational unit types for the first recreational unit may be permitted by the Planning Commission for age-restricted communities.

a. A playground shall consist of a composite play system, or systems, with eight (8) play features and a sitting bench.

TABLE 5.5.8.A.6.E(2)i.

Example Playground Recreational Unit Type

Quantity	Equipment
Minimum 2	2 to 5 year old play features
Minimum 1	Slides

Minimum 1	Climbing features
Minimum 1	Overhead features
Minimum 1	Tunnels
Minimum 1	Play panels
Minimum 1	Swings (8 feet high, 2 seats)
Minimum 1	Sitting bench

b. Playgrounds shall e constructed to specifications equivalent to those issued by the U.S. Consumer Product Safety Commission in the document *Public Playground Safety Handbook (2010),* or as may be amended in the future.

iii. Each home shall be within one-quarter (1/4) of a mile from at least one qualifying recreational unit facility.

iv. Recreational facilities shall be constructed in sequence with the phasing of development for the cluster subdivision.

v. Recreational facilities shall conform to the Virginia Uniform Statewide Building Code, including Handicap Accessibility (ADA) Standards.

vi. Buildings or structures used for community recreational purposes may be located within transitional yards, as required below, but shall conform with the minimum setback requirements for principal structures.

vii. Common open space, including all recreational units, shall be maintained in good condition by the developer until such time that it is dedicated to a Homeowner's Association or accepted as public park by Warren Cuonty or the Town of Front Royal.

7. Transitional yard. A minimum transitional yard area is required between any principal building and the following:

a. Any planned limited access roadway (i.e. no curb cuts for individual driveways): minimum fifteen (15) feet.

b. Any adjoining development that is not part of the R-1A cluster subdivision, unless such adjoining property shares the same ownership as the R1-A cluster subdivision: minimum thirty (30) feet.

DIVISION 6.6 – RESIDENTIAL DISTRICT (R-2)

Section 6.6.1 – STATEMENT OF INTENT (R-2).

The R-2 District is composed of medium-density concentrations of residential uses and open areas where similar development appears likely to occur. The standards for this district are designed to stabilize and protect the essential character of the area so designated and to protect and encourage, insofar as compatible with the intensity of land use, a suitable environment for family life with a diversity of housing options and density choices to allow for aging in place, and different income levels, that are in line with intentions of the Neighborhood Residential Future Land Use Map designation. Development is, therefore, limited to low- to medium-density concentrations, and permitted uses are limited to single-family- and two-family type, duplex and townhouse dwellings plus selected additional uses, such as schools, parks, churches and certain public facilities that serve the residents of the district. Home occupations, as defined by this Chapter, are permitted.

Section 6.6.2 – USES PERMITTED BY-RIGHT (R-2).

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).

Designated Special Purpose Housing.

COMMERCIAL:

INDUSTRIAL:

ORGANIZATIONAL:

Churches.

Schools.

MISCELLANEOUS:

Accessory uses, structures and buildings.

Home occupations.

Open space and conservation areas.

Public facilities.

Public parks and playgrounds.

Public utilities.

Signs, as set forth in Article 10.

Special childcare services.

Such other uses as determined similar to one (1) or more enumerated uses by the Zoning Administrator.

Section 6.6.3 – USES PERMITTED SPECIAL USE PERMIT (R-2).

The following uses are permitted within the R-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 R-2 District:

RESIDENTIAL:

Multi-family dwelling units.

COMMERCIAL:

Bed and Breakfast uses set forth in Section 8.1.3.

Day care, and day-care facilities as set forth in the Section 8.1.2 of this Chapter.

Nursing homes, as set forth in Section 8.1.1.

INDUSTRIAL:

ORGANIZATIONAL:

Fire and Rescue Squad and Police Stations.

Public libraries.

Community center (public).

MISCELLANEOUS:

Any use permitted under Section 6.6.2, or specifically listed above under this subsection, that proposes to occupy a building or structure that exceeds the height requirements of Section 6.6.10, subject to the requirements of Division 5.1. 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.

Section 6.6.4 – MODEL HOMES AND SALES OFFICES (R-2).

Model homes and sales offices for the marketing of residential dwellings within a specific development shall be permitted in an R-2 Residential Zoning District upon approval of a Zoning Permit by the Zoning Administrator, subject to the provisions and conditions set forth in Section 6.4.4.

Section 6.6.5 – AREA (R-2).

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

A. The minimum lot size for a duplex structure is six thousand (6,000) square feet. A duplex lot may be further subdivided into separate parcels for each dwelling unit of the duplex, provided that the resulting lot size for each duplex dwelling unit is a minimum of three thousand (3,000) square feet.

B. The minimum lot size for all other uses is five thousand (5,000) square feet.

Section 6.6.6 – SETBACK (R-2).

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

Section 6.6.7 – FRONTAGE (R-2).

The minimum lot width at the setback line shall be seventy (70) feet. (70 or 50)

Section 6.6.8 – YARDS (R-2).

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

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

C. Front: The required depth of the front yard shall be as provided in Section 6.6.6. The main or front building façade and entrance for any residential structure shall be oriented toward the front yard of the property, unless an administrative variance is granted pursuant to Section 5.1.2.

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

Section 6.6.9 – LOT COVERAGE (R-2).

The maximum building covered shall be thirty-five (35) percent.

Section 6.6.10 – HEIGHT (R-2).

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

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

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

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

Section 6.6.11 – CORNER LOTS (R-2).

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

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

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

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

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

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

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

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

DIVISION 6.7 – RESIDENTIAL DISTRICT (R-3)

Section 6.7.1 – STATEMENT OF INTENT (R-3).

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

Section 6.7.2 – USES PERMITTED BY RIGHT (R-3).

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:

<u>RESIDENTIAL</u>:

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.

Duplexes, two-family dwellings, and townhouses are permitted in the Historic District by Special Use Permit.

Auxiliary Dwelling Units (ADUs).

Designated Special Purpose Housing.

COMMERCIAL:

Hospitals and other semipublic facilities of an institutional nature.

Pharmaceutical centers as set forth in Division 9.5 of this Chapter.

Professional offices as set forth in Division 9.5 of this Chapter.

Nursing homes, as set forth in Section 8.1.1.

INDUSTRIAL:

ORGANIZATIONS:

Churches.

Schools.

MISCELLANEOUS:

Accessory uses, structures and buildings.

Home occupations.

Open space and conservation areas.

Public facilities.

Public parks and playgrounds.

Public utilities.

Signs, as set forth in Article 10.

Special childcare services.

Such other uses as determined similar to one (1) or more enumerated uses by the Zoning Administrator.

Section 6.7.3 – USES PERMITTED BY SPECIAL USE PERMT (R-3).

The following uses are permitted within the R-3 District only by approval of a Special Use Permit, except as prohibited or restricted by separate restrictions of record that may pertain to property within the R-3 District.

RESIDENTIAL:

Apartments as set forth in Division 9.7.

Townhouses on sites over one (1) acre, as set forth in Division 9.6.

COMMERCIAL:

Bed and Breakfast uses set forth in Section 8.1.3.

Community Centers (public).

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

Day Care, and day-care facilities as set forth in the Town Code Section 8.1.2.

Nursing homes, as set forth in Section 8.1.1.

INDUSTRIAL:

ORGANIZATIONAL:

Art galleries and museums.

Fire and Rescue Squad and Police Stations.

Public libraries.

Community Center (public).

MISCELLANEOUS:

Any use permitted under Section 6.7.2, or specifically listed above under this subsection, that proposes to occupy a building or structure that exceeds the height requirements of Section 6.7.10, subject to the requirements of Division 5.1. 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.

Cemetery, subject to the provisions in Section 8.1.5.

Lodging houses, rooming houses and board houses.

Such other uses as determined similar to one (1) or more enumerated uses by the Zoning Administrator.

Section 6.7.4 – MODEL HOMES AND SALES OFFICES (R-3).

Model homes and sales offices for the marketing of residential dwellings within a specific development shall be permitted in an R-3 Residential Zoning District upon approval of a Zoning

Permit by the Zoning Administrator, subject to the provisions and conditions set forth in this Chapter Section 6.7.4.

Section 6.7.5 – AREA (R-3).

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

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

B. The minimum lot size for townhouses shall be as stated in Division 9.6 of this Chapter.

C. The minimum lot size for apartments shall be as stated in Division 9.7 of this Chapter.

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

Section 6.7.6 – SETBACK (R-3).

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

Section 6.7.7 – SETBACK WIDTHS (R-3).

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

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

    1. Subsection B shall only apply in cases of new subdivision or re-subdivision involving the creation of four (4) or fewer new lots.

    2. Subsection B shall only apply I cases where the aforesaid abutting lots were established and in existence prior to April 10, 1978.

3. Under no circumstances shall the minimum lot width at the setback line for newly created lots be less than fifty (50) feet, regardless of the setback width of the abutting lots.

4. All corner lots shall be governed by the provisions of Section 5.7.11c.

5. Where abutting lots have differing widths at their setback lines, the minimum setback width for newly created lots shall be consistent with the larger of the two abutting lots, or sixty (60) feet whichever is lesser.

6. An "abutting lot" is defined as a lot sharing a common side yard boundary with the lot to be subdivided and fronting the same street as the lot be subdivided.

Section 6.7.8 – YARDS (R-3).

A. Side: Each side yard shall be a minimum of seven (7) feet.

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

C. Front: The required depth of the front yard shall be as provided in Section 5.7.6. The main or front building façade and entrance for any single-unit residential structure, including duplexes and townhouses, shall be oriented toward the front yard of the property, unless an administrative variance is granted pursuant to Section _____.

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

Section 6.7.9 – LOT COVERAGE (R-3).

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

Section 6.7.10 – HEIGHT (R-3).

A. Structures may be erected up to thirty-five (35) feet in height, except that:

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

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

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

Section 6.7.11 – CORNER LOTS (R-3).

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

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

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

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

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

B. The side yard setback on the side facing a side street shall be twenty (20) feet or more for main buildings, and thirty (30) feet or more for accessory buildings.

