

DRAFT AMENDMENT

“PLANNED NEIGHBORHOOD DEVELOPMENT (PND) DISTRICT - REVISIONS” (1)

START -----

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.;

- 42 H. Promotes the design of a walkable environment for pedestrians within the neighborhood
43 which provides a circulation system for various transportation modes; and
44
- 45 I. Satisfies the general purposes of zoning regulations to promote health, safety, morals and
46 general welfare of the community.
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49 **175-37.2 EVALUATION CRITERIA (PND)**
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51 Application for rezoning to a Planned Neighborhood Development District shall specifically
52 demonstrate achievement of the following objectives. Each proposed Planned Neighborhood
53 Development will be evaluated on the extent to which these objectives are achieved:
54

- 55 A. Provides a variety of housing types and designs at a range of densities and costs in an
56 orderly relationship to one another.
57
- 58 B. Employs architectural, landscape and/or other design features to provide compatibility
59 between different uses.
60
- 61 C. Includes a network of circulation systems for various transportation modes that connect to
62 the surrounding area.
63
- 64 D. Conserves a minimum of 25% open space, incorporating a system of parks, open spaces,
65 recreational facilities, and public amenities within the development which enhance the total
66 plan of development.
67
- 68 E. Efficiently utilizes land to protect and preserve natural features such as trees, streams, and
69 topographic features.
70
- 71 F. Provides a mechanism to relate the type, design and layout of proposed development to the
72 specific characteristics of the particular parcel.
73
- 74 G. Exhibits consistency with the Town’s Comprehensive Plan and provides overall benefits
75 to the Town.
76
- 77 H. Demonstrates adequate capacity of public facilities and utilities to serve the development.
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- 79 I. Minimizes traffic impacts upon the surrounding traffic network.
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82 **175-37.3 PERMITTED USES (PND)**
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- 84 A. All planned neighborhood developments shall permit the following residential and
85 accessory uses:
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- 87 1. Detached single-family dwellings;

- 88 2. Two-family dwellings;
89 3. Multi-family dwellings;
90 4. Townhouses with a maximum of eight units per structure;
91 5. Accessory buildings or uses as defined in Town Code Section 175-3;
92 6. Recreation or park facilities;
93 7. Retirement living facilities (handicapped accessible)
94 8. Municipal buildings or uses;
95 9. Public utilities: poles, lines, booster and relay stations, distribution transformers,
96 pipes, meters and other facilities necessary for the provision and maintenance of
97 public utilities, including water and sewerage systems. Such utilities shall be buried
98 or otherwise screened in accordance with design standards of the development;
99 10. Home Occupations as set forth in Section 175-108.1;
100 11. Public libraries;
101 12. Schools; and
102 13. Churches.
103 14. Special childcare services.
104 15. Open space and conservation areas.
105 16. Such other uses as determined similar to one or more enumerated uses by the
106 Zoning Administrator.
107
108 B. Planned neighborhood developments shall permit the following community and
109 institutional uses under the terms set forth in Section 175-37.9, Density Bonus:
110
111 1. Day care centers; and
112 2. Community Halls
113
114 C. Planned neighborhood developments comprising 50 acres or more may contain the uses
115 permitted in subsections A and B as well as the following commercial uses:
116
117 1. Neighborhood-oriented commercial businesses;
118 2. Personal services;
119 3. Business or professional offices; and
120 4. Neighborhood restaurants; and
121 5. Banks, branch banks and financial institutions.
122
123 D. Planned neighborhood developments may include the following uses provided such uses
124 are either specifically approved as part of the original development plan or approved by
125 special use permit in accordance with Section 175-136 if proposed subsequent to approval
126 of the ~~Master Land Use Plan~~ **Concept Plan**.
127
128 1. Bed and Breakfast home
129 2. Assisted Living Facility or other nursing home as permitted in the R-3 District.
130 3. Automotive fuel facilities in conjunction with neighborhood retail stores, provided
131 adequate demonstration is made that the facility can be supported by the
132 neighborhood in which it is located without attracting additional traffic into the
133 neighborhood. Such facilities shall not include the storage or sale of automobiles,

134 automotive mechanical or body repair work, painting, welding or other activities
135 not normally associated with the dispensing of gasoline.

136 4. Art galleries and museums.

137
138 E. Except as otherwise specified for PND's, proposed uses within a PND shall be subject to
139 the provisions set forth for such use in the Zoning Ordinance (Chapter 175 of the Town
140 Code).

141
142 ~~F. Prohibited Uses: Junkyards, off site signage, used automobiles and truck/trailer sales,~~
143 ~~manufactured and mobile homes, outdoor storage yards, and industrial uses are prohibited~~
144 ~~in a Planned Neighborhood Development~~

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147 **175-37.4 STANDARDS (PND)**

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149 A. Planned neighborhood developments shall contain not less than 20 contiguous acres.

150
151 B. The project area must be held in single ownership or all property owners within the
152 proposed district must participate in the application.

153
154 C. Planned neighborhood developments shall be served by municipal water and sewer service
155 and municipal electric service if located within the Town's electric service area.

156
157 D. Allowable base residential density. Overall residential density shall not exceed the overall
158 allowable residential density of the parcel or parcels involved prior to the re-zoning,
159 dedicated to uses other than the commercial uses set forth in Sections 175-37.3 B and C.
160 This base residential density may be increased at the Town Council's discretion up to a
161 maximum of 6.0 dwelling units per acre.

162
163 E. Conservation lands. Lands with the following characteristics shall not be developed and
164 shall not be platted as part of a residential, community, institutional or commercial lot
165 within a planned neighborhood development: land within the 100-year flood plain; land
166 with a natural slope in excess of 40 percent, and as determined by standard slope
167 computation methods. These lands shall be designated on the plat for conservation
168 purposes. Conservation lands may be used in computing the allowable base residential
169 density. Non-tidal wetlands may be platted, but shall be protected by preservation
170 easements.

