

Chapter 175

ZONING

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Originally Adopted 4-10-78 and again adopted by the Town Council of the Town of Front Royal 3-11-85. (*Chapter 3 of the 1965 Code including the following amendments 10-23-78; 3-12-79; 5-12-80; 5-26-80; 1-4-84; 7-18-84*) Added 175-10.1 "Permitted Child Care" 10-23-89; Amended 175-97 "Real Estate Tax Exemption for Rehabilitation" 10-27-97; Amended 175-3 "Definitions" by deleting "street line" 8-14-98; Removed 175-10.1 "Permitted Child Care" 6-23-13; Removed 175-45 "Off Street Parking" 6-22-15. Removed 175-53 "Plans Required" 6-22-15; Moved 175-97 "Real Estate Tax Exemption for Rehabilitation" to (75-75) 3-23-15; Entire Chapter Amendment including Sections 175-114 through 175-122 being repealed 6-22-15. Other amendments noted where applicable.

**GENERAL PROVISIONS****175-1 LEGISLATIVE AUTHORITY; INTENT AND PURPOSE**

A. By Act of the General Assembly of Virginia as provided in Chapter 22, Article 7, Section 15.2-2280 through 15.2-2316, Code of Virginia, and amendments thereto, the governing body of any

county or municipality may, by ordinance, classify the territory under its jurisdiction or any substantial portion thereof into districts of such number, shape and size as it may deem best suited to carry out the purposes of this Article, and in each district it may regulate, restrict, permit, prohibit and determine the following:

**(Amended VA Code References 9-25-00-Effective Upon Passage)**

1. The use of land, buildings, structures and other premises for agricultural, business, industrial, residential, floodplain and other specific uses.
2. The size, height, area, bulk, location, erection, construction, reconstruction, alteration, repair, maintenance, razing or removal of structures.
3. The areas and dimensions of land, water and airspace to be occupied by buildings, structures and uses and of courts, yards and other open spaces to be left unoccupied by uses and structures, including variations in the sizes of lots based on whether a public or community water supply or sewer system is available and used.
4. The excavation or mining of soil or other natural resources.

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

**(Amended VA Code References 9-25-00-Effective Upon Passage)**

1. Provide for adequate light, air, convenience of access and safety from fire, flood and other dangers.
2. Reduce or prevent congestion in the public streets.
3. Facilitate the creation of a convenient, attractive and harmonious community.
4. Facilitate the provision of adequate police and fire protection, disaster evacuation, civil defense, transportation, water, sewerage, flood protection, schools, parks, forests, playgrounds, recreational facilities, airports and other public requirements.
5. Protect against destruction of or encroachment upon historic areas.
6. Protect against one (1) or more of the following: overcrowding of land, undue density of population in relation to the community facilities existing or available, obstruction of light and air, danger and congestion in travel and transportation or loss of life, health or property from fire, flood, panic or other dangers.



7. Encourage economic development activities that provide desirable employment and enlarge the tax base.

### 175-2 WORD USAGE

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.

### 175-3 DEFINITIONS

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

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

**ACCESSORY BUILDING/ACCESSORY STRUCTURE** - A building or structure that is subordinate to, and located on the same lot as the principal permitted use of the property, of which, the accessory building or accessory structure is used for purposes that are clearly incidental to that of the principal permitted use of the property, and which is not attached by any part of a common wall or roof to the main building, or buildings, if any. An accessory building shall not exceed the height of the main building(s) located on the property; shall not be located within a required yard area that abuts a public road; and shall not be permitted where no main building exists on the property, except in the following: (i) temporary buildings or structures permitted under this

chapter, (ii) accessory buildings without utilities that are used for storage purposes and do not exceed 256 square feet, and (iii) buildings, such as barns and silos, used for agricultural purposes.

(Amended by adding "*Accessory Structure*" 7-23-12-Effective Upon Passage)  
(Amended 6-22-15-Effective Upon Passage)

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

(Amended by adding "*permitted*" 7-23-12-Effective Upon Passage)  
(Amended 6-22-15 and 11-23-15-Effective Upon Passage)

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

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

(Added 7-23-12-Effective Upon Passage)

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

(Added 11-23-15-Effective Upon Passage)

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

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

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

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

(Added 6-22-15-Effective Upon Passage)

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

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

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

**AUTOMOBILE GRAVEYARD** - See "Junkyard."

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

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

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

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

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

(Amended/Replaced Definition of "*Babysitting Service*" 10-23-89-Effective Upon Passage)  
(Amended # of children 5-14-90-Effective Upon Passage)

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

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

(Added 7-24-06 - Effective Upon Passage)

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

(Added 3-12-90-Effective Upon Passage ; Amended #of nights 5-14-90-Effective Upon Passage)

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

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

(Amended 5-14-90-Effective Upon Passage)

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

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

(Added 3-24-14-Effective Upon Passage)

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

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

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

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

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

(Added 3-12-12-Effective Upon Passage)

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

(Added 2-28-11-Effective Upon Passage)

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

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

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

(Added 7-23-12-Effective Upon Passage)

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

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

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

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

(Added 7-28-08-Effective Upon Passage)

**CONVALESCENT HOME** - See "Nursing Home".

**COVERAGE** - See "Building Coverage".

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

(Added 10-23-89-Effective Upon Passage ; Amended 6-22-15-Effective Upon Passage)

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

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

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

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

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

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

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

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

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

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

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

**DWELLING, SINGLE-FAMILY** - A single residential dwelling unit, other than a mobile home or manufactured home, designed for occupancy by one (1) family, and not located on the same lot as another dwelling unit. (Amended 7-23-12-Effective Upon Passage)

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

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

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

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

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

**FALL ZONE** – Means an area around the base of a wireless telecommunication tower required to be kept clear of buildings, other than those accessory to the wireless telecommunication tower, for the purpose of containing debris in the event of a tower structural failure. The fall zone is measured by a circular radius around the wireless telecommunication tower that equals the structure's height.

(Added 3-24-14-Effective Upon Passage)

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

(Amended 6-22-15-Effective Upon Passage)

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

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

(Amended 2-24-03-Effective Upon Passage)

**FLEA MARKET** - An assembly of vendors, selling new or used goods in the open air or within temporary structures, which display and sell their wares on the lands of another for a consideration.  
(Added 7-23-12-Effective Upon Passage)

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

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

**FRONTAGE** - See "Lot Width."

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

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

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

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

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

(Added 6-22-15-Effective Upon Passage)

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

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

(Added 2-28-11-Effective Upon Passage)

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

**HEALTH OFFICIAL (OFFICER)** - The Director of the Warren County Department of Health or his designated deputy or a representative of the Virginia Department of Health - Warren County.  
**HEIGHT OF BUILDING** - The vertical distance from the established grade of the center of the front of the building to the highest point of the roof surface of a flat roof, to the deck line for a mansard roof and to the mean height level between the eaves and ridge for hip, gable and gambrel roofs.



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

(Amended 10-10-94-Effecton Upon Passage)

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

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

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

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

(Added 4-14-03-Effective Upon Passage)

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

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

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

(Added 5-14-90-Effective Upon Passage)

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

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

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

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

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

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

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

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

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

(Added 7-23-12-Effective Upon Passage)

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

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

(Added 7-23-12-Effective Upon Passage)

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

(Added 3-12-12-Effective Upon Passage)

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

(Added 3-12-12-Effective Upon Passage)

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

(Added 3-12-12-Effective Upon Passage)

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

(Added 1-27-03-Effective Upon Passage)

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

(Added 7-23-12-Effective Upon Passage ; Amended 6-22-15-Effective Upon Passage)

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

(Amended 7-23-12-Effective Upon Passage)

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

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

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

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

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

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

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

(Amended by adding "*environmental and/or aesthetic*" 7-23-12-Effective Upon Passage)

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

(Added 1-28-13-Effective Upon Passage)

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

(Added 1-28-13-Effective Upon Passage)

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

(Added 1-28-13-Effective Upon Passage)

**OVERHANG** - Any projection, either roof, bay window or similar cantilevered construction, which extends beyond the foundation of a structure. No such construction shall project into any

required yard more than three (3) feet, and no such projection shall have a vertical surface whose area is more than twenty-five percent (25%) of the area obtained by multiplying the mean height of the structure by the length of the structure along the yard which is violated. An "overhang" shall be included in the calculation of lot coverage.

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

(Amended 2-9-87-Effective Upon Passage)

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

(Added 7-23-12-Effective Upon Passage)

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

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

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

(Added 7-24-06 - Effective Upon Passage)

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

(Added 7-25-05-Effective Upon Passage ; Amended 1-28-13-Effective Upon Passage)

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

(Added 7-23-12-Effective Upon Passage)

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

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

(Added 1-9-12-Effective Upon Passage)

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

(Added 7-23-12-Effective Upon Passage)

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

(Added 1-9-12-Effective Upon Passage)

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

(Amended 7-23-12-Effective Upon Passage)

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

(Added 7-28-08-Effective Upon Passage)

(Amended 6-22-15 by adding “*dance studios*”-Effective Upon Passage)

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

(Added 2-28-11-Effective Upon Passage)

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

(Added 7-22-96-Effective Upon Passage)

(Amended 1-28-13 by Adding “*Motor Home and Travel Trailer*” -Effective Upon Passage)

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

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

**REST HOME** - See "Nursing Home."

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

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

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

(Added 7-23-12-Effective Upon Passage)

**ROOMING HOUSE** - See “Lodging House.”

(Amended 5-14-90-Effective Upon Passage)

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

(Added 10-23-89-Effective Upon Passage)

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

(Added 2-24-03-Effective Upon Passage)

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

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

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

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

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

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

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

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

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



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

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

(Added 6-22-15-Effective Upon Passage)

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

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

(Added 7-24-06 - Effective Upon Passage)

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

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

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

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

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

(Added 6-26-00-Effective Upon Passage)

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

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

(Added 6-26-00-Effective Upon Passage)

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

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

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

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

9. Outbound or Inbound Call Centers – Businesses that either market their product through phone calls or businesses that answer consumer questions.
10. Telecommunications Equipment Manufacturing, Assembly, and Service – Businesses that build, put together or service telecommunications equipment.

(Added 6-26-00-Effective Upon Passage)

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

(Added 1-28-13-Effective Upon Passage)

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

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

(Amended 5-14-90-Effective Upon Passage)

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

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

(Added 1-28-13-Effective Upon Passage)

**TRAVEL TRAILER** - Any recreational vehicle.

(Amended 7-22-96-Effective Upon Passage)

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

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

nonconformities in the zoning division or district or adjoining divisions or districts nor solely for the economic benefit of the person requesting such "variance."

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

(Added 9-26-05-Effective Upon Passage; Amended Title 3-24-14-Effective Upon Passage)

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

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

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

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

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

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

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

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

#### **175-4 ADOPTION OF 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 hereby adopted by reference and declared to be part of this chapter, together with all future notations, references and amendments.

#### **175-5 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.

#### **175-6 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 also be accurately reflected in the minutes of the Town Council meetings at which the change is adopted.

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

The Official Zoning Map shall be located in a public place, as designated by the 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.

#### **175-8 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 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.

#### **175-9 ENUMERATION OF DISTRICTS**

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

|  |     |
|--|-----|
| 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  |

(Added “R-1A” 9-25-95-Effective Upon Passage)

(Amended C-1 formerly “Commercial” 10-27-97-Effective Upon Passage)

(Added “C-3” 12-15-97-Effective Upon Passage ; Added “PND” 4-11-05-Effective Upon Passage)

(Added “R-E” and “R-S” 5-9-05-Effective Upon Passage ; Added “MCD” 7-23-12-Eff. Upon Passage)

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

Floodplain District  
 Historic Front Royal District  
 Entrance Corridor District

(Amended Section 2-25-91-Effective Upon Passage)

(Amended “B” by adding “Entrance Corridor District” 7-23-12-Effective Upon Passage)

## **175-9.1 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.

(Added 1-11-99-Effective Upon Passage)

## **175-9.2 INTERPRETATION OF BOUNDARIES**

(Changed numbering to 175-9.2 7-23-12-Effective Upon Passage)

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.

### **175-9.3 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.

(Added 7-23-12-Effective Upon Passage)

### **175-9.4 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. (Added 7-23-12-Effective Upon Passage)

### **175-10 (RESERVED)**

#### **175-10.1 (RESERVED)**

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

(Adopted 2-25-91)

### **175-10.2 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 space uses provided herein.

(Amended 7-23-12-Effective Upon Passage)

### **175-10.3 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 175-10.10.C

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 175-10.10.A

Cemeteries

Home Occupations

Open space and Conservation Areas

Public Facilities

Public Parks and Playgrounds

Public Utilities

Signs, as set forth in Section 175-106

Special Childcare Services

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

(Amended "A" 7-25-05-Effective Upon Passage)

(Amended Entire Section/Removed "A-C" 7-23-12-Effective Upon Passage)

(Added "Special Childcare Services & Such Other Uses..." 6-22-15-Effective Upon Passage)

### **175-10.4 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 175-10.10.D

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

Hospitals

INDUSTRIAL:

ORGANIZATIONAL:

Churches.

Schools.

MISCELLANEOUS:

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

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

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

(Amended 7-23-12-Effective Upon Passage)

(Amended by adding "*Such other uses...*" 6-22-15-Effective Upon Passage)

B. In assessing the granting of a special 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 matters deemed relevant to the proposed special permit and its effects on the community.

**175-10.5 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 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 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.

**175-10.6 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.

#### **175-10.7 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.

#### **175-10.8 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.

#### **175-10.9 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 175-10.4, 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.

(Amended "A/B" and Removed "C" 7-23-12-Effective Upon Passage)

#### **175-10.10 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 of the property boundary.
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 land owners at or beyond the property line shall be permitted.

B. 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) foot setback shall be maintained from all property lines.
  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. All temporary structures or facilities, including but not limited to canopy frames, except as provided in sub-section B.5. above, table extensions and display shelving, shall be removed during the hours that the market is not in operation.
  7. Operation of the market shall be confined to Saturday, Sunday, and Holidays, unless other dates are specifically approved by the Town Council in conjunction with the Special Permit. The hours of operation shall be posted on the property.
  8. Open air markets shall only be conducted during the months of April through October. During the period from November 15 to March 15, all tables and other temporary fixtures shall be removed. Such fixtures may be stored on the site, provided they are located within a completely enclosed building or otherwise screened from public view.
- 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 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 200 feet, except

that the setback specified under Section 175-10.6 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 2,500 persons. Gatherings of people above 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.

(Amended Entire Section including title to “*STANDARDS*” 7-23-12-Effective Upon Passage)

### **ESTATE RESIDENTIAL DISTRICT (R-E)**

(Adopted 5-9-05)

#### **175-10.11 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.

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

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-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 Section 175-106.

Special childcare services.

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

(Amended Entire Section 6-22-15-Effective Upon Passage)

**175-10.13 USES PERMITTED BY SPECIAL 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 Town Code Section 175-107.1

INDUSTRIAL:

ORGANIZATIONAL:

MISCELLANEOUS:

Any use permitted under Section 175-10.13, or specifically listed above under this subsection, that proposes to occupy a building or structure that exceeds the height requirements of Section 175-10.19, subject to the requirements of Section 175-136. Additional heights approved by a special

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

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

(Amended Entire Section 6-22-15-Effective Upon Passage)

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

Model homes and sales offices for the marketing of residential dwellings within a specific development in the R-E Estate 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 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 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, 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 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 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 insure 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.

#### **175-10.15 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.

#### **175-10.16 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.

#### **175-10.17 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 175-10.16.
- D. Accessory buildings shall be setback from side and rear property lines by no less than twenty-five (25) feet.

(Added "D" 6-22-15-Effective Upon Passage)

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

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

#### **175-10.19 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) stories high. All accessory buildings shall be less than the main building in height.

#### **175-10.20 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.

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

(Adopted 5-9-05)

**175-10.21 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. Mobile homes or rooming houses are prohibited.

**175-10.22 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:

**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 Section 175-106

Special childcare services

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



(Amended Entire Section 6-22-15-Effective Upon Passage)

### **175-10.23 USES PERMITTED BY SPECIAL 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 175-107.2

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

#### INDUSTRIAL:

#### ORGANIZATIONS:

Churches

Public Libraries

Schools

#### MISCELLANEOUS:

Any use permitted under Section 175-10.22, or specifically listed above under this subsection, that proposes to occupy a building or structure that exceeds the height requirements of Section 175-10.29, subject to the requirements of Section 175-136. Additional heights approved by a special use permit shall be required to increase the required setback and yard area requirements by an equivalent distance from each property line.

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

(Amended Entire Section 6-22-15-Effective Upon Passage)

### **175-10.24 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 a standard site-built 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. 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 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 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 insure 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.

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

Area and frontage regulations shall be as follows:

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

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

#### **175-10.26 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.

#### **175-10.27 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 175-10.16.

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

(Added "D" 6-22-15-Effective Upon Passage)

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

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

#### **175-10.29 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.

(Amended "D" by removing "party" before "lot" 6-22-15-Effective Upon Passage)

#### **175-10.30 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 (100) feet.

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

(Amended "A-C" and Added "D" 6-22-15-Effective Upon Passage)

### RESIDENTIAL DISTRICT (R-1)

#### **175-11 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. Mobile homes or rooming houses are prohibited.

#### **175-12 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

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 Section 175-106

Special childcare services

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

(Amended Section 10-10-94, 7-25-05 and 6-22-15-Effective Upon Passage)

**175-12.1 USES PERMITTED BY SPECIAL 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 restrictions of record that may pertain to property within the R-1 District:

RESIDENTIAL:COMMERCIAL:

Bed and Breakfasts, as set forth in Section 175-107.2

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

INDUSTRIAL:ORGANIZATIONAL:

Community Centers.

Fire and Rescue Squads and Police Stations.

MISCELLANEOUS:

Any use permitted under Section 175-12, or specifically listed above under this subsection, that proposes to occupy a building or structure that exceeds the height requirements of Section 175-17, subject to the requirements of Section 175-136. Additional heights approved by a special use permit shall be required to increase the required setback and yard area requirements by an equivalent distance from each property line.

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

(Added Entire Section 10-23-89 ; Amended 1-10-96, 7-28-08 and 6-22-15-Effective Upon Passage)

**175-12.2 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 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 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 insure 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.

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

(Added Section 1-8-90-Effective Upon Passage)

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

Area and frontage regulations shall be as follows:

A. On-lot water and 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.

### **175-14 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 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 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.

### **175-15 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 175-14. On lots of less than two (2) acres in size or where the front yard provided for any single-family dwelling is less than 150 feet, the main or front building facade and entrance shall be oriented toward the front yard of the property, unless an administrative variance is granted pursuant to Section 175-147.1.

(Added "C" 2-2-6-01-Effective Upon Passage)

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

(Added "D" 6-22-15-Effective Upon Passage)

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

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

#### **175-17 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.

#### **175-18 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.

(Amended "A" 6-22-15-Effective Upon Passage)



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.

(Amended “B” 6-22-15-Effective Upon Passage)

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.

(Added (D) 6-22-15-Effective Upon Passage)

### **RESIDENTIAL DISTRICT (R-1A)**

(Adopted 4-24-95)

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

The R-1A District is designed to accommodate single-family residential development of a medium density on smaller individual lots. The standards for this district are designed to stabilize and protect the character of the designated areas and to protect and encourage a suitable environment for family life. 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 a development with higher property values; better preservation of the natural environment; and a more active and healthy community.

(Amended 6-13-16 – Effective Upon Passage)

#### **175-18.2 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

**COMMERCIAL:**

**INDUSTRIAL:**

**ORGANIZATIONAL:**

Churches

Schools

**MISCELLANEOUS:**

Accessory uses, structures and buildings

Home occupations  
Open space and conservation areas.  
Public facilities, excluding Fire and Rescue Squads & Police Stations  
Public parks and playgrounds  
Public utilities  
Signs, as set forth in Section 175-106  
Special childcare services  
Such other uses as determined similar to one or more enumerated uses by the Zoning Administrator

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

RESIDENTIAL:

COMMERCIAL:

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

INDUSTRIAL:

ORGANIZATIONAL:

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

MISCELLANEOUS:

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

(Amended 7-25-05, 7-28-08 and 6-22-15-Effective Upon Passage)

**175-18.3 AREA (R-1A)**

Notwithstanding the provisions of Section 175-128, 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. Single family dwellings: seven thousand (7,000) square feet.
2. Schools: twenty thousand (20,000) 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. Single-family dwellings:
  - a. Corner lots: seventy (70) feet.
  - b. Interior lots: fifty (50) feet.
2. Parks and playgrounds and public utilities: no regulation.
3. All other uses: one hundred (100) feet.

C. Minimum district size: three (3) acres.

**175-18.4 HEIGHT(R-1A)**

A. Single-family 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. Accessory buildings and structures:

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

**175-18.5 MINIMUM YARD DIMENSIONS (R-1A)**

A. Single-family dwellings:

1. Front setback: twenty-five (25) feet.
2. Side: seven (7) feet.
3. Corner side: twenty-five (25) feet.
4. Rear: twenty-five (25) feet.

**B. Other principal structures:**

1. Front setback: twenty-five (25) feet.
2. Side: fifteen (15) feet.
3. Rear: thirty (30) feet.
4. Corner side: twenty-five (25) feet.

**C. Accessory buildings and structures:**

1. Front setback: thirty (30) feet.
2. Side: five (5) feet or fifty percent (50%) of building height, whichever is greater.
3. Rear: five (5) feet or fifty percent (50%) of building height, whichever is greater.
4. Corner side: twenty-five (25) 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 facade 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 175-147.1.

(Added "E" 2-26-01-Effective Upon Passage)

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

- A. Maximum building coverage: thirty-five percent (35%)
- B. Accessory building coverage: thirty percent (30%) of any required yard

**175-18.7 OFF-STREET PARKING (R-1A)****A. Space requirements:**

1. Single-family dwellings: two (2) spaces per unit.
2. 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.
3. Schools: one (1) space per employee plus parking space for assembly areas as provided in Subsection A (2) above.
4. 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.

(Amended 6-13-16 – Effective Upon Passage)

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

### **175-18.8 OPTIONAL CLUSTER DEVELOPMENT STANDARDS (R-1A)**

A. In lieu of the traditional design standards of Sections 175-18.3 through 175-18.7, the following design standards may be used for cluster developments in the R-1A District.

1. Area

- a. Minimum lot size: 5,500 square feet
- b. Minimum lot width:
  - (1) Corner lots: sixty (60) feet
  - (2) Interior lots: fifty (50) feet
- c. Minimum district size: twenty (20) acres

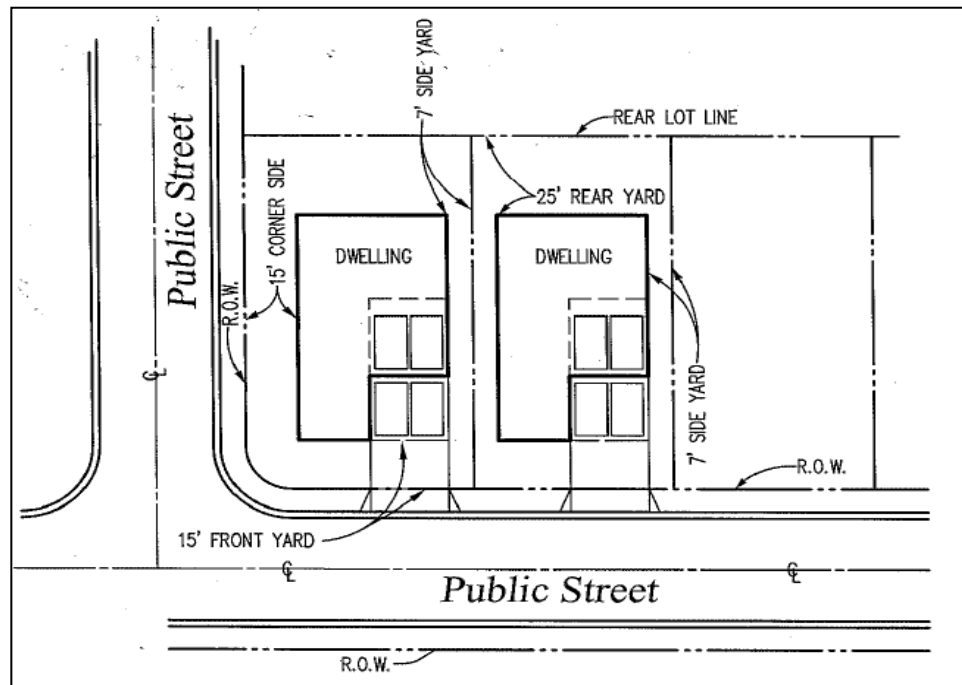
2. Height

- a. Single-family 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.
  - (10) 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. Single-family dwellings, detached:
  - (1) Front: Fifteen feet (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 175-18.8.A.5. An unenclosed porch may encroach within the required front yard an additional five (5) feet.
  - (2) Side: Seven (7) feet; except that the setback can be reduced to a minimum of five (5) feet when a separation of fourteen feet (14) feet is maintained between the adjacent structure.
  - (3) Corner side: fifteen (15) feet; provided that any accessory building is not closer than other houses located along the same street.
  - (4) Rear: Twenty five (25) feet.

**ILLUSTRATION 175-18.8.A.3. Illustration of Minimum Yard Dimensions for Cluster Developments.**



b. Accessory buildings and structures:

- (1) Front: fifteen (15) feet; provided that any accessory building is not closer than other houses located along the same street.
- (2) Side: five (5) feet.
- (3) Corner side: fifteen (15) feet; provided that any accessory building is not closer than other houses located along the same street.
- (4) 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 facade 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 175-147.1, or alternatively, a special use permit, in accordance with Section 175-136, 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: fifty percent (50%).

## 5. Off-Street Parking.

- a. Space Requirements:
  - (1) Single-family dwellings: two (2) spaces per unit.
  - (2) 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.
  - (3) 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.
  - (4) 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 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.
- c. As required under Section 148-870.A.10, 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 car is parked behind another car are permitted in this district for individual dwelling units. Furthermore, within cluster subdivisions, regardless of other provisions within Chapter 175 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:

$$\begin{aligned} \text{Total Number of Building Lots} \times 7,000 \text{ square feet} &= X \\ X - \text{Total Area of Building Lots Proposed} &= \text{Required Open Space} \end{aligned}$$

- b. No more than 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 opens space.

- 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 50 dwelling units.
- (1) The number of recreational unit credits that each type of recreational facility receives shall be based on Table 175-18.8.A.6.e.(1), shown below.

**TABLE 175-18.8.A.6.e.(1)**

| Recreational Unit Type   |          | Recreational Unit Credit  |
|--|----------|---|
| Playground, as described under 175-18.8.A.6.e (2).   |          | 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<br>Hiking / Biking Trail<br>(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 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. |



- (2) 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.
  - 1. A playground shall consist of a composite play system, or systems, with eight (8) play features and a sitting bench.

**TABLE 175-18.8.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                 |

- 2. Playgrounds shall be 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.
- (3) Each home shall be within one-quarter (1/4) of a mile from at least one qualifying recreational unit facility.
- (4) Recreational facilities shall be constructed in sequence with the phasing of development for the cluster subdivision.
- (5) Recreational facilities shall conform to the Virginia Uniform Statewide Building Code, including Handicap Accessibility (ADA) Standards.
- (6) 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 principle structures.
- (7) 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 a public park by Warren County 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 25 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 50 feet.

(Added Entire Section 6-13-16 – Effective Upon Passage)

### RESIDENTIAL DISTRICT (R-2)

#### **175-19 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. Development is, therefore, limited to low- to medium-density concentrations, and permitted uses are limited to single-family- and two-family-type 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. Mobile homes are prohibited.

#### **175-20 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

##### 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 Section 175-106.

Special childcare services.