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

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

DIVISION 6.8 – PLANNED NEIGHBORHOOD DEVELOPMENT DISTRICT (PND)

Section 6.8.1 – STATEMENT OF INTENT (PND).

Pursuant to Section 15.2-2201 and 15.2-2286 of the Code of Virginia, the Town Council of the Town of Front Royal establishes the Planned Neighborhood Development (PND) Zoning Ordinance to allow planned neighborhood development on large tracts of land characterized by unified site design for a variety of housing types and densities, clustering of buildings, common open space, and a mix of building types and land uses in which project planning (as permitted

here) and density calculation are performed for the entire development rather than on an individual basis. The purposes of the ordinance are to provide an alternative form of development that:

A. Eliminates standard dimensional requirements while reserving sufficient natural open space for common use, conservation or recreational purposes, and providing adequate buffering between structures and adjacent properties.

B. Enhances the physical appearance of the Town by preserving the Town's natural assets and distinctive character.

C. Promotes more efficient use of land and provision of public facilities, utilities, streets, and services.

D. Provides the opportunity for innovative combinations of integrated housing, recreation, neighborhood-oriented commercial, professional uses, and increased public amenities within a single development.

E. Conserves natural and environmental resources and the integrity of natural systems.

F. Encourages innovative residential development so that housing demands are met by a greater variety of types, designs, and layouts of residential structures.

G. Encourages creative and site-sensitive developments by allowing increased overall density in exchange for planned neighborhood development pursuant to this chapter.

H. Promotes the design of a walkable environment for pedestrians within the neighborhood, which provides a circulation system for various transportation modes.

I. Satisfies the general purposes of zoning regulations to promote health, safety, morals and general welfare of the community.

Section 6.8.2 – EVALUATION CRITERIA (PND).

Application for rezoning to a Planned Neighborhood Development District shall specifically demonstrate achievement of the following objectives. Each proposed Planned Neighborhood Development will be evaluated on the extent to which these objectives are achieved:

A. Provides a variety of housing types and designs at a range of densities and costs in an orderly relationship to one another.

B. Employs architectural, landscape and/or other design features to provide compatibility between different uses.

C. Includes a network of circulation systems for various transportation modes that connect to the surrounding area.

D. Conserves a minimum of 25% open space, incorporating a system of parks, open spaces, recreational facilities, and public amenities within the development which enhance the total plan of development.

E. Efficiently utilizes land to protect and preserve natural features such as trees, streams, and topographic features.

F. Provides a mechanism to relate the type, design and layout of proposed development to the specific characteristics of the particular parcel.

G. Exhibits consistency with the Town's Comprehensive Plan and provides overall benefits to the Town.

H. Demonstrates adequate capacity of public facilities and utilities to serve the development.

I. Minimizes traffic impacts upon the surrounding traffic network.

Section 6.8.3 – PERMITTED USES (PND).

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

1. Detached single-family dwellings.

2. Two-family dwellings.

3. Multi-family dwellings.

4. Townhouses with a maximum of eight (8) units per structure.

5. Accessory buildings or uses as defined in Article 11.

6. Auxiliary Dwelling Units (ADUs).

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 area.

17. Such other uses as determined similar to one (1) or more enumerated uses by the Zoning Administrator.

B. Planned neighborhood developments shall permit the following community and institutional uses under the terms set forth in Section 6.8.9, Density Bonus:

1. Day care centers.

2. Community halls.

C. Planned neighborhood development comprising fifty (50) acres or more may contain the uses permitted in subsections A and B as well as the following commercial uses:

1. Neighborhood-oriented commercial businesses.

2. Personal services.

3. Business or professional offices.

4. Neighborhood restaurants.

5. Banks, branch banks and financial institutions.

D. Planned neighborhood developments may include the following uses provided such uses are either specifically approved as part of the original development plan or approved by Special Use Permit in accordance with Division 5.1 if proposed subsequent to approval of the Master Land Use Plan.

1. Bed and Breakfast home.

2. Assisted Living Facility or other nursing home as permitted in the R-3 Zoning District.

3. Automotive fuel facilities in conjunction with neighborhood retail stores, provided adequate demonstration is made that the facility can be supported by the neighborhood in which it is located without attracting additional traffic into the neighborhood. Such facilities shall not include the storage or sale of automobiles, automotive mechanical or body repair work, painting, welding or other activities not normally associated with the dispensing of gasoline.

4. Art galleries and museums.

5. Community Theatre.

E. Except as otherwise specified for PND's, proposed uses within a PND shall be subject to the provisions set forth for such use in this Zoning Ordinance.

F. *Prohibited Uses*: Junkyards, off-site signage, used automobiles and truck/trailer sales, mobile homes, outdoor storage yards, and industrial uses are prohibited in a Planned Neighborhood Development.

Section 6.8.4 – STANDARDS (PND).

A. Planned neighborhood developments shall contain not less than twenty (20) contiguous acres.

B. The project area must be held in single ownership or all property owners within the proposed district must participate in the application.

C. Planned neighborhood developments shall be served by municipal water and sewer service and municipal electric service if located within the Town's electric service area.

D. Allowable base residential density. Overall residential density shall not exceed the overall allowable residential density of the parcel or parcels involved prior to the re-zoning**,** dedicated to uses other than the commercial uses set forth in Sections 6.8.3 B and C. This base residential density may be increased at the Town Council's discretion up to a maximum of six (6) dwelling units per acre.

E. Conservation lands. Lands with the following characteristics shall not be developed and shall not be platted as part of a residential, community, institutional or commercial lot within a planned neighborhood development: land within the 100-year flood plain; land

with a natural slope in excess of forty (40) percent, and as determined by standard slope computation methods. These lands shall be designated on the plat for conservation purposes. Conservation lands may be used in computing the allowable base residential density. Nontidal wetlands may be platted, but shall be protected by preservation easements.

F. Management and ownership of common open space and facilities. All common spaces, properties, and facilities not deeded to the Town or other public entity shall be preserved for their intended purpose as specified on the approved plan. The developer shall provide for the establishment of a property owner's association conforming to the Virginia Property Owners' Association Act, Code of Virginia (1950) as amended, to ensure the maintenance of all common areas.

Section 6.8.5 – REVIEW AND CREATION OF THE PLANNED NEIGHBORHOOD DEVELOPMENT DISTRICT (PND).

Whenever a tract of land meets the minimum requirements for classification as a PND district as stipulated herein, the owner may file an application with the Director Planning, requesting rezoning to this classification. A preliminary conference with staff prior to such filing is required.

A. Concept Plan:

1. Procedure: The owner may present and file with the Director of Planning a Concept Plan for the project, along with the fee established in the schedule of fees, showing the rough layout of major roads within the project, and such areas within the project as may be planned for particular uses or mixtures of uses, as outlined below. Upon receipt, the Director of Planning shall forward the Concept Plan to the Planning Commission for review and comment. The Planning Commission may recommend to the Town Council approval, denial or modifications to the Concept Plan.

   Upon review and recommendation by the Planning Commission the Director of Planning shall forward the Concept Plan to the Town Council for review and comment. The Town Council may approve, deny or approve conditionally with stated modifications. Approval of a Concept Plan is only an expression of apparent favor to be used in preparation of the PND Master Land Use Plan and does not authorize construction of improvements.

2. Submittal Requirements: The Concept Plan shall be prepared by a Virginia registered architect, landscape architect, land surveyor or engineer with seal and signature affixed to the plan. The plan shall be approximately to scale and clearly show the following:

a. Location map showing existing zoning and ownership of property and adjacent land.

b. Identification of principal natural features and/or unique site design features,

c. Relationship of the proposal with surrounding utilities and public facilities to serve the tract at the ultimate proposed densities.

d. The location and size of the components of the PND, including the general layout of the road system within the project, location of use areas within the project planned for particular uses or mixtures of uses and their acreage, residential densities, and the interior open space system and preservation areas.

e. Written description of the use areas.

f. A statement demonstrating consistency with the Town of Front Royal Comprehensive Plan, suitability of the tract for the type and intensity of the activities proposed, the anticipated availability of adequate road networks, and the objectives stated in Section 6.8.1.

B. Master Land Use Plan: Within six (6) months of the Town Council's approval or approval conditioned upon modifications of the Concept Plan, the developer/owner may prepare and file an application for an amendment to the official zoning map to a Planned Neighborhood Development (PND) District, as set forth in this chapter, together with the established in the schedule of fees for rezoning and an engineered Master Land Use Plan for development presenting a unified and organized arrangement of buildings, service areas, parking, landscaped areas, recreation areas, open space and community facilities. All information submitted for consideration as a Master Land Use Plan shall be of sufficient clarity and scale to accurately identify the location, nature, and character of the proposed district. At a minimum the information contained on a Master Land Use Plan shall include:

1. A map of the boundaries of the proposed development site, showing bearings, dimensions at a scale not greater than one (1) inch to six hundred (600) feet.

2. A statement of existing property owner(s) and the proposed developer.

3. Names and addresses of adjacent property owners.

4. A vicinity map drawn at a scale of between one (1) inch equals two hundred (200) feet and showing the relation of the property.

5. Topographic map with contour lines at vertical intervals of not greater than five (5) feet at a minimum scale of one (1) inch to two hundred (200) feet.

6. A site analysis map of existing conditions, including but not limited to the location and delineation of sensitive environmental features, any 100-year floodplain, watercourse, non-tidal wetlands, areas greater than fifteen (15) percent slope, and significant geologic formations or man-made features, existing structures and public facilities, historic landmarks, existing zoning on-site and surrounding areas.

7. The overall scheme of development including general layout of proposed land uses at a scale of one (1) inch equals two hundred (200) feet.

8. The location and acreage of recreation areas, open space and conservation areas, parks within the development.

9. The location, acreage and type of nonresidential areas and uses, and community/ public uses.

10. For each residential area shown, the total number of units in each by type and density.

11. An access and circulation plan showing the general location of all existing and proposed streets and easements of right-of-way, bridges, culverts, railroads, and utility transmission lines.