171
172 F. Management and ownership of common open space and facilities. All common spaces,
173 properties, and facilities not deeded to the Town or other public entity shall be preserved
174 for their intended purpose as specified on the approved plan. The developer shall provide
175 for the establishment of a property owner's association conforming to the Virginia Property
176 Owners' Association Act, Code of Virginia (1950) as amended, to ensure the maintenance
177 of all common areas.

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180 **175-37.5 REVIEW AND CREATION OF THE PLANNED NEIGHBORHOOD**
181 **DEVELOPMENT DISTRICT (PND)**

182
183 Whenever a tract of land meets the minimum requirements for classification as a PND district as
184 stipulated herein, the owner may file an application with the Director of Planning, requesting
185 rezoning, or conditional rezoning, to this classification. A preliminary conference with staff prior
186 to such filing is required. Such rezoning, or conditional rezoning, application shall be
187 accompanied with a completed application form, required application fee pursuant to this chapter,
188 and the following information.

189
190 A. Concept Plan:

191
192 ~~1. Procedure: The owner may present and file with the Director of Planning a Concept~~
193 ~~Plan for the project, along with the fee established in the schedule of fees, showing~~
194 ~~the rough layout of major roads within the project, and such areas within the project~~
195 ~~as may be planned for particular uses or mixtures of uses, as outlined below. Upon~~
196 ~~receipt, the Director of Planning shall forward the Concept Plan to the Planning~~
197 ~~Commission for review and comment. The Planning Commission may recommend~~
198 ~~to the Town Council approval, denial or modifications to the Concept Plan. Upon~~
199 ~~review and recommendation by the Planning Commission the Director of Planning~~
200 ~~shall forward the Concept Plan to the Town Council for review and comment. The~~
201 ~~Town Council may approve, deny or approve conditionally with stated~~
202 ~~modifications. Approval of a Concept Plan is only an expression of apparent favor~~
203 ~~to be used in preparation of the PND Master Land Use Plan and does not authorize~~
204 ~~construction of improvements.~~

205
206 ~~2. Submittal Requirements: The Concept Plan shall be prepared by a Virginia~~
207 ~~registered architect, landscape architect, land surveyor or engineer with seal and~~
208 ~~signature affixed to the plan. The plan shall be approximately to scale and clearly~~
209 ~~show the following:~~

210
211 ~~a. Location map showing existing zoning and ownership of property and~~
212 ~~adjacent land;~~

213 ~~b. Identification of principal natural features and/or unique site design~~
214 ~~features;~~

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

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

222 ~~e. Written description of the use areas;~~

223 ~~f. A statement demonstrating consistency with the Town of Front Royal~~
224 ~~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.

1. 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.
- r. Design standards that describe the design principles of the following:
 - i. site arrangement.
 - ii. proposed yards.
 - iii. building heights.
 - iv. building architecture.
 - v. open space characteristics.
 - vi. landscaping.
 - vii. hardscaping.
 - viii. buffering.
 - ix. streetscape design showing scale, proportions and massing.
 - x. signs.
 - xi. recreational amenities

2. General Conformity Required. All future development within the PND District shall generally conform with the approved concept plan. The Planning Director shall make such determinations of general conformity. All future land use applications, such as, but not limited to, preliminary plans, subdivision plans, final

270 plats, zoning permits and/or site development plans may be denied if they do not
271 generally conform with the approved concept plan.
272

- 273 3. Validity. Upon initial approval of a Concept Plan, it shall be valid for five (5) years.
274 The Planning Commission may renew approval of a Concept Plan for a specific
275 period of time, not greater than five (5) years, if a written request is submitted by
276 the property owner before expiration of approval. Once a Concept Plan has expired,
277 a new Concept Plan is required to be resubmitted. When a Concept Plan is
278 resubmitted, either after expiration, or for other reasons requested by the owner, it
279 shall meet the same review procedures and requirements as a rezoning application.
280

281 ~~B. Master Land Use Plan: Within six months of the Town Council's approval or approval~~
282 ~~conditioned upon modifications of the Concept Plan, the developer/owner may prepare and~~
283 ~~file an application for an amendment to the official zoning map to a Planned Neighborhood~~
284 ~~Development (PND) District, as set forth in this chapter, together with the established in~~
285 ~~the schedule of fees for rezoning and an engineered Master Land Use Plan for development~~
286 ~~presenting a unified and organized arrangement of buildings, service areas, parking,~~
287 ~~landscaped areas, recreation areas, open space and community facilities. All information~~
288 ~~submitted for consideration as a Master Land Use Plan shall be of sufficient clarity and~~
289 ~~scale to accurately identify the location, nature, and character of the proposed district. At a~~
290 ~~minimum the information contained on a Master Land Use Plan shall include:~~
291

- 292 1. ~~A map of the boundaries of the proposed development site, showing bearings,~~
293 ~~dimensions at a scale not greater than one (1) inch to six hundred (600) feet;~~
- 294 2. ~~A statement of existing property owner(s) and the proposed developer;~~
- 295 3. ~~Names and addresses of adjacent property owners;~~
- 296 4. ~~A vicinity map drawn at a scale of between one (1) inch equals two hundred 2,000~~
297 ~~feet and showing the relation of the property.~~
- 298 5. ~~Topographic map with contour lines at vertical intervals of not greater than five (5)~~
299 ~~feet at a minimum scale of one inch to 200 feet;~~
- 300 6. ~~A site analysis map of existing conditions, including but not limited to the location~~
301 ~~and delineation of sensitive environmental features, any 100-year floodplain,~~
302 ~~watercourse, non-tidal wetlands, areas greater than 15-percent slope, and~~
303 ~~significant geologic formations or man-made features, existing structures and~~
304 ~~public facilities, historic landmarks, existing zoning on site and surrounding areas;~~
- 305 7. ~~The overall scheme of development including general layout of proposed land uses~~
306 ~~at a scale of one (1) inch equals two hundred (200) feet;~~
- 307 8. ~~The location and acreage of recreation areas, open space and conservation areas,~~
308 ~~parks within the development;~~
- 309 9. ~~The location, acreage and type of nonresidential areas and uses, and community/~~
310 ~~public uses.~~
- 311 10. ~~For each residential area shown, the total number of units in each by type and~~
312 ~~density;~~
- 313 11. ~~An access and circulation plan showing the general location of all existing and~~
314 ~~proposed streets and easements of right of way, bridges, culverts, railroads, and~~
315 ~~utility transmission lines;~~

