

Article 3 Zoning Districts and Map

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Article 3 Zoning Districts and Map

3-1 Zoning Districts Established

3-1.1 Base Districts

For the purpose of this Ordinance, the incorporated area of Warrenton, Virginia, is divided into the following base zoning districts. It is not required that every district be shown on the Zoning Map at any given time. Districts will be shown on the Zoning Map in accord with map amendments adopted by the Town Council.

R-15	Residential District
R-10	Residential District
R-6	Residential District
RT	Residential Townhouse District
RMF	Residential Multifamily District
R-40	Residential District
R-E	Residential District
RO	Residential Office District
PSP	Public-Semi-Public Institutional District
C	Commercial District
CBD	Central Business District
I	Industrial District

3-1.2 Overlay Districts

The following overlay zoning districts are established:

FPD	Flood Plain District
PUD	Planned Unit Development
HD	Historic District

3-2 Zoning Map

The boundaries of the districts listed in Section 3-1 shall be as delineated upon the map entitled, "Zoning Map: Town of Warrenton, Virginia" which is a part of this Ordinance. The map and all notations, references, and other data shown thereon shall be made part of this Ordinance, as if the matters and data shown by the map were fully described herein.

3-3 Zoning District Boundaries

The boundaries between districts are, unless otherwise indicated, either the center line of streets, lanes, alleys, or railroads; shorelines of streams, watercourses, reservoirs, or other bodies of water; property lines; and the center line of right-of-ways of power lines and other public utilities.

Where uncertainly exists as to the location of any district boundaries as shown on the Zoning Map, the following rules shall apply:

- 3-3.1 Where a district boundary is indicated as approximately following the center line of a lake or watercourse, or the right-of-way of a street, lane, power line or other public utility, the center line or right-of-way boundary shall be construed to be the district boundary.
- 3-3.2 Where a district boundary is indicated as approximately following a lot line or other property line, such lot line or property line shall be considered the district boundary.
- 3-3.3 Where a district boundary divides a lot or runs through individual property, the location of such boundary, unless otherwise specified by figures on the Zoning Map, shall be determined by the use of the scale appearing on the Zoning Map.
- 3-3.4 Where figures are shown on the Zoning Map between a street and a district boundary, they shall indicate that the district boundary runs parallel to the street line at a distance therefrom equivalent to the number of feet so indicated, unless specified. In the event scale distances do not agree with such figures, the figures shall control.

3-4 Requirements for Base Zoning Districts

3-4.1 R-15 Residential District

3-4.1.1 Legislative Intent

This district is composed of low density, single-family dwellings and other uses which are customarily incidental to them. This district is designed to implement the Town's Comprehensive Plan and stabilize and protect the essential low-density residential characteristics of the district, by encouraging a suitable environment for family life and by prohibiting all activities of a commercial nature except home occupations.

To these ends, development is limited to relatively low densities and permitted uses are limited to single-family dwellings, plus certain compatible uses by special use permit. In order to provide flexibility in adapting new development

to the natural constraints of a site, provisions are allowed for residential units to be clustered in return for the preservation of additional open space on the site.

3-4.1.2 Permitted Uses (by-right)

- Accessory buildings.
- Group Homes of eight (8) residents or less
- Home occupations.
- Off-street parking for permitted uses subject to Article 7.
- Open space subject to Article 9.
- Public utilities and their facilities, including poles, wires, transformers, underground pipelines or conduits but not those facilities listed as requiring a special use permit.
- Signs subject to Article 6.
- Single-family detached dwelling units.
- Yard sale or garage sale

3-4.1.3 Permissible Uses (by special use permit approved by the Town Council, in accord with Article 11)

- Accessory dwelling units [moved]
- Active and passive recreation and recreational facilities.
- Bed and breakfast facility or tourist home.
- Churches
- Cluster Development (see Section 9-6)
- Community buildings.
- Day care center.
- Family care homes or foster homes.
- Golf courses, swim, and tennis clubs.
- Group Homes of more than eight (8) residents
- Home business
- Hospitals and clinics.
- Inn.
- Libraries.
- Nursing or convalescent homes.
- Parks and playgrounds.
- Schools.
- Treatment plants, water storage tanks, major transmission lines or pipelines, pumping or regulator stations, communications towers, storage yards and substations, and cable television facilities and accessory buildings.

3-4.1.4 Lot and Yard Regulations

Use	Minimum	Minimum	Maximum	Minimum Setbacks		
	Lot Size (sq. ft.)	Lot Frontage (at front setback)	Lot Coverage (impervious surfaces)	Front	Side	Rear
Single-Family Dwelling	15,000	90 ft.	65%	25 ft.	12 ft.	35 ft.
Cluster Development	7,500	65 ft.	65%	25 ft.	10 ft.	25 ft.
Other Permitted Uses	15,000	90 ft.	65%	25 ft.	15 ft.	35 ft.

3-4.1.5 Building Regulations

3-4.1.5.1 Building Height

Use	Maximum Height
Single-Family Dwellings	35 ft.*
Cluster Development	35 ft.*
Other Permitted Uses	35 ft.**

* The height limit for dwellings may be increased up to forty-five (45) feet and up to three (3) stories provided that front, side, and rear yard setbacks increase one (1) foot for each additional foot of building height over thirty-five (35) feet. This may be achieved in part by setting back the second and/or third stories of the building a greater amount than the first story.

** A public or institutional building or church 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.

3-4.1.5.2 Garages

Front-loaded garages shall be setback at least 15 feet behind the front building line of the primary structure. Side-loaded garages shall be no nearer the front lot line than the front edge of the primary structure. Rear-loaded garages (accessed from an alley or other street) shall be set back at least fifteen (15) feet from the rear lot line.

3-4.2 R-10 Residential District

3-4.2.1 Legislative Intent

This district is composed of certain low concentrations of residential uses, plus certain open areas where similar development would be consistent with the

provisions of the Town's Comprehensive Plan. The regulations for this district are designed to stabilize and protect the essential characteristics of the district and to promote and encourage suitable environment for single-family residential units and to prohibit all activities of a commercial nature, except neighborhood professional businesses. To these ends, development is limited to low density single-unit dwellings, plus certain compatible uses by special use permit. In order to increase the supply of affordable housing and to recognize the changes in demography of a neighborhood while continuing to maintain the character of the district, accessory dwelling units are permitted by special use permit.

An alternative to the precise requirements of this district may be employed, known as cluster development. The purpose of cluster development is to provide a more creative and flexible approach to the use of the land, to provide for the more efficient and economical provision of streets and utilities and to create a pedestrian-oriented, human scale streetscape.

3-4.2.2 Permitted Uses (by-right)

- Accessory buildings.
- Group Homes of eight (8) residents or less
- Home occupations.
- Off-street parking for permitted uses subject to Article 7.
- Open space subject to Article 9.
- Public utilities including poles, wires, transformers, underground pipelines or conduits but not those facilities listed as requiring a special use permit.
- Signs subject to Article 6.
- Single-family detached dwelling units.
- Yard sale or garage sale

3-4.2.3 Permissible Uses (by special use permit approved by the Town Council, in accord with Article 11)

- Accessory dwelling units
- Active and passive recreation and recreational facilities.
- Assisted living facilities
- Cemeteries
- Cluster Development (See Section 9-6)
- Child care center, day care center, or nursery school
- Churches
- Community buildings
- Family care homes or foster homes
- Golf courses, swim, and tennis clubs
- Group Homes of more than eight (8) residents

- Home business
- Hospitals and clinics.
- Inn, bed and breakfast facility, or tourist home
- Libraries
- Neighborhood professional business
- Nursing or convalescent homes
- Parks and playgrounds
- Schools
- Traditional Neighborhood Developments
- Treatment plants, water storage tanks, major transmission lines or pipelines, pumping or regular stations, communications towers, storage yards and substations, and cable television facilities and accessory buildings

3-4.2.4 Lot and Yard Regulations

Use	Minimum	Minimum	Maximum	Minimum Setbacks		
	Lot Size (sq. ft.)	Lot Frontage (at front setback)	Lot Coverage (impervious surfaces)	Front	Side	Rear
Single-Family Dwelling	10,000	75 ft.	65%	25 ft.	10 ft.	20 ft.
Cluster Development	6,000	55 ft.	65%	25 ft.	8 ft.	15 ft.
Other Permitted Uses	10,000	75 ft.	65%	25 ft.	15 ft.	20 ft.

3-4.2.5 Building Regulations

3-4.2.5.1 Building Height

Use	Maximum Height
Single-Family Dwellings	35 ft.*
Cluster Development	35 ft.*
Other Permitted Uses	35 ft.**

* The height limit for dwellings may be increased up to forty-five (45) feet and up to three (3) stories provided that front, side, and rear yard setbacks increase one (1) foot for each additional foot of building height over thirty-five (35) feet. This may be achieved in part by setting back the second and/or third stories of the building a greater amount than the first story.

** A public or institutional building or church 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.

3-4.2.5.2 Garages

Front-loaded garages shall be setback at least 15 feet behind the front building line of the primary structure.

Side-loaded garages shall be no nearer the front lot line than the front edge of the primary structure.

Rear-loaded garages (accessed from an alley or other street) shall be set back at least fifteen (15) feet from the rear lot line.