12. A traffic analysis and description of the base existing conditions and traffic volumes for the connecting external road network serving the site, projected average daily traffic for all new streets within the subdivision based on the proposed land uses and the traffic growth on adjacent highways, trip generation rates for peak hours by development and phase, and internal/external trip distribution and intersection and capacity analysis, identifying off-site access and traffic control improvements generated by the traffic demands of the proposed project at full development.

13. The proposed general location of all building areas and other improvements, except single-family and two-family dwellings and accessory buildings.

14. Notations showing the total gross development acreage, the net development acreage, acreage devoted to each land use category, the number of dwelling units and overall development density of the project.

15. General intent and schematic plans for water, sanitary sewer, storm water management, electrical services, and other utilities.

16. An approximate development schedule/phasing plan.

17. A general description of proposed agreements, provisions, or covenants that govern the use, maintenance, and continued protection of property to be held in common ownership.

18. Municipal boundaries through the property.

19. A narrative statement demonstrating consistency with the Town of Front Royal Comprehensive Plan, suitability of the tract for the type and intensity of the activities proposed, and the planning purposes to be achieved by the proposed PND as stated in Section 6.8.1, the design theme and major elements, principal site features, and environmental components integrated into the plan.

20. An impact assessment on the environment and on community facilities, services and taxes.

21. Demographic profile of proposed development (population, housing, school children and employment).

22. Other relevant data which may be used to evaluate the project.

23. A set of design guidelines describing the design principles for the site arrangement, standards for development including proposed yards, building heights, building architecture, open space characteristics, landscaping, hardscape, and buffering, and streetscapes related to scale, proportions, and massing at the edge of the district.

    The design guidelines will establish the appearance standards to be used as the basis for the appearance review occurring concurrent with the site development review. The purpose of the appearance standards shall be:

    a. To encourage development that enhances the character of the Town.

    b. To enhance and protect property values by encouraging excellent design.

    c. To encourage architectural freedom, imagination and variety, and to encourage creative design solutions that will enhance the Town's visual appearance.

    d. To promote harmonious unified development within a planned neighborhood.

C. Demonstration of Purposes*:* The purposes shall be demonstrated in each of the components as follows:

1. Relationship of Building Site:

    a. The proposed non-residential development shall be designed and sited to accomplish a desirable view as observed from adjacent streets.

    b. Parking areas shall be enhanced with decorative elements, building wall extensions, plantings, berms, or other appropriate means to screen parking areas from view from the streets and adjacent properties.

2. Relationship to Adjoining Areas:

    a. Adjacent buildings of different architectural styles shall be made compatible by use of screens, sight breaks, materials and other methods.

    b. Landscaping shall provide a transition to adjoining property and screening between residential and commercial uses, and for off-street commercial parking and loading areas from public view.

    c. Texture, building lines and mass shall be harmonious with adjoining property. Monotonous texture, lines and mass shall be avoided.

3. Building Design and Landscaping: The applicant shall provide a narrative for all building types describing compliance with the following, including dimensional and qualitative specifications.

    a. Quality of design and landscaping, and compatibility with surrounding uses for proposed nonresidential development. Architectural style is not restricted.

    b. Materials and finishes of good, sound architectural quality that are harmonious with adjoining buildings.

    c. Suitable materials for the type and design of the building. Materials that are architecturally harmonious shall be used for all exterior building walls and other exterior building components.

    d. Building components, such as windows, doors, eaves, and parapets with appropriate proportion and relationships to one another.

    e. Use of harmonious colors and compatible accents.

    f. Mechanical equipment or other utility hardware on roof, ground, or buildings screened from view with materials harmonious with the building.

g. Non-Monotonous design with visual interest provided by variation in detail, form, and siting.

h. Exterior lighting used as part of the architectural concept. Fixtures, standards, and all exposed accessories harmonious with the building design.

i. Landscaping treatment creating unity of design, enhance architectural features, strengthen vistas, and provide shade.

j. Plant materials selected for interest in its structure, texture, and color and for its ultimate growth using indigenous plants and those that are hardy, harmonious to the design and of good appearance.

k. Protection of plant materials by appropriate curbs, tree guards, or other devices in locations which are susceptible to injury by pedestrian or vehicular traffic.

4. Signs:

a. Signs shall conform to the provisions of Article 10 of this chapter for residential districts and this section, except that signs erected on poles shall not be permitted.

b. Every sign shall be of appropriate scale and proportion in relation to the surrounding buildings.

c. Every sign shall be designed as an integral architectural element of the building and site to which it relates.

d. The colors, materials, and lighting of every sign shall be harmonious with the building and site to which it relates.

e. The number of graphic elements on a sign shall be held to the minimum needed to convey the sign's principal message and shall be in proportion to the area of the sign.

f. Each sign shall be compatible with signs on adjoining plots or buildings.

g. Logos shall conform to the criteria for all other signs.

h. A coordinated, unified sign plan shall be utilized for direction and information within the PND.

5. Miscellaneous Structures: Miscellaneous structures and hardware shall be part of the architectural concept of the project. Materials, scale and colors shall be compatible with the building and surrounding uses.

D. The Planning Commission shall proceed in general as for any other rezoning application as required in the ordinance, and recommend to the Town Council to approve, conditionally approve or disapprove the application.

E. The Town Council shall proceed in general as for any other rezoning application as required in the ordinance. Subsequent to the public hearing and a recommendation from the Planning Commission, the Town Council shall approve, conditionally approve or disapprove the application for a Master Land Use Plan.

F. Upon approval of a Master Land Use Plan for development the official zoning map shall be amended to indicate the property as "PND - Planned Neighborhood Development". Once the Town Council has approved the Master Land Use Plan, all accepted proffers shall constitute conditions, enforceable by the Zoning Administrator.

Section 6.8.6 – OPEN SPACES STANDARDS (PND).

A. Planned neighborhood developments shall reserve a minimum of twenty-five (25) percent of the acreage of the parcel as dedicated natural open space.

B. Up to twenty-five (25) percent of this requirement may be satisfied with land covered by water or by stormwater detention or retention basins (dry ponds shall not be permitted as open space), if the Town Council determines that such a water body or basin is suitable for the purposes set forth in Section 6.8.1. The dedicated open space shall not be included in subdivision lots. Dedicated open space shall include the land necessary to provide access to the open space.

C. Land characterized as conservation lands in Section 6.8.4.E of this ordinance may be used to fulfill the minimum open space requirement up to a maximum of fifty (50) percent of the total dedicated natural open space within a planned neighborhood development.

D. Dedicated open space shall have shape, dimension, character, location, and topography to accomplish the open space purposes specified in Section 6.8.1 and to ensure appropriate public access.

E. Dedicated open space land shall be shown on the planned neighborhood development Concept Plan and Master Land Use Plan and shall be labeled to specify that the land has been dedicated to open space purposes. The plans and final plat shall specify that the

open space land shall not be further subdivided or developed and is permanently reserved for natural open space purposes.

F. The open space shall be conveyed by the applicant as a condition of plat approval and may be conveyed by any of the following means as determined by the Town Council:

1. Deeded in perpetuity to the Town of Front Royal or other governmental agency for the purposes herein.

2. Reserved for common use or ownership of all property owners within the development by covenants in the deeds approved by the Town Attorney. A copy of the proposed deed covenants shall be submitted with the application.

3. Deeded in perpetuity to a private, non-profit, tax-exempt organization legally constituted for conservation purposes under terms and conditions that ensure the perpetual protection and management of the property for conservation purposes. A copy of the proposed deeds and relevant corporate documents of the land trust shall be submitted with the application.

4. Deeded to a property owner's association within the development upon terms and conditions approved by the Town Attorney that will ensure the continued use and management of the land for the intended purposes. The formation and incorporation by the applicant of one or more appropriate property owners' associations shall be required prior to plat approval. A copy of the proposed property owner's deed and the by-laws and other relevant documents of the property owner's association shall be submitted with the application. The following shall be required if open space is to be dedicated to a property owner's association:

    a. Covenants providing for mandatory membership in the association and setting forth the owner's rights, interests, and privileges in the association and the common land, must be included in the deed for each lot or unit.

    b. The property owners' association shall have the responsibility of maintaining the open space and operating and maintaining recreational facilities.

    c. The association shall have the authority to levy charges against all property owners to defray the expenses connected with the maintenance of open space and recreational facilities.

    d. The applicant shall maintain control of dedicated open space and be responsible for its maintenance until seventy-five (75) percent of occupancy permits for residential units have been issued and development is sufficient to support the association.

G. The owner/developer shall convey or restrict the open space land by a deed instrument reviewed and approved by the Front Royal Town Attorney to ensure that the land will be held and managed in perpetuity for open space purposes and shall not be further developed.

H. If the planned neighborhood development is developed in phases, the provision of dedicated natural open space shall be phased with the construction of dwelling units and other improvements to ensure that a proportionate share of the total dedicated open space is preserved with each phase.

I. Streets and other impervious surfaces shall be excluded from the calculation of the minimum dedicated open space requirement; however, lands occupied by bike paths, landscaped grounds, or similar common recreational development (excluding tennis courts, golf courses, and buildings) may be counted as dedicated open space, provided that impervious surfaces constitute no more than five (5) percent of the total required open space.

J. Open space shall be permanently dedicated for one (1) of more of the following uses: natural resource conservation, recreational facilities, wetland and water course preservation, selective forestry, wildlife habitat, undeveloped parklands or scenic preservation.

Section 6.8.7 – OFF-STREET PARKING (PND).

A. The number, design, location and construction of parking lots, bays, spaces and drives shall conform to the applicable requirements of Chapter 148-870 of the Subdivision and Land Development Ordinance. Parking for commercial land uses shall also comply with the parking code for the Front Royal Town Code.

1. Parking areas shall be planted with trees a minimum of two (2) inches in caliper measured six (6) inches above ground level, so that there is at least one (1) tree per ten (10) parking spaces within the parking lot. Such trees must be protected by curbing or other means against damage by vehicles. A minimum planting area, equivalent to one hundred sixty-two (162) square feet per tree, shall be provided.

2. Parking areas shall have a landscaped island at each end of each row of vehicle spaces. No more than 15 spaces shall be laid out without an intermediate landscape island. Such planting islands shall be not less than nine feet wide in the direction parallel to the row and not less than 18 feet long in the direction perpendicular to the row. Each such island shall have a suitable poured-in-place concrete curb, or approved equal, and shall be planted with grass or ground cover. All hydrants shall be located in such islands.