- 316 12. ~~A traffic analysis and description of the base existing conditions and traffic volumes~~
317 ~~for the connecting external road network serving the site, projected average daily~~
318 ~~traffic for all new streets within the subdivision based on the proposed land uses~~
319 ~~and the traffic growth on adjacent highways, trip generation rates for peak hours by~~
320 ~~development and phase, and internal/external trip distribution and intersection and~~
321 ~~capacity analysis, identifying off-site access and traffic control improvements~~
322 ~~generated by the traffic demands of the proposed project at full development;~~
323 13. ~~The proposed general location of all building areas and other improvements, except~~
324 ~~single family and two family dwellings and accessory buildings;~~
325 14. ~~Notations showing the total gross development acreage, the net development~~
326 ~~acreage, acreage devoted to each land use category, the number of dwelling units~~
327 ~~and overall development density of the project;~~
328 15. ~~General intent and schematic plans for water, sanitary sewer, storm water~~
329 ~~management, electrical services, and other utilities;~~
330 16. ~~An approximate development schedule/phasing plan;~~
331 17. ~~A general description of proposed agreements, provisions, or covenants that govern~~
332 ~~the use, maintenance, and continued protection of property to be held in common~~
333 ~~ownership.~~
334 18. ~~Municipal boundaries through the property.~~
335 19. ~~A narrative statement demonstrating consistency with the Town of Front Royal~~
336 ~~Comprehensive Plan, suitability of the tract for the type and intensity of the~~
337 ~~activities proposed, and the planning purposes to be achieved by the proposed PND~~
338 ~~as stated in Section 175-37.1, the design theme and major elements, principal site~~
339 ~~features, and environmental components integrated into the plan.~~
340 20. ~~An impact assessment on the environment and on community facilities, services~~
341 ~~and taxes.~~
342 21. ~~Demographic profile of proposed development (population, housing, school~~
343 ~~children and employment).~~
344 22. ~~Other relevant data which may be used to evaluate the project.~~
345 23. ~~A set of design guidelines describing the design principles for the site arrangement,~~
346 ~~standards for development including proposed yards, building heights, building~~
347 ~~architecture, open space characteristics, landscaping, hardscape, and buffering, and~~
348 ~~streetscapes related to scale, proportions, and massing at the edge of the district.~~

349
350 The design guidelines will establish the appearance standards to be used as the basis
351 for the appearance review occurring concurrent with the site development review.
352 The purpose of the appearance standards shall be:

- 353
354 a. ~~To encourage development that enhances the character of the Town;~~
355 b. ~~To enhance and protect property values by encouraging excellent design;~~
356 c. ~~To encourage architectural freedom, imagination and variety, and to~~
357 ~~encourage creative design solutions that will enhance the Town's visual~~
358 ~~appearance.~~
359 d. ~~To promote harmonious unified development within a planned~~
360 ~~neighborhood.~~
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~~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.~~

408 j. ~~Plant materials selected for interest in its structure, texture, and color and~~
409 ~~for its ultimate growth using indigenous plants and those that are hardy,~~
410 ~~harmonious to the design and of good appearance.~~

411 k. ~~Protection of plant materials by appropriate curbs, tree guards, or other~~
412 ~~devices in locations which are susceptible to injury by pedestrian or~~
413 ~~vehicular traffic.~~

414
415 4. ~~Signs:~~

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417 a. ~~Signs shall conform to the provisions of Section 175-106 for residential~~
418 ~~districts and this section, except that signs erected on poles shall not be~~
419 ~~permitted.~~

420 b. ~~Every sign shall be of appropriate scale and proportion in relation to the~~
421 ~~surrounding buildings.~~

422 c. ~~Every sign shall be designed as an integral architectural element of the~~
423 ~~building and site to which it relates.~~

424 d. ~~The colors, materials, and lighting of every sign shall be harmonious with~~
425 ~~the building and site to which it relates.~~

426 e. ~~The number of graphic elements on a sign shall be held to the minimum~~
427 ~~needed to convey the sign's principal message and shall be in proportion to~~
428 ~~the area of the sign.~~

429 f. ~~Each sign shall be compatible with signs on adjoining plots or buildings.~~

430 g. ~~Logos shall conform to the criteria for all other signs.~~

431 h. ~~A coordinated, unified sign plan shall be utilized for direction and~~
432 ~~information within the PND.~~

433
434 5. ~~Miscellaneous Structures: Miscellaneous structures and hardware shall be part of~~
435 ~~the architectural concept of the project. Materials, scale and colors shall be~~
436 ~~compatible with the building and surrounding uses.~~

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439 **B. Traffic Impact Analysis (TIA).**

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441 A detailed TIA shall be prepared and submitted with an application to rezone, or
442 conditionally rezone, to the PND District. The TIA shall show the expected average daily
443 traffic movements over any and all existing and planned streets within the proposed
444 planned development, including motor vehicle traffic generated by the uses within the
445 planned development. The traffic impact analysis shall include vehicle traffic generated by
446 the lots within the planned development and expected to be generated in the future from
447 the development of any and all adjacent properties to which and from which additional
448 street connections are reasonably projected to be made and to which and from which
449 additional traffic is reasonably expected to be generated. The study shall also include an
450 analysis of the impact of the projected traffic on the adjacent local, collector and arterial
451 road network, an assessment of the capacity of nearby intersections and appropriate
452 solutions for improvements to the network (based on identified traffic problems) in
453 accordance with Institute of Transportation Engineers (ITE) standards for acceptable street

454 and intersection service levels. Such TIA shall also meet applicable VDOT review
455 procedures and standards.