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

(Amended 7-25-05 and 6-22-15-Effective Upon Passage)

### **175-20.1 USES PERMITTED BY SPECIAL 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:

#### COMMERCIAL:

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

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

Nursing homes, as set forth in Section 175-107

#### INDUSTRIAL:

#### ORGANIZATIONAL:

Fire and Rescue Squad & Police Stations

Public Libraries

Community Center (public)

#### MISCELLANEOUS:

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

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

(Added Entire Section 10-23-89 ; Amended 1-10-96, 7-28-08 and 6-22-15-Effective Upon Passage)

### **175-20.2 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 Town Code 175-12.2. (Added 1-8-90-Effective Upon Passage)

**175-21 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 eight thousand (8,000) 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 four thousand (4,000) square feet.

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

(Amended Section 2-13-89-Effective Upon Passage)

**175-22 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.

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

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

**175-24 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 175-22. The main or front building facade 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 175-147.1.

(Added "C" 2-26-01-Effective Upon Passage)

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.

(Added "D" 6-22-15-Effective Upon Passage)

**175-25 LOT COVERAGE (R-2)**

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

**175-26 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.

**175-27 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 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.

**(Amended "A" 6-22-15-Effective Upon Passage)**

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.

**(Amended "B" 6-22-15-Effective Upon Passage)**

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

D. The rear yard setback if facing a street shall be fifty (50) feet or more for both main and accessory buildings. **(Added "D" 6-22-15-Effective Upon Passage)**

**RESIDENTIAL DISTRICT (R-3)****175-28 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 multifamily dwellings, plus selected additional uses, such as schools, parks, churches and certain public facilities. Home occupations, as defined by this chapter, are permitted. Mobile homes are prohibited.

**175-29 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:

**RESIDENTIAL:**

Duplexes.

Single-family dwellings, detached

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

Two-family dwellings.

**COMMERCIAL:**

Hospitals and other semipublic facilities of an institutional nature.

Pharmaceutical centers as set forth in Section 175-108.

Professional offices as set forth in Section 175-108.

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

**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 Section 175-106.

Special childcare services.

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

(Amended 3-12-90, 5-14-90, 7-25-05 and 6-22-15-Effective Upon Passage)

### **175-30 USES PERMITTED BY SPECIAL PERMIT (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 Section 175-113.

Townhouses on sites over one (1) acre, as set forth in Section 175-112.

#### COMMERCIAL:

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

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 175-107.1.

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

#### INDUSTRIAL:

#### ORGANIZATIONAL:

Art galleries and museums.

Fire and Rescue Squad & Police Stations

Public Libraries

Community Center (public)

#### MISCELLANEOUS:

Any use permitted under Section 175-29, or specifically listed above under this subsection, that proposes to occupy a building or structure that exceeds the height requirements of Section 175-36, subject to the requirements of Section 175-136. Additional heights approved by a special use permit shall be required to increase the required setback and yard area requirements by an equivalent distance from each property line.

Lodging houses, rooming houses and boarding houses.

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

(Amended 10-23-89, 7-28-08, 7-23-12 and 6-22-15-Effective Upon Passage)

**175-30.1 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 Town Code Section 175-12.2.

(Added Section 1-8-90-Effective Upon Passage)

**175-31 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 the Town Code Section 175-112.

C. The minimum lot size for apartments shall be as stated in the Town Code Section 175-113.

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.

(Amended 2-9-87 and 2-13-89 -Effective Upon Passage)

**175-32 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 may be assumed to be occupied by a building having a minimum setback.

**175-33 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 resubdivision involving the creation of four (4) or fewer new lots.



2. Subsection B shall only apply in 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 175-37c.
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 to be subdivided.

(Amended Section 11-13-89-Effective Upon Passage)

#### **175-34 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 175-32. The main or front building facade 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 175-147.1.

(Added "C" 2-26-01-Effective Upon Passage)

- 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.

(Added "D" 6-22-15-Effective Upon Passage)

#### **175-35 LOT COVERAGE (R-3)**

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

#### **175-36 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.

**(Added "B" 6-22-15-Effective Upon Passage)**

### **175-37 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 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.

**(Amended "A" 6-22-15-Effective Upon Passage)**

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.

**(Amended "B" 6-22-15-Effective Upon Passage)**

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.

**(Added "D" 6-22-15-Effective Upon Passage)**

**PLANNED NEIGHBORHOOD DEVELOPMENT DISTRICT (PND)**

(Adopted 4-11-05)

**175-37.1 STATEMENT OF INTENT (PND)**

Pursuant to Sections 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 herein) 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.

**175-37.2 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.

### **175-37.3 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 units per structure;
  - 5. Accessory buildings or uses as defined in Town Code Section 175-3;
  - 6. Recreation or park facilities;
  - 7. Retirement living facilities (handicapped accessible)
  - 8. Municipal buildings or uses;
  - 9. Public utilities: poles, lines, booster and relay stations, distribution transformers, pipes, meters and other facilities necessary for the provision and maintenance of public utilities, including water and sewerage systems. Such utilities shall be buried or otherwise screened in accordance with design standards of the development;
  - 10. Home Occupations as set forth in Section 175-108;
  - 11. Public libraries;
  - 12. Schools; and

13. Churches.
14. Special childcare services.
15. Open space and conservation areas.
16. Such other uses as determined similar to one or more enumerated uses by the Zoning Administrator.

**(Added “14-16” 6-22-15-Effective Upon Passage)**

B. Planned neighborhood developments shall permit the following community and institutional uses under the terms set forth in Section 175-37.9, Density Bonus:

1. Day care centers; and
2. Community Halls

C. Planned neighborhood developments comprising 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; and
4. Neighborhood restaurants; and
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 Section 175-136 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 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.

**(Added “4” 6-22-15-Effective Upon Passage)**

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 the Zoning Ordinance (Chapter 175 of the Town Code).

F. Prohibited Uses

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

(Amended “F” by adding “*manufactured*” 7-23-12-Effective Upon Passage)

#### **175-37.4 STANDARDS (PND)**

- A. Planned neighborhood developments shall contain not less than 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 175-37.3 B and C. This base residential density may be increased at the Town Council’s discretion up to a maximum of 6.0 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 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.

#### **175-37.5 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 of 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:

(Amended “2” by adding “*land surveyor*” 9-26-05-Effective Upon Passage)

- 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 175-37.1.

B. Master Land Use Plan: Within six 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 2,000 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 inch to 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 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 175-37.1, 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 Section 175-106 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.

#### **175-37.6 OPEN SPACE STANDARDS (PND)**

- A. Planned neighborhood developments shall reserve a minimum of 25 percent of the acreage of the parcel as dedicated natural open space.
- B. Up to 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 175-37.1. 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 175-37.4.E. of this ordinance may be used to fulfill the minimum open space requirement up to a maximum of 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 175-37.1 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; and
    - d. The applicant shall maintain control of dedicated open space and be responsible for its maintenance until 75% 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 5 percent of the total required open space.

J. Open space shall be permanently dedicated for one 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.

#### **175-37.7 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 Sections 175-104 and 175-105 Zoning Ordinance and Section 148-48 of the Subdivision and Land Development Ordinance. Parking for commercial land uses shall also comply with Section 175-45 of the Front Royal Town Code.

1. Parking areas shall be planted with trees a minimum of two inches in caliper measured six inches above ground level, so that there is at least one tree per ten 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 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.

#### **175-37.8 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 20 feet in width containing a minimum of three canopy trees, six understory trees, and nine shrubs per 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 20 feet in width containing a minimum of three canopy trees, six understory trees and nine shrubs per 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 inches in caliper at six inches above the ground with a mature height of at least 35 feet. Understory trees shall be deciduous shade or fruit trees planted at minimum one and ½ inch in caliper at six inches above the ground with a mature height of at least 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 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.

#### **175-37.9 DENSITY BONUSES (PND)**

Residential density bonuses up to a density of 6.0 dwelling units per acre dedicated to uses other than the commercial uses set forth in Sections 175-37.3(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 up to 6.0 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 25 percent, the project may qualify for a density bonus, provided the natural open space is increased by a minimum of 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:

Day Care Center: In a PND with 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 100 square feet per residential unit within the PND, and be developed in accordance with the requirements of Town Code Section 175-107.1.

Community Hall: In a PND with 100 or more residential lots or units, a community hall may be constructed, with an enclosed area of no less than 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 acres per 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.

#### **175-37.10 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.

#### **175-37.11 DIMENSIONAL STANDARDS (PND)**

A. Building Separation: No structure under 30 feet in height shall be located within 15 feet of any other structure. Buildings higher than 30 feet shall be separated by a distance equivalent to 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 175-36 for structures in the R-3 residential district.

C. Except as otherwise specifically required by Sections 175-37.01 through 175-37.19, 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

(Added "C" 12-12-11-Effective Upon Passage)

#### **175-37.12 PERIMETER BOUNDARY (PND)**

A. No portion of a building, structure, or parking area, shall be located within 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 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 200 feet from the border of a planned neighborhood development and adjoining property that share frontage on the same side of a street.

#### **175-37.13 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. Townhouse structures shall be developed in compliance with the following requirements:

1. There shall be a minimum of two and one-half parking spaces for each townhouse unit. The shared use of such overflow parking with other uses and activities is encouraged.
2. Walkways of four 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:

(Amended # of Units to 30 12-12-11-Effective Upon Passage)

1. There shall be a minimum of two and one-half parking spaces for each unit. The shared use of such overflow parking with other uses and activities is encouraged.
2. Walkways of four 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 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 parking spaces for each unit. The shared use of such overflow parking with other uses and activities is encouraged.
3. Walkways of four 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 feet in height nor exceeding ten feet in length by ten feet in width.

#### **175-37.14 UTILITIES (PND)**

Utilities, such as electric transmission cable television lines, and telephone lines, serving the planned neighborhood subdivision shall be installed underground.

#### **175-37.15 ACCESSORY STRUCTURES (PND)**

Accessory structures shall not be located within any front yard or within five feet of any other structure and shall comply with the requirements of Town Code Section 175-26D.

#### **175-37.16 NEIGHBORHOOD RECREATIONAL USES (PND)**

A minimum of 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.

**175-37.17 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 5% of the total acreage, identifying specific impacts of the commercial development and demonstrating adequate mitigation of such impacts.

(Amended “A” and Added Table 12-12-11-Effective Upon Passage)

B. Commercial uses shall be designed with the intention of serving the immediate needs and convenience of residents within and immediately surrounding the Planned 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 Code Section 175-50.

E. Commercial uses shall comply with the Performance Standards stated in Code Sect. 175-52.

F. Parking for commercial uses shall be in accordance with Town Code Section 175-104.

**175-37.18 DEVELOPMENT REVIEW (PND)**

Within one 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 20 days prior to the expiration of the one-year period. The Town Council may grant an extension upon demonstration of good cause for up to one 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 Sections 175-111 through 175 – 122 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.

(Amended “3” by adding “*land surveyor*” 9-26-05-Effective Upon Passage)

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.

(Amended by removing “8” 12-12-11-Effective Upon Passage)

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.

(Amended “D” 12-12-11-Effective Upon Passage)

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.

#### **175-37.19 DEFINITIONS (PND)**

**ASSISTED LIVING FACILITY** - A residential facility for two or more persons that provides nursing assistance and/or support services for residency of elderly and /or disabled persons, where residents share common meals.

**COMMUNITY HALL** - A community hall is a structure designed and constructed for civic uses and shall include a community meeting room, a library annex, space dedicated to historical or cultural displays or uses, athletic or exercise facilities, or uses found to be similar in intent and function with this section.

**MULTIPLEX STRUCTURE** – This term shall mean a residential dwelling unit designed with not more than thirty (30) separate dwelling units for a maximum occupancy by thirty (30) families living independently of each other

(Added 9-26-05-Effective Upon Passage ; Amended 12-12-11-Effective Upon Passage)

**NEIGHBORHOOD RECREATION USE** - This term shall include basketball courts, tennis courts, playgrounds, tot lots, picnic areas, and the like.

**NEIGHBORHOOD RESTAURANTS** - A restaurant of not more than 20 seats, nor five employees, open for business not later than 10 p.m.

**NEIGHBORHOOD-ORIENTED COMMERCIAL** - This term shall include neighborhood-oriented retail businesses with not more than 15,000 square feet of gross floor area. The term shall include convenience stores, bookstores, dry cleaners, ice cream stores, barber and beauty shops, wearing apparel stores, bakeries, drugstores, gift shops, hardware stores, or other use found to be similar to one or more uses listed herein, but shall not include automobiles sales operations.

(Amended # of Square Feet and Removed “banks”-12-12-11-Effective Upon Passage)

**NONTIDAL WETLANDS** - Those wetlands other than tidal wetlands that are inundated or saturated by surface or ground water at a frequency or duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, as defined by the U.S. Environmental Protection Agency pursuant to Section 404 of the Clean Water Act as amended.

**OPEN SPACE** - Common space generally intended for passive recreation and not improved with a building, structure, vehicular travel lane, driveway, street, sidewalk, or parking area. Open space may include pedestrian ways, bike paths, trails interconnecting open space areas; undisturbed natural areas, woodlands, preservation areas; community facilities; landscaped grounds, buffers; playgrounds and tot lots; swimming and boating areas.

Open space shall not include yards within individual residential lots, yards less than (30) feet wide between buildings, lands occupied by tennis courts, golf courses, and buildings.

**PLANNED NEIGHBORHOOD DEVELOPMENT** - Planned neighborhood development (PND) is used in two contexts. Depending upon the context, planned neighborhood development refers to the development authorized by the ordinance or a project which is proposed for consideration under this ordinance. This term shall have the same meaning as mixed-use development and planned unit development as defined in the Code of Virginia (1989 Session Virginia Acts of Assembly - Chapter 384).

**RETIREMENT LIVING FACILITIES** - In accordance with Virginia Code Section 36-96.7, residential structures within a planned neighborhood development that are intended to be absent of school age children and which ensures, through covenants, management regulations or other similar legal instruments, enforceable by a homeowners' association or other similar private entity, that at least one of the residents of at least 80% of the units is 55 years of age or older. Such facilities may include extended care or nursing home facilities as defined in Section 175-3 of the Town Code.

**COMMUNITY BUSINESS DISTRICT (C-1)**

(Amended 10-27-97 formerly known as Commercial District C-1)

**175-38 STATEMENT OF INTENT (C-1)**

The Community Business C-I District is intended to accommodate general business areas, highway-oriented commercial uses, and selected retailing operations. The Community Business C- I District recognizes the demand for a variety of land uses near or adjacent to the major traffic arteries in Town.

**175-39 USE REGULATIONS (C-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 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 of any type, but not on the ground floor  
Caretaker quarters

COMMERCIAL:

Appliance stores and repair services  
Assembly Halls  
Automobile and truck sales lots and leasing agencies, in accordance with 175-44.E.  
Automobile service stations, in accordance with 175-110.  
Bakeries, when products are sold as retail on the premises.  
Banks, branch banks, and financial institutions.  
Barber and beauty shops  
Car washing  
Catering Services  
Contractor's offices, display rooms and storage  
Commuter parking facilities.  
Department Stores  
Drugstores  
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  
Motels, hotels, and tourist homes.  
Newspaper and other printing establishments  
Personal Services  
Retail Stores, as defined in Section 175-39.C.  
Pharmaceutical Center  
Professional and Business Offices  
Radio and television broadcasting stations, studios or offices.  
Recreational Facility, Commercial  
Restaurants, including drive-in restaurants  
Special childcare services.  
Technology business, as defined in Section 175-3, 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 Section 175-106.

Special childcare services.

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

(Amended "A" 5-14-90-Effective Upon Passage)

B. 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:

Apartments or dwelling units, with four (4) or more units or where located on the ground floor, subject to the provisions of Section 175-113.

COMMERCIAL:

Automobile garages, excluding where repairs work is only an accessory use, subject to the requirements of Section 175-110.3 where motor vehicle painting or body work services are provided.

Automobile Parking Lots, commercial.

Bed & Breakfasts, as set forth in Section 107.3.

Day Care Facilities and schools, subject to the provisions of Section 175 -107.1F, and any necessary improvements or changes to address the considerations of that section.

Farmers' markets, and flea markets, in accordance with 175-44.F.

Kennels

Shopping centers as set forth in Section 175-111.

INDUSTRIAL:

Distribution facilities, subject to the standards and criteria for industrial uses provided in Section 175-70.

Wholesale establishments with storage and processing, subject to the standards and criteria for industrial uses provided in Section 175-70.

ORGANIZATIONAL:

Schools



MISCELLANEOUS:

Any use permitted under Section 175-39, or specifically listed above under this subsection, that proposes to occupy a building or structure that exceeds the height requirements of Section 175-41, subject to the requirements of Section 175-136. Additional heights approved by a special use permit shall be required to increase the required setback and yard area requirements by an equivalent distance from each property line.

Conservation areas.

Communication towers, in accordance with Section 175-110.4

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

Boarding Houses, Clubs & Lodging Houses

Mini-warehouses, subject to the standards of Section 107-44.G.

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

Parking Structures.

Structures with a height between 45 feet and 70 feet, and any residential structure not in conformance with the height limitation of Section 175-41.

Structures with a gross floor area of 50,000 square feet or more.

Townhouse-style commercial development, where the intent is to divide the property into individual lots.

**(Amended "B" 9-26-05-Effective Upon Passage)**

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.

**(Amended 7-25-05, 7-28-08 and 6-22-15-Effective Upon Passage)**

**175-40 AREA REGULATIONS (C-1)****A. Minimum Lot Size:**

1. Residential uses with four (4) or more units = 6,000 s.f first unit; 1,500 s.f each additional unit.
2. All other uses: 7,500 s.f.

**B. Minimum Unit Size:** The minimum average unit size (floor area) per dwelling unit, where fewer than four (4) units are provided shall be three hundred (300) square feet. No dwelling unit shall have less than two hundred fifty (250) square feet of living area. This living area shall not include bathroom, closet and storage space.

**C. Minimum District Size:** Five (5) acres.

**D. Minimum Lot Width:**

1. Interior Lot: Seventy-five (75) feet.
2. Corner Lot: Ninety (90) feet. **(Amended Entire Section 10-23-89-Effective Upon Passage)**

**175-41 MAXIMUM HEIGHT OF BUILDINGS (C-1)**

- A. Residential Buildings: 35 feet, except as otherwise provided in this section.
- B. Other Principal Buildings: 45 feet except as provided in Section 175-39B.
- C. Residential structures may have a maximum overall height of 45 feet, provided that the slope of the roof exceeds 35 percent and the required yards are increased by one (1) foot for each foot in height over 35 feet.
- D. 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.
- E. Accessory buildings and structures: 35 feet; however, in no case, shall the height of an accessory structure exceed the height of the principal structure.

(Removed "F" "*Where the Town Approves a Structure Exceeding 45 Feet in Height*" 6-22-15-Eff. Upon Pass)

**175-42 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.
    - b. Where parking is provided between the structure and the street: fifty (50) feet.
  2. Side: 10 feet on one (1) side only.
  3. Rear: 15 feet.
  4. Corner side: 15 feet.
- B. Accessory Structures:
1. Front setback: 25 feet, except that accessory structures shall not be located closer to the street than the principal structure.
  2. Side: 5 feet or 50% of building height, whichever is greater.
  3. Rear: 5 feet or 50% of building height, whichever is greater.
  4. Corner side: 20 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: 15 feet.
2. Rear yard: 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 Section 148-44.

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 (50) feet shall be provided. The parking setback shall be landscaped in accordance with Section 148-48(E)(2).

E. The Town Council may waive the setback, yard and lot size requirements for townhouse style commercial project, approved by special 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.

(Amended Section 10-10-94-Effective Upon Passage)

#### **175-43 OPEN SPACE REGULATIONS (C-1)**

- A. Maximum building coverage for apartment structures exceeding four (4) units: Fifty percent (50%).
- B. Maximum building coverage for all other structures: Seventy - five percent (75%).
- C. Maximum impervious surface coverage: Ninety percent (90%), including off-street parking.

#### **175-44 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.

(Amended "1" 1-28-13-Effective Upon Passage)

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.

(Added "2a-b" 1-28-13-Effective Upon Passage)

3. The following types of outdoor display and/or outdoor sales shall be exempt from the requirements of Section 175-44.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.

**(Added “3a-h” 1-28-13-Effective Upon Passage)**

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.

**(Amended Height 1-28-13-Effective Upon Passage)**

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.

**(Amended subsection # 1-28-13-Effective Upon Passage)**

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.

(Amended by removing “*and products*” 1-28-13-Effective Upon Passage)

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 148-46, 148-47 and 148-48.

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.

(Added “E” 6-22-15-Effective Upon Passage)

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.

3. No adverse effect on adjoin 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. Any building and metal canopy frame associated with and attached or semi-detached from such building used for the storage or sale of goods and materials and as the market operator's office shall be constructed on a permanent foundation and meet appropriate building code regulations; provide that any such building and metal canopy frame in existence prior to July 1, 2001, shall not be required to be on a permanent foundation or meet building code regulations except as additions and enlargement are made thereon. No trailers or mobile home units shall be permitted.
6. All temporary structures or facilities, including but not limited to canopy frames except as provided in sub-section (e) above, table extensions and display shelving, shall be removed during the hours that the market is not in operation.
7. Operation of the market shall be confined to Saturday, Sunday, and Holidays, unless other dates are specifically approved by the Town Council in conjunction with the Special Permit. The hours of operation shall be posted on the property.
8. Open air markets shall only be conducted during the months of April through October. During the period from November 15 to March 15, all tables and other temporary fixtures shall be removed. 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 175-44(A). The provisions of this sub-section (h), shall not be applicable to any flea market in existence and operation as of July 1, 2001.

(Added "F" 6-22-15-Effective Upon Passage)

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 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 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 .20 times the gross acreage of the lot. Such landscaped open space shall not be open to vehicular traffic, and shall be used to buffer and shield adjacent uses from the mini-warehouse operation. The required amount of open space may be reduced with the special permit approval for the reuse of an existing building/developed property.
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 setback at least 150 feet from the public road.

(Added "G" 6-22-15-Effective Upon Passage)

**175-45 (RESERVED)**

**DOWNTOWN BUSINESS DISTRICT (C-2)**

(Amended 2-22-99 formerly known as Commercial District C-2)

**175-46 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. Mobile homes for all purposes are prohibited.

**175-47 USES PERMITTED BY RIGHT (C-2)**

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

**RESIDENTIAL:**

Conversion of existing residential and/or commercial structures into buildings with a greater number of dwelling units.

Single-family and two-family dwellings.

COMMERCIAL:

Assembly Halls

Bakeries, when products are sold as retail on the premises.

Banks, branch banks, and financial institutions.

Barber and beauty shops

Bed & Breakfasts

Catering Services

Department Stores, 15,000 square feet or less

Drugstores

Florist shops/floral designers

Funeral homes

Furniture stores

Grocery stores, 15,000 square feet or less

Hardware stores

Laundries, Laundromats, and dry cleaners

Motels, hotels, and tourist homes.

Newspaper and other printing establishments

Personal Services

Pet Shops, without boarding kennel.

Retail Stores, as defined in Section 175-47.B.

Professional and Business Offices

Radio and television broadcasting stations, studios or offices.

Recreational Facility, Commercial

Restaurants, excluding drive-in restaurants

Technology business, as defined in Section 175-3, provided that such use does not involve broadcast or communications towers or manufacturing operations.

Theatres, Indoor

Wearing-apparel stores

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 175-106.



Special childcare services.

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

(Amended "A" 5-14-90, 6-26-00 and 6-22-15-Effective Upon Passage)

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, 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.

(Amended Section 7-25-05-Effective Upon Passage)

(Amended by removing "C – Accessory Uses" 6-22-15-Effective Upon Passage)

#### **175-48 USES PERMITTED BY SPECIAL 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:

Apartments located in buildings constructed after January 1, 1999, in accordance with the area requirements in Section 175-49.

##### COMMERCIAL:

Automobile garages, excluding where repairs work is only an accessory use, subject to the requirements of Section 175-110.3 where motor vehicle painting or body work services are provided.

Automobile service stations, in accordance with 175-110.

Automobile and truck sales lots and leasing agencies, in accordance with 175-52.D.

Bed & Breakfasts, as set forth in Section 175-107.3.

Day Care Facilities, subject to the provisions of Section 175-107.1F, and any necessary improvements or changes to address the considerations of that section.

Farmers' markets, in accordance with 175-52.E.

##### INDUSTRIAL:

##### ORGANIZATIONAL:

Schools

##### MISCELLANEOUS:

Conservation areas.

Lodging houses and boarding houses

(Amended Entire Section 10-23-89, 7-23-12 and 6-22-15-Effective Upon Passage)

**175-49 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 (300) hundred 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.

**175-50 OPEN SPACE AND HEIGHT REGULATIONS (C-2)**

A. Maximum Building Coverage for new residential structures: 75%

B. Maximum Building Coverage for all other structures: 90%

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 feet (45') and sixty feet (60') 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.

(Amended "C" 9-11-06-Effective Upon Passage)

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.

(Amended "D" 9-11-06-Effective Upon Passage)

**175-51 FRONTAGE AND YARDS (C-2)**

There are no frontage or yard requirements, except as follows:

A. Transitional yards, when located adjoining a residential district to the side or rear, shall be twenty (20) feet.

B. Established Front Setback: Where a front setback has been established along one 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.

**175-52 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.

**(Amended "A" 6-22-15-Effective Upon Passage)**

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 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, 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.

(Amended “C” 6-22-15-Effective Upon Passage)

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

(Added “D-E” 6-22-15-Effective Upon Passage)

**175-53 (RESERVED)**

### **HIGHWAY CORRIDOR BUSINESS DISTRICT (C-3)**

(Adopted 12-15-97)

**175-53.1 STATEMENT OF INTENT (C-3)**

The Highway Corridor Business C-3 District is intended to 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.

### **175-53.2 USE REGULATIONS (C-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 C-3 District, the following uses of land and buildings are permitted by-right in the C-3 District:

RESIDENTIAL:

Caretaker quarters.

COMMERCIAL:

Appliance stores and repair services

Assembly Halls

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

Automobile service stations, in accordance with 175-110.

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.

Commuter parking facilities.

Department Stores

Drugstores

Florist shops/floral designers

Funeral homes

Furniture stores

Grocery stores

Hardware stores

Lumber and building supply, with storage under cover

Machinery sales and service

Motels, hotels, and tourist homes.

Personal Services

Retail Stores, as defined in Section 175-53.2D.

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 Section 175-3, 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 Section 175-106.  
Special childcare services.  
Such other uses as determined similar to one or more enumerated uses by the Zoning Administrator.

(Amended "A" 7-28-08 and 6-22-15-Effective Upon Passage)

B. 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 may pertain to property within the C-3 District:

RESIDENTIAL:COMMERCIAL:

Automobile Parking Lots, Commercial.  
Shopping centers as set forth in Section 175-111.

INDUSTRIAL:

Wholesale establishments with storage and processing, subject to the standards and criteria for industrial uses provided in Section 175-70.

Distribution facilities, subject to the standards and criteria for industrial uses provided in Section 175-70.

ORGANIZATIONAL:MISCELLANEOUS:

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

Conservation Areas.

Parking Structures.

Structures with a gross floor area of 50,000 square feet or more.

Structures with a height between 45 feet and 70 feet.

(Amended "B" 9-26-05 and 6-22-15-Effective Upon Passage)

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.

(Amended "C" 7-25-05-Effective Upon Passage)

### **175-53.3 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.

### **175-53.4 MAXIMUM HEIGHT OF BUILDINGS (C-3)**

- A. Principal Buildings: - 45 feet, except as provided in Section 175-53.2B.
- 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: 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 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.