Section 6.8.8 – LANDSCAPING AND SCREENING (PND).

A. Screening of Uses: Commercial, institutional, and community uses shall be screened from residential uses within and abutting the planned neighborhood development by a buffer yard twenty (20) feet in width containing a minimum of three (3) canopy trees, six (6) understory trees, and nine (9) shrubs per one hundred (100) feet of length (or an amount creating an equivalent effect and approved with the landscape plan) along the perimeter of the lot line abutting a residential use.

B. Screening along Public Roadways: Uses within a planned neighborhood development which abut an arterial street as defined in Section 148-26(C)(3) shall be screened by a buffer yard of twenty (20) feet in width containing a minimum of three (3) canopy trees, six (6) understory trees and nine (9) shrubs per one hundred (100) feet of frontage (or an amount creating an equivalent effect and approved with the landscape plan). Canopy trees shall be deciduous shade trees planted with a minimum of two and one-half (2 1/2) inches in caliper at six (6) inches above the ground with a mature height of at least thirty-five (35) feet. Understory trees shall be deciduous shade or fruit trees planted at minimum one and one-half (1 1/2) inches caliper at six (6) inches above the ground with a mature height of at least twelve (12) feet.

C. Existing Vegetation: Notwithstanding any other provisions of this ordinance, existing vegetation shall be retained and maintained to the extent feasible in order to permit existing vegetation to fulfill or contribute to buffer and screening requirements. In lieu of strict compliance with the above buffer yard requirements, a developer may submit a detailed landscaping plan that will afford a degree of buffering and screening comparable to that provided by these regulations in making use of existing and new vegetation. For developments utilizing more than ten (10) percent existing vegetation as a density bonus credit, a Certified Arborist shall provide a detailed description of the existing vegetation with notation of specimen trees, to certify compliance. The Arborist report shall be accompanied by the proposed measures for ensuring preservation during and after construction in accordance with the preservation criteria stated in the Town of Front Royal Landscape Preservation and Planting Guide.

D. Screening of Refuse Collection Facilities: Uses, except single-family homes within a planned neighborhood development shall provide secure, safe, and sanitary facilities for the storage and pickup of refuse. Such facilities shall be convenient to collection and shall be appropriate to the type and size of use being served. All refuse storage facilities shall be screened on three sides by a solid wooden fence or masonry wall and a tight evergreen hedge. The fourth side shall be angled to minimize the view of the refuse collection facility or shall be screened by an opaque gate made of durable materials. The screening shall be of sufficient height and design to effectively screen the facility from the view from nearby residential uses, streets, adjacent properties, and recreational facilities.

Section 6.8.9 – DENSITY BONUSES (PND).

Residential density bonuses up to a density of six (6) dwelling units per acre dedicated to uses other than the commercial uses set forth in Sections 6.8.3 (B) and (C) may be approved and granted at the discretion of the Town Council upon a finding that a proposed density bonus promotes the purposes of the Planned Neighborhood Development and provides additional public benefit. Each of the following amenities and any other amenities or proffered conditions will be evaluated by the Town Council and used in negotiations with the applicant:

A residential density of up to six (6) dwelling units per acre acceptable to both the applicant and the Town Council.

A. Dedicated Open Space: In exchange for increasing the dedicated natural open space beyond the required twenty-five (25) percent, the project may qualify for a density bonus, provided the natural open space is increased by a minimum of five (5) percent of the developable acreage. A bonus shall not be permitted for preservation areas or without sufficient justification of demonstrated benefit to the Town. Priority shall be given to protecting existing stands of mature trees.

B. Bikeways/Greenways: A system of bike paths and pedestrian greenways may qualify for a density bonus. In order to qualify, the bike paths or greenways shall form an integrated system of access within the development to principal off-site destinations, and be integrated with other planned or existing systems (i.e., Happy Creek Trail, Conservancy Park Trail, etc.).

C. Walk-Up Housing: A dwelling unit located above the ground floor of a structure that contains a non-residential use on the ground floor may be applied toward the allowable base density as one-half of a dwelling unit.

D. Community and Institutional Uses:

    1. Day Care Center: In a PND with seventy-five (75) or more residential units, a parcel may be designated, dedicated and developed for use as a day care center. This lot shall have a minimum of one-hundred (100) square feet per residential unit within the PND, and be developed in accordance with the requirements of Section 8.1.2 of this chapter.

    2. Community Hall: In a PND with one-hundred (100) or more residential lots or units, a community hall may be constructed, with an enclosed area of no less than twenty-five (25) square feet for each residential unit or lot.

E. Developed Recreational Facilities: Such facilities may include, but shall not be limited to, tot lots and pocket parks, ball fields, courts or other athletic facilities, swimming pools, public pedestrian plazas or arcades with benches, water fountains and reflecting pools,

terraces, sculptures, public art, involving unique design features and amenities. To be considered for a density bonus, such recreational facilities shall be developed at a minimum ratio of three (3) acres per one hundred (100) units, in addition to the minimum requirement in Section 15.

F. Enhanced streetscapes: Streets developed with widened sidewalk area, substantial landscaping above the required minimum, approved traffic calming measures, pedestrian-oriented features, and bicycle parking facilities may be considered for a density bonus.

G. Other: Additional density bonuses may be granted based upon such other innovative factors as may be proposed by the applicant and accepted by the Town Council in its sole discretion.

Section 6.8.10 – TRAFFIC IMPROVEMENTS (PND).

Where a proposed planned neighborhood development borders on an existing street whose right-of-way, traffic carrying capacity, or sight lines are inadequate to safely and efficiently accommodate the traffic generated by the proposed development, the Town Council shall require the applicant to dedicate land for needed realignment or widening, and to undertake or fund the needed street improvements.

Section 6.8.11 - DIMENSIONAL STANDARDS (PND).

A. Building Separation: No structure under thirty (30) feet in height shall be located within fifteen (15) feet of any other structure. Buildings higher than thirty (30) feet shall be separated by a distance equivalent to fifty (50) percent of the height of the tallest building.

B. Height Limits: The height limits within a planned neighborhood development shall be the same as the height limits set forth in Section 6.7.10 for structures in the R-3 residential district.

C. Except as otherwise specifically required by Sections 6.8.1 through 6.8.18, modifications to the following design standards may be authorized by the Town as part of the rezoning or conditional rezoning application process, provided they are specifically approved, with the modified design standards taking precedence over the design standards of Chapter 148 and Chapter 175 of the Town Code.

    1. Lot Area.

    2. Lot Width.

    3. Setbacks and Yard Area.

4. Building Height.

5. Building Separation.

Section 6.8.12 – PERIMETER BOUNDARY (PND).

A. No portion of a building, structure, or parking area, shall be located within fifty-five (55) feet of abutting property that is not part of the proposed planned neighborhood, unless the zoning of the adjacent property permits uses similar to the proposed Planned Neighborhood District use to be located abutting the common boundary. Where proposed PND uses are similar to uses permitted on the adjacent property, the minimum separation shall be that same as required for the zoning district on the adjacent property.

B. No portion of a non-residential use, multi-family residential use, community use, institutional use or active recreational use shall be located within one hundred (100) feet of abutting property that is not part of the proposed planned neighborhood, unless the abutting property is developed as a Planned Neighborhood District, whereas the separation shall be equal to the existing yard requirement on the abutting Planned Neighborhood District property.

C. The minimum front yard requirement of the R-1 Zoning District shall apply for a minimum of two hundred (200) feet from the border of a planned neighborhood development and adjoining property that share frontage on the same side of a street.

Section 6.8.13 – MULTI-FAMILY RESIDENTIAL DEVELOPMENT STANDARDS (PND).

Multi-family housing. Such housing shall be either townhouses, multiplexes or Retirement Living Facilities.

A. Townhouses: The maximum number of dwelling units permitted within a townhouse structure shall be eight (8). Townhouse structures shall be developed in compliance with the following requirements:

1. There shall be a minimum of two and one-half (2 1/2) parking spaces for each townhouse unit. The shared use of such overflow parking with other uses and activities is encouraged.

2. Walkways of four (4) feet in width, constructed of concrete, stone, brick or similar masonry material, (not including asphalt), shall be installed from parking areas to townhouse units served by such parking areas.

3. The facades of townhouse units shall have variation in materials, setbacks, and design so that abutting units will not have the same or essentially the same architectural treatment of facades and rooflines.

B. Multiplex Structures: The maximum number of dwelling units permitted within a multiplex structure shall be thirty (30). Multiplex structures shall be developed in compliance with the following requirements:

1. There shall be a minimum of two and one-half (2 1/2) parking spaces for each unit. The shared use of such overflow parking with other uses and activities is encouraged.

2. Walkways of four (4) feet in width, constructed of concrete, stone brick or similar masonry material, (not including asphalt), shall be installed from parking areas to multiplex units served by such parking areas.

3. The minimum size of each individual unit shall be no less than six hundred (600) net square feet.

C. Retirement Living Facilities: The structures shall be developed in compliance with the following requirements:

1. The facilities shall be developed as either condominium or cooperative units.

2. There shall be no less than two (2) parking spaces for each unit. The shared use of such overflow parking with other uses and activities is encouraged.

3. Walkways of four (4) feet in width, constructed of concrete, stone, brick or similar masonry material (not including asphalt), shall be installed from parking areas to the retirement units served by such parking areas.

D. Accessory buildings shall be limited to one enclosed storage building not exceeding seven (7) feet in height nor exceeding ten (10) feet in length by ten (10) feet in width.

Section 6.8.14 – UTILITIES (PND).

Utilities, such as electric transmission cable television lines, and telephone lines, serving the planned neighborhood subdivision shall be installed underground.

Section 6.8.15 – ACCESSORY STRUCTURES (PND).

Accessory structures shall not be located within any front yard or within five (5) feet of any other structure and shall comply with the requirements of Town Code Section 6.6.10.D.

Section 6.8.16 – NEIGHBORHOOD RECREATIONAL USES (PND).