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458 C. Phase 1 Environmental Analysis.

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460 At a minimum, a Phase 1 Environmental Site Assessment shall be submitted with a
461 rezoning application to the MCD District. The Phase I Environmental Site Assessment
462 shall be based on the anticipated use of the property proposed for development, and shall
463 be prepared by generally accepted national standards for such assessments, such as those
464 developed by the American Society for Testing and Materials (ASTM). A Phase II
465 Environmental Site Assessment may be required at the time of rezoning application, or site
466 plan application, based on the findings of the Phase 1 Environmental Site Assessment. A
467 Phase II Environmental Site Assessment shall be prepared in accordance with the
468 regulations of the Environmental Protection Agency (EPA) and the ASTM. In
469 circumstances where more detailed studies have been completed and provided to the Town,
470 those studies shall be accepted in lieu of an Environmental Site Assessment.

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473 D. Impact Statement.

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475 The applicant shall provide an Impact Statement that provides a narrative of the existing
476 and proposed land use of the property and describe how it conforms to the Comprehensive
477 Plan. The Impact Statement shall also identify how the project will impact the following,
478 and how those impacts are proposed to be mitigated.

479

- 480 1. Fiscal Impacts, capital and operating.
- 481 2. Impacts to the Quality of Life of citizens.
- 482 3. Impacts to Property Values.
- 483 4. Impacts to the Environment.
- 484 5. Impacts to Archeological and Historic Resources.

485

486 ~~D. The Planning Commission shall proceed in general as for any other rezoning application~~
487 ~~as required in the ordinance, and recommend to the Town Council to approve, conditionally~~
488 ~~approve or disapprove the application.~~

489

490 ~~E. The Town Council shall proceed in general as for any other rezoning application as~~
491 ~~required in the ordinance. Subsequent to the public hearing and a recommendation from~~
492 ~~the Planning Commission, the Town Council shall approve, conditionally approve or~~
493 ~~disapprove the application for a Master Land Use Plan.~~

494

495 ~~F. Upon approval of a Master Land Use Plan for development the official zoning map shall~~
496 ~~be amended to indicate the property as "PND - Planned Neighborhood Development".~~
497 ~~Once the Town Council has approved the Master Land Use Plan, all accepted proffers shall~~
498 ~~constitute conditions, enforceable by the Zoning Administrator.~~

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500 **175-37.6 OPEN SPACE STANDARDS (PND)**

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- 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

546 required prior to plat approval. A copy of the proposed property owner's deed and
547 the by-laws and other relevant documents of the property owner's association shall
548 be submitted with the application. The following shall be required if open space is
549 to be dedicated to a property owner's association:

- 551 a. Covenants providing for mandatory membership in the association and
552 setting forth the owner's rights, interests, and privileges in the association
553 and the common land, must be included in the deed for each lot or unit;
- 554 b. The property owners' association shall have the responsibility of
555 maintaining the open space and operating and maintaining recreational
556 facilities;
- 557 c. The association shall have the authority to levy charges against all property
558 owners to defray the expenses connected with the maintenance of open
559 space and recreational facilities; and
- 560 d. The applicant, owner, and/or developer shall maintain control of dedicated
561 open space and be responsible for its maintenance, including all amenities
562 located on the dedicated open space, until such time that 75% of occupancy
563 permits for the approved residential units have been issued and development
564 is sufficient to support the association. The Planning Commission may
565 modify this percentage where the applicant provides adequate data to
566 demonstrate that the property owner's association can adequately support
567 maintenance of the dedicated open space and amenities thereon.

568
569 G. The owner/developer shall convey or restrict the open space land by a deed instrument
570 reviewed and approved by the Front Royal Town Attorney to ensure that the land will be
571 held and managed in perpetuity for open space purposes and shall not be further developed.

572
573 H. If the planned neighborhood development is developed in phases, the provision of
574 dedicated natural open space shall be phased with the construction of dwelling units and
575 other improvements to ensure that a proportionate share of the total dedicated open space
576 is preserved with each phase.

577
578 I. Streets and other impervious surfaces shall be excluded from the calculation of the
579 minimum dedicated open space requirement; however, lands occupied by bike paths,
580 landscaped grounds, or similar common recreational development (excluding tennis courts,
581 golf courses, and buildings) may be counted as dedicated open space, provided that
582 impervious surfaces constitute no more than 5 percent of the total required open space.

583
584 J. Open space shall be permanently dedicated for one of more of the following uses: natural
585 resource conservation, recreational facilities, wetland and water course preservation,
586 selective forestry, wildlife habitat, undeveloped parklands or scenic preservation.

587
588
589 **175-37.7 OFF-STREET PARKING (PND)**

591 Developments within the PND District shall meet all applicable off-street parking requirements of
592 Chapter 148, Section 870, of the Town Code, including all applicable landscaping requirements
593 found under Town Code 156 of the Town Code.