### **175-53.5 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: 50 feet, except that accessory structures shall not be located closer to the street than the principal structure.
2. Side: 10 feet or 50% of building height, whichever is greater.
3. Rear: 10 feet or 50% of building height, whichever is greater.
4. Corner Side: 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: 20 feet.
2. Rear Yard: 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 Section 148-44B.

**175-53.6 OPEN SPACE REGULATIONS (C-3)**

A. Maximum building coverage: Seventy-five percent (75%)

B. Maximum impervious surface coverage: Ninety percent (90%), including off-street parking.

**175-53.7 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.

**(Amended 1-28-13-Effective Upon Passage)**

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.

**(Added "2a-b" 1-28-13-Effective Upon Passage)**

3. The following types of outdoor display and/or outdoor sales shall be exempt from the requirements of Section 175-53.7.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 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.

**(Added “3a-h” 1-28-13-Effective Upon Passage)**

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.

**(Amended Height 1-28-13-Effective Upon Passage)**

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:

(Amended Title formerly “*Outdoor Storage/Waste Disposal*” 1-28-13-Effective Upon Passage)

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.

(Amended by removing “*and products*” 1-28-13-Effective Upon Passage)

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

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.

### **175-53.8 OFF-STREET PARKING (C-3)**

#### **A. Space Requirements, except where specifically exempted under Section 175-104.**

1. Retail and personal service uses: 1 space per 200 gross square feet.
2. Restaurants:
  - a. Sit-Down: 1 space per 4 seats.
  - b. Carry-Out: 1 space per 50 net square feet of customer service area.
  - c. Drive-Through: 3 spaces plus stacking lanes for six (6) vehicles.
3. Offices, except medical offices: 1 space per 300 gross square feet.
4. Medical offices: 1 space per 200 gross square feet.
5. Furniture/appliance/lumber and building supply: 1 space per 400 gross square feet.
6. Hotels/Motels: 1 space per room and 1 additional space for every 10 rooms.
7. Theaters and Assembly Halls: 1 space per 4 fixed seats in the main assembly area, or 1 space per 100 net square feet.
8. Shopping centers: as provided in Town Code Section 175-111.
9. Indoor court game facilities: 1 space for every two (2) players as designed.
10. Indoor recreation facilities: 1 space per 200 net square feet of improved area.
11. Other uses not specifically enumerated, see Section 175-104.

#### **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 148-48.

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.

**MIXED-USE CAMPUS DEVELOPMENT (MCD) DISTRICT**

(Adopted 3-12-12)

**175-53.9 STATEMENT OF INTENT**

The purpose for establishing the MCD District is to implement the policies of the Comprehensive Plan that support the redevelopment or development of large tracts of land for principally non-residential purposes. In addition, the MCD District is intended to encourage greater creativity through regulations that are more flexible than the traditional zoning districts of this Chapter. The regulations of the MCD District are designed to permit development that includes a mixture of commercial, industrial and organizational land uses within a planned campus environment. The regulations herein will protect the health and safety of Town citizens while promoting the public's general welfare through the establishment of new economic development opportunities for the promotion of jobs, tax revenue, and a vibrant community.

**175-53.10 PERMITTED USES**

A. By-Right. 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 MCD District, the following uses of land and buildings are permitted by-right in the MCD District:

**RESIDENTIAL:**

Caretaker quarters  
Nursing Homes

**COMMERCIAL:**

Appliance stores and repair services  
Assembly Halls  
Automobile and truck sales lots and leasing agencies  
Bakeries  
Barber and beauty shops  
Car washing  
Catering Services  
Department Stores  
Drugstores  
Florist shops/floral designers  
Funeral Homes  
Furniture stores  
Grocery stores  
Hardware stores

Hospitals  
Laundries, Laundromats and dry cleaners  
Lumber and building supply, with storage under cover  
Machinery sales and services  
Newspaper and other printing establishments  
Personal Services  
Retail Stores  
Pharmaceutical Center  
Professional and Business Offices  
(Amended to remove "public" offices 6-22-15-Effective Upon Passage)  
Recreational Facility, Commercial  
Recreational Facility, Public  
Restaurant, except drive-in  
Shopping Center  
Technology Businesses  
Theatres, Indoor  
Veterinary hospitals  
Wearing-apparel stores  
Wireless Telecommunication Facilities

**INDUSTRIAL:**

Contractor's offices, display rooms and storage  
Light Manufacturing

**ORGANIZATIONAL:**

College or university, without living quarters  
Community Center  
Government Offices and Buildings  
Schools, adult instructional facilities only  
Churches  
Parks and Playgrounds  
Public utilities  
Public events.  
Public garage  
Public transportation terminals  
Public facilities  
Commuter Parking Facilities  
Fire and rescue squad stations  
Libraries  
Radio and television broadcasting stations, studios or offices  
Art galleries and museums

**MISCELLANEOUS:**

Accessory uses, structures and buildings  
Communal Garage  
Home occupations  
Open Space and Conservation Areas

Parking lot  
Private Garage  
Signs  
Special childcare services.

(Added “*Signs & Special Childcare Services*” 6-22-15-Effective Upon Passage)

B. Special Use Permit. The following uses are permitted within the MCD District only by approval of a special use permit or where specifically designated on an approved Concept Plan, except as prohibited or restricted by separate restrictions of record that may pertain to property within the MCD District:

RESIDENTIAL:

Multi-family  
Single-family attached or detached

COMMERCIAL:

Automobile Repair  
Day Care and Day Care Facilities  
Motels, hotels, lodging and tourist homes  
Gasoline Sales  
Restaurant, Drive-In

INDUSTRIAL:

Distribution facilities  
Medium Industrial  
Mini-Storage Facility  
Wholesale and warehouse establishments

ORGANIZATIONAL:

College or university, with living quarters  
Schools, other than adult instructional facilities

MISCELLANEOUS:

**175-53.11 REVIEW AND CREATION**

A. The MCD District may only be established for properties that consist of at least 50 contiguous acres of land area.

B. In addition to the requirements of this Chapter, the following additional information shall be submitted with an application to rezone, or conditional rezone, property to the MCD District.

1. Concept Plan. A Concept Plan shall be submitted with an application for rezoning or conditional rezoning. The Concept Plan shall illustrate how the property is intended to be developed, and how the proposed development will conform to Town ordinances, including any associated proffers, and the Comprehensive Plan. When illustrating the

intended development, the Concept Plan shall include the location of existing structures, and the existing and/or proposed location of the following.

- a. Roads
  - b. Sidewalks and trails
  - c. Recreational facilities and parks
  - d. Open Space
  - e. Stormwater infrastructure
  - f. Topography
  - g. Floodplains
  - h. Wetlands
  - i. Sinkholes, caves or caverns
  - j. Hazardous areas
  - k. Tree canopy
  - l. Archeological sites and historic structures
  - m. Endangered species
  - n. Land uses and building areas
  - o. Adjacent properties
  - p. Public and private utilities & easements
  - q. Other information related to the proposed development that is necessary to assess the impacts and scope of the project.
2. Traffic Impact Analysis (TIA). A detailed TIA shall be prepared and submitted with an application to rezone, or conditionally rezone, to the MCD District. The TIA shall show the expected average daily traffic movements over any and all existing and planned streets within the proposed planned development, including motor vehicle traffic generated by the uses within the planned development. The traffic impact analysis shall include vehicle traffic generated by the lots within the planned development and expected to be generated in the future from the development of any and all adjacent properties to which and from which additional street connections are reasonably projected to be made and to which and from which additional traffic is reasonably expected to be generated. The study shall also include an analysis of the impact of the projected traffic on the adjacent local, collector and arterial road network, an assessment of the capacity of nearby intersections and appropriate solutions for improvements to the network (based on identified traffic problems) in accordance with Institute of Transportation Engineers (ITE) standards for acceptable street and intersection service levels.
3. Phase 1 Environmental Analysis. At a minimum, a Phase 1 Environmental Site Assessment shall be submitted with a rezoning application to the MCD District. The Phase I Environmental Site Assessment shall be based on the anticipated use of the property proposed for development, and shall be prepared by generally accepted national standards for such assessments, such as those developed by the American Society for Testing and Materials (ASTM). A Phase II Environmental Site Assessment may be required at the time of rezoning application, or site plan application, based on the findings of the Phase 1 Environmental Site Assessment. A Phase II Environmental Site Assessment shall be prepared in accordance with the regulations of the Environmental Protection Agency

(EPA) and the ASTM. In circumstances where more detailed studies have been completed and provided to the Town, those studies shall be accepted in lieu of an Environmental Site Assessment.

4. Impact Statement. The applicant shall provide an Impact Statement that provides a narrative of the existing and proposed land use of the property and describe how it conforms to the Comprehensive Plan. The Impact Statement shall also identify how the project will impact the following, and how those impacts are proposed to be mitigated.
  - a. Fiscal Impacts, capital and operating.
  - b. Impacts to the Quality of Life of citizens.
  - c. Impacts to Property Values.
  - d. Impacts to the Environment.
  - e. Impacts to Archeological and Historic Resources.

#### **175-53.12 SUBSTANTIAL CONFORMANCE TO CONCEPT PLAN**

The submission of a concept plan with a rezoning application, including all conditions and elements proposed on the plan, shall be considered as proffers for the conditional rezoning of the property. Upon approval of the requested conditional rezoning, and acceptance of all conditions, including the concept plan and all other proffers that may be offered, all future land use activities shall be in substantial conformance with the concept plan. All future site development plan applications and subdivision plat applications shall be in substantial conformance with the concept plan. Minor deviations of the concept plan that do not significantly alter the overall land use layout, or conflict with specific conditions on the plan, or other proffers, may be considered in substantial conformance. Major deviations to the concept plan shall undergo the review process standard for proffer revisions.

#### **175-53.13 AREA REGULATIONS**

Lot Size & Width. New lots created on property within the MCD District shall not have a minimum lot size or width, except for corner lots, which shall have a minimum lot width at the setback line of one hundred (100) feet.

#### **175-53.14 MAXIMUM HEIGHT**

- A. The maximum structural height of buildings used for colleges, universities or hospitals shall be 5 stories, up to a maximum of 70 feet.
- B. The maximum structure height of buildings used for parking garages, hotels, or technology businesses shall be 4 stories, up to a maximum of 56 feet.
- C. Except as authorized under subsection 175.53.12A and 175.53.12B, the maximum building height shall be 3 stories, up to a maximum of 42 feet.



D. A clear zone void of structures, signage, vegetation, and berms shall be established in areas determined by the Director to ensure appropriate emergency access for all permitted land uses. Where a clear zone is required, an easement shall be obtained to establish required clear zone areas.

#### **175-53.15 MINIMUM SETBACK AND YARD DIMENSIONS**

A. The following setback and yard dimension requirements shall apply to lots within the MCD District.

1. Yards abutting existing public streets: Thirty (30) feet.
2. Yards abutting new public or private streets: Twenty (20) feet.
3. Yards abutting alleys or internal travel lanes: Fifteen (15) feet.
4. Side yard: Zero (0) feet
5. Rear yard: Zero (0) feet
6. Residential uses that may be approved by special use permit shall provide a minimum rear yard of at least twenty-five (25) feet.

#### **175-53.16 STANDARDS**

In addition to the other requirements of the Town Code, developments within the MCD District shall comply with the following standards.

##### A. Open Space Standards

1. At least thirty percent (30%) of the acreage of the property shall be dedicated open space with public access.
2. Up to 25 percent (25%) of the open space required by subsection 175-53.13B.1. may be satisfied with land covered by water.
3. Required open space, including ingress/egress to the required open space, shall not be located within individual building lots.
4. Required open space shall not be further subdivided, and any future development of open space shall only be for the purpose of enhancing the use that it is dedicated for.
5. Open space shall be permanently dedicated for one of more of the following uses: natural resource conservation, or recreational facilities, wetland and water course preservation, selective forestry, wildlife habitat, undeveloped parklands or scenic preservation.
6. 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:
  - a. Deeded in perpetuity to the Town of Front Royal or other governmental agency for the purposes herein.

- b. 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.
  - c. 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.
  - d. 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:
    - [1] 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;
    - [2] The property owners' association shall have the responsibility of maintaining the open space and operating and maintaining recreational facilities;
    - [3] 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; and
    - [4] The applicant shall maintain control of dedicated open space and be responsible for its maintenance until 75% of occupancy permits for residential units have been issued and development is sufficient to support the association.
7. If development occurs in phases, the provision of dedicated natural open space may also be phased with the construction of improvements.
8. Pre-development streets and other impervious surfaces shall be excluded from the calculation of the minimum dedicated open space requirement.
- B. Lighting Standards.
1. All outdoor lighting shall be designed to the standards of the International Dark-Sky Association (IDA), or an equivalent set of standards that effectively reduce light pollution.
  2. Lighting shall be provided within all parking lots.

C. Underground Utility Standards. All new utilities shall be located underground. The Planning Commission may authorize the use of overhead lines where underground lines would adversely impact wetlands or other physical features of the land, or where the use of overhead lines is temporary.

D. Buffer Standards. Landscaped buffers shall be provided for uses within the MCD District as follows:

1. A fifty-foot (50') buffer shall be provided between adjoining properties of a different zoning category and nonindustrial uses within the MCD District.
2. A one-hundred-foot (100') buffer shall be provided between industrial and nonindustrial uses within the MCD District.
3. A two-hundred-foot (200') buffer shall be provided between adjoining properties of a different zoning category and industrial uses within the MCD District.
4. Buildings or structures shall be restricted within buffer areas, excluding small buildings or structures necessary to provide public utilities. Fifty percent (50%) of buffer areas may be used for active uses other than buildings and structures.

E. Screening Standards. Screening shall be provided for uses within the MCD District as follows:

1. Service bays shall be screened or oriented so they are not visible from public streets.
2. Outdoor display or storage of goods or merchandise shall be restricted, unless screened from view. The Planning Commission may authorize specific locations for outdoor display or seasonal outdoor storage as part of the site plan review process. To minimize negative aesthetic impacts of any authorized outdoor display or seasonal outdoor storage that is not fully screened, the Planning Commission may require additional landscaping or other site improvements.
3. Dumpster pad sites and mechanical equipment systems shall be screened so they are not visible from public streets. Such screening shall consist of an evergreen screen, wood fencing, or masonry wall that is consistent with the architectural design of the principle building on the lot.
4. An ornamental fence, masonry or stone wall, and/or landscaping screen shall be provided around the perimeter of a development within the MCD District and adjoining properties of a different zoning category. General details of such screening shall be designated on the Concept Plan.

F. Miscellaneous Standards

1. The gross land area of land devoted to commercial retail shall not exceed forty (40) percent of the gross land area of the development.

2. The gross land area of land devoted to residential uses shall not exceed forty (40) percent of the gross land area of the development.
3. Pedestrian sidewalks, trails, and crosswalks shall be designed to connect clusters of buildings to common areas and retail areas.
4. Common areas shall be provided throughout the project. Common areas shall include amenities such as, but not limited to, pedestrian and bicycle trails, bicycle parking racks, pavilions, gardens, benches, picnic tables, and fountains.
5. Incidental automobile repairs shall be permitted as an accessory use for automobile and truck sales lots and leasing agencies only if the use is located within a fully enclosed building.

### **LIMITED INDUSTRIAL DISTRICT (I-1)**

#### **175-54 STATEMENT OF INTENT (I-1)**

The primary purpose of the I-1 District is to permit certain industries in town which do not in any way detract from residential desirability of nearby areas and to permit industries to locate near a labor supply. Mobile homes for residential purposes are prohibited but may be used for certain other uses as stated below.

#### **175-55 USES PERMITTED BY RIGHT (I-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 I-1 District, the following uses of land and buildings are permitted by-right in the I-1 District:

##### **RESIDENTIAL:**

Caretaker quarters.

##### **COMMERCIAL:**

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

Automobile garage (auto repair)

Automobile service stations (gas stations)

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

Commuter parking facilities

Contractor's offices, display rooms and storage.

Furniture stores

Lumber and building supply.

Veterinary hospitals

INDUSTRIAL:

Distribution facilities

Light Manufacturing.

Woodworking and upholstery shop.

Wholesale

ORGANIZATIONAL:

Laboratory, pharmaceutical and/or medical.

MISCELLANEOUS:

Accessory uses, structures and buildings.

Home occupations.

Open Space

Public facilities.

Public parks and playgrounds.

Public utilities.

Signs, as set forth in Section 175-106.

Special childcare services.

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

(Amended 4-14-03, 7-25-05 and 6-22-15-Effective Upon Passage)

**175-56 USES PERMITTED BY SPECIAL PERMIT (I-1)**

A. The following uses are permitted within the I-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 I-1 District:

RESIDENTIAL:COMMERCIAL:

Assembly Halls.

Business Offices.

Clubs.

Barber and beauty shops.

Kennels.

Professional Offices.

Recreation facility, commercial.

Restaurant, including drive-in restaurants.

Retail Stores.

Technology Business

INDUSTRIAL:

Medium Industrial.

ORGANIZATIONAL:

MISCELLANEOUS:

Any use permitted under Section 175-55, or specifically listed above under this subsection, that proposes to occupy a building or structure that exceeds the height requirements of Section 175-60, subject to the requirements of Section 175-136. Additional heights approved by a special use permit shall be required to increase the required setback and yard area requirements by an equivalent distance from each property line.

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

Conservation Areas

Mini-warehouses

Parking Structures

(Amended 8-12-91, 1-27-03, 4-14-03, 9-26-05, 7-28-08, 7-23-12 and 6-22-15-Effective Upon Passage)

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

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

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

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

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

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

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

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

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

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

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

**175-62 CORNER LOTS (I-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.

(Amended "A" 6-22-15-Effective Upon Passage)

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

(Amended "B" 6-22-15-Effective Upon Passage)

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.

(Added "D" 6-22-15-Effective Upon Passage)

**175-63 PLANS REQUIRED; ADDITIONAL REQUIREMENTS (I-1)**

A. Before a building permit shall be issued or construction commenced on any permitted use in this district or a permit issued for a new use, the plans, in sufficient detail to show compliance with substantive provisions of this chapter and the operations and processes, shall be submitted to the Zoning Administrator for study. The Administrator shall refer these plans to the Planning Commission for its recommendation. Modification of the plans may be required. Such plans shall be drawn in accordance with Sections 175-116 and 175-117.

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

(Amended 1-28-13-Effective Upon Passage)

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

1. Outdoor storage, outdoor display, or outdoor sale of goods shall be used in direct association with the primary use or uses of the property.
2. 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 175-63.C.2.
  - 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. Plants and other landscaping products typically sold with plants.
  - c. Temporary or seasonal activities, such as but not limited to, peddlers and itinerant merchants that have obtained approval from the Town.
  - d. Pre-manufactured buildings.
  - e. Vending machines.
  - f. 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.
  - g. 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.

**(Added (C.3a-g) 1-28-13-Effective Upon Passage)**

D. The Planning Commission may require landscaping within any established or required front setback area. The plans and execution must take into consideration traffic circulation. Landscaping may be permitted up to a height of three (3) feet and to within fifty (50) feet from the corner of any intersecting streets.

E. Sufficient area shall be provided to adequately screen permitted uses from adjacent business and residential districts and for off-street parking, which shall be in accordance with the provisions set forth in Section 175-104.



F. The Administrator shall act on any application received within thirty (30) days after receiving the application. If formal notice in writing is given to the applicant, the time for action may be extended for a thirty-day period. Failure on the part of the Administrator to act on the application within the established time limit shall be deemed to constitute approval of the application.

**INDUSTRIAL EMPLOYMENT DISTRICT (I-2)**

(Amended 1-23-95 Repealed former Heavy Industrial I-2)

**175-64 STATEMENT OF INTENT (I-2)**

The I-2 Industrial Employment District is designed to:

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

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

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

**175-65 USE REGULATIONS (I-2)**

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

**RESIDENTIAL:**

Caretaker quarters

**COMMERCIAL:**

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

Automobile garage (auto repair)

Automobile service stations (gas stations)

Business Offices

Coal and wood yards, lumberyards and feed/seed stores

Commuter parking facilities

Contractor's offices, display rooms and storage

Furniture stores

Lumber and building supply

Professional Offices

Technology Business

Veterinary hospitals

(Amended to Add "Business Offices; Professional Offices; Technology Business" 3-28-16-Eff.e Upon Passage)

INDUSTRIAL:

Distribution facilities

Light Manufacturing

Woodworking and upholstery shop.

Wholesale

ORGANIZATIONAL:

Laboratory, pharmaceutical and/or medical

Schools

(Amended to Add "Schools" 3-28-16-Effective Upon Passage)

MISCELLANEOUS:

Accessory uses, structures and buildings

Home occupations

Open Space

Public facilities.

Public parks and playgrounds

Public utilities

Signs, as set forth in Section 175-106

Special childcare services

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

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

RESIDENTIAL:COMMERCIAL:

Airport (including heliports)

Assembly Halls.

Barber and beauty shops

Catering Services

Clubs

Daycare and daycare facilities

Kennels

Recreation facility, commercial

Restaurant, including drive-in restaurants

Retail Stores

(Added "Technology Business" 6-26-00-Effective Upon Passage)

(Added "Kennels" 4-14-03-Effective Upon Passage)

(Added "Recreation Facility, Commercial" 7-28-08-Effective Upon Passage)

(Added "Catering Services" 1-28-11-Effective Upon Passage)

(Amended by moving Business Offices; Prof Offices, Tech Business to (A) above 3-28-16-Effective Upon Passage)

INDUSTRIAL:

Automobile Graveyard  
 Hazardous Material Storage  
 Heavy Manufacturing  
 Medium Manufacturing  
 Scrap metal processing

ORGANIZATIONAL:MISCELLANEOUS:

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

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

Conservation Areas  
 Mini-warehouses  
 Parking Structures

(Added "Wireless Telephone" 9-26-05-Effective Upon Passage)

(Amended reference to portable storage containers 7-25-05-Effective Upon Passage)

(Amended Entire Section 6-22-15-Effective Upon Passage)

**175-66 AREA REGULATIONS (I-2)**

- A. Minimum lot size: twenty thousand (20,000) square feet.
- B. Minimum lot width: eighty (80) feet.
- C. Minimum district size: ten (10) acres.

(Amended 8-12-91-Effective Upon Passage)

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

- A. All buildings/structures: seventy-five (75) feet, except as provided for in Section 175-65B.
- B. Exemptions to height requirements:
  - 1. Chimneys and flues.
  - 2. Cooling towers.
  - 3. Flagpoles.
  - 4. Radio and communications towers.
  - 5. Parapet walls up to four (4) feet above the height of the building on which the wall rests.
  - 6. Water towers.
  - 7. Elevator towers.

**175-68 MINIMUM YARD DIMENSIONS (I-2)**

## A. All structures:

1. Front: twenty-five (25) feet.
2. Side: ten (10) feet.
3. Rear: zero (0).
4. Corner side: twenty-five (25) feet.

## B. Transitional requirements, when adjoining a residential district

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

**175-69 LOT COVERAGE (I-2)**

A. Maximum building coverage: - fifty percent (50%).

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

**175-70 PERFORMANCE STANDARDS (I-2)**

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

A. Vibration:

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

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

C. Heat:

1. Heat from an industrial use shall not at any time cause a temperature increase in the air on any adjacent property in excess of ten degrees Fahrenheit (10 F.).

2. Heat from an industrial use shall not at any time cause a temperature increase in a stream, wetland, lake or any other body of water, at or beyond the property line of the lot on which it is located, that would have an adverse effect on any aquatic life.

D. Liquid or Solid Wastes:

1. No industrial use shall result in the discharge of liquid or solid waste into any public sewer, private sewage system, public waters or into the ground except in compliance with applicable federal, state or local laws governing such discharge.
2. There shall be no accumulation outdoors of solid wastes conducive to the breeding of rodents or insects.
3. All discharges into any public sewer shall comply with the provisions of Section 134-2, et seq.

E. Smoke and Particulate Matter:

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

F. Toxic and Hazardous Materials:

1. All toxic and hazardous materials used in industrial operations shall be registered with the Front Royal Fire Department for purposes of safety.
2. Activities involving the storage or use of materials or products which decompose by detonation shall be registered with the Front Royal Fire Department.
3. Explosives shall be stored, used and manufactured in accordance with applicable state and federal regulations.

G. Odor:

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

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

#### H. Noise:

1. No industrial activity shall generate noise that tends to have an annoying or disruptive effect upon uses located beyond the property boundary.
2. Where technical evidence of violation is warranted, sound levels shall be measured at locations specified in Section 175-71 with a sound level meter and associated octave band filter, manufactured in accordance with the American Standards Association. Measurements shall be made using the flat network of the sound level meter. No sound pressure level shall exceed the decibel levels in the octave bands shown herein.

3. Maximum permitted sound levels (in decibels):

| Octave Band Cycles<br>Per Second | Maximum Permitted<br>Sound Level<br>in Decibels |
|----------------------------------|---|
| 0 to 75                          | 72  |
| 75 to 150                        | 67  |
| 150 to 300                       | 59  |
| 300 to 600                       | 52  |
| 600 to 1200                      | 46  |
| 1200 to 2400                     | 41  |
| 2400 to 4800                     | 38  |
| Above 4800                       | 35  |

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

#### I. Screening:

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

#### (Amended 1-28-13-Effective Upon Passage)

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.

**(Added (2a-b) 1-28-13-Effective Upon Passage)**

3. The following types of outdoor display and/or outdoor sales shall be exempt from the requirements of Section 175-70.I.2.b.
  - a. Motor vehicles.
  - b. Power operated machines designed for outdoor labor, such as farming, construction or lawn maintenance, as well as large equipment, products, and materials designed to be kept outdoors.
  - c. Plants and other landscaping products typically sold with plants.
  - d. Temporary or seasonal activities, such as but not limited to, peddlers and itinerant merchants that have obtained approval from the Town.
  - e. Pre-manufactured buildings.
  - f. Vending machines.
  - g. General products, goods, merchandise, and/or materials, provided that (i) no more than 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.

**(Added (3a-h) 1-28-13-Effective Upon Passage)**

4. All sites and parking areas shall be landscaped in accordance with the provisions of Sections 148-46, 148-47 and 148-48.
5. Automobile graveyards and junkyards, including those in existence at the time of the adoption of this chapter, shall completely screen, on any side open to view from a public road, the operation or use by a solid masonry wall, a uniformly-colored solid fence or dense evergreen plantings at least six (6) feet in height at the time of planting.

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

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

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

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

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

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

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

**175-73 OFF-STREET PARKING AND LOADING (I-2)****A. Parking space requirements:**

1. Industrial uses/manufacturing/distribution areas: one (1) space per employee and one (1) space for every vehicle used on site, plus one (1) space per delivery/loading bay.
2. Automobile garages: two (2) spaces per service bay, or two (2) spaces for every three hundred sixty (360) square feet. Every such facility shall have a minimum of three (3) spaces.
3. Industrial uses/office component: one (1) space per three hundred (300) square feet of office area.



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

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

C. Loading space requirements:

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

### **FLOODPLAIN ZONING**

(Amended Entirely 7-11-88, 10-14-08)

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

A. Statutory Authority: This ordinance is adopted pursuant to the authority granted to localities by Virginia Code § 15.2-2280.

(Amended 3-28-16-Effective Upon Passage)

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

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

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

D. Compliance and Liability:

1. No land shall hereafter be developed and no structure shall be located, relocated, constructed, reconstructed, enlarged, or structurally altered except in full compliance with the terms and provisions of this ordinance and any other applicable ordinances and regulations which apply to uses within the jurisdiction of this ordinance.
2. The degree of flood protection sought by the provisions of this ordinance is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study. Larger floods may occur on rare occasions. Flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This ordinance does not imply that districts outside the Floodplain District or that land uses permitted within such district will be free from flooding or flood damages.
3. Records of actions associated with administering this ordinance shall be kept on file and maintained by the Zoning Administrator.
4. This ordinance shall not create liability on the part of the Town of Front Royal or any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made there under.