A minimum of three hundred and thirty-five (335) square feet for each residential unit shall be dedicated and developed for neighborhood recreational use to serve the recreational demands generated by the planned neighborhood development. Recreational facilities shall be specifically included in the development schedule and be constructed and fully improved by the developer at an equivalent or greater rate than the construction of residential structures.

Section 6.8.17 – COMMERCIAL USES DEVELOPMENT STANDARDS (PND).

A. The total acreage of commercial users in Planned Neighborhood Development Districts shall comply with the following requirements:

Acreage of PND	Total Acreage of Commercial Uses
20 Acres – 50 Acres	No Minimum 5% Maximum
51 Acres – 100 Acres	5% Minimum 10% Maximum
101 Acres – Plus	5% Minimum 15% Maximum

The developer/owner shall provide specific justification of commercial areas proposed in excess of five (5) percent of the total acreage, identifying specific impacts of the commercial development and demonstrating adequate mitigation of such impacts.

B. Commercial uses shall be designed with the intention of serving the immediate needs and convenience of residents within and immediately surrounding the Planning Neighborhood Development.

C. Commercial uses shall not receive a certificate of occupancy until building permits have been issued for fifty percent of the residential units within the Planned Neighborhood Development.

D. Commercial structures shall comply with the height requirements in Section 6.10.5 of this Chapter.

E. Commercial uses shall comply with the Performance Standards stated in Section 6.10.7 of this Chapter.

F. Parking for commercial uses shall be in accordance with this Chapter Section 9.12.2.

Section 6.8.18 – DEVELOPMENT REVIEW (PND).

Within one (1) year of approval of a Master Land Use Plan for development of a Planned Neighborhood, prior to the approval of building permits, the applicant shall prepare and submit for review and approval an engineered Development Plan, along with the fee as established in the approved schedule of fees. The applicant may petition the Town Council for an extension of time for submission of a development plan, provided such extension is requested at least twenty (20) days prior to the expiration of the one- (1) year period. The Town Council may grant an extension upon demonstration of good cause for up to one (1) year.

A. Development Plan: A Development Plan shall be submitted for all proposed commercial, residential, community facility, institutional, or multi-family residential development within a Planned Neighborhood Development. The Development Plan shall be drawn to scale and shall be accompanied by a narrative, as appropriate. The Development Plan shall comply with the provisions of Divisions 9.5, 9.6, and 9.7 and Section 148-20 of the Code of Front Royal, Virginia, unless otherwise provided for herein, and the following:

    1. All information required for the master plan submission.

    2. A development schedule. If phasing is proposed, indication of the proposed phasing schedule, along with a plan indicating phased sections.

    3. A landscape plan prepared by a certified landscape architect or land surveyor shall be submitted with each site development plan application. The development plan shall identify proposed trees, shrubs, ground cover, natural features such as rock outcroppings, other landscaping elements and planting details. When existing natural growth is proposed to remain, the applicant shall include in the plans a description of the landscaping to be retained, a statement from a certified arborist that the material is desirable and healthy, and the proposed methods to protect the retained trees and growth during and after construction.

    4. Proposed number of dwelling units by residential types, and the area of non-residential buildings by use type (retail, office, service, etc.).

    5. Calculation of the percentage of land area covered by the various land uses, including landscaped areas.

    6. Proposed circulation plan showing patterns of vehicular, pedestrian, or other traffic, parking areas (including the number of parking spaces).

    7. Notes identifying any deviations from the approved master plan.

B. Development Plan Revisions, Modifications: After approval, all subsequent plans, plats, and permits for the PND shall be in substantial compliance with the approved PND Master Land Use Plan. Minor adjustment to the Master Land Use Plan may be approved administratively provided there is no increase in the overall density or number of

housing units in the development and no reduction in useable open space. Revisions or modifications which substantially change the development, design, density, concept, uses, or magnitude shall cause the revised plan to be referred back through the review process as if it were an original submission.

Revisions to the Site Development Plan may be proposed by the applicant prior to the Town Council's review. The Town Council at its discretion may consider the application with minor revisions as proposed or may return the plan to the Planning Commission for further review.

C. Amendments to Planned Development Districts: Land area may be added to an established PND if it adjoins and is demonstrated to become an integral part of the approved development. The procedures for any addition of land shall be the same as for an original application and all requirements shall apply.

D. Final Plats: Final Plats shall be submitted concurrently with the Site Development Plan. Except as provided herein, Planned Neighborhood Development plats shall comply with the Zoning Ordinance, Chapter 175 and the Subdivision and Land Development Ordinance, Chapter 148 of the Town of Front Royal, Virginia, except that reasonable waivers and variances as described in Chapter 148 may be granted by the Town Council in order to facilitate creative design consistent with good community planning standards.

E. Recordation of Documents: Any applicable covenants, governance documents and easements shall be recorded in the Warren County Circuit Court Clerk's office within six (6) months of approval of the Final Plat.

F. Appearance Review: Appearance Review by the Planning Commission shall be required for all proposed commercial, community, institutional, or multi-family residential development within a planned neighborhood development to ensure conformity with the appearance standards established by the approved design guidelines for the Planned Neighborhood Development. Such review shall occur in conjunction with the Site Development Review. Compliance with the requirements for Appearance Review shall be in addition to all other requirements.

DIVISION 6.9 – COMMUNITY BUSINESS DISTRICT (C-1)

Section 6.9.1 – STATEMENT OF INTENT (C-1)

The Community Business C-1 District is intended to accommodate general business areas, highway-oriented commercial uses, and selected retailing operations. The Community Business C-1 District recognizes the demand for a variety of land uses near or adjacent to the major traffic arteries in Town.

Section 6.9.2 - USE REGULATIONS (C-1).

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

RESIDENTIAL:

Up to three (3) dwelling units, above ground floor.

Caretaker quarters.

COMMERCIAL:

Appliance stores and repair services.

Assembly halls.

Automobile and truck sales lots and leasing agencies, in accordance with Section 6.9.8.E.

Automobile service stations, in accordance with Section 8.3.1.

Bakeries, when products are sold as retail on the premises.

Banks, branch banks, and financial institutions.

Barber and beauty shops.

Banks, branch banks, and financial institutions.

Barber and beauty shops.

Brewpubs or craft beverage taprooms.

Car washing.

Catering services.

Co-working or shared office space.

Contractor’s offices, display rooms and storage.

Commercial event space (or assembly hall).

Community centers / nonprofit offices.

Commuter parking facilities.

Department stores.

Drugstores.

Fitness Centers.

Florist shops / floral designers.

Funeral homes.

Furniture stores.

Grocery stores.

Hardware stores.

Laundries, laundromats and dry cleaners.

Lumber and building supply, with storage under cover.

Machinery sales and service.

Medical / dental offices.

Motels, hotels, and tourist homes.

Newspaper and other printing establishments.

Pet grooming / pet supply stores.

Personal services.

Post offices or parcel pick-up centers.

Restaurants with or without outdoor dining, including drive-in restaurants.

Retail stores, as defined in Section 6.9.2.C.

Pharmaceutical center.

Professional and business offices.

Public safety facilities (fire / police stations).

Radio and television broadcasting stations, studios or offices.

Recreational facility, commercial.

Research and development labs.

Small-scale maker spaces / artisan manufacturing.

Special childcare services.

Technology business, as defined in Article 11, provided that such use does not involve broadcast or communications towers or manufacturing operations.

Theatres, indoor.

Veterinary hospitals.

Wearing-apparel stores.

INDUSTRIAL:

ORGANIZATIONAL:

Art galleries and museums.

Churches.

Public libraries.

MISCELLANEOUS:

Accessory uses, structures and buildings.

Home occupations.

Open space.

Public facilities.

Public parks and playgrounds.

Public utilities.

Signs, as set forth in Article 10.

Special childcare services.

Such other uses as determined similar to one (1) or more enumerated uses by the Zoning Administrator, provided that the Zoning Administrator finds that: (1) the proposed use is comparable in traffic generation, noise, hours of operation, and scale to the enumerated uses: (2) the use will not adversely affect the residential character of the district; and (3) the use conforms to all other applicable standards of this Chapter.

Section 6.9.3 – USES PERMITTED BY SPECIAL USE PERMIT (C-1).

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

RESIDENTIAL:

Single-family dwellings.

Townhouses.

Multi-family dwellings.

Apartments house.

Dwelling units, with four (4) or more units or where located on the ground floor, subject to the provisions of Division 9.7.

COMMERCIAL:

Automobile garages, excluding where repairs work is only an accessory use, subject to the requirements of Section 8.3.4 where motor vehicle painting or body work services are provided.

Automobile parking lots, commercial.

Bed and Breakfasts, as set forth in Section 8.1.3.

Day care facilities and schools, subject to the provisions of Section 8.1.2.F, and any necessary Improvements or changes to address the considerations of that section.

Farmers' markets, and flea markets in accordance with Section 6.9.8.F.

Kennels.

Pet shops.

Shopping centers as set forth in Division 9.5.

INDUSTRIAL:

Distribution facilities, subject to the standards and criteria for industrial uses provided in Section 6.14.8.

Wholesale establishments with storage and processing, subject to the standards and criteria for industrial uses provided in Section 6.14.8.

ORGANIZATIONAL:

Schools.

MISCELLANEOUS:

Any use permitted under Section 6.9.2, or specifically listed above under this subsection, that proposes to occupy a building or structure that exceeds the height requirements of Section 6.9.5, subject to the requirements of Division 5.1. Any increase in building height approved by Special Use Permit shall require a corresponding increase in all required setbacks and yard areas at a ration of one foot of additional setback for each one (1) foot of additional building height.

Board houses, clubs and lodging houses.

Conservation areas.

Communication towers, in accordance with Division 9.11.

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

Mini-warehouses, subject to the standards of Section 6.9.8).

Nursing homes, as set forth in Section 8.1.1.

Parking structures.

Structures with a height between forty-five (45) feet and seventy (70) feet, and any residential structure not in conformance with the height limitation of Section 6.9.5.

Structures with a gross floor area of fifty thousand (50,000) square feet or more.