594
595 ~~A. The number, design, location and construction of parking lots, bays, spaces and drives shall~~
596 ~~conform to the applicable requirements of Sections 175-104 and 175-105 Zoning~~
597 ~~Ordinance and Section 148-48 of the Subdivision and Land Development Ordinance.~~
598 ~~Parking for commercial land uses shall also comply with Section 175-45 of the Front Royal~~
599 ~~Town Code.~~

600
601 ~~1. Parking areas shall be planted with trees a minimum of two inches in caliper~~
602 ~~measured six inches above ground level, so that there is at least one tree per ten~~
603 ~~parking spaces within the parking lot. Such trees must be protected by curbing or~~
604 ~~other means against damage by vehicles. A minimum planting area, equivalent to~~
605 ~~162 square feet per tree, shall be provided.~~

606
607 ~~2. Parking areas shall have a landscaped island at each end of each row of vehicle~~
608 ~~spaces. No more than 15 spaces shall be laid out without an intermediate landscape~~
609 ~~island. Such planting islands shall be not less than nine feet wide in the direction~~
610 ~~parallel to the row and not less than 18 feet long in the direction perpendicular to~~
611 ~~the row. Each such island shall have a suitable poured in place concrete curb, or~~
612 ~~approved equal, and shall be planted with grass or ground cover. All hydrants shall~~
613 ~~be located in such islands.~~

614
615

616 **175-37.8 LANDSCAPING AND SCREENING (PND)**

617
618 A. Screening of Uses: Commercial, institutional, and community uses shall be screened from
619 residential uses within and abutting the planned neighborhood development by a buffer
620 yard 20 feet in width containing a minimum of three canopy trees, six understory trees, and
621 nine shrubs per 100 feet of length (or an amount creating an equivalent effect and approved
622 with the landscape plan) along the perimeter of the lot line abutting a residential use.

623
624 B. Screening along Public Roadways: Uses within a planned neighborhood development
625 which abut an arterial street as defined in Section 148-26(C)(3) shall be screened by a
626 buffer yard of 20 feet in width containing a minimum of three canopy trees, six understory
627 trees and nine shrubs per 100 feet of frontage (or an amount creating an equivalent effect
628 and approved with the landscape plan). Canopy trees shall be deciduous shade trees planted
629 with a minimum of two and one-half inches in caliper at six inches above the ground with
630 a mature height of at least 35 feet. Understory trees shall be deciduous shade or fruit trees
631 planted at minimum one and ½ inch in caliper at six inches above the ground with a mature
632 height of at least 12 feet.

633
634 C. Existing Vegetation: Notwithstanding any other provisions of this ordinance, existing
635 vegetation shall be retained and maintained to the extent feasible in order to permit existing
636 vegetation to fulfill or contribute to buffer and screening requirements. In lieu of strict

637 compliance with the above buffer yard requirements, a developer may submit a detailed
638 landscaping plan that will afford a degree of buffering and screening comparable to that
639 provided by these regulations in making use of existing and new vegetation. For
640 developments utilizing more than 10 percent existing vegetation as a density bonus credit,
641 a Certified Arborist shall provide a detailed description of the existing vegetation with
642 notation of specimen trees, to certify compliance. The Arborist report shall be accompanied
643 by the proposed measures for ensuring preservation during and after construction in
644 accordance with the preservation criteria stated in the Town of Front Royal Landscape
645 Preservation and Planting Guide.

- 646
- 647 D. Screening of Refuse Collection Facilities: Uses, except single-family homes within a
648 planned neighborhood development shall provide secure, safe, and sanitary facilities for
649 the storage and pickup of refuse. Such facilities shall be convenient to collection and shall
650 be appropriate to the type and size of use being served. All refuse storage facilities shall be
651 screened on three sides by a solid wooden fence or masonry wall and a tight evergreen
652 hedge. The fourth side shall be angled to minimize the view of the refuse collection facility
653 or shall be screened by an opaque gate made of durable materials. The screening shall be
654 of sufficient height and design to effectively screen the facility from the view from nearby
655 residential uses, streets, adjacent properties, and recreational facilities.

656

657

658 **175-37.9 DENSITY BONUSES (PND)**

659 Residential density bonuses up to a density of 6.0 dwelling units per acre dedicated to uses other
660 than the commercial uses set forth in Sections 175-37.3(B) and (C) may be approved and granted
661 at the discretion of the Town Council upon a finding that a proposed density bonus promotes the
662 purposes of the Planned Neighborhood Development and provides additional public benefit. Each
663 of the following amenities and any other amenities or proffered conditions will be evaluated by
664 the Town Council and used in negotiations with the applicant:

665

666

667 A residential density up to 6.0 dwelling units per acre acceptable to both the applicant and the
668 Town Council.

- 669
- 670 A. Dedicated Open Space: In exchange for increasing the dedicated natural open space beyond
671 the required 25 percent, the project may qualify for a density bonus, provided the natural
672 open space is increased by a minimum of 5 percent of the developable acreage. A bonus
673 shall not be permitted for preservation areas or without sufficient justification of
674 demonstrated benefit to the Town. Priority shall be given to protecting existing stands of
675 mature trees.

- 676
- 677 B. Bikeways/Greenways: A system of bike paths and pedestrian greenways may qualify for a
678 density bonus. In order to qualify, the bike paths or greenways shall form an integrated
679 system of access within the development to principal off-site destinations, and be integrated
680 with other planned or existing systems (i.e., Happy Creek Trail, Conservancy Park Trail,
681 etc.).

683 C. Walk-Up Housing: A dwelling unit located above the ground floor of a structure that
684 contains a non-residential use on the ground floor may be applied toward the allowable
685 base density as one-half of a dwelling unit.

686
687 D. Community and Institutional Uses:
688
689 Day Care Center: In a PND with 75 or more residential units, a parcel may be designated,
690 dedicated and developed for use as a day care center. This lot shall have a minimum of 100
691 square feet per residential unit within the PND, and be developed in accordance with the
692 requirements of Town Code Section 175-107.1.

693
694 Community Hall: In a PND with 100 or more residential lots or units, a community hall
695 may be constructed, with an enclosed area of no less than 25 square feet for each residential
696 unit or lot.