E. Abrogation and Greater Restrictions: This ordinance supersedes any ordinance currently in effect in flood-prone districts. However, any underlying ordinance shall remain in full force and effect to the extent that its provisions are more restrictive than this ordinance.

F. Severability: If any section, subsection, paragraph, sentence, clause, or phrase of this ordinance shall be declared invalid for any reason whatever, such decision shall not affect the remaining portions of this ordinance. The remaining portions shall remain in full force and effect; and for this purpose, the provisions of this ordinance are hereby declared to be severable.

G. Administration:

1. **Designation of the Floodplain Administrator.** The Floodplain Administrator is hereby appointed to administer and implement these regulations and is referred to herein as the Floodplain Administrator. The Zoning Administrator is hereby designated as the Floodplain Administrator for the Town of Front Royal. The Floodplain Administrator may:
  - a. Do the work themselves. In the absence of a designated Floodplain Administrator, the duties are conducted by the Town of Front Royal chief executive officer.
  - b. Delegate duties and responsibilities set forth in these regulations to qualified technical personnel, plan examiners, inspectors, and other employees.

- c. Enter into a written agreement or written contract with another community or private sector entity to administer specific provisions of these regulations. Administration of any part of these regulations by another entity shall not relieve the community of its responsibilities pursuant to the participation requirements of the National Flood Insurance Program as set forth in the Code of Federal Regulations at 44 C.F.R. Section 59.22.
2. **Duties and Responsibilities of the Floodplain Administrator:** The duties and responsibilities of the Floodplain Administrator shall include but are not limited to:
- a. Review applications for permits to determine whether proposed activities will be located in the Special Flood Hazard Area (SFHA).
  - b. Interpret floodplain boundaries and provide available base flood elevation and flood hazard information.
  - c. Review applications to determine whether proposed activities will be reasonably safe from flooding and require new construction and substantial improvements to meet the requirements of these regulations.
  - d. Review applications to determine whether all necessary permits have been obtained from the Federal, State or local agencies from which prior or concurrent approval is required; in particular, permits from state agencies for any construction, reconstruction, repair, or alteration of a dam, reservoir, or waterway obstruction (including bridges, culverts, structures), any alteration of a watercourse, or any change of the course, current, or cross section of a stream or body of water, including any change to the 100-year frequency floodplain of free-flowing non-tidal waters of the State.
  - e. Verify that applicants proposing an alteration of a watercourse have notified adjacent communities, the Department of Conservation and Recreation (Division of Dam Safety and Floodplain Management), and other appropriate agencies (VADEQ, USACE) and have submitted copies of such notifications to FEMA.
  - f. Advise applicants for new construction or substantial improvement of structures that are located within an area of the Coastal Barrier Resources System established by the Coastal Barrier Resources Act that Federal flood insurance is not available on such structures; areas subject to this limitation are shown on Flood Insurance Rate Maps as Coastal Barrier Resource System Areas (CBRS) or Otherwise Protected Areas (OPA).
  - g. Approve applications and issue permits to develop in flood hazard areas if the provisions of these regulations have been met, or disapprove applications if the provisions of these regulations have not been met.
  - h. Inspect or cause to be inspected, buildings, structures, and other development for which permits have been issued to determine compliance with these regulations or to determine if non-compliance has occurred or violations have been committed.

- i. Review Elevation Certificates and require incomplete or deficient certificates to be corrected.
- j. Submit to FEMA, or require applicants to submit to FEMA, data and information necessary to maintain FIRMs, including hydrologic and hydraulic engineering analyses prepared by or for the Town of Front Royal within six months after such data and information becomes available if the analyses indicate changes in base flood elevations.
- k. Maintain and permanently keep records that are necessary for the administration of these regulations, including:
  - [1] Flood Insurance Studies, Flood Insurance Rate Maps (including historic studies and maps and current effective studies and maps) and Letters of Map Change; and
  - [2] Documentation supporting issuance and denial of permits, Elevation Certificates, documentation of the elevation (in relation to the datum on the FIRM) to which structures have been floodproofed, inspection records, other required design certifications, variances, and records of enforcement actions taken to correct violations of these regulations.
- l. Enforce the provisions of these regulations, investigate violations, issue notices of violations or stop work orders, and require permit holders to take corrective action.
- m. Advise the Board of Zoning Appeals regarding the intent of these regulations and, for each application for a variance, prepare a staff report and recommendation.
- n. Administer the requirements related to proposed work on existing buildings:
  - [1] Make determinations as to whether buildings and structures that are located in flood hazard areas and that are damaged by any cause have been substantially damaged.
  - [2] Make reasonable efforts to notify owners of substantially damaged structures of the need to obtain a permit to repair, rehabilitate, or reconstruct. Prohibit the non-compliant repair of substantially damaged buildings except for temporary emergency protective measures necessary to secure a property or stabilize a building or structure to prevent additional damage.
- o. Undertake, as determined appropriate by the Floodplain Administrator due to the circumstances, other actions which may include but are not limited to: issuing press releases, public service announcements, and other public information materials related to permit requests and repair of damaged structures; coordinating with other Federal, State, and local agencies to assist with substantial damage determinations; providing owners of damaged structures information related to the proper repair of damaged structures in special flood hazard areas; and assisting property owners with

documentation necessary to file claims for Increased Cost of Compliance coverage under NFIP flood insurance policies.

- p. Notify the Federal Emergency Management Agency when the corporate boundaries of the Town of Front Royal have been modified and:
- [1] Provide a map that clearly delineates the new corporate boundaries or the new area for which the authority to regulate pursuant to these regulations has either been assumed or relinquished through annexation; and
  - [2] If the FIRM for any annexed area includes special flood hazard areas that have flood zones that have regulatory requirements that are not set forth in these regulations, prepare amendments to these regulations to adopt the FIRM and appropriate requirements, and submit the amendments to the governing body for adoption; such adoption shall take place at the same time as or prior to the date of annexation and a copy of the amended regulations shall be provided to Department of Conservation and Recreation (Division of Dam Safety and Floodplain Management) and FEMA.
- q. Upon the request of FEMA, complete and submit a report concerning participation in the NFIP which may request information regarding the number of buildings in the SFHA, number of permits issued for development in the SFHA, and number of variances issued for development in the SFHA.
- r. It is the duty of the Community Floodplain Administrator to take into account flood, mudslide and flood-related erosion hazards, to the extent that they are known, in all official actions relating to land management and use throughout the entire jurisdictional area of the Community, whether or not those hazards have been specifically delineated geographically (e.g. via mapping or surveying).
3. **Use and Interpretation of FIRMs.** The Floodplain Administrator shall make interpretations, where needed, as to the exact location of special flood hazard areas, floodplain boundaries, and floodway boundaries. The following shall apply to the use and interpretation of FIRMs and data:
- a. Where field surveyed topography indicates that adjacent ground elevations:
    - [1] Are below the base flood elevation, even in areas not delineated as a special flood hazard area on a FIRM, the area shall be considered as special flood hazard area and subject to the requirements of these regulations;
    - [2] Are above the base flood elevation, the area shall be regulated as special flood hazard area unless the applicant obtains a Letter of Map Change that removes the area from the SFHA.
  - b. In FEMA-identified special flood hazard areas where base flood elevation and floodway data have not been identified and in areas where FEMA has not identified

SFHAs, any other flood hazard data available from a Federal, State, or other source shall be reviewed and reasonably used.

- c. Base flood elevations and designated floodway boundaries on FIRMs and in FISs shall take precedence over base flood elevations and floodway boundaries by any other sources if such sources show reduced floodway widths and/or lower base flood elevations.
- d. Other sources of data shall be reasonably used if such sources show increased base flood elevations and/or larger floodway areas than are shown on FIRMs and in FISs.
- e. If a Preliminary Flood Insurance Rate Map and/or a Preliminary Flood Insurance Study has been provided by FEMA:

[1] Upon the issuance of a Letter of Final Determination by FEMA, the preliminary flood hazard data shall be used and shall replace the flood hazard data previously provided from FEMA for the purposes of administering these regulations.

[2] Prior to the issuance of a Letter of Final Determination by FEMA, the use of preliminary flood hazard data shall be deemed the best available data pursuant to Section 3.1.A.3. and used where no base flood elevations and/or floodway areas are provided on the effective FIRM.

[3] Prior to issuance of a Letter of Final Determination by FEMA, the use of preliminary flood hazard data is permitted where the preliminary base flood elevations or floodway areas exceed the base flood elevations and/or designated floodway widths in existing flood hazard data provided by FEMA. Such preliminary data may be subject to change and/or appeal to FEMA.

- 4. **Jurisdictional Boundary Changes.** In accordance with the Code of Federal Regulations, Title 44 Subpart (B) Section 59.22 (a) (9) (v), the Town will notify the Federal Insurance Administration and optionally the State Coordinating Office in writing whenever the boundaries of the Town have been modified by annexation or the Town has otherwise assumed or no longer has authority to adopt and enforce floodplain management regulations for a particular area. A copy of a map of the Town, suitable for reproduction, and clearly delineating the new corporate limits or new area for which the Town has assumed or relinquished floodplain management regulatory authority must be included with the notification.
- 5. **District Boundary Changes.** The delineation of any of the Floodplain Districts may be revised by the Town where natural or man-made changes have occurred and/or where more detailed studies have been conducted or undertaken by the U. S. Army Corps of Engineers or other qualified agency, or an individual documents the need for such change. However, prior to any such change, approval must be obtained from the Federal Emergency Management Agency. A completed Letter of Map Revision (LOMR) is a record of this approval.

6. **Interpretation of District Boundaries.** Initial interpretations of the boundaries of the Floodplain Districts shall be made by the Zoning Officer. Should a dispute arise concerning the boundaries of any of the Districts, the Board of Zoning Appeals shall make the necessary determination. The person questioning or contesting the location of the District boundary shall be given a reasonable opportunity to present his case to the Board and to submit his own technical evidence if he so desires.
7. **Submitting Model Backed Technical Data.** A community's base flood elevations may increase or decrease resulting from physical changes affecting flooding conditions. As soon as practicable, but not later than six months after the date such information becomes available, a community shall notify the Federal Emergency Management Agency of the changes by submitting technical or scientific data. The community may submit data via a LOMR. Such a submission is necessary so that upon confirmation of those physical changes affecting flooding conditions, risk premium rates and flood plain management requirements will be based upon current data.
8. **Letters of Map Revision.** When development in the floodplain will cause or causes a change in the base flood elevation, the Town shall require the applicant of the development to notify FEMA by applying for a Conditional Letter of Map Revision and then a Letter of Map Revision.
9. **Penalty for Violations.** Any person who fails to comply with any of the requirements or provisions of this article or directions of the director of planning or any authorized employee of the Town shall be guilty of the appropriate violation and subject to the penalties thereof. Violations and associated penalties related to the floodplain provisions are found under Section 175-145 of this Chapter. In addition to the above penalties, all other actions are hereby reserved, including an action in equity for the proper enforcement of Sections 175-74 through 175-81.3. The imposition of a fine or penalty for any violation of, or noncompliance with, the provisions of Sections 175-74 through 175-81.3, shall not excuse the violation or noncompliance or permit it to continue; and all such persons shall be required to correct or remedy such violations within a reasonable time. Any structure constructed, reconstructed, enlarged, altered or relocated in noncompliance with this article may be declared by the Town to be a public nuisance and abatable as such. Flood insurance may be withheld from structures constructed in violation of this article.

(Added Entire "G – Administration" 3-28-16-Effective Upon Passage)

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

The following definitions apply to the floodplain regulations found within this chapter, specifically Sections 175-74 through 175-81.3:

(Added 3-28-16-Effective Upon Passage)

- A. **ACCESSORY STRUCTURE or APPURTENANT STRUCTURE** – For purposes of the floodplain regulations of this chapter, shall mean an accessory building not in excess of 200 square feet. (Added 3-28-16-Effective Upon Passage)

- B. **BASE FLOOD** - The flood having a one percent chance of being equaled or exceeded in any given year.
- C. **BASE FLOOD ELEVATION** – The water surface elevations of the base flood, that is, the flood level that has a one percent or greater chance of occurrence in any given year. The water surface elevation of the base flood in relation to the datum specified on the community’s Flood Insurance Rate map. For the purposes of this ordinance, the base flood is the 1% annual chance flood.

(Amended 3-28-16-Effective Upon Passage)

- D. **BASEMENT** - Any area of the building having its floor sub-grade (below ground level) on all sides.
- E. **BOARD OF ZONING APPEALS** - The Board appointed to review appeals made by individuals with regard to decisions of the Zoning Administrator in the interpretation of this ordinance.
- F. **BREAKAWAY WALL** - A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.
- G. **DEVELOPMENT** - Any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.
- H. **ELEVATED BUILDING** - A non-basement building built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, or columns (posts and piers).
- I. **ENCROACHMENT** - The advance or infringement of uses, plant growth, fills, excavation, buildings, permanent structures or development into a floodplain, which may impede or alter the flow capacity of a floodplain.
- J. **EXISTING CONSTRUCTION** – Structures for which the “start of construction” commenced before the effective date of the FIRM or before January 1, 1975 for FIRMs effective before that date “existing construction” may also be referred to as “existing structures”.

(Added 3-28-16-Effective Upon Passage)

**K. FLOOD OR FLOODING** -

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



- a. The overflow of inland or tidal waters; or,
- b. The unusual and rapid accumulation or run-off of surface waters from any source.
- c. Mudflows which are proximately caused by flooding as defined in paragraph (1)(b) of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by current of water and deposited along the path of the current.

**(Added “c” 3-28-16-Effective Upon Passage)**

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

- L. FLOOD INSURANCE RATE MAP (FIRM)** – An official map of a community, on which the Federal Emergency Management Agency has delineated both the special hazard areas and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM).

**(Added 3-28-16-Effective Upon Passage)**

- M. FLOOD INSURANCE STUDY (FIS)** – A report by FEMA that examines, evaluates and determines flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudflow and/or flood-related erosion hazards.

**(Added 3-28-16-Effective Upon Passage)**

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

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

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

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

R. **HIGHEST ADJACENT GRADE** – The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

(Added 3-28-16-Effective Upon Passage)

S. **HISTORIC STRUCTURE** – Any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a register historic district;
3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or,
4. Individually listed on a local inventory of history places in communities with historic preservation programs that have been certified either
  - a. by an approved state program as determined by the Secretary of the Interior; or,
  - b. directly by the Secretary of the Interior in states without approved programs.

(Added “S” 3-28-16-Effective Upon Passage)

T. **HYDRAULIC AND HYDRAULIC ENGINEERING ANALYSIS** – Analyses performed by a licensed profession engineer, in accordance with standard engineering practices that are accepted by the Virginia Department of Conservation and Recreation and FEMA, used to determine the base flood, other frequency floods, flood elevations, floodway information and boundaries, and flood profiles.

(Added 3-28-16-Effective Upon Passage)

U. **LETTERS OF MAP CHANGES (LOMC)** – A letter of Map Change is an official FEMA determination, by letter, that amends or revises an effective Flood Insurance Rate Map or Flood Insurance Study. Letters of Map Change include:

1. LETTER OF MAP AMENDMENT (LOMA) – An amendment based on technical data showing that a property was incorrectly included in a designated special flood hazard area. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a land as defined by meets and bounds or structure is not located in a special flood hazard area.
2. LETTER OF MAP REVISION (LOMR) – A revision based on technical data that may show changes to flood zones, flood elevations, floodplain and floodway delineations, and planimetric features. A Letter of Map Revision based on Fill (LOMR-F), is a determination

that a structure or parcel of land has been elevated by fill above the base flood elevation and is, therefore, no longer exposed to flooding associated with the base flood. In order to qualify for this determination, the fill must have been permitted and placed in accordance with the community's floodplain management regulations.

(Added "U" 3-28-16-Effective Upon Passage)

**V. LOWEST ADJACENT GRADE** – The lowest natural elevation of the ground surface next to the walls of structure.

(Added 3-28-16-Effective Upon Passage)

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

**X. MANUFACTURED HOME** – A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes the term "manufactured homes" also include park trailers, travel trailers and other similar vehicles placed on a site for greater than 180 consecutive days.

(Added 3-28-16-Effective Upon Passage)

**Y. MANUFACTURED HOME PARK OR SUBDIVISION** – A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

(Added 3-28-16-Effective Upon Passage)

**Z. MEAN SEA LEVEL** – Is an elevation point that represents the average height of the ocean's surface (such as the halfway point between the mean high tide and the mean low tide) which is used as a standard in reckoning land elevation.

(Added 3-28-16-Effective Upon Passage)

aa. **NEW CONSTRUCTION** - For the purposes of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial Flood Insurance Rate Map July 15, 1988, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, new construction means structures for which start of construction commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

bb. **POST-FIRM STRUCTURES** – A structure for which construction or substantial improvement occurred after July 15, 1988. (Added 3-28-16-Effective Upon Passage)

cc. **PRE-FIRM STRUCTURES** – A structure for which construction or substantial improvement occurred on or before July 15, 1988.

(Added 3-28-16-Effective Upon Passage)

dd. **RECREATIONAL VEHICLE** - A vehicle which is:

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

ee. **REPETITIVE LOSS STRUCTURE** – A building covered by a contract for flood insurance that has incurred flood-related damages on two occasions, in which the cost of the repair, on the average, equaled or exceeded 25 percent of the market value of the structure at the time of each such flood event; and at the time of the second incidence of flood-related damage, the contract for flood insurance contains increased cost of compliance coverage.

(Added 3-28-16-Effective Upon Passage)

ff. **SEVERE REPETITIVE LOSS STRUCTURE** – A structure that: (a) is covered under a contract for flood insurance made available under the NFIP; and (b) has incurred flood related damage – (i) for which 4 or more separate claims payments have been made under flood insurance coverage with the amount of each such claim exceeding \$5,000, and with the cumulative amount of such claims payments exceeding \$20,000; or (ii) for which at least 2 separate claims payments have been made under such coverage, with the cumulative amount of such claims exceeding the market value of the insured structure.

(Added 3-28-16-Effective Upon Passage)

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

hh. **START OF CONSTRUCTION** - The date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, substantial improvement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of the construction means the first alteration of any wall, ceiling,

floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

ii. **STRUCTURE** – For floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

(Added 3-28-16-Effective Upon Passage)

jj. **SUBSTANTIAL DAMAGE** - Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

kk. **SUBSTANTIAL IMPROVEMENT** - Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the start of construction of the improvement. This term includes structures which have incurred substantial damage regardless of the actual repair work performed. The term does not, however, include either:

1. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or
2. Any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure, or
3. Historic structures undergoing repair or rehabilitation that would constitute a substantial improvement as defined above, must comply with all ordinance requirements that do not preclude the structure's continued designation as a historic structure. Documentation that a specific ordinance requirement will cause removal of the structure from the National Register of Historic Places or the State Inventory of Historic Places must be obtained from the Secretary of the Interior or the State Historic Preservation Officer. Any exemption from ordinance requirements will be the minimum necessary to preserve the historic character and design of the structure.

(Added "kk" 3-28-16-Effective Upon Passage)

ll **VIOLATION** – The failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Sections 175-74 through 175-81.3 of this Chapter is presumed to be in violation until such time as that documentation is provided.

(Added 3-28-16-Effective Upon Passage)

mm. **WATERCOURSE** - A lake, river, creek, stream, wash, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

#### **175-76 ESTABLISHMENT OF FLOODPLAIN DISTRICTS**

A. Basis of Districts - The various floodplain districts shall include special flood hazard areas. The basis for the delineation of these districts shall be the Flood Insurance Study (FIS) for the Town of Front Royal prepared by the Federal Emergency Management Agency, Federal Insurance Administration, dated June 3, 2008, as amended.

(Amended “A” 5-12-08-Effective Upon Passage)

B. The Floodway District, also referred to as the AE zone, is delineated, for purposes of this ordinance, using the criterion that certain areas within the floodplain must be capable of carrying the waters of the Special Flood Hazard Area without increasing the water surface elevation of that flood more than one (1) foot at any point. The areas included in this District are specifically defined in Table 4 of the above-referenced Flood Insurance Study and shown on the accompanying Flood Boundary and Floodway Map or Flood Insurance Rate Map. The following provisions shall apply within the Floodway District of an AE zone:

1. Within any floodway area, no encroachments, including fill, new construction, substantial improvements, or other development shall be permitted unless it has been demonstrated through hydrologic and hydraulic analysis performed in accordance with standard engineering practice that the proposed encroachment will not result in any increase in flood levels within the community during the occurrence of the base flood discharge. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently-accepted technical concepts. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough review by the Floodplain Administrator. Development activities which increase the water surface elevation of the base flood may be allowed, provided that the applicant first applies – with the Town’s endorsement – for a Conditional Letter of Map Revision (CLOMR), and receives the approval of the Federal Emergency Management Agency. If the requirements of this section are satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction standards.
2. The placement of manufactured homes (mobile homes) is prohibited, except when replacing an existing manufactured home in an existing manufactured home park or subdivision. A replacement manufactured home may be placed on a lot in an existing manufactured home park or subdivision provided the anchoring, elevation and encroachment standards are met.

(Amended “B” 6-23-08-Effective Upon Passage)

(Amended “B” and Added (1-2) 3-28-16-Effective Upon Passage)

C. The Flood-Fringe District shall be that area of the Special Flood Hazard Area not included in the Floodway District. The basis for the outermost boundary of the District shall be the Special Flood Hazard Area elevations contained in the flood profiles of the above-referenced Flood Insurance Study and as shown on the accompanying Flood Boundary and Floodway Map or Flood Insurance Rate Map.

D. The Approximated Floodplain District, also referred to as the A Zone, as illustrated on the FIRM accompanying the Flood Insurance Study (FIS) shall be those areas for which no detailed flood profiles or elevations are provided, but the one percent annual chance floodplain boundary has been approximated. For these areas, the following provisions shall apply:

1. The Approximated Floodplain District shall be that floodplain area for which no detailed flood profiles or elevations are provided, but where a one percent annual chance floodplain boundary has been approximated. Such areas are shown as Zone A on the maps accompanying the FIS. For these areas, the base flood elevations and floodway information from federal, state, and other acceptable sources shall be used, when available. Where the specific one percent annual chance flood elevation cannot be determined for this area using other sources of data, such as the U. S. Army Corps of Engineers Floodplain Information Reports, U. S. Geological Survey Flood-Prone Quadrangles, etc., then the applicant for the proposed use, development and/or activity shall determine this base flood elevation. For development proposed in the approximate floodplain the applicant must use technical methods that correctly reflect currently accepted practices, such as point on boundary, high water marks, or detailed methodologies hydrologic and hydraulic analyses. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough review by the Floodplain Administrator.
2. The Floodplain Administrator reserves the right to require a hydrologic and hydraulic analysis for any development. When such base flood elevation data is utilized, the lowest floor shall be elevated to or above the base flood plus twelve (12) inches. Additional elevation above 12 inches over the base flood is recommended if possible because it may reduce the cost of flood insurance.
3. During the permitting process, the Floodplain Administrator shall obtain:
  - a. The elevation of the lowest floor (in relation to mean sea level), including the basement, of all new and substantially improved structures; and,
  - b. If the structure has been flood-proofed in accordance with the requirements of this article, the elevation (in relation to mean sea level) to which the structure has been flood-proofed.
4. Base flood elevation data shall be obtained from other sources or developed using detailed methodologies comparable to those contained in a FIS for subdivision proposals and other proposed development proposals (including manufactured home parks and subdivisions) that exceed fifty lots or five acres, whichever is the lesser.

(Amended "D" and Added (1-4) 3-28-16-Effective Upon Passage)

**175-77 OVERLAY CONCEPT (Floodplain)**

A. The Floodplain Districts described above shall be overlays to the existing underlying districts as shown on the Official Zoning Ordinance Map, and as such, the provisions for the floodplain districts shall serve as a supplement to the underlying district provisions.

B. If there is any conflict between the provisions or requirements of the Floodplain Districts and those of any underlying district, the more restrictive provisions and/or those pertaining to the floodplain districts shall apply.

C. In the event any provision concerning a Floodplain District is declared inapplicable as a result of any legislative or administrative actions or judicial decision, the basic underlying provisions shall remain applicable.

**175-78 FLOODPLAIN DISTRICT BOUNDARIES**

A. The boundaries of the Special Flood Hazard Area and Floodplain Districts are established as shown on the Flood Boundary and Floodway Map and/or Flood Insurance Rate Map which is declared to be a part of this Ordinance and which shall be kept on file at the Town of Front Royal Planning Offices.

(Amended "A" 6-23-08-Effective Upon Passage)

B. District Boundary Changes: The delineation of any of the Floodplain Districts may be revised by the Town of Front Royal where natural or man-made changes have occurred and/or where more detailed studies have been conducted or undertaken by the U. S. Army Corps of Engineers or other qualified agency, or an individual documents the need for such change. However, prior to any such change, approval must be obtained from the Federal Insurance Administration.

C. Interpretation of District Boundaries: Interpretations of the boundaries of the Floodplain Districts shall be made by the Zoning Administrator. Should a dispute arise concerning the boundaries of any of the Districts, the Board of Zoning Appeals shall make the necessary determination. The person questioning or contesting the location of the District boundary shall be given a reasonable opportunity to present his case to the Board and to submit his own technical evidence if he so desires.

**175-79 DISTRICT PROVISIONS (Floodplain)**

A. Permit Requirement: All uses, activities, and development occurring within any floodplain district shall be undertaken only upon the issuance of a Zoning Permit. Such development shall be undertaken only in strict compliance with the provisions of the Ordinance and with all other applicable codes and ordinances, as amended, and the Town of Front Royal Subdivision Regulations. Prior to the issuance of any such permit, the Zoning Administrator shall require all applications to include compliance with all applicable state and federal laws.

(Amended "A" 11-23-98-Effective Upon Passage)

(Amended "A" 6-23-08-Effective Upon Passage)



B. Site Plans and Permit Applications: All applications for development within any floodplain district and all building permits issued for the floodplain shall incorporate the following information:

1. For structures to be elevated, the elevation of the lowest floor (including basement).
2. For structures to be flood-proofed (non-residential only), the elevation to which the structure will be flood-proofed.
3. The elevation of the Base Flood at the site.
4. Topographic information showing existing and proposed ground elevations.

(Amended former "F" 4-19-99-Effective Upon Passage)

(Amended "B" 5-12-08-Effective Upon Passage)

(Added "B" (3 & 4) 3-28-16-Effective Upon Passage)

### **175-80 GENERAL STANDARDS (Floodplain)**

In all special flood hazard areas the property owner is ultimately responsible for insuring the following provisions have been considered:

- A. New construction and substantial improvements shall be anchored to prevent floatation, collapse or lateral movement of the structure.
- B. New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- C. New construction or substantial improvements shall be constructed by methods and practices that minimize flood damage.
- D. Electrical, heating, ventilation, plumbing, air conditioning equipment and other service facilities, including duct work, shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
- E. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
- F. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.
- G. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.
- H. Any alteration, repair, reconstruction or improvements to a building that is in compliance with the provisions of this ordinance shall meet the requirements of "new construction" as contained in this ordinance.

I. Any alteration, repair, reconstruction or improvements to a building that is not in compliance with the provisions of this ordinance, shall be undertaken only if said non-conformity is not furthered, extended, or replaced.

J. Prior to any proposed alteration or relocation of any channels or of any watercourse, stream, etc., within this jurisdiction a permit shall be obtained from the U. S. Corps of Engineers, the Virginia Department of Environmental Quality, and the Virginia Marine Resources Commission (a joint permit application is available from any of these organizations). Furthermore, notification of the proposal shall be given by the applicant to all affected adjacent jurisdictions, the Department of Conservation and Recreation (Division of Dam Safety and Floodplain Management) and the Federal Insurance Administration.