B. For the purpose of this section, “retail stores” are defined as buildings for the display and sale of merchandise at retail or for the rendering o personal services, but specifically exclusive of coal, wood, oil, lumberyards, and their accessory uses, adult bookstores (stores engaged in the sale of magazines and other publications of sexually-oriented nature), massage parlors and stores engaged in the sale of sexual aids, devices, and/or merchandise.

Section 6.9.4 - AREA REGULATIONS (C-1).

A. Minimum Lot Size:

1. Residential uses with four (4) or more units = six thousand (6,000) square feet first unit; one thousand five hundred (1,500) square feet each additional unit.

2. All other uses: seven thousand five hundred (7,500) square feet.

B. Minimum District Size: five (5) acres.

C. Minimum Lot Width:

1. Interior Lot: fifty (50) feet.

2. Corner Lot: sixty-five (65) feet.

Section 6.9.5 – MAXIMUM HEIGHT OF BUILDINGS (C-1).

A. Single-family dwellings: thirty-five (35) feet, except as otherwise provided in this section.

B. Other principal buildings: sixty-five (65) feet except as provided in Section 6.9.2.B.

C. Multi-family dwellings may have a maximum overall height of sixty-five (65) feet.

D. Exceptions from height requirements:

1. Church spires.

2. Belfries.

3. Cupolas.

4. Municipal water towers.

5. Chimneys.

6. Flues.

7. Flagpoles.

8. Television antennas.

9. Radio aerials.

10. Parapet walls up to four (4) feet above the height of the building on which the wall rests.

E. Accessory buildings and structures: thirty-five (35) feet; however, in no case, shall the height of an accessory structure exceed the height of the principal structure.

Section 6.9.6 – MINIMUM SETBACK AND YARD DIMENSIONS (C-1).

A. Principal structures, when abutting properties are in a commercial or industrial district.

1. Front setback:

a. Where no parking is provided between the structure and the street: five (5) feet. Provided, however, that no drive aisle shall be located within five (5) feet of any structure having a setback less than fifteen (15) feet. (should this sentence have been included? It wasn't in the rewritten copy.

b. Where parking is provided between the structure and the street: fifty (50) feet.

2. Side: ten (10) feet on one (1) side only.

3. Rear: fifteen (15) feet.

4. Corner side: fifteen (15) feet.

B. Accessory structures;

1. Front setback: twenty-five (25) feet, except that accessory structures shall not be located closer to the street than the principal structure.

2. Side: five (5) feet.

3. Rear: five (5) feet.

4. Corner side: ten (10) feet, except that accessory structures shall not be located closer to the street than the principal structure.

C. Transitional yards, when located adjoining a residential district.

1. Side yard: fifteen (15) feet.

2. Rear yard: twenty (20) feet.

3. No structures, storage, use or parking shall be located in a transitional yard.

4. Transitional yards shall be landscaped in accordance with the provisions of the Landscape Preservation and Planting Guide.

D. Where parking is provided in a perpendicular manner between the principal structure and the street a minimum parking setback of ten (10) feet and a minimum building setback of fifty-five (55) feet shall be provided. The parking setback shall be landscaped in accordance with Section 148_____.

E. The Town Council may waive the setback, yard and lot size requirements for townhouse style commercial project, approved by Special Use Permit, where such waiver is needed to produce a functional and desirable site layout; provided, however, that no adverse impact to adjoining property results from the waiver.

Section 6.9.7 – OPEN SPACE REGULATIONS (C-1).

A. Maximum building coverage for all structures: seventy-five (75) percent.

B. Maximum impervious surface coverage: ninety (90) percent, including off-street parking.

Section 6.9.8 – PERFORMANCE STANDARDS (C-1).

A. 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 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 6.9.8.A.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, yard sales, 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 200 square feet of area is used, and (ii) outdoor display and/or sales are restricted from the evening and night hours from 8PM to 5AM, except that general products, goods, merchandise, and/or materials may be kept outdoors if located under a roofed structure.

h. Flea markets, subject to any conditions issued with special use permit, performance standards of the underlying zoning district, and requirements of Section 98-46 of the Town Code.

4. Commercial development shall be permanently screened from adjoining and contiguous residential district by a wall, fence, evergreen hedge, and/or other suitable enclosure with a minimum height of six (6) feet. Any area between such enclosure and the property line shall be landscaped to form a permanent screening area. The requirement for a screening area may be waived if equivalent screening is provided by existing parks, recreational areas, or by topographic or other natural conditions.

5. The provision of subsection 4 shall not apply when the (architectural) front of any commercial building faces the street across from a residential district or when strict application of the requirement relative to screening can be demonstrated as not serving the purpose for which it is intended.

B. Lighting: Lighting facilities shall be arranged in a manner that will protect the public roadway and neighboring properties from direct glare, intrusion or hazardous interference. Parking lot and building lighting shall be directed so that the lighting does not extend beyond the property boundary. Lighting facilities shall be required along private and public streets and within parking areas, installed at the developer's expense.

C. Miscellaneous:

1. No flammable or explosive liquids, solids or gases shall be stored in bulk above ground; provided, however, that tanks or drums of fuel directly connecting to energy devices, heating devices or appliances located on the same lot as the tanks or drums of fuel are excluded from this provision.

2. All fuel and raw materials stored outdoors shall be enclosed by a fence adequate to conceal the facilities from any adjacent properties or roadways.

3. No materials or wastes shall be deposited upon a lot in such form or manner that it may be transferred off the lot by natural causes or forces.

4. All refuse containers shall be adequately sized to handle the needs of the facility or development and all material or wastes which might cause fumes or dust, constitute a fire hazard, or may be edible or otherwise attractive to rodents or insects shall be stored only in completely closed containers.

5. All outdoor refuse storage areas shall be located in a paved area and hidden from general public view, either from within or outside the lot, by means of fences or walls, and landscape planting. A solid wood or masonry fence at least six (6) feet in

height shall be provided on three (3) sides, with a solid opaque gate on the fourth side. Landscaping shall be incorporated to improve the visual appearance.

D. Landscaping: All sites and parking areas shall be landscaped in accordance with the provisions of Sections 148 _____

E. Automobile and Truck Sales Lots and Leasing Agencies: Vehicle repair shall only be permitted as an accessory use to automobile and truck sales lots and leasing agencies, except where a special use permit is issued for automobile repair. All incidental repair of vehicles shall be conducted within a building enclosed on all sides.

F. Farmer's Markets & Flea Markets: Where farmer's markets are permitted under the provisions of this Chapter, the following standards shall be required:

1. Adequate water and sanitary facilities shall be provided if found necessary based on the size, frequency and duration of the market.

2. A minimum twenty-five (25) foot setback shall be maintained from all property lines, excluding structures and uses in existence prior to July 1, 2001.

3. No adverse effect on adjoining properties, including but not limited to excessive or untimely noise or lighting, overflow parking, or visual problems potentially affecting property values or marketability, is found.

4. All tables, facilities and structures shall be maintained in a well-kept and attractive manner.

5. No manufactured buildings shall be permitted.

6. Unless otherwise approved as part of a Special Use Permit, all temporary structures or facilities shall be removed during the days that the market is not in operation.

7. Operation of a Flea Market shall be confined to Friday, Saturday, Sunday, and Holidays, unless other dates are specifically approved by the Town Council in conjunction with the Special Use Permit. The hours of operation shall be posted on the property.

8. If a Flea Market or Farmers' Market elects to close during part of the year, or is required to close during part of the year by a condition of a Special Use Permit, all tables and other temporary fixtures shall be removed within two (2) weeks of such closure. Such fixtures may be stored on the site, provided they are located within a completely enclosed building or otherwise screened from public view, in accordance with Section 5.9.8(A).

9. All Flea Markets and Farmers' Markets shall be swept clean, hosed down and/or picked clean daily. No food products or debris shall be permitted to remain upon the site overnight. All food products sold at the market must be displayed under sanitary conditions and sold in compliance with all requirements of the Virginia Department of Health or Virginia Department of Agriculture and Consumer Services.

10. Any expansion, including, but not limited to, new construction, an increase in the days of operation, or other significant changes to the use of the property, shall only be authorized with a Special Use Permit.

11. Landscaping shall be provided where feasible and desirable for the purposes of improvement aesthetics, screening, shade and the natural environment.

12. Fencing may be required for purposes of improvement aesthetics, screening or public safety.

13. The sale of live animals is prohibited.

14. The sale of new merchandise or serving of food, other than farm and domestic products, shall only be authorized if the vendor obtains an itinerant merchant or peddler license, in accordance with the Town Code regulations for such uses.

15. Farmers' Markets and Flea Markets on public property shall be classified as a public event.

G. Mini-warehouses: Where mini-warehouses are permitted, the following standards shall be required:

1. No exterior storage shall be permitted.

2. No business activities other than rental of storage units and office use shall be conducted on the premises or within the building, except as specifically approved with the Special Use Permit approval. The servicing or repair of motor vehicles, trucks, mobile homes, boats, trailers, lawn mowers, or other similar equipment shall not be conducted on the premises. The operation of a mini-warehouse shall in no way be deemed to include a transfer and storage business where the use of vehicles is part of such business.

3. When a mini-warehouse is built adjacent to or within one hundred (100) feet of a lot in a residential district without an intervening street, a solid wall or fence at least six (6) feet in height with a finished side facing the residential lot shall be erected between the mini-warehouse and the residential lot. However, the wall or

fence shall not be required to extend into the front yard required on the lot on which it is located.

4. The minimum landscaped open space for a mini-warehouse building shall not be less than twenty (20) percent of the gross acreage of the lot. Such landscaped open space shall not be open to vehicular traffic, and shall be used to buffer and shield adjacent uses from the mini-warehouse operation. The required amount of open space may be reduced with the Special Use Permit approval for the reuse of an existing building/developed property.

5. The maximum height of the storage section of a mini-warehouse building shall be twenty-five (25) feet.

6. The maximum total storage area in a mini-warehouse building shall be seven thousand five hundred (7,500) square feet.

7. The maximum size of an individual storage unit shall be five hundred (500) square feet.

8. Buildings used in association with mini-warehousing shall be set back at least one hundred fifty (150) feet from the public road.