697
698 E. Developed Recreational Facilities: Such facilities may include, but shall not be limited to,
699 tot lots and pocket parks, ball fields, courts or other athletic facilities, swimming pools,
700 public pedestrian plazas or arcades with benches, water fountains and reflecting pools,
701 terraces, sculptures, public art, involving unique design features and amenities. To be
702 considered for a density bonus, such recreational facilities shall be developed at a minimum
703 ratio of three acres per 100 units, in addition to the minimum requirement under **175-37.16**
704 ~~in Section 15~~.

705
706 F. Enhanced streetscapes: Streets s developed with widened sidewalk area, substantial
707 landscaping above the required minimum, approved traffic calming measures, pedestrian-
708 oriented features, and bicycle parking facilities may be considered for a density bonus.

709
710 G. Other: Additional density bonuses may be granted based upon such other innovative factors
711 as may be proposed by the applicant and accepted by the Town Council in its sole
712 discretion.

713
714

715 **175-37.10 TRAFFIC IMPROVEMENTS (PND)**

716
717 Where a proposed planned neighborhood development borders on an existing street whose right-
718 of-way, traffic carrying capacity, or sight lines are inadequate to safely and efficiently
719 accommodate the traffic generated by the proposed development, the Town Council shall require
720 the applicant to dedicate land for needed realignment or widening, and to undertake or fund the
721 needed street improvements.

722
723

724 **175-37.11 DIMENSIONAL STANDARDS (PND)**

725
726 A. Building Separation: No structure under 30 feet in height shall be located within 15 feet of
727 any other structure. Buildings higher than 30 feet shall be separated by a distance
728 equivalent to 50 percent of the height of the tallest building.

729
730 B. Height Limits: The height limits within a planned neighborhood development shall be the
731 same as the height limits set forth in Section 175-36 for structures in the R-3 residential
732 district.

733
734 C. Except as otherwise specifically required by Sections 175-37.01 through 175-37.19,
735 modifications to ~~the following~~ **specific** design standards may be authorized by the Town
736 as part of the rezoning or conditional rezoning application process, provided they are
737 specifically approved, with the modified design standards taking precedence over the
738 design standards of Chapter 148, Chapter 156, and Chapter 175 of the Town Code. **Any**
739 **such modifications are required to be specifically documented on the Concept Plan and/or**
740 **any proposed proffers that may be associated with the rezoning application.**

- 741
742 1. ~~Lot Area~~
743 2. ~~Lot Width~~
744 3. ~~Setbacks and Yard Area~~
745 4. ~~Building Height~~
746 5. ~~Building Separation~~

747
748 **175-37.12 PERIMETER BOUNDARY (PND)**

749
750 A. No portion of a building, structure, or parking area, shall be located within 55 feet of
751 abutting property that is not part of the proposed planned neighborhood, unless the zoning
752 of the adjacent property permits uses similar to the proposed Planned Neighborhood
753 District use to be located abutting the common boundary. Where proposed PND uses are
754 similar to uses permitted on the adjacent property, the minimum separation shall be that
755 same as required for the zoning district on the adjacent property.

756
757 B. No portion of a non-residential use, multi-family residential use, community use,
758 institutional use or active recreational use shall be located within 100 feet of abutting
759 property that is not part of the proposed planned neighborhood, unless the abutting property
760 is developed as a Planned Neighborhood District, whereas the separation shall be equal to
761 the existing yard requirement on the abutting Planned Neighborhood District property.

762
763 C. The minimum front yard requirement of the R-1 zoning district shall apply for a minimum
764 of 200 feet from the border of a planned neighborhood development and adjoining property
765 that share frontage on the same side of a street.

766
767
768 **175-37.13 MULTI-FAMILY DWELLING AND TOWNHOUSE RESIDENTIAL**
769 **DEVELOPMENT STANDARDS (PND)**

770
771 ~~Multi-family housing. Such housing shall be either townhouses, multiplexes or Retirement Living~~
772 ~~Facilities.~~

773

774 A. Townhouses: ~~The maximum number of dwelling units permitted within a townhouse~~
775 ~~structure shall be eight.~~ Townhouse structures shall be developed in compliance with the
776 following requirements:
777

778 1. ~~There shall be a minimum of two and one half parking spaces for each townhouse~~
779 ~~unit. The shared use of such overflow parking with other uses and activities is encouraged.~~ Provisions for recreational vehicle parking shall be provided for all
780 developments with townhouses. Such provisions shall include off-street parking
781 spaces of adequate size to accommodate recreational vehicles, that are not located
782 in the front of buildings.
783

784
785 2. Walkways of four feet in width, constructed of concrete, stone, brick or similar
786 masonry material, (not including asphalt), shall be installed from parking areas to
787 townhouse units served by such parking areas.
788

789 3. The facades of townhouse units shall have variation in materials, setbacks, and
790 design so that abutting units will not have the same or essentially the same
791 architectural treatment of facades and rooflines.
792

793 4. The maximum length of a row of connected townhouse units shall be 160 feet.
794

795 5. A rear access easement or alley, with a width of at least ten (10) feet, shall be
796 provided for all townhouses.
797

798
799 B. ~~Multiplex~~ Multi-family Dwellings Structures: The maximum number of dwelling units
800 permitted within a ~~multiplex structure~~ multi-family dwelling shall be thirty-six (306).
801 Multiplex structures shall be developed in compliance with the following requirements:
802

803 1. ~~There shall be a minimum of two and one half parking spaces for each unit. The~~
804 ~~shared use of such overflow parking with other uses and activities is encouraged.~~ Provisions for recreational vehicle parking shall be provided for all developments
805 with multi-family dwellings. Such provisions shall include off-street parking
806 spaces of adequate size to accommodate recreational vehicles, that are not located
807 in the front of buildings.
808

809
810 2. Walkways of four feet in width, constructed of concrete, stone brick or similar
811 masonry material, (not including asphalt), shall be installed from parking areas to
812 multiplex units served by such parking areas.
813

814 3. The minimum size of each individual unit shall be no less than 600 net square feet.
815

816 4. The maximum length of a multi-family dwelling structure shall be 160 feet.
817
818

819 C. Retirement Living Facilities: The structures shall be developed in compliance with the
820 following requirements:

- 821
- 822 1. The facilities shall be developed as either condominium or cooperative units.
 - 823
 - 824 2. There shall be no less than two parking spaces for each unit. The shared use of such
825 overflow parking with other uses and activities is encouraged.
 - 826
 - 827 3. Walkways of four feet in width, constructed of concrete, stone, brick or similar
828 masonry material (not including asphalt), shall be installed from parking areas to
829 the retirement units served by such parking areas.