K. The flood carrying capacity within an altered or relocated portion of any watercourse shall be maintained.

L. Manufactured homes shall be anchored to prevent flotation, collapse or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state anchoring requirements for resisting wind forces.

(Added "L" 3-28-16-Effective Upon Passage)

(Added Entire Section 10-14-08-Effective Upon Passage)

### **175-81 SPECIFIC STANDARDS (Floodplain)**

In all special flood hazard areas where base flood elevations have been provided in the Flood Insurance Study or generated according to Section 175-81.1(A), the following provisions shall apply:

A. Residential Construction: New construction or substantial improvement of any residential structure shall have the lowest floor, including basement, elevated no lower than one (1) foot above the base flood elevation.

B. Non-Residential Construction: New construction or substantial improvement of any commercial, industrial, or non-residential building shall have the lowest floor, including basement, elevated to no lower than one (1) foot above the base flood elevation. Buildings located in all AE and AH zones may be flood-proofed in lieu of being elevated provided that all areas of the building components below the elevation corresponding to the Base Flood Elevation (BFE) plus one foot are water tight with walls substantially impermeable to the passage of water, and use structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification, including the specific elevation (in relation to mean sea level) to which such structures are floodproofed, shall be maintained by the Floodplain Administrator.

(Amended "B" 3-28-16-Effective Upon Passage)

C. The Space Below the Lowest Floor: Enclosed areas, of new construction or substantially improved structures, which are below the regulatory flood protection elevation shall:

(Amended Title of “C” from Elevated Floor 3-28-16-Effective Upon Passage

1. Not be designed or used for human habitation, but shall only be used for parking of vehicles, building access, or limited storage of maintenance equipment used in connection with the premises. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment (standard exterior door), or entry to the living area (stairway or elevator). The interior portion of such enclosed area shall not be partitioned or finished into separate rooms, except to enclose storage areas;
2. Be constructed entirely of flood resistant materials below the regulatory flood protection elevation;
3. Include, in Zones A and AE measures to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters. To meet this requirement, the openings must either be certified by a professional engineer or architect or meet the following minimum design criteria:
  - a. Provide a minimum of two openings on different sides of each enclosed area subject to flooding.
  - b. The total net area of all openings must be at least one (1) square inch for each square foot of enclosed area subject to flooding.
  - c. If a building has more than one enclosed area, each area must have openings to allow floodwaters to automatically enter and exit.
  - d. The bottom of all required openings shall be no higher than one (1) foot above the adjacent grade.
  - e. Openings may be equipped with screens, louvers, or other opening coverings or devices, provided they permit the automatic flow of floodwaters in both directions.
  - f. Foundation enclosures made of flexible skirting are not considered enclosures for regulatory purposes, and, therefore, do not require openings. Masonry or wood underpinning, regardless of structural status, is considered an enclosure and requires openings as outlined above.

D. Standards for Recreational Vehicle: All recreational vehicles placed on sites must be either:

1. In all designated Special Flood Hazard Areas, all manufactured homes placed, or substantially improved, on individual lots or parcels, must meet all the requirements for the zone in which they are located for new construction, including the elevation and anchoring requirements in this ordinance; or,

2. All recreational vehicles placed on sites must either
  - a. Be on the site for fewer than 180 consecutive days, be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions); or
  - b. Where allowed under the general zoning regulations of this Chapter, may be kept on the site for 180 days or more when all applicable floodplain standards for manufactured homes are complied with.

(Amended "D" and Added (1-2) 3-28-16-Effective Upon Passage)  
(Added Entire Section 10-14-08-Effective Upon Passage)

### **175-81.1 STANDARDS FOR APPROXIMATED FLOODPLAIN**

A. When base flood elevation data or floodway data have not been provided, the Zoning Administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state, or any other source, in order to administer the provisions of Section. When such base flood elevation data is utilized, the Zoning Administrator shall obtain:

1. The elevation (in relation to the mean sea level) of the lowest floor (including the basement) of all new and substantially improved structures; and,
2. If the structure has been flood-proofed in accordance with the requirements of Section 175-81(B) of this ordinance, the elevation in relation to the mean sea level to which the structure has been flood-proofed.

B. When the data is not available from any source as in Section 175-81.1(A), the lowest floor of the structure shall be elevated to no lower than one (1) foot above the highest adjacent grade.

C. Base flood elevation data shall be provided for subdivision proposals and other proposed development proposals that exceed fifty lots or five acres, whichever is the lesser.

D. Standards for Subdivision Proposals.

1. All subdivision proposals shall be consistent with the need to minimize flood damage;
2. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;
3. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards, and
4. Base flood elevation data shall be obtained from other sources or developed using detailed methodologies, hydraulic and hydrologic analysis, comparable to those

contained in a Flood Insurance Study for all major subdivision proposals and major site development plans, as defined under Chapter 148 of the Town Code.

**(Added “D” 3-28-16-Effective Upon Passage)**

E. Existing Structures in the Floodplain Areas. Any structure or use of a structure or premises must be brought into conformity with these provisions when it is changed, repaired, or improved, unless one of the following exceptions is established before the change is made:

1. The floodplain manager has determined that
  - a. change is not a substantial repair or substantial improvement; and,
  - b. no new square footage is being built in the floodplain that is not complaint; and,
  - c. no new square footage is being built in the floodway; and,
  - d. the change complies with this ordinance and the VA USBC; and,
  - e. the change, when added to all the changes made during a rolling 5 year period does not constitute 50% of the structure’s value.
2. The changes are required to comply with a citation for a health or safety violation.
3. The structure is a historic structure and the change required would impair the historic nature of the structure.

**(Added “E” 3-28-16-Effective Upon Passage)**

**(Added Entire Section 10-14-08-Effective Upon Passage)**

## **175-81.2 STANDARDS FOR THE FLOODWAY DISTRICT**

The following provisions shall apply within the Floodway District:

Encroachments, including fill, new construction, substantial improvements and other developments are prohibited unless certification (with supporting technical data) by a registered professional engineer is provided demonstrating that encroachments shall not result in any increase in flood levels during occurrence of the base flood discharge. The preceding uses, activities and development occurring within any floodway district shall be undertaken only upon the issuance of a Special Use Permit. Development activities in which an increase in the water surface elevation of the base flood may be allowed, provided that the applicant first applies – with the Town of Front Royal endorsement – for a conditional Flood Insurance Rate Map and floodway revision, and receives the approval of the Federal Emergency Management Agency. However, other activities such as demolition in which there is not an increase in the water surface elevation, will require a zoning permit in lieu of a special use permit.

**175-81.3 FLOODPLAIN VARIANCES: FACTORS TO BE CONSIDERED**

A. Variances shall be issued only upon (i) a showing of good and sufficient cause, (ii) after the Board of Zoning Appeals has determined that failure to grant the variance would result in exceptional hardship to the applicant, and (iii) after the Board of Zoning Appeals has determined that the granting of such variance will not result in (a) unacceptable or prohibited increases in flood heights, (b) additional threats to public safety, (c) extraordinary public expense; and will not (d) create nuisances, (e) cause fraud or victimization of the public, or (f) conflict with local laws or ordinances.

B. While the granting of variances generally is limited to a lot size less than one-half acre, deviations from that limitation may occur. However, as the lot size increases beyond one-half acre, the technical justification required for issuing a variance increases. Variances may be issued by the Board of Zoning Appeals for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, in conformance with the provisions of this section.

C. Variances may be issued for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that the criteria of this section are met, and the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

D. In passing upon applications for variances, the Board of Zoning Appeals shall satisfy all relevant factors and procedures specified in other sections of the zoning ordinance and consider the following additional factors:

**(Added (A-D) 3-28-16-Effective Upon Passage)**

1. The showing of good and sufficient cause.
2. The danger to life and property due to increased flood heights or velocities caused by encroachments. No variance shall be granted for any proposed use, development, or activity within any Floodway District that will cause any increase in the Special Flood Hazard Area elevation.
3. The danger that materials may be swept on to other lands or downstream to the injury of others.
4. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary conditions.
5. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners.
6. The importance of the services provided by the proposed facility to the community.

7. The requirements of the facility for a waterfront location.
8. The availability of alternative locations not subject to flooding for the proposed use.
9. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
10. The relationship of the proposed use to the comprehensive plan and floodplain management program for the area.
11. The safety of access by ordinary and emergency vehicles to the property in time of flood.
12. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site.
13. The historic nature of a structure. Variances for repair or rehabilitation of historic structures may be granted upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

**(Added (13) 3-28-16-Effective Upon Passage)**

14. Such other factors which are relevant to the purposes of this ordinance.

E. The Board of Zoning Appeals may refer any application and accompanying documentation pertaining to any request for a variance to any engineer or other qualified person or agency for technical assistance in evaluating the proposed project in relation to flood heights and velocities, and the adequacy of the plans for flood protection and other related matters.

**(Amended 3-28-16-Effective Upon Passage)**

F. Variances shall be issued only after the Board of Zoning Appeals has determined that the variance will be the minimum required to provide relief from exceptional hardship to the applicant.

G. The Board of Zoning Appeals shall notify the applicant for a variance, in writing, that the issuance of a variance to construct a structure below the Special Flood Hazard Area elevation (a) increases the risks to life and property and (b) will result in increased premium rates for flood insurance.

H. A record shall be maintained of the above notification as well as all variance actions, including justification for the issuance of the variances. Any variances that are issued shall be noted in the annual or biennial report submitted to the Federal Insurance Administrator.

**(Added Entire Section 10-14-08-Effective Upon Passage)**

**HISTORIC DISTRICT OVERLAY AREAS**

(Adopted 10-23-78; Amended Entire Section 4-13-92 and 3-22-93)

**175-82 STATEMENT OF INTENT (Historic District)**

A. The intent of this Article is to promote and protect the health, safety, comfort, recreation, prosperity and general welfare of the community through the identification, preservation and enhancement of buildings, structures, neighborhoods, landscapes, places and areas which have special historical, cultural, artistic, architectural or archaeological significance as provided by §15.2-2306 of the Code of Virginia, as amended.

(Amended VA Code Reference 9-25-00-Effective Upon Passage)

B. It is hereby recognized that the deterioration, destruction or alteration of said buildings, structures, places and areas may cause the permanent loss of unique resources which are of great value to the people of Front Royal, Warren County, the State of Virginia and the nation and that the special controls and incentives are warranted to ensure that such losses are avoided when possible.

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

1. To preserve and improve the quality of life for residents of the Town of Front Royal by protecting familiar and treasured visual elements in the area.
2. To promote tourism by protecting historical and cultural resources attractive to visitors and thereby supporting local business and industry.
3. To stabilize and improve property values by providing incentive for the upkeep and rehabilitation of older structures and by encouraging desirable uses and forms of economic development.
4. To educate residents on the local cultural and historic heritage as embodied in the Historic District Overlay Areas and to foster a sense of pride in this heritage.
5. To promote local historic preservation efforts and to encourage the identification and nomination of qualified historic properties to the National Register of Historic Places and the Virginia Landmarks Register.
6. To prevent the encroachment of additions or new buildings and structures that are architecturally incongruous with their environs within areas of architectural harmony and historic character.

**175-83 DEFINITIONS (Historic District)**

As used in this Article, the following terms shall have the meanings indicated:



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

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

**CERTIFICATE OF APPROPRIATENESS (C of A)** - The approval statement signed by the Secretary of the Board of Architectural Review (BAR) and the Zoning Administrator that certifies approval by the BAR of the appropriateness of a particular request for the construction, alteration, reconstruction, repair, restoration, demolition or razing of all or a part of any building within an historic district overlay area, subject to the issuance of all other permits needed for the matter sought to be accomplished.

**CONTRIBUTING PROPERTIES** - Properties so designated on the inventory map of landmarks and contributing properties, which is adopted as a part of this Article, being generally those properties which, by reason of form, materials, architectural details and relation to surrounding properties, contribute favorably to the general character of the part of the historic district in which they are located but, by reason of recent age, lack of historic significance or other factors, are not designated as local historic landmarks under the criteria of this Article.

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

**EXTERIOR FEATURES (ARCHITECTURAL APPEARANCE)** - The architectural style, general design and general arrangement of the exterior of a building or other structure, including the color, the kind and texture of the building material and the type and style of all windows, doors, light fixtures, signs, other appurtenant fixtures and other natural features, such as trees and shrubbery, that are subject to the public view from a public street, public way or other public places.

**HISTORIC DISTRICT OVERLAY AREA or HISTORIC DISTRICT** - Any area delineated by the Town Council and consisting of public or private property within the Town, containing one (1) or more historic landmarks as established by the Virginia Department of Historic Resources, or one (1) or more areas, neighborhoods, sites, places, structures, objects, artifacts or buildings in which historic events occurred or reflecting significantly the lives of historic personages or great ideas or ideals of the people, having special public value because of notable architectural, economic, ethnic, military, natural, political, religious or social factors, such landmarks, buildings, structures or areas having been designated by the Council as being of such historic, architectural or cultural interest and significance as to warrant conservation and preservation. Such designated district or districts shall not extend farther than the property line of the land pertaining to such historical landmarks, sites, buildings, signs, appurtenances, structures or objects.

**LOCAL HISTORIC LANDMARK** - Any site (including significant trees or other plant life located thereon), building or structure of particular historic significance. "Landmarks" include sites, buildings or structures where the cultural, political, archaeological, spiritual, economic, social or artistic history of the community, state or nation is reflected or exemplified or which are

identified with historic personages or with important events in local, state or national history or which embody the distinguishing characteristics of an architectural specimen, inherently valuable for a representation of a period, style or method of construction or a notable work of construction or a notable work of a master designer or architect whose individual genius influenced his age. Listing on the Virginia Landmarks Register and the National Register of Historic Places is encouraged for all "local historic landmarks."

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

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

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

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

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

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

(Added 10-27-97-Effective Upon Passage)

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

(Added 10-27-97-Effective Upon Passage)

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

**SUBSTANTIAL EXTERIOR ALTERATION** - Any change, other than incidental repairs, to the supporting members of a building or portion thereof, such as the addition, removal or alteration of bearing walls, columns, beams, girders, roofs or foundations, that are visible on the exterior of the structure.

**175-84 BOARD OF ARCHITECTURAL REVIEW (Historic District)****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. (Amended 10-27-97, 1-8-01, 1-12-04-Effective Upon Passage)
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 Resources, 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, powers 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 Article.
6. To establish an appropriate system of markers for selected historic sites and buildings, including proposals for the installation and care of such historic markers, and to invite each owner of a building of historical significance to display the marker thereon.
7. To cooperate with and enlist assistance from the Virginia Department of Historic Resources, the National Trust for Historic Preservation and other interested parties, both public and private, in its efforts to preserve, restore and conserve local historic landmarks, buildings, sites or areas within the Town.
8. To prepare and adopt specific guidelines, illustrated as necessary, for those historic districts which have special characteristics and architectural features that are peculiar to the district and which should be preserved and to make these guidelines available to property owners within each historic district and to the general public. After these historic districts are approved, specific guidelines shall be adopted for such historic districts as may require specific guidelines.
9. To sponsor public information activities, when deemed appropriate, publicizing historic preservation efforts, which activities may include, but not be limited to, speaking engagements, handouts, press releases and films.
10. To hold public meetings as often as necessary to fulfill the responsibilities assigned by this Article.

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 Board of Architectural Review 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) days 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 Article.

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 gifts, 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.

**175-85****CREATION OF HISTORIC DISTRICTS AND LANDMARKS**

A. The Board of Architectural Review 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.

(Amended VA Code Reference 9-25-00-Effective Upon Passage)

B. 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 Council may initiate such amendment pursuant to Section 175-146. The Board of Architectural Review 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.

C. Applications for the creation or expansion 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 Section 175-146.

D. Any historic district and any historic district 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.

E. 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.

F. 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.

#### **175-86 CRITERIA FOR SELECTION OF HISTORIC DISTRICTS OR 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 an 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:

A. 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:

1. The significance of the architectural design.
2. The scale and/or interrelationships of the structures and/or environmental features.
3. The significant patterns of development.
4. The quality of workmanship.
5. The amount of surviving original fabric.
6. The original location and use.
7. The remaining outbuildings or dependencies.
8. The surrounding environment; gardens, landscaping and walks.
9. The aesthetic quality.
10. The original integrity of the structure and its details.

B. 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:

1. Association with an historic personage.
2. Association with an historic event.
3. Work of the leading architect or master craftsman.
4. Site or structure of cultural significance.

C. 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 as potentially deserving preservation.

#### **175-87 BOUNDARIES OF HISTORIC DISTRICTS OR LANDMARKS**

A. 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 structures 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.

B. 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.

C. 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.

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

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

A. 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.

B. 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.

C. 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.

D. 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.

(Amended VA Code Reference 9-25-00-Effective Upon Passage)

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

A. 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:

1. The razing, demolishing or moving of a designated landmark or contributing structure.
2. 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.



3. 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.
4. Any significant change or alteration of the exterior architectural style of a designated landmark or contributing property.
5. Any addition to a non-contributing 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.
6. Any fence or sign that is not in conformance with the design guidelines adopted in accordance with this Article.
7. 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.

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

C. The Board of Architectural Review shall not disapprove an application except with respect to the criteria and guidelines set forth in Section 175-91. The BAR shall give reasons for its decisions, shall act promptly on applications before it 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.

D. 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.

(Amended/Added "C & D" 10-27-97-Effective Upon Passage)

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

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

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

2. 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.
3. Substantial alteration of a non-contributing structure.
4. Any addition to a non-contributing structure, which increases the size (square footage and/or volume) of the structure by less than one hundred percent (100%) of the original structure.
5. Landscaping, fences and signs in conformance with the design guidelines adopted in accordance with this Article.

B. The Zoning Administrator shall be guided in his decisions by the standards and guidelines adopted by the Board of Architectural Review 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 Board of Architectural Review 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 Board of Architectural Review. The Administrator shall keep a record of his decisions under this section and shall report such decisions to the Board of Architectural Review at its next regular meeting.

(Amended Entire Section 10-27-97-Effective Upon Passage)

#### **175-90 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.)

(Amended to add "*similar*" 6-22-15-Effective Upon Passage)

2. Repair or construction in kind, resulting in no significant changes in appearance or 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 a 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. (Amended Entire Section 10-27-97-Effective Upon Passage)

#### **175-90.1 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 or materials or colors and 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.

(Added 10-27-97-Effective Upon Passage)

#### **175-91 GUIDELINES AND CRITERIA FOR REVIEW (Historic District)**

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

1. The historic archaeological or architectural value and significance of a structure and its relationship to the historic value of the surrounding area.
2. The age and character of the historic structure, its condition, and its probable life expectancy and the appropriateness of the proposed changes to the period or periods during which the structure was built.
3. The general compatibility of the site plan and the exterior design arrangement, texture and materials proposed to be used.
4. The view of the structure or area from a public street or road, present or future.
5. The present character of the setting of the structure or area and its surroundings.
6. The probable effect of proposed construction on trees, wooded areas or historic sites.
7. Any other factors, including aesthetic factors, which the reviewing bodies deem to be pertinent.

8. 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:

- a. General design.
- b. Character and appropriateness of design.
- c. Form.
- d. Proportion and scale.
- E. Mass.
- f. Configuration.
- g. Arrangement.
- h. Texture.
- i. Material
- j. The permanent color of exterior materials (excluding paint).
- k. The relationship of such elements to similar features of structures in the immediate surroundings.
- l. Congruity with the character of the Historic District.

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

C. 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.

**(Amended Entire Section 10-27-97-Effective Upon Passage)**

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

A. Within fifteen (15) days of approval for construction or alteration pursuant to 175-88, a certificate of appropriateness signed by the Zoning Administrator and bearing the date of issuance but subject to the provisions of 175-92B, shall be made available to the applicant.

B. Any certificate of appropriateness issued pursuant to 175-88 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.

**(Amended Entire Section 10-27-97-Effective Upon Passage)**

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

A. 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 Board of Architectural Review or approved on appeal as provided herein.

B. 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:

1. He has applied to the Town Council for such right;
2. 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 offer 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; and
3. 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 or 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**

**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 |

4. 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: the reasonable relationship of the offering price to the fair market value of the historic landmark, building or structure, by filing injunctive proceedings in the 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.

#### **175-94 APPEALS (Historic District)**

A. Any applicant aggrieved by a final decision of the Board of Architectural Review 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 hear the matter at its next regularly scheduled meeting and will render its decision on the appeal at the following regularly scheduled meeting. The 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.

B. Any applicant aggrieved by a final decision of the Board of Architectural Review 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 an abuse of discretion. The Circuit Court may also affirm the decision of the BAR.

#### **175-95 MAINTENANCE, PUBLIC SAFETY AND PERMITTED USES (Historic District)**

A. 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.

B. 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.

#### **175-96 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.

**175-97 (RESERVED)**

**175-98 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.

**ENTRANCE CORRIDOR OVERLAY DISTRICT (EC)**

(Adopted 10-11-99)

**175-98.1 STATEMENT OF INTENT (EC)**

Pursuant to Section 15.2-2306 of the Code of Virginia 1950, as amended, the intent of this Entrance Corridor Overlay District (EC) is to promote and protect the health, safety, comfort and general welfare of the community through establishing high quality design criteria. The implementation of these criteria will help to stabilize and improve property values; to protect and enhance the Town's attractiveness to tourists and other visitors; to sustain and enhance the economic benefits accruing to the Town from tourism; and to support and stimulate complimentary development appropriate to the historic and architectural character of the Town. Benefits attributable to the promotion of superior design and appearance of structures constructed along the arterial entrance corridor will ultimately promote the public health, safety and general welfare of the citizens of the Town of Front Royal.

**175-98.2 ESTABLISHMENT OF DISTRICTS (EC)**

The Entrance Corridor Overlay District (EC) will overlay all other zoning districts where it is applied so that any parcel of land lying in an EC shall also lie within one (1) or more other land use districts. The regulations and requirements of both the underlying district(s) and the EC shall apply. However, when the regulations applicable to the EC conflict with the regulations of the underlying district, the more restrictive regulations shall apply.

**175-98.3 DISTRICT BOUNDARIES (EC)**

A. EC boundaries shall be designated on the official zoning map of the Town of Front Royal.

B. The district boundaries shall be designated as the full depth of all parcels of land contiguous to the following public highways, and located within the corporate boundaries of the Town:

(Amended "B" 6-22-15-Effective Upon Passage)

1. U.S. Route 340 from Interstate 66 to the southern corporate limit, except those properties lying within the adopted boundaries of the Historic Front Royal District.

(Amended to add “*Interstate 66*” 6-22-15-Effective Upon Passage)

C. Any property or project partially located within the EC shall be considered to be fully located within the EC and subject to the regulations herein.

#### **175-98.4 REVIEW FOR DESIGN COMPLIANCE (EC)**

A. When Required: The requirements of the EC District shall be applicable to any property located within the EC boundaries for new development, exterior renovations, and new land use activities that propose outdoor lighting, outdoor storage, outdoor sales, and/or outdoor display areas, except that the following exceptions shall be exempt from the requirements of the EC.

1. Regular maintenance of structures, including minor alterations that do not significantly alter the appearance of the structure.
2. Single-family detached dwellings.
3. Accessory buildings under 200 square feet in area.
4. Additions less than 500 square feet in area for buildings existing as of January 1, 1999.
5. Exempt signs and temporary signs.
6. Authorized temporary or seasonal activities and structures.

(Amended/Added “1-6” 1-28-13-Effective Upon Passage)

B. Review Authority: The review authority responsible for the review and approval of projects in accordance with the EC shall be the Director, except for the construction of new buildings and new non-exempt ground-mounted signs, which shall be reviewed by the Planning Commission. Such review shall take place in conjunction with the review of the site development plan or a zoning permit for the property.

(Amended “B” by Adding “*Authority & Director*” 1-28-13-Effective Upon Passage)

#### **175-98.5 SITE AND DESIGN STANDARDS (EC)**

A. Outside Storage, Outdoor Display or Outdoor Sales: In addition to the standards for the underlying zoning district, outdoor storage, outdoor display and/or outdoor sales within the EC District shall be reviewed by the Planning Commission when located within the required yard adjacent to Route 340. The Planning Commission may place reasonable design conditions on such activities, including the designation of a specific area to be used, and/or the requirement of a distance buffer, screen or landscaping.

(Amended 1-28-13-Effective Upon Passage)

B. Utilities: Utility lines, including electric, cable and telephone, to serve the development project shall be installed underground. All junction and access boxes shall be screened. All utility pad



fixtures, meter boxes, etc. shall be shown on the site plan and integrated with the architectural elements of the site.

C. Fences: Fences exceeding four (4) feet in height shall be located in the side and rear yards only. Chain link fences, including those with slats, are discouraged, particularly where visible from the public right-of-way. No chain link fence shall be permitted in the front yard in the EC.

D. Mechanical Equipment: Mechanical equipment shall be shielded and screened from the public view and designed to be perceived as an integral part of the building.

E. Integrated Development: All buildings within the 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.

F. Orientation: Building facades and entrances should be oriented in a manner toward the primary means of vehicular access.

G. 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 25-30 feet to break down the scale of the building into smaller components. Any facade with a blank wall shall be screened in a manner consistent with the requirements of environmental planting screens in Section 148-44. Architectural details shall continue on all facades visible from the public right-of-way. Large expanses of blank walls facing the street are inappropriate.

H. Scale and Proportion: New construction should relate to the dominant proportions of buildings in the immediate area. The ratio of height to width and the ratio of mass (building) to void (openings) should be balanced. The scale and mass of a proposed project should relate to nearby buildings or the streetscape.

I. Materials: Building materials shall be typical of those prevalent in Front Royal/Warren County, including, but not limited to, stucco, brick, architectural block, wood siding and standing seam metal roofs. Inappropriate materials include reflective glass and metal wall panels. No facade visible from the adjoining property or the roadway shall be constructed of unadorned cinder block, unadorned concrete, corrugated metal or sheet metal.

J. Color: The permanent color of building materials (to be left unpainted) shall resemble the predominate tones, primarily earthen tones, prevalent in the historic areas of the community. Garish and striking colors shall be avoided.

K. Adjoining Historic Properties: New construction on properties that adjoin designated historic properties should seek to incorporate the scale, massing and treatment of the historic property into the new construction. Efforts shall be made to relate to the building height, when in proximity to

the principle historic structure. New construction shall not overshadow the adjoining historic property.

L. Lighting: All outdoor lighting fixtures shall be down-directed, with light trespass not to exceed 0.5 foot-candles at the property line. All island canopy ceiling fixtures shall be recessed.

#### **175-98.6 ADOPTION OF STANDARDS AND GUIDELINES (EC)**

The Front Royal Planning Commission may adopt written standards and guidelines to illustrate and clarify the design standards herein, provided that such standards and guidelines are consistent with the intent and provisions of the EC.

#### **175-98.7 APPEALS (EC)**

Any decision made under the provisions of this Section may be appealed to the Front Royal Town Council, following the process outlined in Section 175-94 (A), by any applicant aggrieved by such decision. Further appeal may be made to the Circuit Court, pursuant to Section 15.2-2306.A.3 of the Code of Virginia 1950, as amended.

### **SUPPLEMENTARY PROVISIONS**

#### **175-99 WIDENING OF STREETS OR HIGHWAYS**

Whenever there shall be plans in existence, approved by either the State Department of Highways and Transportation or by the Front Royal Town Council for the widening of any street or highway, the Commission may recommend additional front yard setbacks for any new construction or for any structures altered or remodeled adjacent to the future planned right-of-way in order to preserve and protect the right-of-way for such proposed street or highway widening.