DIVISION 6.10 – DOWNTOWN BUSINESS DISTRICT (C-2)

Section 6.10.1 – STATEMENT OF INTENT (C-2).

The Downtown Business District C-2 is intended to encompass the major downtown retailing center and to provide for the orderly expansion of the central business district. The Downtown Business District C-2 should provide a framework for a strong nucleus of the business community, where all the amenities and services of downtown can be provided. In addition, certain high-density residential uses whose proximity to the downtown area would tend to strengthen the retail core shall be permitted.

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 C-2 District, the following uses of land and buildings are permitted by-right in the C-2 District:

<u>RESIDENTIAL</u>:

Conversion of existing residential and/or commercial structures into buildings with a greater number of dwelling units, provided one (1) off-street parking space is provided per unit.

Single-family and two-family dwellings.

Up to three (3) dwelling units, above ground floor.

Townhouses.

Multi-family dwellings.

Maker spaces.

COMMERCIAL:

Assembly Halls

Bakeries

Banks, branch banks, and financial institutions.

Barber and beauty shops.

Bed & Breakfasts.

Bars, taverns and pubs.

Catering services.

Coffee shops / cafés.

Commercial event space (or assembly hall).

Day Care Facilities, subject to the provisions of Section 8.1.2(F) and any necessary improvements or changes to address the considerations of that section.

Drugstores.

Florist shops / floral designers.

Funeral homes.

Furniture stores.

Grocery stores, fifteen thousand (15,000) square feet or less.

Hardware stores.

Laundries, laundromats, and dry cleaners.

Lodging houses and boarding houses.

Microbreweries / distilleries (small-scale, on-site).

Motels, hotels, and tourist homes.

Newspaper and other printing establishments.

Live music venues / performance venues.

Personal services.

Retail Stores, as defined in Section 6.10.2.B.

Professional and business offices.

Public parking structures.

Radio and television broadcasting stations, studios or offices.

Recreational facility, commercial.

Restaurants with or without outdoor dining, excluding drive-in restaurants.

Technology business, as defined in Article 11, provided that such use does not involve broadcast or communications towers or manufacturing operations.

Theatres, indoor.

INDUSTRIAL:

ORGANIZATIONAL:

Art galleries and museums.

Churches, excluding churches with ground level frontage on E. Main Street.

Public libraries.

MISCELLANEOUS:

Accessory uses, structures and buildings.

Clubs.

Home occupations.

Open space.

Public event, see Chapter 72 for additional permitting requirements for entertainment festivals.

Public facilities.

Public parks and playgrounds.

Public utilities.

Signs, as set forth in Section Article 10.

Special childcare services.

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

B. For the purpose of this section, "retail stores" are defined as buildings for the display and sale of merchandise at retail or for the rendering of personal services, but specifically exclusive of coal, wood and oil and lumberyards, accessory uses, tobacco and electronic vapor products, adult bookstores (stores engaged in the sale of magazines and other publications of a sexually-oriented nature), and stores engaged in the sale of sexual aids, devices and merchandise.

Section 6.10.3 – USES PERMITTED BY SPECIAL USE PERMIT (C-2).

A. The following uses are permitted within the C-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 C-2 District:

RESIDENTIAL:

COMMERCIAL:

Automobile service stations, in accordance with Section 8.3.1.

Farmers' markets, in accordance with Section 6.10.7.E.

INDUSTRIAL:

ORGANIZATIONAL:

Schools.

MISCELLANEOUS:

Conservation areas.

Section 6.10.4 – AREA REGULATIONS (C-2).

A. Minimum Lot Size: There are no area requirements except in the case of new apartment structures, whereby the lot must be three thousand (3,000) square feet, plus an additional one thousand (1,000) square feet for each individual dwelling unit above one (1).

B. Minimum Unit Size: The minimum average unit size (floor area) in any structure containing dwellings shall be three hundred (300) square feet. No dwelling unit shall have less than two hundred and fifty (250) square feet of floor area. This floor area shall not include bathroom, closet and storage space.

C. Minimum District Size: Ten (10) acres.

Section 6.10.5 – OPEN SPACE AND HEIGHT REGULATIONS (C-2).

A. Maximum Building Coverage for new residential structures: seventy-five (75) percent.

B. Maximum Building Coverage for all other structures: ninety (90) percent.

C. Buildings may be erected up to forty-five (45) feet in height from grade as a matter of right. Buildings may be erected at heights between forty-five (45) feet and sixty (60) feet by Special Use Permit, with reasonable conditions necessitated by the historic and unique nature of the Downtown Business District, issued by Town Council after recommendation of the Planning Commission.

D. Church spires, belfries, cupolas, monuments, cooling towers, elevator shafts, chimneys, flues and flagpoles are exempt. Parapet walls may be up to four (4) feet above the height of the building on which the walls rests.

Section 6.10.6 – FRONTAGE AND YARDS (C-2).

A. Established Front Setback: Where a front setback has been established along one (1) side of a subdivided block or street, all new construction shall conform to this established front setback, except where such variation is approved by the Board of Architectural Review with a Certificate of Appropriateness.

Section 6.10.7 – PERFORMANCE STANDARDS (C-2).

A. Screening:

1. Permitted uses shall be conducted wholly within a completely enclosed building or within an area enclosed on all sides by a solid masonry wall, a uniformly painted solid board fence or a dense evergreen hedge at least six (6) feet in height. Public utilities and signs requiring natural air consideration, unobstructed view or other technical consideration necessary for property operation may be exempt from this provision. This exception does not include storing of any materials.

2. Commercial development shall be permanently screened from any adjoining and contiguous residential district by a wall, fence, evergreen hedge, and/or other suitable enclosure with a minimum height of five (5) feet. Any area between such enclosure and the property line shall be landscaped to form a permanent screening area. The requirement for a screening area may be waived if equivalent screening is provided by existing parks, recreational area, or by topographic or other natural conditions.

3. The provision of subsection 2 shall not apply when the (architectural) front of any commercial building faces the street across from a residential district or when

strict application of the requirement relative to screening can be demonstrated as not serving the purpose for which it is intended.

B. Lighting: Lighting facilities shall be arranged in a manner that will protect the public roadway and neighboring properties from direct glare, intrusion or hazardous interference. Parking lot and building lighting shall be down-directed so that the lighting does not extend beyond the property boundary. Where needed, lighting facilities shall be required along private and public streets and within parking areas, installed at the developer's expense.

C. Outdoor Storage/Waste Disposal:

1. No flammable or explosive liquids, solids or gases shall be stored in bulk above ground; provided, however, that tanks or drums of fuel directly connecting to energy devices, heating devices or appliances located on the same lot as the tanks or drums of fuel are excluded from this provision.

2. All fuel, raw materials and products stored outdoors shall be enclosed by a fence adequate to conceal the facilities from any adjacent properties or roadways.

3. No materials or wastes shall be deposited upon a lot in such form or manner that it may be transferred off the lot by natural causes or forces.

4. All refuse containers shall be adequately sized to handle the needs of the facility or development and all material or wastes which might cause fumes or dust, constitute a fire hazard, or may be edible or otherwise attractive to rodents or insects shall be shored only in completely closed containers.

5. All outdoor refuse storage areas shall be located in a paved area and hidden from general public view, fences or walls, and landscape planting. A solid wood or masonry fence at least six (6) feet in height shall be provided on three (3) sides, with a solid opaque gate on the fourth side. Landscaping shall be incorporated to improve the visual appearance.

D. Automobile and Truck Sales Lots and Leasing Agencies: Vehicle repair shall only be permitted as an accessory use to automobile and truck sales lots and leasing agencies, except where a Special Use Permit is issued for automobile repair. All incidental repair of vehicles shall be conducted within a building enclosed on all sides.

E. Farmer's Markets: Where farmer's markets are permitted in the C-2 District, the following standards shall be required in addition to the requirements of Chapter 78 and any other conditions imposed by Special Use Permit.

1. Adequate water and sanitary facilities shall be provided if found necessary based on the size, frequency and duration of the market.

2. A minimum twenty-five (25) foot setback shall be maintained from all property lines.

3. No adverse effect on adjoining properties is found.

4. All tables, facilities and structures shall be maintained in a well-kept and attractive manner.

5. Any building used for the storage or sale of goods and materials shall be constructed on a permanent foundation and meet appropriate building code regulations. No trailers, manufactured homes, or mobile home units shall be permitted.

6. All temporary structures or facilities, including but not limited to canopy frames, table extensions and display shelving, shall be removed during the hours that the market is not in operation

DIVISION 6.11 – HIGHWAY CORRIDOR BUSINESS DISTRICT (C-3)

Section 6.11.1 – STATEMENT OF INTENT (C-3).

The Highway Corridor Business C-3 District is intended for selected commercial uses, and retailing and service operations, located along the major transportation corridors into the Town. The Highway Corridor Business C-3 District recognizes the demand for a variety of land uses along the major entrances into Town and strives to ensure that such development is compatible in use, appearance and functional operation with the Town's economic development policies and action strategies.

Section 6.11.2 – USE REGULATIONS (C-3).

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

<u>RESIDENTIAL:</u>

Caretaker quarters.

<u>COMMERCIAL:</u>

Appliance stores and repair services.

Assembly Halls.

Automobile and truck sales lots and leasing agencies, in accordance with Section 6.9.8.E.

Automobile service stations, in accordance with Section 8.3.1.

Bakeries, when products are sold as retail on the premises.

Banks, branch banks, and financial institutions.

Barber and beauty shops.

Billiard parlors and poolrooms.

Bowling alleys.

Chain restaurants.

Coffee shops.

Commercial event space (or assembly hall).

Commuter parking facilities.

Conference centers.

Department stores.

Drugstores.

Florist shops / floral designers.

Funeral homes.

Furniture stores.

Gas stations.

Grocery stores.

Hardware stores.

Hotels / motels.

Lumber and building supply, with storage under cover.

Machinery sales and service.

Maker spaces.

Motels, hotels, and tourist homes.

Office buildings.

Personal services.

Retail stores, as defined in Section 6.10.7.D.

Pharmaceutical center.