830

831 D. Accessory buildings shall be limited to one enclosed storage building not exceeding seven
832 feet in height nor exceeding ten feet in length by ten feet in width.

833

834

835 **175-37.14 UTILITIES (PND)**

836

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

839

840

841 **175-37.15 ACCESSORY STRUCTURES (PND)**

842

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

845

846

847 **175-37.16 NEIGHBORHOOD RECREATIONAL USES (PND)**

848

849 A minimum of 335 square feet for each residential unit shall be dedicated and developed for
850 neighborhood recreational use to serve the recreational demands generated by the planned
851 neighborhood development. Recreational facilities shall be specifically included in the
852 development schedule and be constructed and fully improved by the developer at an equivalent or
853 greater rate than the construction of residential structures.

854

855

856 **175-37.17 COMMERCIAL USES DEVELOPMENT STANDARDS (PND)**

857

858 A. The total acreage of commercial users in Planned Neighborhood Development Districts
859 shall comply with the following requirements.

860

Acreage of PND	Total Acreage of Commercial Uses
20 Acres — 50 Acres less than 50 Acres	No Minimum 5% Maximum

51 Acres—100 Acres greater than 50 acres	5% Minimum 10% Maximum
101 Acres Plus	5% Minimum—15% Maximum

861
862 ~~The developer/owner shall provide specific justification of commercial areas proposed in~~
863 ~~excess of 5% of the total acreage, identifying specific impacts of the commercial~~
864 ~~development and demonstrating adequate mitigation of such impacts.~~

865
866 For the purposes of the percentage requirements above, commercial uses shall include
867 those uses listed under 175-37.3.C, as well as churches, day care centers, community halls,
868 bed and breakfast homes, art galleries and museums.

- 869
870 B. Commercial uses shall be designed with the intention of serving the immediate needs and
871 convenience of residents within and immediately surrounding the Planned Neighborhood
872 Development.
873
874 C. Commercial uses shall not receive a certificate of occupancy until building permits have
875 been issued for fifty percent of the residential units within the Planned Neighborhood
876 Development.
877
878 D. Commercial structures shall comply with the height requirements in Code Section 175-50.
879
880 E. Commercial uses shall comply with the Performance Standards in Code Section 175-52.
881
882 F. Parking for commercial uses shall be in accordance with Town Code Section 175-104 148-
883 870.

884
885
886 **175-37.18 DEVELOPMENT REVIEW (PND)**
887

- 888 A. The development review process, procedures and other requirements of Chapter 148 shall
889 be required for new development and subdivisions within the PND District.
890

891 ~~Within one year of approval of a Master Land Use Plan Concept Plan for development of a~~
892 ~~Planned Neighborhood, prior to the approval of building permits, the applicant shall prepare and~~
893 ~~submit for review and approval an engineered Development Plan, along with the fee as~~
894 ~~established in the approved schedule of fees. The applicant may petition the Town Council for an~~
895 ~~extension of time for submission of a development plan, provided such extension is requested at~~
896 ~~least 20 days prior to the expiration of the one-year period. The Town Council may grant an~~
897 ~~extension upon demonstration of good cause for up to one year.~~

- 898
899 ~~A. Development Plan: A Development Plan shall be submitted for all proposed commercial,~~
900 ~~residential, community facility, institutional, or multi family residential development~~
901 ~~within a Planned Neighborhood Development. The Development Plan shall be drawn to~~
902 ~~scale and shall be accompanied by a narrative, as appropriate. The Development Plan shall~~

903 comply with the provisions of Sections 175-111 through 175-122 and Section 148-20 of
904 the Code of Front Royal, Virginia, unless otherwise provided for herein, and the following:

- 905
- 906
- 907 1. ~~All information required for the master plan submission.~~
- 908
- 909 2. ~~A development schedule. If phasing is proposed, indication of the proposed phasing~~
910 ~~schedule, along with a plan indicating phased sections.~~
- 911
- 912 3. ~~A landscape plan prepared by a certified landscape architect or land surveyor shall~~
913 ~~be submitted with each site development plan application. The development plan~~
914 ~~shall identify proposed trees, shrubs, ground cover, natural features such as rock~~
915 ~~outcroppings, other landscaping elements and planting details. When existing~~
916 ~~natural growth is proposed to remain, the applicant shall include in the plans a~~
917 ~~description of the landscaping to be retained, a statement from a certified arborist~~
918 ~~that the material is desirable and healthy, and the proposed methods to protect the~~
919 ~~retained trees and growth during and after construction.~~
- 920 4. ~~Proposed number of dwelling units by residential types, and the area of non-~~
921 ~~residential buildings by use type (retail, office, service, etc.).~~
- 922 5. ~~Calculation of the percentage of land area covered by the various land uses,~~
923 ~~including landscaped areas.~~
- 924 6. ~~Proposed circulation plan showing patterns of vehicular, pedestrian, or other traffic,~~
925 ~~parking areas (including the number of parking spaces).~~
- 926 7. ~~Notes identifying any deviations from the approved master plan.~~