#### **175-100 RECREATIONAL VEHICLES AND TRAVEL TRAILERS**

A. Recreational vehicles and travel trailers may be stored in a side, corner side, or rear yard of a lot, provided they are stored in a location that meets the minimum yard requirements as would be required for an accessory building of the same dimensions. Except as provided in subsection B below, no recreational vehicles shall be stored closer to a street than the minimum setback line or yard requirement in any district and occupancy shall be prohibited. Other restrictions, as found under Chapter 158, Section 19.1, apply to the parking of recreational vehicles within the public right of way.

(Amended 1-28-13-Effective Upon Passage)

B. Temporary parking of recreational vehicles and travel trailers that does not comply with Subsection A may be allowed in the front yard only for the following circumstances:

(Amended 6-22-15-Effective Upon Passage)

1. Temporary parking of up to three (3) consecutive days, located entirely on private property, and on a paved driveway, for the sole purposes of cleaning and preparing the unit for use or storage.
2. Temporary parking of up to fourteen (14) days within any calendar month, up to three times during the calendar year, for temporary accommodation of visitors. The vehicle shall not be permanently connected to public utility system. However, the vehicle may be connected to electricity temporarily for charging batteries or other purpose related to the preparation of the vehicle for use.
3. Temporary parking for the purpose of camping where campgrounds are permitted, or permitted by special use permit.
4. Extensions of time to the above restrictions of this subsection may only be granted under the same conditions as found under Section 175-109.2.E.

(Amended Section 7-22-96-Effective Upon Passage)

(Amended "B" and Added "1-4" 1-28-13-Effective Upon Passage)

#### **175-101 VISIBILITY AT INTERSECTIONS**

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

#### **175-102 FENCES**

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

B. Fences on corner lots shall meet the requirements of Section 175-101.

(Amended 8-14-98-Effective Upon Passage)

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

(Added 2-24-03-Effective Upon Passage)

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

(Amended 2-24-03 and 2-25-13-Effective Upon Passage)

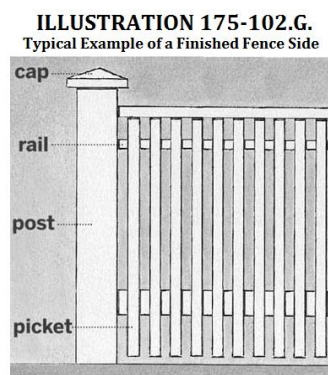
E. Fences surrounding industrial sites, public playgrounds, institutions or schools may not exceed a height of fourteen (14) feet.

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

(Added “F” 2-25-13-Effective Upon Passage)

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

(Added “G” 3-24-14-Effective Upon Passage)



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

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

### **175-104 OFF-STREET PARKING**

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

(Amended 5-14-90, 3-22-93, 4-14-97 and 6-22-15-Effective Upon Passage)

### **175-105 OFF-STREET LOADING**

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

(Amended Section 6-22-15-Effective Upon Passage)

**175-106 SIGNS****A. General Provisions:**

1. **Purpose and Intent:** The purpose of this section is to regulate the size, location, height and construction of all signs placed for public observance; to protect the public health, safety, convenience and general welfare; to facilitate the creation of a convenient, attractive and harmonious community; to protect property values; and to further the urban design and economic development objective of the Town plan. To these ends, these regulations are intended to promote signs that are:
  - a. Compatible with the landscape/streetscape and architecture of surrounding buildings, including historic sites and structure;
  - b. Legible and appropriate to the activity to which they pertain;
  - c. Not distracting to motorists; and
  - d. Constructed and maintained in a structurally sound and attractive condition.
2. **Applicability:** These sign regulations shall apply to all signs erected within the Town of Front Royal following the effective date of this ordinance.
3. **Sign Permit Required:** Except as provided herein, no sign shall be erected, installed, used, altered, relocated, replaced or reconstructed until a sign permit has been issued (and a certificate of appropriateness, if applicable). For the purpose of this Ordinance, all signs are considered accessory uses and accessory structures. Unless specifically qualified, all signs shall be located on the same lot with the principal use to which they pertain.
4. **Special Definitions:** For the purposes of these sign regulations, unless the context otherwise requires, the following terms shall have the meanings established below:

**ANIMATED SIGN** - A sign or part of a sign that moves or appears to move, including, but not limited to propellers, discs, digital screens, projections and flashing lights, but specifically excluding the hands of a clock, clocks, digital displays of only the time, date and temperature, weather vanes, and flags.

(Amended 1-9-12-Effective Upon Passage)

**ARTISTIC MURAL** - A work of art (as a painting) applied to and made integral with a building wall that is prepared by a skilled artist and shows imaginative skill in arrangement or execution.

(Added 6-26-95-Effective Upon Passage)

**AWNING SIGN** - A sign placed, painted or printed directly on the surface of an awning.

(Amended by adding "*painted*" 11-8-93-Effective Upon Passage)

**BANNER** - A temporary sign applied to cloth, paper, balloons or fabric of any kind. Governmental flags or symbolic flags of religious, charitable, public or nonprofit organizations shall not be considered banners.

(Amended by adding “*temporary*” 1-9-12-Effective Upon Passage)

**BILLBOARD SIGN** - See "off-premise sign."

**CANOPY SIGN** - A sign attached or otherwise affixed to a canopy.

(Amended 11-8-93-Effective Upon Passage)

**CHANGE OF USE** - Any change from one business activity to another, except a name change for a specific established business activity.

(Added 11-8-93-Effective Upon Passage)

**CHANGEABLE COPY SIGN** - A sign or part of a sign that is designed so that characters, letters or illustrations can be changed or rearranged without altering the face or surface of the sign.

**DIRECTIONAL SIGN** - An on-premises sign designed to guide vehicular and/or pedestrian traffic by using such words as "Entrance," "Exit," "Parking," "One Way" or similar directional instruction, but not including any advertising message.

**DIRECTORY SIGN** - A sign on which the names and locations of occupants or the use of a building or group of buildings is given.

**FLAG** – Any fabric, cloth, canvas or any non-rigid lightweight material that can be easily folded or rolled and attached to or designed to be flown from a flagpole or similar device and containing distinctive colors, patterns or symbols.

(Added 1-9-12-Effective Upon Passage)

**FLAG SIGN** – A flag used as a sign

(Added 1-9-12-Effective Upon Passage)

**FLAG SIGN, TRADITIONAL** – A flag sign, excluding a sign on a “feather flag”, that does not exceed fifteen (15) square feet in area, and no one side exceeding a length of five feet (5’).

(Added 1-9-12-Effective Upon Passage)

**FLAG SIGN, NON-TRADITIONAL** – A flag sign other than a traditional flag sign. A “feather flag” is an example of a non-traditional flag sign.

(Added 1-9-12-Effective Upon Passage)

**FLASHING SIGN** - A sign used for identification, direction, advertising or promotion that includes lights which flash, blink or turn on and off intermittently.

**FREESTANDING SIGN** - See "ground-mounted sign."

**GROUND-MOUNTED SIGN** - A sign which is supported by structures or supports in or upon the ground and independent of any support from any building.

**IDENTIFICATION SIGN** - A sign which displays only the address and name or crest, insignia or trademark, occupation or profession of an occupant or the name of any building on the premises.

**ILLUMINATED SIGN** - A sign illuminated in any manner by an artificial light source, whether internally or externally lit, including neon.

(Amended by adding "*neon*" 11-8-93-Effective Upon Passage)

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

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

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

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

(Amended 11-8-93-Effective Upon Passage)

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

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

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

(Amended 11-8-93-Effective Upon Passage ; Amended 1-9-12-Effective Upon Passage)

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

(Added 2-25-13-Effective Upon Passage)

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

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

(Added 11-22-10-Effective Upon Passage)

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

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

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

(Amended 1-9-12-Effective Upon Passage)

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

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

5. Prohibited Signs: The following signs are expressly prohibited unless specifically stated otherwise
- a. Billboards and Off-premise signs.
  - b. Portable Signs, except sandwich board signs, as defined above, but including signs displayed on a stationary vehicle.

(Amended “b” by adding “sandwich board signs” 11-22-10-Effective Upon Passage)



- c. Changeable Copy Signs, except for approved institutional bulletin boards and gas station fuel price signs as permitted by this ordinance, and where such signs are incorporated as an element within another permanent sign, provided that the changeable copy area does not exceed twenty (20) square feet or fifty percent (50%) of the total sign area, whichever is less.
- d. Simulated Traffic Signs or any sign which may be confused with or obstruct the view of any authorized traffic sign or signal.
- e. Animated Signs, including but not limited to propellers and discs. This prohibition shall not apply to the hands of a clock, a weather vane or flags.

(Amended by removing “*pennants*” 1-9-12-Effective Upon Passage)

- f. Flashing Signs, except for time and temperature signs.
- g. Glaring Signs or signs with light sources of such brightness as to constitute a hazard, as determined by the Zoning Administrator.
- h. Strings of lights outlining property lines, sales areas or any portion of a structure, unless part of an approved sign or sign structure. This prohibition shall not apply to seasonal decorations.
- i. Roof Signs.
- j. Signs affixed to a tree, other natural vegetation, rocks, public utility poles or public signs.
- k. Signs that obstruct the visibility of intersections or block any window, door, fire escape, stairway or any opening intended for light, air or access to any building.
- l. Signs erected in or over a public right-of-way or on public land, except as allowed in the Historic Overlay District, or as specifically approved by the Town Council.
- m. Home Occupation Signs, except an address or identification sign as provided in Section 175-106A (6)(a) below.

(Amended 11-8-93-Effective Upon Passage)

- n. Non-traditional Flag Signs, except when used as a temporary sign, as regulated by this Chapter.

(Added 1-9-12-Effective Upon Passage)

- o. Offensive Signs, including signs that include obscene, indecent or profane language.

(Added 2-25-13-Effective Upon Passage)

6. Exempt Signs: Sign permits shall not be required for the following signs; however, all other applicable regulations of this ordinance shall apply.
- a. Address or Identification sign. Signs indicating the address and/or names of occupants of premises, not exceeding two (2) square feet in area.
  - b. Changing the message content of an approved directory, institutional bulletin board, theater marquee or changeable copy element of an approved sign.
  - c. Commemorative plaques and historical markers erected by a recognized historical agency or governmental body.
  - d. Flags, emblems and insignia of any governmental agency or religious, charitable, public or nonprofit organization; provided, however, that no single flag shall exceed fifty (50) square feet in area and no single zoning lot shall display more than three (3) such flags. If the total area of such flags exceeds seventy-two (72) square feet, the excess area shall be included in the sign area calculations for the zoning lot.
  - e. Traditional Flag Signs, provided that the following conditions are met:
    - [1] Only one (1) exempt traditional flag sign per parcel shall be allowed.
    - [2] Each exempt traditional flag sign shall be a maximum of fifteen (15) square feet in area.
    - [3] Words or letters used on an exempt traditional flag sign shall only communicate the language “Open” or “Open for Business”, and within the Historic District Overlay District may also identify a non-profit organization or Town government.
    - [4] Compliance with Section 175-106B.3 when located within the public right-of-way on property within the Historic Overlay District.
    - [5] Shall be located within fifty (50) feet from the building entrance.

**(Added Entire “e” 1-9-12-Effective Upon Passage)**

- f. Handicapped Parking Space Sign.

**(Amended 6-26-95-Effective Upon Passage)**

- g. Directional Signs, not exceeding three (3) square feet in area and located on private property. Such signs exceeding 2 1/2 feet in height shall be located no closer than 10 feet from the curb line of abutting streets.
- h. Security and Warning signs. Signs posted on private property warning the public against trespassing or similar messages, provided that any such sign does not exceed 1.5 square feet in area.

- i. Private Drive Signs, one (1) per drive entrance, not exceeding two (2) square feet in area, with the message content limited to the words "Private Drive" and the address of any residences utilizing the private roadway.
- j. Public Signs, including traffic, utility, parking, directional, identification, public event and festival signs approved by the Town Council and other signs displayed for governmental purposes.
- k. Seasonal and temporary displays of patriotic, religious or civic character on private property, not advertising a product or service.
- l. Signs not visible beyond the boundaries of the lot or parcel upon which they are located or from any public right-of-way.
- m. Temporary political campaign signs on private property not to exceed eight (8) square feet in area and six (6) feet in height. Such signs shall be removed within five (5) days after the election.

**(Amended 3-25-02-Effective Upon Passage)**

- n. Sandwich Board Signs, subject to the requirements of Section 175-106A.9.e.

**(Added 1-9-12-Effective Upon Passage)**

- o. Temporary private yard sale signs, not exceeding three (3) in number per yard sale and not placed in a public right-of-way.
- p. Temporary real estate signs, located on the premises, not exceeding five (5) square feet in area for single-family residential districts or eight (8) square feet in area for other zoning districts. No real estate sign shall exceed a height of six (6) feet. One (1) real estate sign shall be permitted per property, except for corner lots, which may have two (2) such signs. Temporary real estate signs shall be removed within seven (7) days of the settlement or lease of the property.

**(Amended 11-8-93-Effective Upon Passage)**

- q. Temporary window signs shall cover no more than fifty percent (50%) of the window area and shall not be displayed above the first floor. Such signs shall not remain in place for more than eight (8) weeks.

**(Amended 6-26-95-Effective Upon Passage)**

- r. Vehicle safety inspection signs not exceeding ten (10) square feet in area. Such signs may be either a wall sign or attached to an existing authorized ground-mounted sign structure [one (1) per business] not to exceed the height of the ground mounted sign.
- s. The re-facing of a sign, as defined, except when located within the Historic Overlay District or Entrance Corridor. **(Added 2-25-13-Effective Upon Passage)**

7. Signs Requiring Temporary Sign Permit: The following signs shall require the issuance of a temporary sign permit by the Zoning Administrator prior to their erection. The permit shall cite the length of time any such sign may be displayed. If, after the expiration of the temporary sign permit, such signs are not removed, the Town may remove them and charge the costs of removal to the enterprise or proprietor responsible.
- a. Special Sales Events Signs, exceeding a 14-day display period, announcing such events and grand openings, new management and going-out-of-business sales. Such signs, shall be attached to an existing principal structure or sign pole, shall not exceed twenty (20) square feet in area.

**(Amended 1-9-12-Effective Upon Passage)**

- b. Temporary and Seasonal Produce, Fireworks and Tree Stand Signs. The total area of all such signs shall not exceed twenty (20) square feet, nor shall any sign exceed six (6) feet in height.

**(Amended 11-8-93-Effective Upon Passage)**

- c. Construction Signs not to exceed one (1) per street frontage, limited to a maximum height of eight (8) feet. The total area of all such signs shall not exceed twelve (12) square feet. Such signs shall be removed within fourteen (14) days following completion of construction.
- d. Temporary Residential Subdivision and Model Home Identification Signs. One (1) sign may be erected for not more than two (2) years at each principal entrance to the development. Such signs shall not exceed eight (8) feet in height or sixteen (16) square feet in area. In addition, one (1) model home sign of not more than four (4) square feet may be maintained at each model home.
- e. Temporary Signs on vacant lots announcing an upcoming event (such as "Coming Soon"). Such signs shall not exceed twenty (20) square feet in size and may be displayed on a given property for one (1) period, not to exceed ninety (90) days, within a twelve-month period.

**(Added "e" 11-8-93-Effective Upon Passage)**

8. General Sign Standards:

- a. Determination of Sign Height and Setback. The height of a sign shall be measured from the average elevation of the street to which the sign is oriented. The setback shall be measured from the property boundary to the closest point of the sign.
- b. Number of Sign Faces. No sign shall have more than two (2) sign faces.

- c. Determination of Sign Area. The area of signs shall include the area enclosing the face of the sign, including all frames or other components not otherwise used for support.
- d. Area of Signs with Two (2) Sign Faces. The area of a sign with two (2) sign faces shall be computed according to the following:
  - [1] Sign faces separated by an interior angle of forty-five degrees (45 degrees) or greater, both sign faces shall be included.
  - [2] Sign faces separated by an interior angle of less than forty-five degrees (45° degrees), one (1) sign face shall be included; provided, however, that the area of the largest sign face shall be used when two (2) faces are unequal in area.

9. Development Standards for Permitted Sign Type: All new signs and all existing signs which are replaced, reconstructed, extended or changed structurally shall comply with the following development standards:

a. Ground mounted sign: Development Standards.

- [1] Road Frontage Requirements: Ground mounted signs up to the maximum allowable size shall be permitted on lots with 100 feet or more of lot width. Where a lot has less than 100 feet of lot width, a ground mounted sign shall not exceed thirty-two (32) square feet in size.

(Amended [1] 11-8-93, and 6-26-95-Effective Upon Passage)

(Amended by removing "zoning" 1-9-12-Effective Upon Passage)

- [2] Minimum Clearance: Where a ground mounted sign is located within twenty-five (25) feet of an intersecting developed street, or Town-maintained alley, a minimum ten (10) foot clearance from the ground to the bottom of the sign shall be provided. For a monument sign, the placement of the sign shall conform with the requirements of Section 175-101.

(Amended [2] 11-8-93 and 6-26-95-Effective Upon Passage)

- [3] Maximum Height: Twenty (20) feet or the height of the principal structure, whichever is less; provided, however, that the maximum height of any ground-mounted sign serving two (2) or more business uses within 1,000 feet of the right-of-way for Interstate 66 shall be twenty-five (25) feet.

(Amended [3] 11-8-93, 6-26-95, 5-28-02 -Effective Upon Passage)

b. Projecting Sign: Development Standards.

- [1] Frontage Requirements: Eighteen (18) feet of ground level frontage.
- [2] Angle of Projection: Ninety (90°) degrees.
- [3] Limit on Projection: Six (6) feet.

- [4] Projection over Right-Of-Way. No sign outside the Historic Overlay District shall project over the public right-of-way, unless specifically approved by the Town Council.

(Amended [4]6-23-92-Effective Upon Passage)

- [5] Minimum Clearance: Seven (7) feet vertical clearance, measured from the established grade directly below the sign to the closest point of the sign.

(Amended [5] 1-9-12-Effective Upon Passage)

- [6] Maximum Height: Fourteen (14) feet or the lowest point of the roof, whichever is lowest.

(Amended [6] 11-8-93-Effective Upon Passage)

c. Wall Sign - Development Standards:

- [1] Placement, Generally: No wall sign shall cover, cross or otherwise hide columns, belt courses or other decorative architectural features of the building, including balconies.
- [2] Maximum Height of Wall Signs: Twenty (20) feet or the lowest point of the roof, whichever is less; provide, however, that the maximum height of any wall sign for a business structure located within 1,000 feet of the right-of-way for Interstate 66 shall be fifty-five (55) feet.

(Amended [2] 11-8-93 and 5-28-02-Effective Upon Passage)

- [3] Limit on Projection: Twelve (12) inches.

- [4] Permanent Window Signs: Additional Restrictions. Permanent window signs shall be limited in area to twenty-five percent (25%) of the window area or twenty-five (25) square feet, whichever is less, and shall be included in the sign area calculations.

d. Awning, Canopy and Marquee Signs: Development Standards.

- [1] Location: Parallel to the face and not projecting above or below the face of the awning, canopy or marquee.
- [2] Limit on Projection: To within one (1) foot of the vertical placement of curbs, but shall in no way interfere or obstruct either pedestrian or vehicular traffic. No such sign outside the Historic Overlay District shall project over the public right-of-way, except as approved by the Town Council.

(Amended [2] 11-8-93-Effective Upon Passage)

e. Sandwich Board Signs: Development Standards

(Amended “e” by adding “*Development Standards*” 1-9-12-Effective Upon Passage)

- [1] Location: Shall be located within fifty (50) feet from the building entrance on the same property as the business that the sign is advertising except for the following:
- [a] The Zoning Administrator may allow one (1) sandwich board sign up to one hundred fifty (150) feet from the building entrance, subject to the consideration of the factors listed under subsection [3] below.
  - [b] The Town Manager may allow (1) sandwich board sign in the public right-of-way if a right-of-way utilization permit is submitted and approved, with all appropriate indemnification or other conditions.

(Amended [1]/Added [a-b] 3-23-15-Effective Upon Passage)

- [2] Duration of Use: The signs may only be displayed during business hours.
- [3] Number: Only one (1) sandwich board sign shall be permitted per business. Within the Historic Overlay District, a business may apply to the Administrator for a second sandwich board sign. The Administrator shall consider the following factors in determining whether to permit a second sandwich board sign:
- [a] Mobility of pedestrians in the affected areas
  - [b] Residential or commercial character of the area
  - [c] Effect of second sandwich sign on other facilities and uses in the affected area,
  - [d] Such other reasonable conditions or factors deemed relevant by the Administrator
  - [e] The message content on a second sandwich board signs greater than 50 feet from the building entrance shall be language, shapes, symbols, or illustrations that principally advertise directions to the location of the business.

(Amended “e” 11-22-10 and 1-9-12-Effective Upon Passage)

- [f] Without requiring a Certificate of Appropriateness, the Zoning Administrator shall consider if the sign is consistent with the guidelines for signs in the Historic District, as published in the Board of Architectural Review’s Historic Overlay District Guidelines.

(Amended [3]/Added [a - f] 3-23-15-Effective Upon Passage)

- [4] Appearance: Signs that are crudely drawn or lettered, such as, but not limited to, when a spray paint can is used to create a sign message that appears nonprofessional; signs that are poorly crafted, or crafted on unfinished materials that are commonly finished, such as, but not limited to plywood; and signs that are poorly maintained, such as, but not limited to a sign that is significantly damaged or weathered or excessively dirty.

(Amended [4] 3-23-15-Effective Upon Passage)

f. Traditional Flag Signs: Development Standards

- [1] Location: Shall only be located on private property, except where a Right-of-Way Utilization Permit is granted by the Town.
- [2] Maximum Height: Twenty (20) feet.
- [3] Visibility at Intersections: Compliance with Section 175-101.
- [4] Frontage Requirements: Eighteen (18) feet of ground level frontage.
- [5] Projection: If a projecting sign, compliance with Section 175-106A.9.b.

(Added “f” 1-9-12-Effective Upon Passage)

10. Construction and Maintenance Standards:

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

11. Nonconforming Signs:

- a. Nonconforming Sign, generally: Any sign which was lawfully in existence at the time of the effective date of this Ordinance which does not conform to the provisions herein, shall be deemed a nonconforming sign and may remain except as qualified in Section 175-160A.11.b, herein. No non-conforming sign shall be enlarged, extended or structurally reconstructed in any manner, unless it is in conformance with these sign regulations. However, a nonstructural sign face may be changed to a new sign face.

(Amended “a” 11-8-93, 6-26-95, 1-9-12, 2-25-13-Effective Upon Passage)

- b. Removal of Nonconforming Signs: Nonconforming signs may remain, provided that they are kept in good repair, except for the following:
  - [1] Damage or Destruction of Nonconforming Sign: A nonconforming sign which is destroyed or damaged to the extent exceeding fifty percent (50%) of its appraised value shall not be altered, replaced or reinstalled unless it is in conformance with these sign regulations. If the damage or destruction is fifty percent (50%) or less of



the appraised value, the sign may be restored within two (2) years of the destruction but shall not be enlarged in any manner. The present day replacement cost of an identical new sign, as determined by a sign contractor or manufacturer, shall be considered the appraised value.

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

(Amended by removing [3]-*Change of Use*" 6-26-95-Effective Upon Passage)

B. Signs Permitted by Zoning Districts:

1. Agricultural and Residential Zoning Districts; Permitted Signs:

a. General Regulations:

- [1] Minimum Setback: Ten (10) feet from all public rights-of-way unless further restricted by provisions of this section.
- [2] Illumination of Signs in Residential Districts: The following signs may be illuminated, by white light only: institutional bulletin boards and residential development identification signs.

b. Signs for Permitted Uses:

- [1] Single-Family and Two-Family Dwellings: None, except for those signs exempt from permit requirements.
- [2] Residential Developments: Permanent subdivision or development identification signs indicating only the name and/or address of the premises. The identification sign shall be a ground mounted or monument sign, and the maximum sign area shall be determined as follows:
- [a] Development of (20) units or less: One (1) ground mounted sign, not to exceed sixteen (16) square feet in area or eight (8) feet in height, at each major street entrance.
- [b] Development of (21) units or more: one (1) ground-mounted sign at each major street entrance not to exceed twenty-four (24) square feet in area or eight (8) feet in height.

(Amended [b] 11-8-93-Effective Upon Passage)

- [c] Where signs are incorporated as part of a monumental entrance structure, such as a gateway, archway or freestanding entry columns, the lettering or signage incorporated therein may be physically divided and still considered as one (1)

entrance sign. The total of all lettering or signage shall not exceed the maximum allowed in this Section.

- [3] General Farming Activities: Two (2) ground mounted farm signs per property up to eight (8) feet in height, with a combined area not to exceed twenty-four (24) square feet.

(Amended [3] 11-8-93-Effective Upon Passage)

- [4] Institutional Signs and Bulletin Boards: One (1) ground-mounted or wall sign per use, not to exceed twenty-four (24) square feet in area and eight (8) feet in height for ground-mounted signs or ten (10) feet in height for wall-mounted signs. The Town Council may, by special permit, approve an increase in size to thirty-two (32) square feet. In addition to the signs otherwise allowed by this section, any educational institution located on not less than fifty (50) contiguous acres and with road frontage on not fewer than four (4) public streets may have up to four (4) ground-mounted identification signs, facing outwards from the grounds of the institution, each not to exceed seventy-five (75) square feet in area and eight (8) feet in height. Two (2) of such signs may have a second face, on the side facing into the institution.

(Amended [4] 11-8-93 and 6-13-05-Effective Upon Passage)

- [5] Professional Office, Nursing Homes and Bed & Breakfast Homes: One (1) sign not to exceed twenty-four (24) square feet per principal structure and eight (8) feet in height.

(Amended [5] 11-8-93-Effective Upon Passage)

- [6] Medical and Professional Centers: Facilities located within a center of at least two (2) acres in size and including five (5) or more functions or offices planned as an integrated development shall be authorized to erect signs based on the following:

[a] Signs for Individual Establishments or Functions Within Center: Same as for multiple businesses, as outlined in Section 175-106B.2.c.

[b] Center Identification Sign: One (1) ground mounted or monument style sign per street frontage with an area of one (1) square foot per four (4) linear feet of lot frontage on which the sign is to be erected, up to a maximum of sixty (60) square feet. The center identification sign shall display only the name and address of the center, and establishments located therein. No other ground mounted signs shall be permitted on that same road frontage within the center.

c. Signs for Accessory Uses:

- [1] Accessory Management or Rental Offices: One (1) sign up to four (4) feet in area and four (4) feet in height.

[2] Other Accessory Uses: one (1) sign up to four (4) square feet in area and four (4) feet in height.

2. Business and Industrial Zoning Districts: Permitted Signs.

a. Signs in Business and Industrial Districts: General Regulations:

[1] Development and Construction Standards: All signs requiring a permit shall comply with the development, construction and maintenance standards of Sections 175-106A.9. and 175-106A.10.

[2] Signs Facing Residential Areas: Any sign erected within one hundred (100) feet of either the principal structure of an existing residential use or the boundary of a residential zoning district shall be non-illuminated and limited to thirty-two (32) square feet in area.

(Amended [2] 11-8-93 and 6-26-95-Effective Upon Passage)

[3] Minimum setback of ground Mounted and Monument Signs: Five (5) feet from any public right- of-way, service drive or entrance.

b. Signs for Individual Businesses: A single business located on one (1) lot or separate businesses located on separate road frontages may erect signs as follows:

(Amended “b” by removing “zoning” 1-9-12-Effective Upon Passage)

[1] Maximum Number of Signs Per Business: Five (5); however, only through lots as defined in Section 175-3 shall be permitted to have more than one (1) ground-mounted sign, with only one (1) sign erected on each street frontage. For structures with a gross floor area of 50,000 square feet or more permitted by Special Permit, additional unlimited wall signs may be permitted, within the maximum area permitted by Section 175-106B.2.b[3], as part of a coordinated design package, reviewed in conjunction with the Special Permit. Such structures previously granted a Special Permit may apply for additional signage by amendment to the Special Permit.