3-4.2.5.3 Open Space Requirements

Every site that is rezoned to R-10 or subject to subdivision or site plan approval consisting of a total of twelve (12) or more residential units shall have at least one green to serve as open space for and the focal point and organizing visual element of the neighborhood or subdivision. Greens in cluster subdivisions shall be not less than 6,000 square feet each and in conventional subdivisions shall be not less than 10,000 square feet each. An average of one green for each 10 acres of gross site area within the subdivision shall be provided.

3-4.3 R-6 Residential District

3-4.3.1 Legislative Intent

This district is composed of medium to high concentrations of predominantly residential uses, generally intended to encompass and preserve those residential structures which have developed over the years along the traffic arteries serving the Central Business District. The regulations of this district are designed to stabilize and protect these areas while at the same time allowing compatible changes to occur in an effort to ensure that the use of these areas is economically feasible and to implement the Comprehensive Plan.

3-4.3.2 Permitted Uses (by-right)

- Accessory buildings
- Churches
- Community buildings
- Group Homes of eight (8) residents or less
- Home occupations
- Off-street parking for permitted uses subject to Article 7
- Open space subject to Article 9.
- Signs subject to Article 6
- Single-family detached dwelling units

- Utilities related to and necessary for services within the Town, including poles, wires, transformers, telephone booths, and the like for electrical power distribution or communication service, and underground pipelines or conduits for local electrical, gas, sewer, or water service, but not those facilities listed as requiring a special use permit

3-4.3.3 Permissible Uses (by special use permit upon approval of Town Council)

- Active and passive recreation and recreational facilities.
- Bed and breakfast.
- Child care center, day care center or nursery school.
- Clubs
- Dwellings in an accessory building.
- Dwelling units, Two-family
- Dwellings, three or four family structures
- Family care homes or foster homes
- Hospitals and clinics.
- Libraries.
- Nursing Homes
- Offices, business and professional.
- Parks and playgrounds.
- Schools.
- Swim and tennis clubs.
- Tea rooms.
- Traditional Neighborhood Developments
- Treatment plants, water storage tanks, major transmission lines or pipelines, pumping or regular stations, communications towers, storage yards and substations, and cable television facilities and accessory structures.

3-4.3.4 Lot and Yard Regulations

Use	Minimum	Minimum	Maximum	Minimum Setbacks		
	Lot Size (sq. ft.)	Lot Frontage (at front setback)	Lot Coverage (impervious surfaces)	Front	Side	Rear
Single-Family Dwelling	6,000	55 ft.	65%	20 ft.	8 ft.	20 ft.
Two-Family Dwelling	9,000	65 ft.	75%	20 ft.	15 ft.	20 ft.
Three-Family Dwelling	12,000	75 ft.	80%	20 ft.	15 ft.	20 ft.
Four-Family Dwelling	15,000	85 ft.	80%	20 ft.	15 ft.	20 ft.
Other Permitted Uses	6,000	55 ft.	65%	20 ft.	15 ft.	20 ft.

3-4.3.5 Building Regulations

3-4.3.5.1 Building Height

Use	Maximum Height
Single-Family Dwellings	35 ft.*
Other Permitted Uses	35 ft.**

* The height limit for dwellings may be increased up to forty-five (45) feet and up to three (3) stories provided that front, side, and rear yard setbacks increase one (1) foot for each additional foot of building height over thirty-five (35) feet. This may be achieved in part by setting back the second and/or third stories of the building a greater amount than the first story.

** A public or institutional building or church 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.

3-4.3.5.2 Garages

Front-loaded garages shall be setback at least fifteen (15) feet behind the front building line of the primary structure.

Side-loaded garages shall be no nearer the front lot line than the front edge of the primary structure.

Rear-loaded garages (accessed from an alley or other street) shall be set back at least fifteen (15) feet from the rear lot line.

3-4.3.5.3 Open Space Requirements

Every site that is rezoned to R-6 or subject to subdivision or site plan approval consisting of a total of twelve (12) or more residential units shall have at least one green to serve as open space for and the focal point and organizing visual element of the neighborhood or subdivision. Greens shall be not less than 6,000 square feet each. An average of one green for each 10 acres of gross site area within the subdivision shall be provided.

3-4.4 RT Residential Townhouse District

3-4.4.1 Legislative Intent

This district is composed of certain medium concentrations of residential use, often located between lower density residential and commercial areas, plus certain open areas where similar development is appropriate based on the Comprehensive Plan. The regulations for this district are designed to stabilize and protect the residential character of the district, and to promote and encourage a suitable environment of medium to high density residential uses, while achieving a pedestrian-oriented streetscape.

3-4.4.2 Permitted Uses (by-right)

- Accessory buildings.
- Dwellings, Single-family detached
- Dwellings, Two-family
- Dwellings, Townhouses
- Home occupations
- Off-street parking for permitted uses subject to Article 7.
- Open space subject to Article 9.
- Playgrounds and recreation area, when developed as part of the townhouse development.
- Signs subject to Article 6.
- Utilities related to and necessary for service within the Town, including poles, wires, transformers, telephone booths, and the like for electrical power distribution or communication service, and underground pipelines or conduits for local electrical, gas, sewer, or water service, but not those facilities listed as requiring a special use permit.
- Yard sale or garage sale

3-4.4.3 Permissible Uses (by special use permit upon approval of the Town Council)

- Active and passive recreation and recreational facilities.
- Child care center, day care center, or nursery school
- Churches
- Clinics
- Community buildings
- Family care homes, foster homes, or group homes serving physically handicapped, mentally ill, mentally retarded, or other developmentally disabled persons
- Golf courses, swim, and tennis clubs
- Home business

- Libraries
- Nursing or convalescent homes
- Offices, professional and business if immediately adjacent to a commercial zoning district
- Schools
- Traditional Neighborhood Developments
- Treatment plants, water storage tanks, major transmission lines or pipelines, pumping or regulator stations, communications towers, and cable television facilities and accessory buildings

3-4.4.4 Lot and Yard Regulations

Use	Maximum Density (dwellings per gross acre)	Minimum Lot Size (sq. ft.)	Minimum Lot Frontage (at front setback)	Maximum Lot Coverage (impervious surfaces)	Minimum Setbacks		
					Front	Side	Rear
Single-Family Dwelling	4.3	10,000	75 ft.	65%	25 ft.	10 ft.	20 ft.
Two-Family Dwelling	7.0	12,000	70 ft.	50%	25 ft.	15 ft.	25 ft.
Townhouse	7.0	2,000 per unit	20 ft. interior unit 30 ft. end unit	50%	25 ft.	20 ft.	25 ft.
Other Permitted Uses	n/a	10,000	none	80%	25 ft.	15 ft.	20 ft.

3-4.4.5 Building Regulations

3-4.4.5.1 Building Height

Use	Maximum Height
Single-Family Dwellings	35 ft.*
Other Permitted Uses	35 ft.**

* The height limit for dwellings may be increased up to forty-five (45) feet and up to three (3) stories provided that front, side, and rear yard setbacks increase one (1) foot for each additional foot of building height over thirty-five (35) feet. This may be achieved in part by setting back the second and/or third stories of the building a greater amount than the first story.

** A public or institutional building or church 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.

3-4.4.5.2 Garages

3-4.4.5.2.1 Single Family Dwellings

Front-loaded garages shall be setback at least 15 feet behind the front building line of the primary structure.

Side-loaded garages shall be no nearer the front lot line than the front edge of the primary structure.

Rear-loaded garages (accessed from an alley or other street) shall be set back at least fifteen (15) feet from the rear lot line.

3-4.4.5.2.2 Townhouses

Front-loaded and side-loaded garages shall no nearer the front lot line than the front edge of the primary structure.

Rear-loaded garages (accessed from an alley or other street) shall be set back at least fifteen (15) feet from the rear lot line.

3-4.4.5.3 Maximum Grouping of Townhouses

No more than six (6) townhouse units shall be grouped contiguous to each other.

Groups of townhouses shall be separated by at least (twenty) 20 feet of open space unless rear vehicle access is provided to the units, in which case minimum separation shall be (ten) 10 feet.

3-4.4.6 Open Space Requirements

Any rezoning or subdivision or site plan approval within the district consisting of a total of twelve (12) or more residential units shall provide one or more common open space greens of at least five thousand (5,000) square feet each and totaling at least four hundred (400) square feet per unit. Such greens shall be located so as to provide a focal point for the units, with the units fronting the green (s) or fronting streets that border the green(s).

3-4.5 RMF Residential Multifamily District

3-4.5.1 Legislative Intent

This district is composed of certain higher concentrations of residential uses recommended for those sections of town which are in proximity to the central business district; which are adjacent to existing intensive land uses; which can be used as a transitional area between commercial and lower density residential areas; or which are in need of revitalization. The regulations for this district are designed to stabilize and protect the residential character of the district, to promote and encourage a suitable environment for multiple-family residential units, to implement the Comprehensive Plan, and to encourage streetscape environments that are safe and efficient for pedestrians.