927

928 ~~B. Development Plan Revisions, Modifications: After approval, all subsequent plans, plats,~~
929 ~~and permits for the PND shall be in substantial compliance with the approved PND Master~~
930 ~~Land Use Plan. Minor adjustment to the Master Land Use Plan may be approved~~
931 ~~administratively provided there is no increase in the overall density or number of housing~~
932 ~~units in the development and no reduction in useable open space. Revisions or~~
933 ~~modifications which substantially change the development, design, density, concept, uses,~~
934 ~~or magnitude shall cause the revised plan to be referred back through the review process~~
935 ~~as if it were an original submission.~~

936

937 ~~Revisions to the Site Development Plan may be proposed by the applicant prior to the~~
938 ~~Town Council's review. The Town Council at its discretion may consider the application~~
939 ~~with minor revisions as proposed or may return the plan to the Planning Commission for~~
940 ~~further review.~~

941

942 ~~C. Amendments to Planned Development Districts: Land area may be added to an established~~
943 ~~PND if it adjoins and is demonstrated to become an integral part of the approved~~
944 ~~development. The procedures for any addition of land shall be the same as for an original~~
945 ~~application and all requirements shall apply.~~

947 ~~D. Final Plats: Final Plats shall be submitted concurrently with the Site Development Plan.~~
948 ~~Except as provided herein, Planned Neighborhood Development plats shall comply with~~
949 ~~the Zoning~~

951 ~~Ordinance, Chapter 175 and the Subdivision and Land Development Ordinance, Chapter~~
952 ~~148 of the Town of Front Royal, Virginia, except that reasonable waivers and variances as~~
953 ~~described in Chapter 148 may be granted by the Town Council in order to facilitate creative~~
954 ~~design consistent with good community planning standards.~~

955
956 ~~E. Recordation of Documents: Any applicable covenants, governance documents and~~
957 ~~easements shall be recorded in the Warren County Circuit Court Clerk's office within six~~
958 ~~(6) months of approval of the Final Plat.~~

959
960 ~~F. Appearance Review: Appearance Review by the Planning Commission shall be required~~
961 ~~for all proposed commercial, community, institutional, or multi family residential~~
962 ~~development within a planned neighborhood development to ensure conformity with the~~
963 ~~appearance standards established by the approved design guidelines for the Planned~~
964 ~~Neighborhood Development. Such review shall occur in conjunction with the Site~~
965 ~~Development Review. Compliance with the requirements for Appearance Review shall be~~
966 ~~in addition to all other requirements.~~

967
968
969 **175-37.19 DEFINITIONS (PND)**
970

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

974
975 **COMMUNITY HALL** - A community hall is a structure designed and constructed for civic uses
976 and shall include a community meeting room, a library annex, space dedicated to historical or
977 cultural displays or uses, athletic or exercise facilities, or uses found to be similar in intent and
978 function with this section.

979
980 ~~**MULTIPLEX MULTI-FAMILY DWELLING STRUCTURE** - This term shall mean a~~
981 ~~residential dwelling unit designed with not more than thirty (30) separate dwelling units for a~~
982 ~~maximum occupancy by thirty (30) families living independently of each other. For the purposes~~
983 ~~of the PND District a multi-family dwelling is the same as defined under Town Code 175-3; except~~
984 ~~that, such dwelling shall be limited to no more than thirty-six (36) dwelling units.~~

985
986 **NEIGHBORHOOD RECREATION USE** - This term shall include basketball courts, tennis
987 courts, playgrounds, tot lots, picnic areas, and the like.

988
989 **NEIGHBORHOOD RESTAURANTS** - A restaurant of not more than 20 seats, nor five
990 employees, open for business not later than 10 p.m.

991

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

997
998 **NONTIDAL WETLANDS** - Those wetlands other than tidal wetlands that are inundated or
999 saturated by surface or ground water at a frequency or duration sufficient to support, and that under
1000 normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated
1001 soil conditions, as defined by the U.S. Environmental Protection Agency pursuant to Section 404
1002 of the Clean Water Act as amended.

1003
1004 **OPEN SPACE** - Common space generally intended for passive recreation and not improved with
1005 a building, structure, vehicular travel lane, driveway, street, sidewalk, or parking area. Open space
1006 may include pedestrian ways, bike paths, trails interconnecting open space areas; undisturbed
1007 natural areas, woodlands, preservation areas; community facilities; landscaped grounds, buffers;
1008 playgrounds and tot lots; swimming and boating areas.

1009
1010 Open space shall not include yards within individual residential lots, yards less than (30) feet wide
1011 between buildings, lands occupied by tennis courts, golf courses, and buildings.

1012
1013 **PLANNED NEIGHBORHOOD DEVELOPMENT** - Planned neighborhood development
1014 (PND) is used in two contexts. Depending upon the context, planned neighborhood development
1015 refers to the development authorized by the ordinance or a project which is proposed for
1016 consideration under this ordinance. This term shall have the same meaning as mixed-use
1017 development and planned unit development as defined in the Code of Virginia (1989 Session
1018 Virginia Acts of Assembly - Chapter 384).

1019
1020 **RETIREMENT LIVING FACILITIES** - In accordance with Virginia Code Section 36-96.7,
1021 residential structures within a planned neighborhood development that are intended to be absent
1022 of school age children and which ensures, through covenants, management regulations or other
1023 similar legal instruments, enforceable by a homeowners' association or other similar private entity,
1024 that at least one of the residents of at least 80% of the units is 55 years of age or older. Such
1025 facilities may include extended care or nursing home facilities as defined in Section 175-3 of the
1026 Town Code.

1027
1028 -----END

1029
1030 **Editorial Notes:** All language shown in **yellow highlight** is proposed new text. Text
1031 shown in *[brackets]* is a note to the editor. All language shown in ~~strike through~~ is existing
1032 language that is proposed to be removed. Regular text shown is existing language with
1033 no changes proposed.

1034

1035 Drafted 3/7/17 (JFC)