(Amended [1] 6-26-95 and 7-28-03-Effective Upon Passage)

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

(Amended by adding “sandwich board style signs” 11-22-10-Effective Upon Passage)

(Amended by adding “traditional flag” 1-9-12-Effective Upon Passage)

[3] Maximum Size of Signs:

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

(Amended [a] 11-8-93, 6-26-95, 5-28-02 and 7-28-03-Effective Upon Passage)

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

(Amended [b] 11-8-93, 6-26-95 and 5-28-02-Effective Upon Passage)

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

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

(Amended [d] 11-8-93-Effective Upon Passage)

[e] Traditional Flag Sign: Maximum of fifteen (15) square feet, and no one side exceeding a length of five (5) feet.

(Added [e] 11-8-93-Effective Upon Passage)

[f] Sandwich Board Sign: 2' wide and 4' high

(Added [f] 11-8-93-Effective Upon Passage)

c. Signs for a Single Lot Having Two or More Businesses: Multiple businesses located on a single lot may erect signs as follows:

(Amended “c” by removing “zoning” 1-9-12-Effective Upon Passage)

[1] Maximum Number of Signs Per Lot: A lot shall be permitted to have erected either one (1) projecting sign and one (1) ground mounted sign on a street frontage, but not both.

(Amended [1] by removing “zoning” 1-9-12-Effective Upon Passage)

[2] Maximum Number of Signs Per Business With An Individual Outside Entrance: Two (2), except that one (1) additional sign for a corner unit facing a street or parking lot is permitted. For structures with a gross floor area of 50,000 square feet or more permitted by Special Permit, additional unlimited wall signs may be permitted within the maximum area permitted by Section 175-106B.2.b[3][a], as part of a coordinated package, reviewed in conjunction with the Special Permit. Such structures previously granted a Special Permit may apply for an unlimited number of signs by amendment to the Special Permit.

(Amended [2] 6-26-95 and 7-28-03-Effective Upon Passage)

[3] Types of Signs Permitted: Wall, ground mounted, monument style, projecting, awning, canopy, window, marquee, traditional flag or permitted temporary.

(Amended by adding “traditional flag” 1-9-12-Effective Upon Passage)

[4] Maximum Size of Signs: Same as for individual businesses [Section 175 106B.2.b. or multiple businesses located on a single lot [Section 175-106B.2.c.2.

(Amended [4] 7-28-03-Effective Upon Passage)

(Amended [4] by removing “zoning” 1-9-12-Effective Upon Passage)

[5] Directory Sign: One (1) up to sixty (60) square feet in area and twenty (20) feet in height. A ground mounted directory sign precludes the use of any other ground mounted sign on that same street frontage.

[6] Wall Signs For Individual Businesses Sharing A Common Entrance: One (1) wall sign, not to exceed twelve (12) square feet, is permitted for each business tenant.

(Amended [6] 11-8-93 and 6-26-95-Effective Upon Passage)

[7] Tenant Spaces Under Canopied Walkway: Where tenant spaces are recessed under a canopied walkway, one additional double-faced projecting sign [not to exceed six

(6) square feet] located under the canopy adjacent to the main entry of the individual tenant may be permitted.

d. Signs for Commercial, Office and Industrial Centers: Commercial, office or industrial uses located within a center or park of at least two (2) acres in size and including five (5) or more establishments planned as an integrate development shall be authorized to erect signs based on the following:

[1] Signs for Individual Establishments Within Center: the same as for individual or multiple businesses, as appropriate [Section 175-106B.2.b. or c., respectively].

[2] Center Identification Sign: One (1) ground mounted or monument style sign per street frontage, with an area of one (1) square foot per four (4) linear feet of lot frontage on which the sign is to be erected, up to a maximum of sixty (60) square feet Upon request by the owner or owners of the center or park, and with submission of a master plan showing all proposed signage within the center or park, the Planning Commission may approve, or approve with conditions, an increase to the maximum size for a Center Identification Sign up to a maximum area of 150 square feet, and an increase to the maximum number of Center Identification Signs up to a total of two (2), provided that the total square feet of the two (2) signs does not exceed 150. In review of such a request, the Planning Commission will consider the sign(s) appearance, impact(s) to adjacent properties, proximity to other ground-mounted signs, visibility from adjacent roads, and the overall size of the development. The center identification sign shall display only the name and address of the center and establishments located therein. No other ground-mounted signs, other than exempt signs, shall be permitted on that same road frontage within the center or park. (Amended [2] 1-9-12-Effective Upon Passage)

e. Signs For Gasoline Stations: Automobile service and gasoline stations shall comply with all applicable sign regulations within this section; provided, however, that the following additional regulations shall apply:

[1] Changeable Fuel Price Signs: Ground mounted or monument style signs shall be authorized to include changeable fuel price signs indicating the current price of fuel dispensed on the premises. If the fuel price sign is freestanding, it shall be erected as an integral part of the ground mounted sign and shall not be included in the sign area calculations, except for any portion of the price sign that exceeds fifty percent (50%) of the total sign areas.

(Amended [1] 6-26-95-Effective Upon Passage)

[2] Gas Pump Signs: Each gas pump shall be permitted a total of one (1) square foot of sign area to identify the product dispensed.

[3] Canopy Signs: A canopy covering gas pumps shall be permitted additional logo signage located on the canopy, not to exceed a total of twenty-four (24) square feet. Such signs shall be included in the maximum number of signs allowed.

- f. Signs For Theaters: Theaters are authorized to erect one (1) of the permitted wall or marquee signs with a changeable copy board displaying the name(s) and time(s) of the current motion picture or theatrical production.
- g. Signs For Other Uses Within Business and Industrial Employment Districts: In cases where neither the regulations within Section 175-106B.1. or 175-106B.2. specifically address a sign for a permissible use within a business or employment district, the Zoning Administrator shall make a written interpretation of the section, which shall be kept on file and used as a guide for future determinations.
- h. Shared signs for businesses located within 1,000 feet of the right-of-way of Interstate 66: Any two (2) adjacent businesses located within 1,000 feet of the right-of-way of Interstate 66 and which share a common highway entrance shall be authorized to erect one (1) sign structure containing a separate sign for each business which may be erected on the property of either business or partially on each property; provided that such sign structure and the signs thereon comply with the provisions of this section with regard to height and maximum size for each sign on the structure.

(Added “h” 5-28-02-Effective Upon Passage)

3. Signs in the Historic Overlay District:

- a. Certificate of Appropriateness Required: Signs within the Historic Overlay District require the approval of a Certificate of Appropriateness by the Board of Architectural Review prior to the issuance of a sign permit by the Zoning Administrator.
- b. Area, Height and Location of Signs: The area, height and location standards for the underlying zoning district shall be applicable to signs erected in the Historic Overlay District.
- c. Sign Requirements May Be Waived: The Zoning Administrator may authorize the waiver of the sign requirements for setback, spacing, number, frontage, height, area and type of signs within the Historic Overlay District if the Board of Architectural Review approves a specific sign proposal consistent with the character of the building to which it relates and other surrounding properties. In no case, however, may a sign exceed a maximum of sixty (60) square feet.
- d. Additional Review Criteria: Any sign erected within the Historic Overlay District shall also satisfy all applicable standards and guidelines adopted by the Board of Architectural Review.
- e. Signs within the Public Right-of-Way: A sign may be placed within, or project into, the public right-of-way inside of the Historic Overlay District, but only if a Right-of-Way Utilization Permit is issued by the Town.

(Amended “3” 6-23-92-Effective Upon Passage ; Amended “e” 1-9-12-Effective Upon Passage)

C. Administration:1. Sign Permit Procedures:

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

(Amended “a” 11-8-93-Effective Upon Passage)

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

- c. Information Required: All applications for sign permits shall contain or have attached thereto the following information in either written or graphic form:

[1] Name, address and telephone number of the sign erector and the sign owner.

[2] Position of the sign in relation to adjacent lot lines, buildings, sidewalks, streets and intersections.

[3] Type of sign and general description of structural design and construction of materials to be used.

[4] Purpose of the proposed sign.

[5] Drawings of the proposed sign which shall contain specifications indicating the height, perimeter and area dimensions, means of support, method of illumination, colors and any other significant aspect of the proposed sign.

[6] Size and placement of all existing signs to remain on the property.

[7] Any other information requested by the Zoning Administrator in order to carry out the purpose and intent of these regulations.

- d. Recording of Sign Permit: The Zoning Administrator shall maintain a record of all sign permits issued. All sign permits shall be numbered in the order of their issuance.

- e. Inspections: A final inspection shall be completed after installation of approved signs. Any discrepancies between the approved sign and the sign as constructed shall be identified and may result in the halt of construction or sign removal, if so ordered by the Zoning Administrator.



- f. Revocations: The Zoning Administrator may revoke a permit or approval if it is found that there has been concealment or misrepresentation of material facts in either the application or plans.
- g. Appeals: Any decision made by the Zoning Administrator while interpreting or enforcing these sign regulations may be appealed to the Board of Zoning Appeals.
2. Temporary Sign Permit Procedures: All signs requiring the issuance of a temporary sign permit, as established in Section 175-106(A)(7), shall submit all information requested by the Zoning Administrator prior to the issuance of such permit. The approved permit shall include the expiration date of the temporary permit. The applicant may request extensions of said permit for good cause. Temporary signs remaining after the expiration of the permit shall be considered in violation of this chapter and shall be immediately removed.
3. Expiration of Sign Permits; Signs Not Constructed: A sign permit shall expire and become null and void if the approved sign is not completely erected within a period of twelve (12) months from the date the permit was originally issued. The Zoning Administrator may grant one (1) extension of the sign permit for a period of six (6) months, but in no case shall a permit be valid for more than a total of eighteen (18) months. Extensions may be granted only when the proposed sign is in compliance with all current applicable regulations.
4. Variances to Certain Sign Regulations Not Permitted. Unless specifically authorized herein, no variance to the standards established for regulating the size of signs shall be authorized.

(Amended Section 5-13-91-Effective Upon Passage)

### **175-107 NURSING AND CONVALESCENT HOMES, INCLUDING HOMES FOR THE ELDERLY**

In addition to the requirements of the district in which the nursing or convalescent home is located, such uses shall meet the following requirements:

- A. All state rules and regulations for the licensing of such uses.
- B. All requirements of the State Health Department and Fire Marshal's office regarding such uses.
- C. Parking requirements as established in Chapter 148.

(Amended to Add "Chapter 148"6-22-15-Effective Upon Passage)

D. Architectural barriers, such as stairs, for residents of such establishments shall be overcome to the greatest extent possible. Additional safety features, such as handrails, in various areas shall be installed.

**175-107.1 DAY CARE AND DAY-CARE FACILITIES IN RESIDENTIAL ZONING DISTRICTS BY SPECIAL PERMIT**

The following provisions shall apply to day care and day-care facilities located in residential zoning districts:

A. All day-care operations in residential zoning districts shall be restricted to not more than one hundred (100) children per day-care facility.

B. All day-care operations and day-care facilities shall be licensed by the Commonwealth of Virginia in accordance with the provisions of Virginia Code Section 63.1-196, as amended, unless otherwise specifically exempted from such licensing requirements under provisions of the Virginia State Code.

C. Day-care operations in residential districts shall not be permitted in single-family or multifamily residential dwellings.

D. Day-care operations in residential districts shall be restricted to schools, churches, lodges, hospitals, rest, convalescent or nursing homes, offices or halls which are otherwise permitted by right in the respective residential district in question, or any of the aforementioned facilities which are currently in existence as a nonconforming use, or any of the aforementioned facilities which have previously been approved for non-day-care purposes by special permit. The day-care operation shall be an ancillary or additional use to the facility in question. Facilities shall not be constructed in residential districts solely for daycare use.

E. All day-care facilities in residential zoning districts shall be required to have a minimum lot size of twenty thousand (20,000) square feet for day-care operations with fifty (50) children or fewer and forty thousand (40,000) square feet for day-care operations with more than fifty (50) children.

F. In assessing the request for a special use permit to conduct day-care operations in residential zoning districts, the Council shall consider and may require the availability of safe on-site drop-off and pickup areas, outdoor play areas not located in the facility's front yard, fenced play areas and screening or noise buffers for adjacent properties. The Council shall also consider the nature and suitability of the proposed facility, the size, location and characteristics of the grounds or yard, the safety of the children to be cared for at the facility, peak and non-peak traffic patterns, parking, the effects on nearby property and residents, noise and such other factors which the Council deems pertinent in assessing the suitability of any proposed day-care operation in a residential zoning district. (Added Entire Section 10-23-89-Effective Upon Passage)

**175-107.2 BED AND BREAKFAST USES IN RESIDENTIAL ZONING DISTRICTS BY SPECIAL PERMIT**

The following provisions shall apply to Bed and Breakfast Uses located in residential zoning districts:

A. The minimum lot size for a Bed and Breakfast Home use shall be 1.5 acres if associated uses referenced in Subsection H are proposed on the property. The minimum lot size for a Bed & Breakfast with no associated uses in 0.5 acres.

**(Amended 9-27-10-Effective Upon Passage)**

B. The maximum number of guest rooms shall be six (6) for Bed & Breakfasts with a lot size of 1.5 acres or greater. The maximum number of guest rooms shall be three (3) for Bed and Breakfasts with a lot size of 0.5 acres to 1.49 acres.

**(Amended 9-27-10-Effective Upon Passage)**

C. No provisions shall be allowed for cooking in individual guest rooms.

D. Parking shall be provided as follows: Two (2) spaces for residents, one (1) space per guest room and spaces for associated uses as determined by the Planning Commission. Tandem or stacked parking arrangements may be approved. Parking for associated uses must be provided on site.

**(Amended 9-27-10-Effective Upon Passage)**

E. The provision of the required parking and the traffic created due to this use shall not adversely impact any adjacent residential uses.

F. The exterior appearance of the structure shall not be altered from its single-family character.

G. Adequate landscaping, distancing and/or restriction of hours of operation shall be provided to buffer the adjacent residential uses from any noise or light generated by this use that is either uncharacteristic of residential neighborhoods or takes place at times uncharacteristic to residential neighborhoods.

H. Associated uses are allowable and may include but not be limited to catered events such as receptions and dinner parties, provided that such associated uses do not adversely impact any adjacent residential uses.

I. The owner must reside on premise.

**(Added 9-27-10-Effective Upon Passage)**

J. Applicable provisions of the Uniform Statewide Building Code and all other laws, regulations, inspections, and licenses must be met. **(Added 9-27-10-Effective Upon Passage)**

K. Each Bed and Breakfast shall be allowed one (1) on premise sign no larger than two feet by two feet (2' x 2').

**(Added 9-27-10-Effective Upon Passage)**

L. The owner must submit a plat of the property showing the existing conditions and location of the proposed parking.

(Added "A-H" 9-27-10-Effective Upon Passage)

### **107-107.3 BED AND BREAKFAST USES IN COMMERCIAL C-1 AND C-2 ZONING DISTRICTS BY SPECIAL USE PERMIT**

A. The maximum number of guest rooms shall be six (6).

B. No provisions shall be allowed for cooking in individual guest rooms.

C. The owner must reside on premise.

D. The exterior appearance of the structure must not be altered from its single family character.

E. Parking shall be provided as follows: two (2) spaces for residents and one (1) space per guest room.

F. Applicable provisions of the Uniform Statewide Building Code and all other applicable laws, regulations, inspections, and licenses shall be met.

G. The owner must submit a plat of the property showing the existing conditions and the location of proposed parking.

(Added Section 9-27-10-Effective Upon Passage)

### **175-108 PROFESSIONAL OFFICES**

Regulations pertaining to professional offices shall be as follows:

A. Professional offices (doctors, lawyers, engineers and architects, among others) are permitted in the R-3 District after meeting all requirements of this chapter.

B. All activity and equipment, other than parking, must be housed in a fully enclosed building.

C. No noise or odor produced as a result of activity in such offices shall be discernible beyond the boundaries of the lot.

D. All vehicular access to the site shall be from a street which meets Town standards for streets.

E. No display in the building shall be visible from outside of the building.

### **175-108.1 HOME OCCUPATIONS**

All home occupations shall meet the following standards:

A. The use shall be clearly incidental to the principal use of the property for residential purposes and shall not change the exterior appearance of the dwelling unit, or change the character of the neighborhood.

**(Amended 3-25-13-Effective Upon Passage)**

B. Operators of home occupations must be residents on the same parcel, or parcels, where the home occupation is located. Notwithstanding subsection B, nonresident employees may also work for the home occupation, but no more than one (1) nonresident employee may work from the parcel, or parcels, at the same time.

**(Amended 3-25-13-Effective Upon Passage)**

C. No outdoor display, sales or storage of goods, materials or equipment shall be permitted. except that, the Zoning Administrator may authorize up to two (2) business vehicles, including any vehicle used by a nonresident employee. Indoor storage is permitted, provided that it does not violate the other restrictions of this section, including, but not limited to, changing the appearance of the dwelling unit, changing the character of the neighborhood, or increasing traffic.

**(Amended 3-25-13-Effective Upon Passage)**

D. No wholesale or retail business shall be permitted unless it is conducted entirely by mail and/or telephone and does not involve the bulk shipment/delivery of merchandise to and from the premises; provided, however, that articles produced by the home occupation operators may be sold on the premises.

E. Provided that the other requirements of this section are complied with, home occupations shall include, but shall not be limited to, the following uses: home offices, computer repair services, telecommunication services, artist studios, instructional services/tutoring, dressmaking, babysitting/babysitting services, or small item repair services. Uses that are restricted from being classified as home occupations shall include, but shall not be limited to, the following uses: motor vehicle repair, beauty/barber shops (with more than one (1) customer at a time), restaurants, animal hospitals/kennels, retail sales, and dance studios.

**(Amended 3-25-13-Effective Upon Passage)**

F. In the instance of a home occupation involving a nonresident employee, at least one (1) additional off-street parking place shall be provided.

**(Amended 3-25-13-Effective Upon Passage)**

G. No home occupation shall create greater vehicular or pedestrian traffic than is otherwise normal for the district in which it is located.

H. No home occupation shall create noise, dust, vibrations, smells, smoke, glare, electrical interference, fire hazard or any other hazard or nuisance to any greater or more frequent extent than that usually experienced in the district on residentially used zoning lots where no home occupation exists.

I. Notwithstanding other regulations within this Chapter, signs are not permitted for home occupations, except that the Zoning Administrator may authorize a sign for the following circumstances.

1. When the sign is located on an authorized business vehicle and does not exceed ten (10) square feet in size.
2. When the sign is located within the C-1, C-2, C-3, I-1, I-2, or MCD Zoning District, subject to the following conditions.
  - a. Shall not exceed four (4) square feet in size.
  - b. Shall not exceed six (6) feet in height, if freestanding.

(Added Section 10-10-94-Effective Upon Passage ; Amended "I" 3-25-13-Effective Upon Passage)

### **175-109      TEMPORARY CONSTRUCTION TRAILERS**

A. Zoning permits for temporary trailers may be issued by the Zoning Administrator in any zoning district for construction purposes only. Temporary trailers may not be used for residential purposes or sales offices. All permits for temporary construction trailers shall be subject to the following conditions:

1. The Zoning Administrator shall review and approve or deny all requests for temporary construction trailer permits. In assessing a request for a temporary construction trailer permit, the Zoning Administrator shall consider the necessity for such temporary construction trailer, its location and its effects on the surrounding neighborhood and/or adjoining property owners and may require terms and conditions on the location and placement, type and number of trailers, screening and such other reasonable conditions as the Zoning Administrator shall deem necessary.
2. The location of temporary construction trailers on a specific site shall be necessary for the purpose of a construction office or storage.
3. The request for a temporary construction trailer permit shall be filed by the contractor, landowner or State Department of Highways and Transportation as being essential to the construction activity.
4. A minimum area of two thousand (2,000) square feet shall be provided for each temporary construction trailer space.
5. Each temporary construction trailer shall have a minimum of two (2) off-street parking spaces in addition to other parking spaces required by this chapter for other activities.
6. All sanitary facilities must conform to State Health Department trailer camp sanitation requirements.

B. The maximum period allowable for the placement of a temporary construction trailer shall be six (6) months or until completion of the project, whichever is shorter. Applications for renewal

for a successive six-month periods may be submitted if additional time is required to complete the project. However, each renewal application must be filed at least thirty (30) days prior to the expiration of the original temporary construction trailer permit.

C. The Zoning Administrator, in granting a temporary construction trailer permit, may require the posting of a bond to insure that the temporary construction trailer will be removed and the site left in good order at the expiration of the permit.

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

**(Amended 1-8-90-Effective Upon Passage)**

### **175-109.1 TEMPORARY TRAILERS; NONRESIDENTIAL USES**

A. The Town Council in its discretion may grant a special permit for approval not to exceed one (1) year for the use of a temporary trailer or a temporary manufactured home for specified nonresidential purposes related to the following permitted uses:

**(Amended "A" by adding "manufactured" 7-23-12-Effective Upon Passage)**

1. Hospitals.
2. Schools.
3. Churches.
4. Institutions.
5. Rest, convalescent or nursing homes.
6. Public utilities.
7. Industrial facilities.

B. The special permit may be granted for any zoning district, provided that the underlying use is permitted in that zoning district. For good cause shown, Council may vote to grant a single extension for an additional period not to exceed one (1) year.

C. All temporary trailers approved under this section for a period of six (6) months or more shall be placed and anchored on a foundation appropriate for a two-year duration. All such foundations shall be skirted.

D. The special permit application shall specify the event or solution that will terminate the need for the temporary trailer. In assessing the application for a special permit, Council shall consider the following:

1. The effect on surrounding properties.
2. The effect on community appearance.
3. The stated need for a temporary facility, and the availability of alternative solutions.
4. Traffic and safety factors.
5. Such additional factors as may apply to the site, and the particulars of the application.

**(Added 2-14-94-Effective Upon Passage)**

**175-109.2 PORTABLE STORAGE CONTAINERS**

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

**(Amended 1-28-13-Effective Upon Passage)**

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

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

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

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

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

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

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

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



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

(Added Section (A-H) 7-25-05-Effective Upon Passage)

(Amended Section (A-H) 1-28-13-Effective Upon Passage ; Added "J" 1-28-13-Effective Upon Passage)

## **175-110 AUTOMOBILE SERVICE STATIONS**

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

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

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

(Amended "B" 8-24-98-Effective Upon Passage)

### **175-110.1 INOPERATIVE MOTOR VEHICLES**

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

(Amended "A" 7-24-95, 10-8-01-Effective Upon Passage)

B. For the purpose of this section, the word "inoperative" shall mean:

1. A motor vehicle, pursuant to Virginia Code §15.2-904.A.(ii), which for a period of 60 days or longer has been partially or totally disassembled by the removal of tires and wheels, the engine, or other essential parts required for operation of the vehicle.
2. A motor vehicle, pursuant to Virginia Code §15.2-904.A.(iii), on which there are displayed neither valid license plates nor a valid inspection decal.

(Amended "B" 6-22-15-Effective Upon Passage)

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

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

**(Amended 7-24-95-Effective Upon Passage)**

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

**(Added Section 7-22-85-Effective Upon Passage ; Amended "E" 7-24-95-Effective Upon Passage)**

### **175-110.2 TRUCKS AND SEMITRAILERS**

A. In the zoning districts listed below in this subsection, it shall be unlawful for any person, firm or corporation to keep, park or store upon any lot in R-1, R-1A, R-2, R-3 Residential Zoning Districts or any residential portion of a PND or MCD District, any tractor truck or semitrailer designed to be used with a tractor truck, as defined in Virginia Code Section 46.2-100, or any truck with a registered gross weight in excess of twelve thousand (12,000) pounds. These provisions shall apply regardless of whether such a vehicle is kept, parked or stored in the open or within an enclosed structure.

1. R-1 District
2. R-1A District
3. R-2 District
4. R-3 District
5. PND District (only within areas approved solely for residential use)

**(Amended "A" by adding (1-5) and Changed Title 1-28-13-Effective Upon Passage)**

B. The provisions of subsection 175-110.2.A. shall not apply to any of the following vehicles:

**(Amended "B: by Adding Subsection # 1-28-13-Effective Upon Passage)**

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

2. Pickup trucks with a registered gross weight of twelve thousand (12,000) pounds or less.
3. Panel truck with a registered gross weight of twelve thousand (12,000) pounds or less.
4. Motor homes, camping trailers and recreational vehicles as defined in Virginia Code Section 46.2-100. See 175-100 for recreational vehicle regulations.

**(Amended 1-28-13-Effective Upon Passage)**

5. Trailers of every type, except semitrailers designed to be used with a tractor truck.
6. Hospital mobile units and fire and rescue vehicles.
7. Vehicles owned and operated by public utilities.
8. Farm vehicles used in agricultural pursuits on parcels of land one (1) acre or larger.

C. The provisions of subsection 175-110.2.A. shall not apply to any vehicle which comes upon property for pickups, deliveries and service to property made in the regular course of business or which comes upon the property in the course of construction, maintenance or improvement to the property or adjoining streets and facilities.

D. Other than areas where semitrailers are restricted, as listed above under subsection A, trailers may be used for temporary storage; provided that, (i) the location of the semitrailer(s) is not located in the required yard area adjacent to any public street, (ii) the location of the semitrailer(s) does not interfere with required parking, vehicular mobility and vehicular maneuvering, (iii) the location is on an all-weather surface material, (iv) all fire and building code requirements are complied with, (v) a zoning permit is obtained from the Town, and (vi) no more than one trailer for temporary storage shall be permitted on property in any commercial zoning district. A 6' high opaque fence, hedge, landscape screen, wall, building wall, or berm may be used for screening to prevent view of a trailer used for temporary storage.

**(Added Section 5-13-91-Effective Upon Passage ; Added (D) 1-28-13-Effective Upon Passage)**

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

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

- A. All work shall be conducted in a completely enclosed building.
- B. Used or damaged equipment removed from vehicles during the process shall be stored indoors, in a completely screened enclosure or shall be deposited in an approved covered outdoor collection receptacle for appropriate off-site disposal.
- C. Temporary overnight outdoor storage and parking of vehicles waiting for repair or pickup shall be permitted. All damaged vehicles shall be stored indoors or in a completely screened enclosure. No long-term storage (sixty (60) days or more) shall be permitted.
- D. A certificate of compliance with the Virginia Uniform Statewide Building Code shall be obtained for the use prior to commencement of the activity.

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

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

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

(Added Section 10-25-99-Effective Upon Passage ; Added “G” 6-26-00-Effective Upon Passage)

#### **175-110.4 PERFORMANCE STANDARDS FOR WIRELESS TELECOMMUNICATION TOWERS**

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

1. Existing wireless telecommunication towers.

(Amended “1” by removing *broadcasting or communication* 3-24-13-Effective Upon Passage)

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

3. New wireless telecommunication towers.

(Amended “3” by adding *wireless telecommunications* 3-24-13-Effective Upon Passage)

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

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

(Amended “C” by adding *telecommunication* 3-24-13-Effective Upon Passage)

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

(Amended “D” by adding *telecommunication and minimum yard* 3-24-13-Effective Upon Passage)

1. Towers shall have a minimum front, side and rear yard setback equal to the height of the tower; except that, Town Council may allow a reduction to these setback standards when it is designed with breakpoint technology. If the wireless telecommunication tower has been

constructed using breakpoint technology, as defined, the minimum setback distance shall be equal to one hundred percent (100%) of the distance from the top of the structure to the height of the breakpoint, plus the standard minimum setback distance for the underlying zoning district; except that, in no case shall the setback be less than  $\frac{1}{2}$  the height of the entire tower.