3-4.5.2 Permitted Uses (by-right)

- Accessory buildings.
- Dwellings for the elderly and handicapped.
- Home Occupation
- Multi-family dwellings at a maximum ten (10) units per gross acre.
- Off-street parking for permitted uses subject to Article 7.
- Open space subject to Article 9.
- Playgrounds and recreation areas, when developed as part of the apartment development.
- Signs subject to Article 6.
- Single-family dwellings
- Townhouses, duplex units, triplexes, and quadriplexes
- Two-family dwellings
- Utilities related to and necessary for service within the Town, including poles, wires, transformers, telephone booths, and the like for electrical power distribution or communication service, and underground pipelines or conduits for local electrical, gas, sewer, or water service, but not those facilities listed as requiring a special use permit.
- Yard sale or garage sale

3-4.5.3 Permissible Uses (by special use permit upon approval of Town Council)

- Active and passive recreation and recreational facilities
- Affordable Dwelling Units (ADU) yielding total densities of up to twelve dwelling units per gross acre or twenty (20) dwelling units per net acre through a density bonus in accord with Section 3-4.5.5.
- Business and professional offices generally if immediately adjacent to a commercial zone

- Churches
- Clinics
- Community buildings
- Family care homes, foster homes, or group homes serving physically handicapped, mentally ill, mentally retarded, or other developmentally disabled persons
- Golf courses, swim, and tennis clubs
- Health and Fitness Facilities
- Home business
- Libraries
- Live-work Units
- Nursing or convalescent homes
- Parking garages
- Public use sites with a density bonus in accord with Section 3-4.5.7.
- Schools
- Traditional Neighborhood Developments (TND) yielding total densities of up to twelve dwelling units per gross acre or twenty (20) dwelling units per net acre through a density bonus in accord with Section 3-4.5.6.
- Treatment plants, water storage tanks, major transmission lines or pipelines, pumping or regulator stations, communications towers, storage yards and substations, and cable television facilities and accessory buildings

3-4.5.4 Lot and Yard Regulations

Use	Maximum Density (dwellings per gross acre)	Minimum Lot Size (sq. ft.)	Minimum Lot Frontage (at front setback)	Maximum Lot Coverage (impervious surfaces)	Minimum Setbacks		
					Front	Side	Rear
Single-Family Dwelling	7.3	6,000	55 ft.	65%	25 ft.	8 ft.	15 ft.
Two-Family dwelling	7.0	12,000	70 ft.	50%	25 ft.	15 ft.	25 ft.
Three-Family and Four-Family Townhouses and Live-Work Units	7.0	6,000 per unit	70 ft.	50%	25 ft.	15 ft.	25 ft.
Triplex	7.0	2,000 per unit	20 ft. interior unit 30 ft. end unit	50%	25 ft.	20 ft.	25 ft.
Quadriplex	7.0	2,000 per unit	20 ft. interior unit 30 ft. end unit	50%	25 ft.	20 ft.	25 ft.
Apartments, Generally	10.0	10,000	150 ft.	50%	25 ft.	50 ft.	50 ft.

Use	Maximum	Minimum	Minimum	Maximum	Minimum Setbacks		
	Density (dwellings per gross acre)	Lot Size (sq. ft.)	Lot Frontage (at front setback)	Lot Coverage (impervious surfaces)	Front	Side	Rear
Apartments, with Density Bonus	12 (20 net)	10,000	150 ft.	50%	25 ft.	50 ft.	50 ft.
Apartments, Elderly or handicapped	25	6,000 sq. ft. for first unit, plus 3,000 sq. ft. for second unit, plus 1000 sq. ft. per 3rd-8th units, plus 500 sq. ft. per 9 th - 20th units	150 ft.	85%	25 ft.	50 ft.	50 ft.
Other Permitted Uses	n/a	10,000	none	80%	25 ft.	15 ft.	25 ft.

3-4.5.5 Density Bonus for Affordable Dwelling Units

3-4.5.5.1. A density bonus is offered to encourage private sector development of Affordable Dwelling Units (ADUs), in accord with the provisions of Article 9, Section 9-3.

3-4.5.5.2. The density bonus provisions provided in Sections 3-4.5.3 and 3-4.5.4 shall be permitted in conjunction with the provision of ADUs. The maximum density shall not exceed twenty (20) dwelling units per net acre for any project site.

3-4.5.6 Density Bonus for Traditional Neighborhood Developments

3-4.5.6.1. A density bonus is offered, in accord with the provisions of Article 9, Section 9-20, and Section 3-5.2.11, to encourage private sector provision of new development that is consistent with the features and functions of the traditional design and development patterns that have created the human scale and historic character of Warrenton's built environment, including features such as:

- relatively narrow street widths
- a grid of interconnected streets
- sidewalks along the streets
- a mix of lot widths (some narrow, some wide)
- on-street parallel parking
- buildings located relatively close to the front street
- two and three story buildings that frame the street

- rear access via alleys

It shall be the responsibility of the applicant to explain the design elements believed to justify approval of density increase.

3-4.5.6.2 Density bonuses shall not result in a gross density in excess of twelve (12) units per gross acre, nor a net density in excess of twenty (20) units per net acre.

3-4.5.7 Density Bonus for Public Use Sites

3-4.5.7.1 The Planning Commission may recommend and the Town Council may permit increases in the number of dwelling units otherwise permitted where an applicant dedicates public sites for such facilities as schools, parks, and public buildings if such sites are consistent with and located in accordance with the Comprehensive Plan.

3-4.5.7.2 Density bonuses may result in a total gross density not to exceed twenty (20) units per net acre. In no case shall the use of one or more density bonus provisions result in any densities exceeding twenty (20) units per net acre

3-4.5.8 Building Regulations

Use	Maximum Height
All dwellings except Multi-Family Dwellings	35 ft.*
Multi-family dwellings	45 ft.
Other Permitted Uses	45 ft.**

* The height limit for dwellings may be increased up to forty-five (45) feet and up to three (3) stories provided that front, side, and rear yard setbacks increase one (1) foot for each additional foot of building height over thirty-five (35) feet. This may be achieved in part by setting back the second and/or third stories of the building a greater amount than the first story.

** A public or institutional building or church 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.

3-4.5.9 Open Space Requirements

3-4.5.9.1 For apartments generally: Five hundred (500) square feet of usable common open space for each dwelling unit. Open space area shall

be in the form of common greens of at least five thousand (5,000) square feet each. Such greens shall be located so as to provide a focal point for the units, with the units fronting the green (s) or fronting streets that border the green(s).

3-4.5.9.2 For dwellings for the elderly and handicapped: Two hundred (200) square feet of usable common open space for each dwelling unit.

3-4.5.9.3 For ADU developments: A developer can increase lot coverage to eighty (80) percent if the proposed development is within six hundred (600) feet of public active recreation and open space, and residents do not have to cross a roadway that has a speed limit of greater than thirty-five (35) miles per hour, or that is more than two (2) lanes in width, to reach such space.

3-4.5.9.4 The minimum distance between main buildings shall be thirty (30) feet.

3-4.5.9.5. Additional Open Space. All land in or encompassed by a development within this district which is a part of the same tract and is not actually used or planned for development shall be maintained as open space to be enjoyed by the residents, either under the provisions of Article 9 or it may be maintained by a homeowners association or the developer and/or management in the case of rental properties, on a permanent basis.

3-4.5.10 Recreational Facilities

3-4.5.10.1. Townhouse and multifamily developments of thirty-five (35) dwelling units or more shall provide improved active recreational space for the private use of townhouse residents.

3-4.5.10.2. The amount of required recreational space and facilities for townhouse and multifamily developments shall be computed according to the occupancy figures provided below. Occupancy figures will be computed for the total number of dwelling units in the development:

One (1) Bedroom: Two (2) adults

Two (2) Bedroom: Two (2) adults and one (1) child

Three (3) Bedroom: Two (2) adults and two (2) children

Four (4) Bedrooms: Two (2) adults and three (3) children

3-4.5.10.3. Based upon the number of occupants computed above, each of the following three (3) types of activity space shall be provided, in the amounts determined by the following schedule:

- Child Use Space: Twenty (20) square feet for each child.
- Mixed Use Space: Twenty-five (25) square feet for each child and adult.
- Adult Space: One hundred (100) square feet for each adult.

3-4.5.10.4. Required activity space shall be occupied by the following types of facilities. All playground equipment shall meet commercial grade playground standards for intensive or extended use.

- Child Use Space: Tot lot, intermediate playground, nursery day care, or similar facility.
- Mixed Use Space: Swimming pool, handball or racquetball court, tennis courts, basketball courts, meeting and activity rooms, volleyball court, or similar facility.
- Adult Space: Health club, weight room or gymnasium, terrace or landscaped passive recreation area, or other similar facility.

Mixed use spaces may be substituted for child use spaces if, in the opinion of the Planning Director and Planning Commission, they are more appropriate for the development in question.

The nature and proportion of recreational spaces and facilities may be altered if, in the opinion of the Planning Director and Planning Commission, an alternative proposal is presented and considered more appropriate for the development in question.

3-4.5.10.5. For townhouse or multifamily developments of fifty (50) units or more, at least twenty-five (25) percent of the total required recreation space will be provided indoors so as to be usable year round.

3-4.5.10.6. The following general design standards shall apply to required activity spaces:

- Required activity spaces shall be located in such a fashion as to be accessible by foot by all residents, using either sidewalks, or paths within common open space, or a combination thereof, that eliminates the necessity of traveling within roadways or travel lanes to gain access to such areas.