Professional and business offices.

Radio and television broadcasting stations, studios or offices.

Recreational facility, commercial.

Restaurants, including drive-in restaurants.

Technology business, as defined in Article 11, provided that such use does not involve broadcast or communications towers or manufacturing operations.

Theatres, indoor.

Veterinary hospitals.

Wearing-apparel stores .

INDUSTRIAL:

ORGANIZATIONAL:

Art galleries and museums.

Churches.

Boarding houses, clubs & lodging houses.

Public libraries.

MISCELLANEOUS:

Accessory uses, structures and buildings.

Home occupations.

Open space.

Public facilities.

Public parks and playgrounds.

Public utilities.

Signs, as set forth in Article 10.

Special childcare services.

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

Section 6.11.3 – USE PERMITTED BY SPECIAL USE PERMIT (C-3).

The following uses are permitted within the C-3 District only by approval of a Special Use Permit, except as prohibited or restricted by separate restrictions of record that ay pertain to property within the C-3 District.

RESIDENTIAL:

Apartments, subject to Performance Standards.

COMMERCIAL:

Automobile parking lots, commercial.

Shopping centers as set forth in Division 9.5.

INDUSTRIAL:

Wholesale establishments with storage and processing, subject to the standards and criteria for industrial uses provided in Section 6.14.8.

Distribution facilities, subject to the standards and criteria for industrial uses provided in Section 6.14.8.

ORGANIZATIONAL:

MISCELLANEOUS:

Communications Towers and cable television facilities, with wireless telephone (cell phone) communications tower subject to the supplemental provisions prescribed in Division 9.11.

Conservation areas.

Parking structures.

Structures with a gross floor area of fifty thousand (50,000) square feet or more.

Structures with a height between forty-five (45) feet and seventy (70) feet.

C. For the purpose of this section, "retail stores" are defined as buildings for the display and sale of merchandise at retail or for the rendering of personal services, but specifically exclusive of coal, wood and oil and lumberyards, accessory uses, adult bookstores (stores engaged in the sale of magazines and other publications of sexually-oriented nature), massage parlors and stores engaged in the sale of sexual aids, devices and merchandise.

Section 6.11.4 – AREA REGULATIONS (C-3).

A. Minimum lot size: one (1) acre.

B. Minimum district size: five (5) acres.

C. Minimum lot width: one hundred (100) feet.

Section 6.11.5 – MAXIMUM HEIGHT OF BUILDINGS (C-3).

A. Principal Buildings: - 45 feet, except as provided in Section 6.11.2.B.

B. Exemptions from height requirements.

1. Church spires.

2. Belfries.

3. Cupolas.

4. Municipal water towers.

5. Chimneys.

6. Flues.

7. Flagpoles.

8. Television antennas.

9. Radio aerials.

10. Parapet walls up to four (4) feet above the height of the building on which the wall rests.

C. Accessory buildings and structures: thirty-five (35) feet; however, in no case, shall the height of an accessory structure exceed the height of the principal structure.

D. Where the Town approves a structure exceeding forty-five (45) feet in height, the maximum height shall be seventy (70) feet and up to six (6) stories. All required yards shall be increased by two (2) feet for each foot over forty-five (45) feet.

Section 6.11.6 – MINIMUM SETBACK AND YARD DIMENSIONS (C-3).

A. Principal Structures, when abutting properties are in a commercial or industrial district:

1. Front Setback: fifty (50) feet.

2. Side: fifteen (15) feet.

3. Rear: fifteen (15) feet.

4. Corner Side: thirty-five (35) feet.

B. Accessory Structures:

1. Front Setback: fifty (50) feet, except that accessory structures shall not be located closer to the street than the principal structure.

2. Side: ten (10) feet or fifty (50) percent of building height, whichever is greater.

3. Rear: ten (10) feet or fifty (50) percent of building height, whichever is greater.

4. Corner Side: thirty (30) feet, except that accessory structures shall not be located closer to the street than the principal structure.

C. Transitional yards, when located adjoining a residential district:

1. Side Yard: twenty (20) feet.

2. Rear Yard: twenty-five (25) feet.

3. No structures, storage, use or parking shall be located in a transitional yard.

4. Transitional yards shall be landscaped in accordance with the provisions of Landscape Preservation and Planting Guide.

Section 6.11.7 – OPEN SPACE REGULATIONS (C-3).

A. Maximum building coverage: seventy-five (75) feet.

B. Maximum impervious surface coverage: ninety (90) percent, including off-street parking.

Section 6.11.8 – PERFORMANCE STANDARDS (C-3).

A. 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 (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 6.11.8.A.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 or area is used.

        ii. Outdoor display and/or sales are restricted from the evening and night hours from 8PM to 5AM, except that general products, goods, merchandise, and/or materials may be kept outdoors if located under a roofed structure.

4. Commercial development shall be permanently screened from adjoining and contiguous residential district by a wall, fence, evergreen hedge, and/or other suitable enclosure with a minimum height of six (6) feet. Any area between such enclosure and the property line shall be landscaped to form a permanent screening area. The requirement for a screening area may be waived if equivalent screening is provided by existing parks, recreational areas, or by topographic or other natural conditions.

5. The provision of subsection 4 shall not apply when the (architectural) front of any commercial building faces the street across from a residential district or when strict application of the requirement relative to screening can be demonstrated as not serving the purpose for which it is intended.

B. Lighting: Lighting facilities shall be arranged in a manner that will protect the public roadway and neighboring properties from direct glare, intrusion or hazardous interference. Parking lot and building lighting shall be down-directed so that the lighting does not extend beyond the property boundary. All gasoline canopy lighting shall be down-directed and shielded to direct the lighting to the area under the canopy only. Lighting facilities shall be required along private and public streets and within parking areas, installed at the developer's expense.

C. Miscellaneous:

1. No flammable or explosive liquids, solids or gases shall be stored in bulk above ground; provided, however, that tanks or drums of fuel directly connecting to energy devices, heating devices or appliances located on the same lot as the tanks or drums of fuel are excluded from this provision.

2. All fuel and raw materials stored outdoors shall be enclosed by a fence adequate to conceal the facilities from any adjacent properties or roadways.

3. No materials or wastes shall be deposited upon a lot in such form or manner that it may be transferred off the lot by natural causes or forces.

4. All refuse containers shall be adequately sized to handle the needs of the facility or development and all material or wastes which might cause fumes or dust, constitute a fire hazard, or may be edible or otherwise attractive to rodents or insects shall be stored only in completely closed containers.

5. All outdoor refuse storage areas shall be located in a paved area and hidden from general public view, either from within or outside the lot, by means of fences or walls, and landscape planting. A solid wood or masonry fence at least six (6) feet in height shall be provided on three (3) sides, with a solid opaque gate on the fourth side. Landscaping shall be incorporated to improve the visual appearance.

D. Landscaping:

1. All new developments shall provide for the planting, replacement and/or maintenance of trees on the site to the extent that, at maturity of twenty (20) years, minimum tree cover shall be at least ten (10) percent of the site area. Such sites shall be planted in accordance with the provisions of Section 148-?????.

2. All sites and parking areas shall be landscaped in accordance with the provisions Front Royal Preservations Manual.

E. Building location and treatment:

1. Integrated development. All buildings within a property shall be developed as a cohesive entity, ensuring that building placement, architectural treatment, vehicular and pedestrian circulation and other development elements work together functionally and aesthetically. Architectural treatment shall be designed so that all building facades of the same building (whether front, side or rear) that are visible from the public right-of-way shall consist of similar architectural treatment in terms of materials, quality, appearance and detail.

2. Building bulk and mass. All buildings and parking areas should be designed with treatments to break up the mass and bulk. The treatment of buildings shall include vertical architectural treatment at least every fifty (50) feet to break down the scale of the building into smaller components. Any facade with a blank wall must be screened in a manner approved by the Zoning Administrator. Architectural details shall continue on all facades visible from the public right-of-way.

3. Materials. Building materials for structures and retaining walls should be typical of those prevalent in Front Royal and Warren County, including stucco, brick, wood siding and standing seam metal roofs. Inappropriate materials include reflective glass, and plastic and fiberglass replications of natural materials. No facade visible from adjoining property or the corridor highway shall be constructed of unadorned cinder block, concrete, corrugated metal or sheet metal.

4. Color. The permanent color of building materials (to be left unpainted) should resemble primarily earthen tones.

Section 6.11.9 – OFF-STREET PARKING (C-3).

A. Space Requirements, except where specifically exempted under Section 9.12.2.

1. Retail and personal service uses: one (1) space per two hundred (200) gross square feet.

2. Restaurants:

   a. Sit-Down: one (1) space per four (4) seats.

   b. Carry-Out: one (1) space per fifty (50) net square feet of customer service area.

   c. Drive-Through: three (3) spaces plus stacking lanes for six (6) vehicles.

3. Offices, except medical offices: one (1) space per three (300) gross square feet.

4. Medical offices: one (1) space per two hundred (200) gross square feet.

5. Furniture/appliance/lumber and building supply: one (1) space per four hundred (400) gross square feet.

6. Hotels/Motels: one (1) space per room and one (1) additional space for every ten (10) rooms.

7. Theaters and Assembly Halls: one (1) space per four (4) fixed seats in the main assembly area, or one (1) space per one hundred (100) net square feet.

8. Shopping centers: as provided in this Chapter Division 9.5.

9. Indoor court game facilities: one (1) space for every two (2) players as designed.

10. Indoor recreation facilities: one (1) space per two hundred (200) net square feet of improved area.

11. Other uses not specifically enumerated, see Section 9.12.2.

B. Minimum setback for driveways and parking:

1. All parking areas adjoin commercial properties: five (5) feet from side and rear property lines.

2. Front Setback: ten (10) feet from public right-of-way, except where driveway entrance is located.

3. Parking areas adjoining residential district: twenty-five (25) feet from side and rear property lines.

4. Parking areas shall be landscaped in accordance with the provisions of Chapter 148-????????.

C. Construction:

1. All driveway entrances shall be constructed to meet the requirements of the Virginia Department of Transportation for commercial entrances.

2. All parking areas and access aisles shall be paved.