(Amended "1" 3-24-13-Effective Upon Passage)

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

3. Towers shall not be located between the principal structure and a public street.

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

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

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

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

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

1. The applicant shall provide the Administrator with at least seven (7) days prior notice of the conducting of the test; provided that this deadline may be extended due to inclement weather or by the agreement of the applicant and the Administrator.

2. The test shall consist of raising one or more balloons from the site to a height equal to the proposed facility.

3. The balloons shall be of a color or material that provides maximum visibility.

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

J. If antennas are proposed to be added to an existing structure, all existing antennas and other equipment on the structure, as well as all ground equipment, shall be identified by owner, type and

size. The method(s) by which the antennas will be attached to the mounting structure shall be depicted.

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

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

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

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

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

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

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

R. Each tower shall be constructed so that all cables, wiring and similar attachments that run vertically from the ground equipment to the antennas are placed on the pole to face the interior of

the property and away from public view, as determined by the Administrator, or so that vertical cables, wiring and similar attachments are contained within the tower's structure.

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

**(Added Section 9-26-05-Effective Upon Passage)**

### **175-110.5 PERFORMANCE STANDARDS FOR URBAN AGRICULTURE**

Urban Agriculture, as defined under Section 175-3 of this Chapter, shall comply with the following performance standards.

A. A zoning permit shall be required for the keeping of animals kept in association with urban agriculture when located on a lot less than 1 acre. Such a zoning 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. 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 zoning permit based on the management plan or other recommendations of the Virginia Cooperative Extension Office, or other qualified expert, nonprofit organization or government entity. The zoning permit shall only be valid for one (1) year; except that, the Zoning Administrator may successively renew the permit in additional one (1) year increments upon expiration; provide that, the use remains in compliance with the management plan and otherwise remains lawful.

B. Single family, duplex or two-family dwellings shall be permitted to keep up to six (6) female chickens (non-crowing hens only), six (6) bee hives, and/or six (6) rabbits.

C. Other types of residential uses, such as townhouses, condominiums, multi-family (apartments), are prohibited from keeping livestock, fowl or bees, except when authorized with a Special Use Permit or Proffer.

D. Commercial and industrial uses, excluding schools, are prohibited from keeping livestock, fowl or bees, except when authorized with a Special Use Permit or Proffer.

E. Roosters, livestock (excluding rabbits), and fowl (excluding hens) are prohibited on lots less than one (1) acre in land area.

F. Pigs are restricted, regardless of lot size, unless a Special Use Permit or Proffer is submitted and approved.

G. Chickens, bees, and rabbits are restricted from the front yard and corner side yard on corner lots.

H. Chickens and rabbits shall be kept within an enclosed area that includes a chicken coop or rabbit hutch. Such facilities shall be kept clean and maintained in good condition.

I. Chickens coops shall be setback at least ten (10) feet from side and rear property lines. Additional setbacks may be required by the Zoning Administrator if recommended as part of the submitted management plan or review agency recommendation.

J. Any permit issued for Urban Agriculture may be revoked by the Zoning Administrator if such use significantly deviates from the approved zoning permit and/or management plan; or if such use creates a violation of the Town Code, including, but not limited to, an unpermitted expansion, noise violation, unpermitted development activity, or nuisance.

K. The sale of goods or services related to Urban Agriculture is not authorized, except where such sale or services is allowed as a principal use of the property. This restriction shall not include the incidental selling or trading with neighbors, family or friends; nor shall it exclude selling produce off-site at farm markets or other venues.

L. The above requirements are considered in addition to all other requirements of the Town Code that may apply.

M. Urban agriculture is not permitted as a principal use of a property; except that, this restriction shall not apply to outdoor gardens.

N. Bee hives must be setback at least ten (10) feet from side and rear property lines, and shall be enclosed on all sides by a fence at least 4 feet in height. A sign between two (2) and four (4) square feet shall be clearly located on the fence to communicate that bees are being kept within the enclosure.

O. Harvesting of honey shall take place within an enclosed building.

**(Added Entire Section 11-23-15-Effective Upon Passage)**

### **175-111 SHOPPING CENTERS**

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

A. Permitted principal uses shall be as follows:

1. Stores for the sale of goods at retail or the performance of customary personal services or services clearly incidental to retail sales.
2. Business, professional or banking offices.
3. Restaurants, cafes or similar places serving food and/or beverages.



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

B. Permitted accessory uses located on the same lot with the permitted principal use. Only the customary accessory uses associated with a commercial district shall be permitted, provided that they are limited to the same lot as the principal uses.

C. Area and bulk regulations shall be as follows:

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

D. Supplementary regulations.

1. Off-street parking and loading: Off-street parking shall be provided on the premises at the rate of five (5) parking spaces per one thousand (1,000) gross square feet for every shopping center facility ten thousand (10,000) square feet in size or less. For shopping centers over ten thousand (10,000) square feet, the parking requirement shall be four (4) parking spaces per one thousand (1,000) gross square feet. Parking shall be permitted in the areas required for front, side and rear yard setbacks up to a point of twenty-five (25) feet from any front, side or rear of the lot line of the shopping center. All parking areas shall be suitably paved with permanent hard-surfaced coverings. Off-street loading spaces shall be provided in accordance with Section 175-105.

(Amended "1" 11-25-91-Effective Upon Passage)

2. Access and traffic controls: All means of ingress or egress from the shopping center to any public street or state highway shall be located at least two hundred (200) feet from any other intersecting street or streets and shall be designed to conduct traffic in a safe manner. The developer shall be responsible for the purchase and erection of any necessary traffic control devices and the construction of additional acceleration or deceleration lanes or service walks as may be required by the State Department of Highways and Transportation or by the Town.
3. Interior circulation: Interior access ways shall be designed so as to prevent the blocking of vehicles entering or leaving the site. Areas provided for loading or unloading of trucks and/or other vehicles or for servicing of shops for rubbish collection or other services shall be adequate in size and shall be so arranged that they may be used without blocking or interfering with interior circulation and parking facilities.

4. Lighting: Lighting for buildings, signs, access ways and parking areas shall be so arranged as not to reflect toward public streets or cause any annoyance to surrounding property owners or residents.
5. Shopping cart storage: Establishments furnishing carts or mobile baskets shall provide definite areas on the site for the storage of said carts. Storage areas shall be clearly marked and designated for the storage of shopping carts and/or mobile baskets.
6. Screening: All lot lines abutting residential districts along the side yard or rear yard shall be appropriately screened by fences, walls or year-round planting and/or other suitable enclosures of a minimum height of four (4) feet. All outdoor storage areas shall be screened or enclosed.
7. Storage of trash or rubbish: Storage areas for trash and rubbish shall be completely screened, and all organic rubbish shall be contained in containers with tightly-fitting lids. No such storage shall be permitted within any required yard space.
8. Signs: Signs shall conform to Section 175-106.
9. Development plan required:
  - a. Prior to the issuance of a special permit, ten (10) copies of a development plan shall be submitted to the Zoning Administrator for review by the Administrator, Planning Commission and Town Council.
  - b. The Development Plan shall contain the following data, together with supplementary data for a particular development, as deemed necessary by the Planning Commission or Town Council.
  - c. Development site information:
    - [1] A vicinity map at a scale of not less than one (1) inch equals two thousand (2,000) feet.
    - [2] A title insurance policy or attorney's certificate showing the owner or owners of the subject property, marketable title to the subject property in such owner or owners, the source of applicant's title or interest in the subject property and the place of record of the latest instrument in the chain of title for each parcel constituting the tract.
    - [3] Total area of the tract.
    - [4] Abutting street names, widths and route numbers.
    - [5] Owners, zoning districts and uses of each adjoining tract.
    - [6] A topographic map with minimum contour intervals and scale acceptable to the Administrator.

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

#### **175-112 TOWNHOUSES (Site Plan Requirements)**

All townhouses shall comply with the following regulations:

A. Area regulations shall be as follows:

1. Minimum lot size for townhouse construction: twenty thousand (20,000) square feet.
2. Minimum lot area per dwelling unit: two thousand five hundred (2,500) square feet.

B. Minimum width shall be as follows:

1. Minimum lot width for development: one hundred twenty-five (125) feet at setback line.
2. Minimum lot width per townhouse unit: twenty (20) feet.
  - a. In the case of a lot at the end of a row of townhouses, the lot width shall be forty (40) feet.
  - b. For corner lots at street intersections, the minimum lot width shall be fifty (50) feet.

C. Minimum yard requirements shall be as follows:

1. Front yard: forty (40) feet from the road right-of-way line. Required parking may be located in a front yard, but not closer than ten (10) feet to the ultimate street right-of-way and not closer than ten (10) feet to any townhouse unit.
2. Rear yard: forty (40) feet for each townhouse dwelling.
3. Side yard: twenty (20) feet for each end unit; thirty (30) feet for each corner lot at street intersections. When a townhouse abuts an R-1, or R-2 District, the side yard shall be thirty-five (35) feet.

D. Maximum building height shall be as follows:

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

E. Minimum parking space shall be as follows:

1. There shall be two (2) off-street parking spaces for each townhouse unit.
2. An off-street parking space shall be a minimum of ten by twenty (10 x 20) feet.
3. No parking space shall be located closer than ten (10) feet to any townhouse unit.

F. Other regulations for all townhouse construction:

1. There shall be no more than eight (8) townhouse units constructed in a continuous series.
2. Each dwelling shall be separated by a noncombustible party wall going through the roof, with a fire resistance of not less than two (2) hours duration.
3. Each townhouse shall front on a public or private street approved by the Town.

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

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

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

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

of existing and proposed planting material shall be submitted with the application for the permit. Screening shall be at least six (6) feet in height.

8. Parking facilities:

- a. Required parking spaces shall be provided on the same lot as the building served or within three hundred (300) feet of property. All parking shall be off-street.
- b. All access drives shall be at least fifteen (15) feet from any building on the lot and from exterior lot lines.
- c. Parking areas shall not be designed or located so as to require or encourage cars to back into a public street in order to leave the lot.
- d. Entrance and exit ways to parking areas shall have a minimum width of twelve (12) feet for each lane of traffic entering or leaving the site, but shall at no time exceed thirty (30) feet in width at the point of intersection with the street.

(Amended “d” 8-14-98-Effective Upon Passage)

- e. All dead-end parking lots shall be designed to provide sufficient back-up area for the end stalls of the parking area.
- f. All access ways and parking areas shall be paved with a hard surface, a double-surface treatment or concrete covering.
- g. Entrance and exit ways and interior access ways shall be designed so as to prevent the blocking of vehicles entering or leaving the site.
- h. Any other requirements deemed necessary by the Planning Commission or Town Council for the public safety shall be complied with.

9. Drainage:

- a. A storm runoff and drainage system shall be installed by the developer in accordance with sound engineering practice so as to adequately drain the project site, to adequately dispose of all runoff and drainage away from the project site and so as not to permit excess flow of water across streets or adjoining properties. Plans for such drainage systems shall be submitted with the application for the permit and shall be subject to approval by the Town Engineer, who may request assistance from other agencies.
- b. All provisions of existing Town ordinances and regulations regarding storm drainage shall be complied with.

10. Lighting: Lighting for buildings, access ways and parking areas shall be so arranged as not to reflect toward public streets or cause any annoyance to building occupants or surrounding property owners or residents.

11. Storage of trash and rubbish: Exterior storage areas for trash and rubbish shall be well screened on three (3) sides with evergreen plantings, and trash shall be contained in vermin-proof containers. Interior storage areas for trash and rubbish shall at all times be kept in an orderly and sanitary fashion.
12. Site plan review and approval: Site plans for new townhouses shall be reviewed by the Planning Commission and approved or rejected by the Town Council. Such plans shall be drawn in accordance with the requirements of Chapter 148.

(Amended "12" by adding "for new townhouses" 6-22-15-Effective Upon Passage)

### 175-113 APARTMENTS

All apartment developments shall comply with the following regulations:

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

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

C. Minimum yard requirements shall be as follows:

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

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

E. Other regulations for all apartment construction:

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



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

1. Parking areas shall be set back at least thirty (30) feet from property lines of the development.
2. There shall be provided twenty-five hundredths (0.25) square feet of usable open space (not including parking or driveway areas) devoted to recreational use for every one (1) square foot of gross residential floor area. This space shall take the form of parks or play areas, etc.
3. Management of open space:
  - a. All open space shall be preserved for its intended purpose as expressed in the final site plan.
  - b. Should the units be for rental purposes, the developer or rental agent shall be responsible for maintenance and management of open space.
  - c. Should the units be for sale, there shall be an establishment of a nonprofit association, corporation, trust or foundation of all individuals or corporations owning residential property within the planned development to ensure the maintenance of open spaces.
  - d. When the development is to administer open space through an association, nonprofit corporation, trust or foundation, said organization shall conform to the following requirements:
    - [1] The developer must establish the organization prior to the sale of any lots.
    - [2] Membership in the organization shall be mandatory for all residential property owners, present or future, within the planned community, and said organization shall not discriminate in its members or shareholders.
    - [3] The organization shall manage all open space and recreational and cultural facilities, shall provide for the maintenance, administration and operation of said land and improvements and any other common land within the planned community and shall secure adequate liability insurance on the land.
    - [4] The organization shall conform to the Condominium Act, Code of Virginia 1950, as amended.
4. The horizontal distance between apartment structures shall be:
  - a. Two (2) times the average height of the two (2) groups of apartments for front or rear walls facing front or rear walls;

- b. One and one-half (1 1/2) times the average height for front or rear walls facing side walls; and
  - c. Equal to the height of the highest building for side walls facing side walls.
5. Parking may be provided in a joint parking facility for a group of apartments with such deed restrictions as are necessary to determine ownership and maintenance of common parking facilities and methods of assigning charges for maintenance, snow removal and repairs.
6. Usable open space devoted to recreational use as herein required shall be designed for use by tenants of the development and shall be improved and equipped by the developer in accordance with plans submitted and approved by the Town Planning Commission and Town Council.
7. Screening shall be provided of sufficient height and density to screen the site from adjoining residential districts whether R-1 or R-2. A planting plan specifying type, size and location of existing and proposed planting material shall be submitted with the application for the permit. Screening shall be at least six (6) feet in height.
8. Parking facilities:
  - a. Number of spaces. Off-street parking, whether garage or on lot, shall be provided on the premises at the rate of two (2) spaces for each apartment unit.
  - b. Location. Required parking spaces shall be provided on the same lot as the building served.
  - c. All access drives shall be at least fifteen (15) feet from any building on the lot and from exterior lot lines.
  - d. Parking areas shall not be designed or located so as to require or encourage cars to back into a public street in order to leave the lot.
  - e. Entrance and exit ways to parking areas shall have a minimum width of twelve (12) feet for each lane of traffic entering or leaving the site, but shall at no time exceed thirty (30) feet in width at the street line.
  - f. All dead-end parking lots shall be designed to provide sufficient back-up area for the end stalls of the parking area.
  - g. All access ways and parking areas shall be paved with a hard-surface, double-surface treatment or concrete covering.
  - h. Entrance and exit ways and interior access ways shall be designed so as to prevent the blocking of vehicles.

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

9. Drainage:

- a. A storm runoff and drainage system shall be installed by the developer in accordance with sound engineering practice so as to adequately drain the project site, to adequately dispose of all runoff and drainage away from the project site and so as not to permit excess flow of water across streets or adjoining properties. Plans for such drainage system shall be submitted with the application for the permit and shall be subject to approval by the Town Engineer, who may seek assistance from other agencies.
- b. All provisions of existing Town ordinances and regulations regarding storm drainage shall be complied with.

10. Lighting: Lighting for buildings, access ways and parking areas shall be so arranged as not to reflect toward public streets or cause any annoyance to building occupants or surrounding property owners or residents.

11. Storage of trash and rubbish: Exterior storage areas for trash and rubbish shall be well screened on three (3) sides with evergreen plantings and contained in vermin-proof containers. Interior storage areas for trash and rubbish shall at all times be kept in an orderly and sanitary fashion.

12. Site plan review and approval: Site plans for new apartment buildings shall be reviewed by the Planning Commission and approved or rejected by the Town Council. Such plan shall be drawn in accordance with the requirements of Chapter 148.

(Amended “12” by adding “for new apartment buildings” 6-22-15-Effective Upon Passage)

**175-114 – 122 (RESERVED)**

**174-123 MANUFACTURED HOMES**

Manufactured homes shall not be permitted within the Town of Front Royal, except where authorized in the A-1 District, and for temporary trailer parks, as specified under this Chapter. New or replacement mobile homes, as defined, are not permitted in the Town.

(Amended by changing to “MANUFACTURED” 7-23-12-Effective Upon Passage)

**NONCONFORMITY**

(Amended 3-25-13-Effective Upon Passage)

**175-124 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.

### **175-125 VESTED RIGHTS**

Pursuant to §15.2-2307 of the Virginia Code, plans for the establishment of new uses, buildings and/or structure 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.

### **175-126 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.

### **175-127 PARKING EXEMPTION FOR THE REUSE OF EXISTING PROPERTIES**

Regardless of Section 175-126, the reuse of properties with existing parking areas and/or loading spaces shall be exempt from the requirement to comply with the current parking area and loading space requirements of this Chapter, or Chapter 148; provided that, the following conditions are met.

1. A zoning permit was previously issued by the Town on the property for a business (commercial) or industrial use.
2. Town Council may require site improvements when a special use permit is required.
3. The number of existing parking spaces shall not be reduced for display or other purposes.
4. When the existing parking area and/or loading spaces are in disrepair, the Zoning Administrator may require the following types of maintenance improvements at the time of issuance of a zoning permit:
  - a. Additional landscaping.
  - b. The demarcation of existing parking spaces by striping, restriping, wheel stops, or signage.

- c. The resurfacing of the existing surface material.

### **175-128 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.
2. On lots with an area or lot width of less than eighty percent (80%) of the minimum required, approval for construction may be granted by special permit by the Town Council, where the Council finds the application meets the following conditions:
  - a. The proposed structure has a finished floor area of not less than ninety percent (90%) of the amount of finished floor area prevalent in comparative homes. Finished floor areas do not include basement areas.
  - b. The proposed structure is compatible with comparative homes in terms of building orientation, scale, proportion and site layout.
  - c. The site grading provides for adequate drainage on and off the site, without any adverse impact onto adjoining properties.
3. 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.
4. The Council may approve a reduction of the side yard requirement, by not more than forty percent (40%), where necessary, to achieve increased compatibility with other structures in the immediate block.

(Amended "A" 1-10-2000-Effective Upon Passage)

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

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.

D. In 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 through action of the Board of Zoning Appeals.

(Amended Section 7-26-99-Effective Upon Passage ; Amended "E" 1-10-2000-Effective Upon Passage)

### **175-129 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 permit, 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.

(Amended Entire Section/Title and Removed (A-D) 3-25-13-Effective Upon Passage)

### **175-130 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.

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.

(Amended Section/Title and Added "D" 3-25-13-Effective Upon Passage)

**175-131 REPLACEMENT, REMOVAL, 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).

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

C. Town Council may approve a special use permit for the repair and/or reconstruction of a building or structure beyond 50% of the market value, provided that the special use permit application is submitted within twelve (12) months of said damage or destruction. Otherwise, when the repair and/or reconstruction work to a nonconforming building or structure exceeds 50% of the market value, it may only be repaired and/or reconstructed to the requirements of this chapter, as applicable for new construction.

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

(Amended Section/Title and Added "D" 3-25-13-Effective Upon Passage)

**175-132 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 Building Official.

(Amended Section 3-25-13-Effective Upon Passage)

**175-133 USES UNDER SPECIAL PERMIT PROVISIONS**

Any use which is permitted by a special 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.

**ADMINISTRATION AND ENFORCEMENT****175-134 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 Administrator. Zoning permits may be waived by the Zoning Administrator for minor repairs and alterations of existing structures.

(Amended "A" 6-22-15-Effective Upon Passage)

B. Each application for a zoning permit shall be accompanied by three (3) copies of an adequately dimensioned drawing unless as otherwise specified. The drawing shall show 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, 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 developers 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. Any other information which the Administrator may deem necessary for the consideration 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. One (1) copy of the drawing shall be returned to the applicant with the permit. The required dimensional drawing is not required for applicants who have submitted site plans in accordance with Chapter 148. (Amended "B" 6-22-15-Effective Upon Passage)

#### **175-134.1 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 a 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 Section 175-3, 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.

(Added Section 12-10-90-Effective Upon Passage ; Amended "D" 6-22-15-Effective Upon Passage)

#### **175-135 CERTIFICATES OF OCCUPANCY**

Land may be used or occupied and buildings structurally altered or erected may be used or changed in use only after certificate of occupancy has been issued by the Administrator. Such a permit shall state that the building or the proposed use or the use of the land complies with the provisions



of this chapter. A similar certificate shall be issued for the purpose of maintaining, renewing, changing or extending a nonconforming use. A certificate of occupancy either for the whole or a part of a building shall be applied for simultaneously with the application for a zoning permit. The permit shall be issued within ten (10) days after the erection or structural alteration of such building or part has conformed with the provisions of this chapter.

### **175-136 SPECIAL USE PERMITS**

A. Where uses are permitted by special 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 party. 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 the 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.

(Amended Section 11-13-89, 2-22-99, 7-23-12-Effective Upon Passage)

(Added "B" 6-22-15-Effective Upon Passage)

### **175-137 FEES, CHARGES AND EXPENSES**

A. The Town Council hereby establishes the following schedule of fees, charges, and expenses for zoning permits, certificates of use, special permits, variances, appeals, amendments and other matters pertaining to this chapter.

For processing an Administrative Variance - \$100.00

For processing a Board of Architectural Review request –

- Administrative Review: \$50.00

- Board of Architectural Review: \$100.00

- Demolition of Historically Significant Structure: \$200.00

For processing a Board of Zoning Appeals application - \$400.00

For Business License Zoning Clearance - \$10.00

For issuing a Certificate of Compliance - \$25.00

For processing an application to amend the Comprehensive Plan - \$400.00

For processing an amendment to the Zoning Ordinance - \$400.00

For processing a Rezoning application –

- 1 acre or less: \$500.00
- Over 1 acre: \$500.00 + \$100.00 per acre over 1<sup>st</sup> acre
- Downzoning: \$400.00

Proffer amendment or Concept Plan/Master Land Use Plan Revision - \$400.00

For processing an application for a Sign Permit –

- Permanent: \$50.00
- Permanent (Entrance Corridor): \$75.00
- Temporary: \$25.00
- Relocation of previously approved sign: no charge for review

Requested Re-advertisement - \$200.00 per meeting

For processing an application for a Special Use Permit - \$400.00

For a Zoning Permit, Commercial Accessories/Additions - \$100.00

For a Zoning Permit, Residential Accessories/Additions - \$25.00

For a Zoning Permit, Multi-Family Residential Dwelling - \$50.00 per unit

For a Zoning Permit, New Commercial - \$100.00

For a Zoning Permit, New Single-Family Residential Dwelling - \$75.00

For a Zoning Permit, Portable Storage Container (Residential or Commercial) - \$25.00 each

Construction or Land Disturbance Activity without a Permit – double zoning permit regular fee

Requested Copies –

- Letter Paper Size: \$0.15 per sheet (b&w) or \$2.00 per sheet (color)
- Legal Paper Size: \$0.50 per sheet (b&w) or \$2.50 per sheet (color)
- 11” x 17” Paper Size: \$0.75 per sheet (b&w) or \$3.50 per sheet (color)
- Bond Paper for over 11” x 17” Sizes: \$0.50 per s.f. (b&w) or \$3.00 per s.f. (color)
- Copy of Zoning Ordinance: \$15.00
- Copy of the Comprehensive Plan (each): \$20.00

**(Amended “A” 6-11-12-Effective 7-1-12)**

B. Until all application fees, charges and expenses have been paid in full, no action shall be taken on any application or appeal.

C. 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 Town 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 ½ 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.

**(Amended Section 7-28-08-Effective Upon Passage)**

**(Added “C” 6-11-12-Effective 7-1-12 ; Amended “C” 1-28-13-Effective Upon Passage)**

**175-138 MEMBERSHIP AND TERMS OF OFFICE OF BOARD OF ZONING APPEALS**

A. 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 malfeasance, misfeasance or nonfeasance, upon written charges and after public hearing. Appointments for vacancies occurring otherwise than by expiration of term shall in all cases be for the unexpired term.

(Amended 7-13-98-Effective Upon Passage)

B. 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.

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

D. 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.

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

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

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

A. 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.

B. 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:

1. 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.

(Amended "1" 9-25-00-Effective Upon Passage)

(Amended by removing "*approaching confiscation*" 6-22-15-Effective Upon Passage)

2. No such variance shall be authorized by the Board, unless it finds:
  - a. That the strict application of the chapter would produce undue hardship.
  - b. That such hardship is not shared generally by other properties in the same zoning district and the same vicinity.
  - c. 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.
3. 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.

**(Amended Va Code References 9-25-00-Effective Upon Passage)**

4. 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.
5. 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 insure that the conditions imposed are being and will continue to be complied with.
6. 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.

**(Added "6" 11-13-89-Effective Upon Passage)**

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

D. 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.

**175-140 RULES AND REGULATIONS OF THE BOARD OF ZONING APPEALS**

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

B. 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.

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

D. 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.

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

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

G. 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.

#### **175-141 APPEALS TO BOARD OF ZONING APPEALS**

A. 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 all 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.

B. 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.

(Amended Section/Added "B" 9-25-00-Effective Upon Passage)

#### **175-142 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.

**175-143 PUBLIC HEARING OF APPLICATION FOR 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 an 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.

**175-144 APPEAL OF DECISION OF BOARD OF ZONING APPEALS**

A. 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.

B. 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.

C. 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 copies 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.

D. 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.

E. 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.

**175-145 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, violating, 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.

#### **175-146 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 hearings 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 Section 15.2-2204, Code of Virginia, as amended. After enactment of any such amendment, further publication shall not be required.

**(Amended VA Code References 9-25-00-Effective Upon Passage)**

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 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 re-mailed. 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 made 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 of 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.

(Amended "D" 1-8-07-Effective Upon Passage)

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.

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 Council may assume that the Commission concurs with the applicant.

#### **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.

(Amended Section 4-19-99-Effective Upon Passage)

#### **175-147.1 ADMINISTRATIVE VARIANCES**

The Zoning Administrator is authorized to grant a variance from the requirements contained in Subsections 175-15(C), 175-18.5(E), 175-24(C) and 175-34(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 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; and

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.

**(Added Section 2-26-01-Effective Upon Passage)**

#### **175-148 EFFECT ON PERMITS ISSUED 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 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.

#### **175-149 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 to 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.

**(Amended VA Code Reference 9-25-00-Effective Upon Passage)**

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

**(Amended VA Code Reference 9-25-00-Effective Upon Passage)**

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.

(Amended "8" by adding "governing body" 9-25-00-Effective Upon Passage)

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 bringing 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.

(Added Section 9-9-85-Effective Upon Passage)

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

As provided in Virginia Code Section 15.2-2298, notwithstanding any contrary provisions in Front Royal Town Code Section 175-149, the provisions of this section shall apply during periods wherein the Town and/or County of Warren has had a population growth of ten percent (10%) 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 population growth or more as described herein.

(Amended VA Code Reference and Other Amendments 9-25-00-Effective Upon Passage)

(Amended by Adding "Town and/or" 6-22-15-Effective Upon Passage)

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.

(Amended "7" by adding "*governing body*" 9-25-00-Effective Upon Passage)

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

(Amended by adding "8" 6-22-15-Effective Upon Passage)

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.

**(Added Entire Section 8-28-89-Effective Upon Passage)**