- Activity spaces for children shall be designed and placed to facilitate visibility from adjacent dwelling units, roadways, travel lanes, sidewalks, or adjacent common areas. Shade trees should be provided but shrubbery or fence materials that provide an opaque screen adjacent to the activity area are not appropriate. Benches or seats should be provided for use by parents.
- Activity areas for children located within fifty (50) feet of a travel lane, or within seventy-five (75) feet of a two (2) lane public roadway or one with a posted speed limit of thirty-five (35) miles per hour or less, or within one hundred (100) feet of a roadway greater than two (2) lanes or with a posted speed limit of greater than thirty-five (35) miles per hour, should be fenced to discourage the movement of children towards the roadway or travel lane.

3-4.6 R-40 Residential District

3-4.6.1 Legislative Intent

This district is comprised of low density, single family dwellings, and other selected uses which are compatible with the low density residential character of the district. The established regulations for this district are designed to implement the Comprehensive Plan and to promote and encourage an environment for family life, and thus, all commercial activities are prohibited. Densities shall not exceed one dwelling unit per acre. In order to provide and encourage innovative designs in residential developments so that open lands may be developed both efficiently and with imagination, cluster developments or traditional developments are encouraged.

3-4.6.2 Permitted Uses (by-right)

- Accessory buildings
- Agricultural uses existing at the effective date here of
- Group Homes of eight (8) residents or less
- Home occupations
- Off street parking for permitted uses subject to Article 7
- Open space subject to Article 9
- Signs subject to Article 6
- Single-family detached dwelling units
- Utilities related to and necessary for service within the Town, including poles, wires, transformers, telephone booths, and the like for electrical power distribution or communication service, and underground pipelines or

conduits for local electrical, gas, sewer, or water service, but not those facilities listed as requiring a special use permit

- Yard sales or garage sale for the disposal of used household items, provided such sales are not held more frequently than once a year on the same lot, are not conducted for more than three days and include items assembled only from households adjoining neighbors

3-4.6.3 Permissible Uses (by special use permit upon approval of the Town Council)

- Accessory dwelling units
- Active and passive recreation and recreational facilities
- Bed and breakfast facility
- Churches
- Cluster development (see Article 9-6)
- Community buildings
- Family care home
- Golf courses
- Group Homes of eight (8) residents or more
- Home business
- Parks and playgrounds
- Schools
- Swim clubs, Tennis clubs
- Treatment plants, water storage tanks, major transmission lines or pipelines, pumping or regulator stations, communications towers, storage yards and substations, and cable television facilities and accessory buildings

3-4.6.4 Lot and Yard Regulations

Use	Minimum	Minimum	Maximum	Minimum Setbacks*		
	Lot Size (sq. ft.)	Lot Frontage (at front setback)	Lot Coverage (impervious surfaces)	Front	Side	Rear
Single-Family Dwelling	40,000	135 ft.	65%	60 ft.	25 ft.	35 ft.
Single-Family Cluster	25,000	90 ft.	65%	50 ft.	20 ft.	25 ft.
Other Permitted Uses	40,000	90 ft.	65%	50 ft.	30 ft.	35 ft.

* Front setbacks shall be equal to the average setbacks for all buildings on the same side of the street within 500 feet, but in no case shall they be less than the minimum described above.

3-4.6.5 Building Regulations

Use	Maximum Height
All dwellings	35 ft.*
Other Permitted Uses	35 ft.**

- * The height limit for dwellings may be increased up to forty-five (45) feet and up to three (3) stories provided that front, side, and rear yard setbacks increase one (1) foot for each additional foot of building height over thirty-five (35) feet. This may be achieved in part by setting back the second and/or third stories of the building a greater amount than the first story.
- ** A public or institutional building or church 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.

3-4.7 R-E Residential District

3-4.7.1 Legislative Intent

This district is comprised of low density, single family dwellings, and other selected uses which are compatible with the open and rural character of the district. The established regulations for this district are designed to implement the Comprehensive Plan and to promote and encourage an environment for family life and thus, all commercial activities are prohibited.

In order to provide and encourage innovative designs in residential developments so that open lands may be developed both efficiently and with imagination, cluster developments or traditional developments are encouraged.

3-4.7.2 Permitted Uses (by-right)

- Accessory buildings
- Agricultural uses existing at the effective date here of.
- Group Homes of eight (8) residents or less
- Home occupations
- Off street parking for permitted uses subject to Article 7
- Open space subject to Article 9
- Signs subject to Article 6
- Single-family detached dwelling units
- Utilities related to and necessary for service within the Town, including poles, wires, transformers, telephone booths, and the like for electrical power distribution or communication service, and underground pipelines or conduits for local electrical, gas, sewer, or water service, but not those facilities listed as requiring a special use permit
- Yard sales or garage sale for the disposal of used household items, provided such sales are not held more frequently than once a year on the same lot, are not conducted for more than three days and include items assembled only from households of adjoining neighbors

3-4.7.3 Permissible Uses (by special use permit upon approval of Town Council)

- Accessory dwelling units [moved]
- Active and passive recreation and recreational facilities.
- Bed and breakfast facility
- Churches
- Cluster development (in accord with Section 9-6)
- Community buildings
- Family care home
- Golf courses
- Group Homes of eight (8) residents or more
- Home business
- Parks and playgrounds
- Schools
- Swim clubs, Tennis clubs
- Treatment plants, water storage tanks, major transmission lines or pipelines, pumping or regulator stations, communications towers, storage yards and substations, and cable television facilities and accessory buildings.

3-4.7.4 Lot and Yard Regulations

Use	Minimum	Minimum	Maximum	Minimum Setbacks		
	Lot Size (sq. ft.)	Lot Frontage (at front setback)	Lot Coverage (impervious surfaces)	Front	Side	Rear
Single-Family Dwelling	5 acres	200 ft.	65%	75 ft.	25 ft.	35 ft.
Single-Family Cluster	30,000	90 ft.	65%	50 ft.	20 ft.	25 ft.
Other Permitted Uses	40,000	90 ft.	65%	50 ft.	30 ft.	35 ft.

Regardless of minimum lot size as provided herein, overall densities for any development site shall not exceed one dwelling unit per 5 acres.

Front setbacks shall be equal to the average setbacks for all buildings on the same side of the street within 500 feet, but in no case shall they be less than the minimum described above.

3-4.7.5 Building Regulations

Use	Maximum Height
All dwellings	35 ft.*
Other Permitted Uses	35 ft.**

* The height limit for dwellings may be increased up to forty-five (45) feet and up to three (3) stories provided that front, side, and rear yard setbacks increase one

(1) foot for each additional foot of building height over thirty-five (35) feet. This may be achieved in part by setting back the second and/or third stories of the building a greater amount than the first story.

** A public or institutional building or church 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.

3-4.8 RO Residential Office District

3-4.8.1 Legislative Intent

Legislative Intent. This district is designed to provide for business and professional offices and certain personal service uses in attractive surroundings with types of uses limited and signs and building features limited so as to be compatible with residential use and to implement the Comprehensive Plan. The district can be applied to large or small areas if development standards are complied with. The district may also be applied as a transition area between a commercial area and a residential area.

3-4.8.2 Permitted Uses (by-right)

- Accessory uses customarily incidental to permitted uses
- Home occupations
- Offices, business and professional
- Off-street parking subject to Article 7
- Open space subject to Article 9
- Personal Service Establishments not to exceed 3,500 square feet in gross floor area.
- Signs subject to Article 6
- Single-family detached dwelling units
- Studios for artists, photographers, and sculptors
- Utilities related to and necessary for service within the Town, including poles, wires, transformers, telephone booths, and the like for electrical power distribution or communication service, and underground pipelines or conduits for local electrical, gas, sewer, or water service, but not those facilities listed as requiring a special use permit
- Yard sale or garage sale

3-4.8.3 Permissible Uses (by special use permit upon approval of Town Council)

- Active and passive recreation and recreational facilities
- Assisted living facilities

- Banks and savings and loan offices
- Churches
- Child care center, day care center, or nursery school
- Clubs, lodges, and assembly halls.
- Community buildings
- Institutional uses
- Townhouses and duplexes subject to all RT requirements and regulations in Article 3
- Treatment plants, water storage tanks, major transmission lines or pipelines, pumping or regulator stations, communications towers, storage yards and substations, and cable television facilities and accessory buildings

3-4.8.4 Lot and Yard Regulations

3-4.8.4.1 Lot Requirements

Use	Minimum Lot Size (sq. ft.)	Minimum Lot Frontage (at front setback)	Maximum Lot Coverage (impervious surfaces)
All Uses	10,000	75 ft.	75%

3-4.8.4.2 Yard Requirements

Front Setbacks				
From right-of-way of local street having right of way of 50 feet or less	From right-of-way of major thoroughfare or collector street having right of way greater than 50 feet	From right-of-way of a service drive	From any interior private or public accessway	Accessory Buildings
40 feet	60 feet	40 feet	20 feet	Not permitted forward of the setback line.
Side Yard Setbacks*		Rear Yard Setbacks*		
Adjacent to any C, I or RO District	Adjacent to any R District	Adjacent to any C or I District	Adjacent to any R District	
10 feet	25 feet	15 feet	25 feet	

* Accessory buildings over fifteen (15) feet in height shall be at least ten (10) feet from any lot line.

3-4.8.5 Building Regulations

Use	Maximum Height*
Office Buildings, banks and service establishments	45 feet except limited to two stories and 35 feet for any part of structure within 70 feet of a residential district
Accessory buildings	Shall be less than the main building in height.
Other Buildings	45 feet

* A public or institutional building or church 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 forty-five (45) feet.

3-4.9 PSP Public-Semi-Public Institutional District

3-4.9.1 Legislative Intent

This district is intended to provide for major public, semi-public, and institutional uses, to facilitate future growth of such uses within the district in accordance with the objectives, policies, and proposals of the Comprehensive Plan, including the encouragement of convenient and safe nearby residential neighborhoods, and to provide evidence on the Zoning map of the nature of land use planned for this district.

3-4.9.2 Permitted Uses (by-right)

- Accessory buildings and uses, including dwellings accessory to a permitted use
- Cemeteries
- Child care center, day care center, or nursery school
- Churches
- Community buildings
- Fairgrounds, showgrounds, or exhibition center
- Family care homes, foster homes, or group homes
- Hospitals (expansions to existing facilities under 10,000 square feet)
- Institutional uses
- Mobile Food Vendors in public parks subject to Article 9-24
- Nursing homes and clinics
- Offices for business or professional use
- Off-street parking for permitted uses subject to Article 7
- Open space subject to Article 9
- Parks and playgrounds

- Public or governmental buildings
- Rescue squad or volunteer fire company
- Schools (expansions to existing facilities under 10,000 square feet)
- Senior citizen center
- Signs subject to Article 6
- Utilities related to and necessary for service within the Town, including poles, wires, transformers, telephone booths, and the like for electrical power distribution or communication service, and underground pipelines or conduits for local electrical, gas, sewer, or water service, but not those facilities listed as requiring a special use permit
- Yard sale or other special sale or event conducted on the premises of and for the benefit of a permitted use in the district

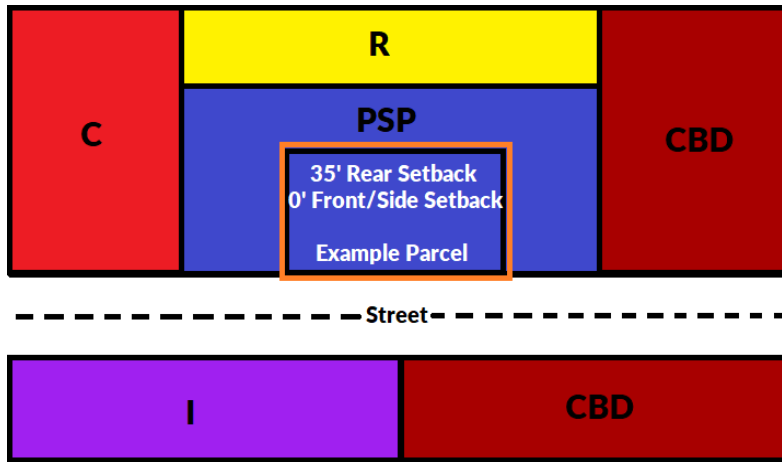
3-4.9.3 Permissible Uses (by special use permit upon approval of the Town Council)

- Emergency housing
- Gift Shops
- Health and Fitness Facilities
- Hospitals (new hospitals and expansions to existing facilities equal to/over 10,000 square feet)
- Museums
- Schools (new schools and expansions to school facilities equal to/over 10,000 square feet)
- Single Family Dwellings
- Visitor Centers
- Active and passive recreation and recreational facilities.
- Treatment plants, water storage tanks, major transmission lines or pipelines, pumping or regulator stations, communications towers, storage yards and substations, and cable television facilities and accessory buildings

3-4.9.4 Lot and Yard Regulations

Use	Minimum	Minimum	Maximum	Minimum Setbacks		
	Lot Size (sq. ft.)	Lot Frontage (at front setback)	Lot Coverage (impervious surfaces)	Front	Side	Rear
All Permitted and Permissible Uses	No Minimum	50 ft.	85%	None when adjacent and across from C, CBD or I Districts; 25' when adjacent or across from R Districts*	None when adjacent to C, CBD or I Districts; 15' when adjacent to R Districts*	None when adjacent to C, CBD or I Districts; 35' when adjacent to R Districts*

*When adjacent to the PSP Zoning District, setbacks shall be determined by the nearest non-PSP District along each side of the parcel. See example figure below:



3-4.9.5 Building Regulations

Use	Maximum Height*
All buildings	35 feet
Accessory buildings	Within 20 feet of any lot line shall not exceed 15 feet in height. All accessory buildings shall be less than the main building in height.

* A public or institutional building or church 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.

3-4.10 C Commercial District

3-4.10.1 Legislative Intent

The intent of this district shall be to encourage the logical and timely development of land for a range of commercial and mixed-use purposes in accordance with the objectives, policies, and proposals of the Comprehensive Plan; to prohibit any use which would create undue impacts on surrounding residential areas; and to assure suitable design to protect the residential environment of adjacent and nearby neighborhoods. It is further declared to be the intent of this district to limit traffic congestion, overcrowding of land, noise, glare, and pollution, so as to lessen the danger to the public safety, and to ensure convenient and safe pedestrian access to and from commercial and mixed-use sites as well as between adjacent commercial and mixed-use sites. The protective standards contained in this Article are intended to minimize any adverse effect of the commercial district on nearby property values and to provide for safe and efficient use of the commercial district itself.

3-4.10.2 Permitted Uses (by-right)

Any of the following uses provided that no one-business establishment exceeds 50,000 square feet of gross floor area on the lot or on the tract.

- Accessory uses customarily incidental to these uses.
- Banks and other financial institutions.
- Broadcasting stations.
- Churches
- Cleaning and pressing shops
- Clinics (medical and dental)
- Community buildings.
- Convenience store
- Funeral Homes
- Health and Fitness Facilities
- Home Occupations
- Hotels and motels
- Household Pet Grooming
- Institutional uses.
- Laundromat.
- Lawn and garden equipment
- Lumber and building supply with no outdoor storage
- Medical Centers and Laboratories

- Mixed-Use Structures when at least 50% of the first floor is dedicated to nonresidential uses. Density and layout subject to Section 9-25.1 of the Zoning Ordinance.
- Mobile Food Vendors subject to Article 9-24
- Non-fee parking lots and structures.
- Offices for business or professional use.
- Off-street parking subject to Article 7.
- Open space subject to Article 9.
- Personal and Business Services
- Plumbing and electrical supply (without outdoor storage)
- Rental service without outdoor storage
- Restaurant, carryout
- Restaurants without drive-through facilities
- Retail Sales, including stores and shops
- Service stations with no outside car vehicle storage and without vehicle repair
- Signs subject to Article 6.
- Shopping centers
- Studios and trade schools.
- Taxidermist
- Trade school, studio
- Utilities related to and necessary for service within the Town, including poles, wires, transformers, telephone booths, and the like for electrical power distribution or communication service, and underground pipelines or conduits for local electrical, gas, sewer, or water sewer service, but not those facilities listed as requiring a special use permit.
- Vending machines and Laundromats

3-4.10.3. Permissible Uses (by special use permit upon approval of the Town Council)

- Active and passive recreation and recreational facilities
- Animal kennels
- Any use listed as permitted by right in Section 3-4.10.2 that exceeds 50,000 square feet of gross floor area
- Automobile sales, truck sales and service repair garages, automobile body shops, and tire recapping and retreading. (All vehicles must be parked on paved surfaces)
- Carnivals, fairs, and other similar uses of a temporary nature
- Car Washes
- Car wash, Self-service
- Clubs, lodges, and assembly halls
- Commercial parking lots and garages
- Commercial recreational establishments

- Crematories
- Day care centers
- Drive-through service facility of any kind
- Farmers markets
- Farm equipment, motorcycle, boat, and sport trailer sales and service
- Frozen food lockers.
- Grain and feed supply stores
- Heliports
- Home Business
- Lumber and building supply with undercover storage
- Monument sales
- Plumbing and electrical supply with undercover storage
- Residential Dwellings – limited to single-family attached, two-family, multi-family, duplex, four-family, live-work, and elderly and handicapped dwellings, as part of a mixed-use development subject to all standards listed in Section 9-25
- Restaurant with drive-through facility
- Taxicabs stands
- Temporary fair and show grounds
- Theaters [indoor]
- Transitional housing
- Treatment plants, water storage tanks, major transmission lines or pipelines, pumping or regulator stations, communications towers, storage yards and substations, and cable television facilities and accessory buildings
- Veterinary hospitals
- Wholesale establishments but not warehouses generally

3-4.10.4 Lot and Yard Regulations

Use	Minimum Lot Size (sq. ft.)	Minimum Lot Frontage (at front setback)	Maximum Lot Coverage (impervious surfaces)
Non-Residential Uses or Mixed-Use Buildings	6,000	50 ft.	85%
Front Setbacks			
From right-of-way of local street having right of way of 50 feet or less*	From right-of-way of major thoroughfare or collector street having right of way greater than 50 feet *	From right-of-way of a service drive*	From any interior private or public accessway
			Accessory Buildings

40 feet	60 feet	40 feet	20 feet	Not permitted forward of the setback line.
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- * Front setback may be reduced by 20 feet if no parking or loading areas are located between the structure and the front lot line.

Side Yard Setbacks*		Rear Yard Setbacks*	
Adjacent to any C or I District	Adjacent to any R District	Adjacent to any C or I District	Adjacent to any R District
10 feet	25 feet	15 feet	25 feet

- * Accessory buildings over fifteen (15) feet in height shall be at least ten (10) feet from any lot line.

3-4.10.5 Building Regulations

Use	Maximum Height*
Accessory buildings	shall be less than the main building in height.
Other Buildings	45 feet

- ** A public or institutional building or church 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 forty-five (45) feet.

3-4.11 CBD Central Business District

3-4.11.1 Legislative Intent

Legislative Intent. The intent of this district is to provide for orderly development, infill and revitalization of the central business and commerce area of the Town of Warrenton in accordance with objectives, policies, and proposals of the Comprehensive Plan of the Town; and for the logical and timely development of the land for primarily business purposes providing for higher density residential development, especially on the upper floors of structures on Main Street and encouraging a lively retail environment at the street level of Main Street. The district is designed to encourage the following:

- Re-use of existing buildings in ways that are compatible with and supportive of the purposes of the district and of the Comprehensive Plan.
- Preservation of the unified, historic character of the district and its function as the retail and service center for Town citizens and visitors.

- The creation and reinforcement of the street as a public space, defined by buildings fronting the street, to create a harmonious pedestrian environment for Town citizens and visitors.
- Mixed uses within the district, including mixed uses within single structures.
- A uniformity of design to ensure the orderly arrangement of buildings, land uses, and parking areas, and all construction hereafter proposed for this area.
- A cohesive interrelationship of buildings in order to ensure a harmonious environment, allowing a degree of variety in building design provided said variety is within the overall historic, human-scale design framework of the district.
- Maximization of a beneficial interrelationship between vehicular facilities (streets and parking lots), pedestrian facilities (sidewalks, malls and plazas), and commercial establishments, with a particular focus on pedestrian, convenience and safety.
- The provision of adequate, appropriately located off-street parking facilities.
- The architectural design and arrangement of buildings and spaces so as to conform to the general character and plans of the district.

3-4.11.2 Permitted Uses (by-right)

- Accessory buildings
- Apartments
- Banks and other financial institutions, but not drive-in facilities
- Broadcasting stations
- Churches
- Cleaning and pressing shops limited to six (6) pressing machines, and four (4) dry cleaning machines
- Clinics - outpatient care only
- Community buildings
- Historic shrines and museums
- Home Occupations
- Institutional buildings
- Medical and dental offices/clinics
- Mixed Use structures
- Mobile Food Vendors subject to Article 9-24
- Offices for business or professional use
- Off-street parking and load subject to Article 7
- Open space subject to Article 9
- Parking lots, in accord with supplemental regulations in Article 9 and parking lot standards, Article 7
- Personal service stores not exceeding three thousand (3,000) square feet in gross area, or within an existing space legally used for such purposes within the previous five years.

- Restaurants, without drive-in facilities
- Retail service stores not exceeding three thousand (3,000) square feet in gross area, or within an existing space legally used for such purposes within the previous five years
- Signs subject to Article 6
- Single-family detached dwelling units
- Studios and Trade Schools
- Theaters
- Townhouses and duplexes
- Utilities related to and necessary service within the Town, including poles, wires, transformers, telephone booths, and the like for electrical power distribution of communication service, and underground pipelines or conduits for local electrical, gas, sewer, or water service, but not those facilities listed as requiring a special use permit
- Vending machines

3-4.11.3 Permissible Uses (by special use permit upon approval of the Town Council)

- Active and passive recreation and recreational facilities
- Child care center, day care center, or nursery school
- Clubs and lodges
- Commercial parking lots and garages
- Commercial recreational establishments
- Drive-through facilities for banks and financial institutions
- Emergency housing
- Farmers markets
- Funeral homes
- Health and Fitness Facilities
- Hotels and motels, not exceeding seventy-five (75) rooms
- Hotels, Inns, Bed & Breakfasts, and Tourist Homes
- Medical centers and laboratories
- Parks and playgrounds.
- Printing establishments in excess of 3,000 square feet in gross area
- Rental service establishments, with no outside equipment storage.
- Retail, personal or business services, office, or restaurants in dwellings or apartment buildings
- Schools, including trade schools
- Small equipment sales and/or service operations
- Taxicab stands
- Water storage tanks, major transmission lines or pipelines, pumping or regulator stations, communications towers, and substations, and cable television facilities and accessory buildings

3-4.11.4. Lot and Yard Regulations

Use	Minimum	Minimum	Maximum	Minimum Setbacks		
	Lot Size (sq. ft.)	Lot Frontage (at front setback)	Lot Coverage (impervious surfaces)	Front	Side	Rear
Commercial Uses	3,000	none	none	none	None to C or I District; 25 ft. to R District	None to C or I District; 25 ft. to R District
Other Permitted and Permissible Uses	None	none	none	none	None to C or I District; 25 ft. to R District	None to C or I District; 25 ft. to R District
Mixed-use structures	None	none	none	none	none	None to C or I District; 20 ft. to R District
Apartments (if stand-alone, non-mixed-use structure)	None	none	85%	none	None to C or I District; 20 ft. to R District	None to C or I District; 20 ft. to R District
Single Family Dwellings	none	50 ft.	none	none	None to C or I District; 20 ft. to R District	None to C or I District; 20 ft. to R District

3-4.11.5 Building Regulations

Use	Maximum Height*	Yards
All main buildings	45 feet by right 75 feet by Special Use Permit	
Accessory buildings	Within 10 feet of any lot line shall not exceed 15 feet in height. All accessory buildings shall be less than the main building in height	All non-residential accessory buildings shall satisfy setback requirements

* Side and rear yards adjacent to any other C or I district shall be increased one (1) additional foot of building height above thirty-five (35) feet;

* Side and rear yards adjacent to any R district shall be increased two (2) additional feet for each one (1) foot of building height above thirty-five (35) feet.

3-4.11.6 Use Limitations

1. Apartments are a permitted use in the district; however, apartments are prohibited on the ground floor except by Special Use Permit.
2. Apartment densities shall not exceed twenty-five (25) dwelling units per gross acre.

3-4.12 I Industrial District

3-4.12.1 Legislative Intent

It is the intent of this district to implement the Town's Comprehensive Plan by providing for a variety of light manufacturing, fabricating, processing, wholesale distributing, and warehousing uses appropriately located for access by highways and providing a controlled environment within which signing is limited, uses are to be conducted generally within completely enclosed buildings, and a moderate amount of landscaping is required. In order to preserve the land for industry, to reduce extraneous traffic, and avoid future conflicts between industry and other uses, business and service uses are limited primarily to those which will be useful to employees in the district and future residential uses are restricted.

3-4.12.2 Permitted Uses (by-right)

- Accessory buildings
- Active and Passive Recreation and Recreational Facilities
- Banks and savings and loan offices
- Broadcasting studios and offices
- Business and office supply establishments
- Cabinet, upholstery, and furniture shops
- Cafeteria or snack bar for employees
- Clinics, medical or dental
- Commercial uses constituting up to 15% of permitted site or building area
- Conference Centers
- Contractor's office and warehouse without outdoor storage
- Crematory
- Dwellings for resident watchmen and caretakers employed on the premises
- Employment service or agency
- Flex Office and Industrial uses
- Health and Fitness Facilities
- Institutional buildings
- Janitorial service establishment
- Laboratories, research, experimental or testing, but not testing explosives, rockets, or jet engines

- Light manufacturing uses which do not create danger to health and safety in surrounding areas and which do not create offensive noise, vibration, smoke, dust, lint, odor, heat, glare, or electrical impulse than that which is generally associated with light industries
- Mobile Food Vendors subject to Article 9-24
- Monument sales establishments with incidental processing to order but not including shaping of headstones
- Motion picture studio
- Nurseries and greenhouses
- Offices- business, professional, or administrative
- Off-street parking and loading subject to Article 7
- Open space subject to Article 9
- Printing, publishing, and engraving establishment; photographic processing; blueprinting; photocopying; and similar uses
- Private club, lodge, meeting hall, labor union, or fraternal organization or sorority
- Rental service establishment
- Retail or wholesale sales and service incidental to a permitted manufacturing, processing, storing, or distributing use
- Rug and carpet cleaning and storage with incidental sales of rugs and carpets
- Security service office or station
- Sign fabricating and painting
- Signs, subject to Article 6
- Studios
- Transmission and receiving towers of height not exceeding one hundred twenty-five (125) feet
- Utilities related to and necessary for service within the Town, including poles, wires, transformers, telephone booths, and the like for electrical power distribution or communication service, and underground pipelines or conduits for local electrical, gas, sewer, or water service, but not those facilities listed as requiring a special use permit
- Wholesale establishment, storage warehouse, or distribution center. furniture moving

3-4.12.3 Permissible Uses (by special use permit upon approval of the Town Council)

- Automobile body shop
- Automobile and truck repair and service
- Commercial Kennels
- Contractor's storage yard
- Data Center
- Farm equipment, motorcycle, boat and sport trailer sales and service
- Fuel, coal, oil distribution storage yards

- Lumber and building supply with undercover storage.
- Maintenance and equipment shops with screened outside storage
- Outdoor storage of any kind
- Plumbing and electrical supply with undercover storage
- Restaurant or cafeteria, drive-thru or otherwise
- Self-service mini-warehouse
- Temporary fair and show grounds
- Tire and battery sales and service, tire recapping and retreading
- Transmission and receiving towers of height greater than one hundred twenty-five (125) feet.
- Treatment plants, water storage tanks, major transmission lines or pipelines, pumping or regulator stations, communications towers, storage yards and substations, and cable television facilities and accessory buildings

3-4.12.4 Lot and Yard Regulations

Use	Minimum Lot Size (sq. ft.)	Minimum Lot Frontage (at front setback)	Maximum Lot Coverage (impervious surfaces and accessory buildings)
All principal manufacturing and processing uses in industrial parks	One (1) acre	100 ft.	75%
Other uses, including permitted retail and service establishments	10,000 square feet	100 ft.	75%

Minimum Setbacks

Use	Front	Side	Rear
All principal manufacturing and processing uses in industrial parks	Fifty (50) feet from the right-of-way of a local street having a right-of-way of fifty (50) feet or less.	Twenty-five (25) feet on an interior lot or adjacent to any C or I district including accessory buildings or parking structures, ten (10) feet for parking lots.	Forty (40) feet on an interior lot or adjacent to any C or I district including accessory buildings or parking structures, ten (10) feet for parking lots.
	Sixty-five (65) feet from the right-of-way of a major thoroughfare or collector street having a right-of-way greater than fifty (50) feet.	Fifty (50) feet adjacent to any R district including accessory buildings or parking structures, thirty (30) feet for parking lots.	Sixty-five (65) feet adjacent to any R district including accessory buildings or parking structures, fifty (50) feet for parking lots.
	Forty (40) feet from the right-of-way of a service drive. Accessory buildings shall not be permitted forward of the setback line.		
Other uses, including permitted retail and service establishments	same	same	same

3-4.12.5 Building Regulations

Use	Maximum Height
All buildings	35 feet
Accessory buildings	Within 20 feet of any lot line shall not exceed 15 feet in height. All accessory buildings shall be less than the main building in height.

3-4.12.6 Special Regulations for Manufacturing and Commercial Buildings

3-4.12.6.1 Enclosed Buildings. All uses shall be conducted within a completely enclosed building of permanent and durable construction, with no open storage of raw, in process, or finished material and supplies or waste material. Finished or semi-finished products manufactured on the premises may be stored in the open if screened from the street or from a residence district by landscaping, fences, or walls.

3-4.12.6.2 Landscaping. In general, where approval of a site plan is required, the landscape plan shall be designed to promote harmonious

relationships with adjacent and nearby residential properties, developed or undeveloped, and to this end may provide effective screening along side and rear property lines by means of fences, walls, hedges, planting screen, or natural vegetation as outlined in Article 8, General Provisions for Landscaping.

3-4.12.6.3 Fencing. All fencing shall have a uniform and durable character and shall be properly maintained.

3-5 Requirements for Overlay Zoning Districts

3-5.1 FPD - Floodplain District

3-5.1.1 Legislative Intent

The Floodplain District is created to prevent:

1. The loss of property and life,
2. The creation of health and safety hazards,
3. The disruption of commerce and governmental services,
4. The extraordinary and unnecessary expenditure of public funds for flood protection and relief, and
5. The impairment of the tax base.

These special regulations are designed to achieve the pertinent purposes of zoning as set forth in the Code of Virginia, Title 15.2-2283, and to implement the Comprehensive Plan, and ensure good planning practices that:

1. regulate uses, activities, and development which, acting alone or in combination with other existing or future uses, activities, and development, will cause unacceptable increases in flood heights, velocities and frequencies;
2. restrict or prohibit certain uses, activities, and development from locating within districts subject to flooding;
3. require all 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. Protect individuals from buying land and structures which are unsuited for intended purposes because of flood hazards.

3-5.1.2 Applicability

The provisions of this Ordinance shall apply to all lands within the Town and identified as being within the One Hundred-Year Floodplain by the Federal Insurance Administration.

3-5.1.3 Establishment of Floodplain Districts

3-5.1.3.1 Description of Flood Districts

1. The Town of Warrenton contains four (4) floodplain districts which shall include areas subject to inundation by waters of the one hundred (100) year flood. The basis for the delineation of these districts shall be the Flood Insurance Study (FIS) and the Flood Insurance Rate Map (FIRM) for the Town of Warrenton prepared by the Federal Emergency Management Agency (FEMA), Federal Insurance Administration (FIM), dated February 6, 2008 as amended.
2. The Floodway District is delineated for purposes of this Ordinance using the criteria that a certain area within the floodplain must be capable of carrying the waters of the one hundred (100) year flood without increasing the water surface elevation of that flood more than one (1) foot at any point.
3. The Flood-Fringe District shall be that area of the one hundred (100) year floodplain not included in the Floodway District. The basis for the outermost boundary of this District shall be the one hundred (100) year flood elevations contained in the flood profiles of the above referenced Flood Insurance Study and as shown on the accompanying Flood Insurance Rate Map (FIRM).
4. The Special Floodplain District shall be those areas identified as an AE (Zone A with Elevations) Zone on the maps accompanying the Flood Insurance Study for which one hundred (100) year flood elevations have been provided but for which no floodway has been delineated.
5. The Approximated Floodplain District shall be that floodplain area for which no detailed flood profiles or elevations are provided, but where a one hundred (100) year floodplain boundary has been approximated. Such areas are shown as Zone A on the maps accompanying the Flood Insurance Study.
 - 5.1 For these areas, the one hundred (100) year flood elevations and floodway information from federal, state, and other acceptable sources shall be used, when available. Acceptable Sources include but are not limited to: US Army Corps of Engineers Floodplain Reports and US Geological Survey Flood-Prone Quadrangles
 - 5.2 Where the specific one hundred (100) year flood elevation cannot be determined for this area then the applicant for the proposed use, development, and/or activity shall determine this elevation in

accordance with hydrologic and hydraulic engineering techniques. 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.

5.3 Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough review by the Town Council for submission and approval by FEMA.

5.3 The Town shall require that all new subdivision proposals and other proposed developments greater than 50 lots or 5 acres, whichever is the lesser, include within such proposals base flood elevation data [Code of Federal Regulations 44CFR 60.3(b) section (3)].

6. 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.

7. In the event any provision concerning a Floodplain District is declared inapplicable as a result of any legislative or administrative actions or judicial discretion, the basic underlying district provisions shall remain applicable.

3-5.1.3.2 District Boundaries

The boundaries of the Floodplain Districts are established as shown on Flood Insurance Rate Maps which is declared to be a part of this ordinance.

3-5.1.3.3 District Boundary Changes

The delineation of any of the floodplain districts may be revised by the Town Council where natural or man-made changes have occurred and/or more detailed studies conducted or undertaken by the U. S. Army Corps of Engineers or other qualified agency or individual documents the notification for such change. However, prior to any such change, approval must be obtained from the Federal Insurance Administration.

3-5.1.3.4 Interpretation of District Boundaries

Initial interpretation of the boundaries of the Floodplain Districts shall be made by the Planning Director. Should a dispute arise concerning the boundaries of any of the Districts, the Board of Zoning Appeals shall make the necessary determination.

3-5.1.4 District Provisions and Procedures

3-5.1.4.1 District Provisions

No land shall hereafter be developed and no structure shall be located, relocated, constructed, reconstructed, enlarged, or structurally altered except in 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.

Prior to any proposed alteration or relocation of any channels or floodways of any watercourse, stream, etc., within the town, a regulatory floodway shall be designated. Applicable permits shall be obtained from the US Corps of Engineer, the Virginia Department of Environmental Quality, and the Virginia Marine Resources Commission. For the applicant's convenience, a joint permit application is available from any of these organizations.

Further notification of the proposal shall be given, by the applicant, to all affected adjacent jurisdictions, the Town Zoning Administrator, the Department of Conservation and Recreation (Division of Dam Safety and Floodplain Management) and the Federal Insurance Administration.

Under no circumstances shall any use, activity, and/or development adversely affect the capacity of the channels or floodways of any watercourse, drainage ditch, or any other drainage facility or system.

3-5.1.4.2 Permit Requirements

All uses, activities, and development occurring within any floodplain area shall be undertaken only upon the issuance of a Floodplain permit from the Zoning Administrator. Such development shall be undertaken only in strict compliance with the provisions of the Ordinance and with all other applicable codes and ordinances, such as the Virginia Uniform Statewide Building Code. 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.

3-5.1.4.3 Floodway District

In the Floodway District no development shall be permitted except where the effect of such development on flood heights is fully offset by accompanying improvements which have been approved by all appropriate federal, local, and/or state authorities as required. The placement of any manufactured home, except in

an existing manufactured home park or subdivision, within the Floodway District is specifically prohibited.

3-5.1.4.4 Permitted Uses in the Floodway district

In the Floodway District the following uses and activities are permitted provided that they are in compliance with the provisions of the underlying district and are not prohibited by any other ordinance and provided that they do not require structures, fill, or storage of materials and equipment:

1. Public and private recreational uses and activities such as parks, day camps, picnic grounds, and golf courses.
2. Accessory residential uses such as yard areas, gardens, play areas, and pervious loading areas.
3. Accessory industrial and commercial uses such as yard areas, pervious parking and loading areas, airport landing strips, etc.
4. Public utilities including poles, wires, transformers, underground pipelines or conduits but not those facilities listed as requiring a special use permit. Site Plan Review is required.

3-5.1.4.5 Permissible Uses in the Floodway District

The following uses and activities may be permitted by the Town Council by special use permit, subject to the provisions of Article 11, provided that they are in compliance with the provisions of the underlying district and are not prohibited by this or any other Ordinance and that all uses, activities, and structural developments shall be undertaken in strict compliance with the flood-proofing provisions contained in all other applicable codes and ordinances:

1. Active and passive recreation and recreational facilities
2. Inside/Outside storage of materials and equipment provided that they are not buoyant, flammable, or explosive, and are not subject to major damage by flooding, or provided that such material and equipment is firmly anchored to prevent flotation or movement, and/or can be readily removed from the area within the time available after flood warning.
3. Structures, except for manufactured homes, accessory to the uses and activities in Section 3-5.1.4.4 above.
4. Temporary uses such as circuses, carnivals, and similar activities
5. Utilities and public facilities and improvements such as railroads, streets, bridges, transmission lines, pipe lines, water and sewage treatment plants, and other similar or related uses.

6. Other similar uses and activities provided they cause no increase in the one hundred (100) year flood heights and/or velocities.

3-5.1.4.6 Flood-Fringe District

1. In the Flood-Fringe District the development and/or use of land shall be permitted in accordance with the regulations of the underlying district provided that all such uses, activities, and/or development shall be undertaken in strict compliance with the flood-proofing and related provisions contained in the Virginia Uniform Statewide Building Code and all other applicable codes and ordinances.

3-5.1.4.7 Standards for the Special Floodplain District:

The following provisions shall apply within the Special Floodplain District: Until a regulatory floodway is designated (See Section 3-5.1.4.1), by the developer no new construction, substantial improvements, or other development (including fill) shall be permitted within the areas of special flood hazard, designated as Special Floodplain Districts on the Flood Rate Insurance Map, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development will not increase the water surface elevation of the base flood more than one foot at any point within the community.

Development activities in Zone AE on the community's Flood Insurance Rate Map which increase the water surface elevation of the base flood by more than one foot may be allowed provided that the developer or applicant first applies – with the community's endorsement – for a conditional Flood Insurance Rate Map revision, and receives the approval of the Federal Emergency Management Agency.

3-5.1.4.8 Standards for Approximated Floodplain

When base flood elevation data or floodway data have not been provided, the applicant 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 Article 4. When such base flood elevation data is utilized, the permit shall contain:

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 Article 4, Section 4.3 (B) of this ordinance, the elevation in relation to the mean sea level to which the structure has been flood-proofed.

When the data is not available from any source as in 3-5.1.3.1.4, the lowest floor of the structure shall be elevated to no lower than three above the highest adjacent grade.

3-5.1.4.9 Site Plans and Permit Applications

All applications for development in the 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 or cellar.
2. For structures to be flood-proofed (nonresidential only), the elevation to which the structure will be flood-proofed.
3. The elevation of the one hundred (100) year flood.
4. Topographic information showing existing and proposed ground elevations.

3-5.1.4.10 Manufactured Homes

All manufactured homes that are placed or substantially improved must be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to or above the base floor elevation and be securely anchored to an adequately anchored foundation system to resist floatation, collapse and lateral movement. Foundations shall meet the building code standards required of conventional stick-built single-family dwellings.

3-5.1.4.11 Recreational Vehicles

Recreational vehicles placed on sites shall either

1. Be on the site for fewer than one hundred (180) consecutive days, and
2. Be fully licensed and ready for highway use, or
3. Meet the permit requirements for placement and the elevation and anchoring requirements for manufactured homes as contained in the Virginia Uniform Statewide Building Code. 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.

3-5.1.4.12 Existing Structures in Floodplain Districts

A structure or use of a structure or premises which lawfully existed before the enactment of these provisions, but which is not in conformity with these provisions, may be continued subject to the following conditions:

1. Existing structures and/or uses located in the Floodway District shall not be expanded or enlarged
2. Any modification, alteration, repair, reconstruction, or improvement of any kind to a structure and/or use located in any floodplain district to an extent or amount of less than fifty (50) percent of its market value, shall be elevated and/or flood-proofed.
3. The modification, alteration, repair, reconstruction, or improvement of any kind to a structure and/or use regardless of its location in a floodplain district to an extent or amount of fifty (50) percent or more of its market value shall be undertaken only in full compliance with the provisions of the Virginia Uniform Statewide Building Code.
4. Uses of adjuncts thereof which are, or become, nuisances shall not be permitted to continue.

3-5.1.5 Design Criteria for Utilities and Facilities

3-5.1.5.1 Sanitary Sewer Facilities

All new or replacement sanitary sewer facilities and private package sewage treatment plants, including all pumping stations and collector systems, shall be designed to minimize the infiltration of flood waters into the systems and discharges from the systems into the flood waters. In addition, they should be located and constructed to minimize or eliminate flood damage and impairment.

3-5.1.5.2 Water Facilities

All new or replacement water facilities shall be designed to minimize or eliminate infiltration or flood waters into the system and be located and constructed to minimize or eliminate flood damages

3-5.1.5.3 Drainage Facilities

All storm drainage facilities shall be designed to convey the flow of surface waters without damage to persons or property. The systems shall ensure drainage away from buildings and on-site waste disposal sites.

The Town Council may require a primarily underground system to accommodate frequent floods and a secondary surface system to accommodate larger, less frequent floods. Drainage plans shall be consistent with local and regional drainage plans. The facilities shall be designed to prevent the discharge of excess runoff onto adjacent properties.

3-5.1.5.4 Utilities

All utilities, such as gas lines, electrical, and telephone systems, being placed in flood-prone areas should be located, elevated where possible, and constructed to minimize the chance of impairment during a flood occurrence.

3-5.1.5.5 Streets and Sidewalks

Streets and sidewalks should be designed to minimize their potential for increasing and aggravating the levels of flood flow. Drainage openings shall be required to sufficiently discharge flood flows without unduly increasing flood heights.

3-5.1.6 Liability

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 areas outside the Floodplain District or that land uses permitted within such districts will be free from flooding or flood damages.

This Ordinance shall not create liability on the part of the Town of Warrenton or any officer or employee thereof for any flood damages that result from reliance on this Ordinance or any administrative decision lawfully made hereunder.

3-5.1.7 Validity and Severability

Where there happens to be any conflict between the provisions or requirements of any of the Floodplain Districts and those of any underlying district, the more restrictive provisions and/or those pertaining to the floodplain districts shall apply.

As Federal and State guidelines are amended the more restrictive provisions shall apply

3-5.1.8 Variances

Applications for Variances require a Special Use Permits in accordance with Section 11-3.10 of the Zoning Ordinance and shall be submitted to the Zoning Administrator for consideration by the Planning Commission and Town Council. In the review process, Planning Commission and Town Council shall consider at least the following in their decision making process:

1. That the applicant has considered all relevant requirements and procedures specified in the Zoning Ordinance prior to requesting a variance.
2. The danger to life and property due to increased flood heights or velocities caused by encroachments; the danger that materials may be swept on to other lands or downstream to the injury of others.
3. The availability of alternative locations not subject to flooding for the proposed use.
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 compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
9. The relationship of the proposed use to the comprehensive plan and floodplain management program for the area.
10. The safety of access by ordinary and emergency vehicles to the property in time of flood.
11. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site.
12. The repair or rehabilitation of historic structures 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.
13. Such other factors which are relevant to the purposes of this ordinance.

The Town Council 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.

1. Variances shall be issued only after the Town Council has determined that the granting of such 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.
2. No variance shall be granted for any proposed use, development, or activity within any Floodway District that will cause any increase in the one hundred (100) year flood elevation.

Variances shall be issued only after the Town Council has determined that variance will be the minimum required to provide relief from hardship to the applicant.

The Zoning Administrator shall notify the applicant in writing, that the issuance of a variance to construct a structure below the one hundred (100) year flood elevation (a) increases the risks to life and property and (b) will result in increased premium rates for flood insurance.

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

3-5.2 PUD - Planned Unit Development District

3-5.2.1 Legislative Intent

It is the intent of this Article is to encourage innovations in residential and nonresidential development so that the growing demands of Warrenton may be met by greater variety in type, design and layout of buildings and housing types and to achieve the purposes set out in Section 15.2-2283 of the Code of Virginia, the Town's Comprehensive Plan, and the following specific purposes of:

3-5.2.1.1 Residential Planned Unit Development (R-PUD)

1. Providing increased flexibility in the laws governing the development of those areas in Warrenton which are now substantially open land and encouraging such development in directions that will recognize both the changes in design and technology in the building industry and the new demands in the housing market;
2. Ensuring that the uniform regulations appropriate to previously developed residential neighborhoods do not operate to discourage efficient and imaginative

development of said substantially open areas consistent with the reasonable enjoyment of neighboring properties;

3. Encouraging the more efficient allocation and maintenance by private initiative of Common Open Space ancillary to new residential areas;
4. Encouraging the more efficient use of those public facilities required in connection with new residential development;
5. Encouraging the creation of human-scaled development with pedestrian-friendly streets, in a traditional neighborhood pattern;
6. Encouraging compatible infill development; and
7. Encouraging the development of affordable housing for local residents.

3-5.2.1.2 Commercial or Industrial Planned Unit Development

1. Increasing economic opportunities through planned communities that include light industrial and/or commercial business parks with on-site residential development conducive to implementing the Goals and Objectives of the Comprehensive Plan.
2. Developing gateway communities to maintain and convey a sense of the Town's unique character by utilizing mixed-use development compatible with Warrenton's historic environment.
3. Discouraging stereotypical "strip development" and encouraging creative urban design through zoning and subdivision regulations that incorporate flexible design standards, incentives and bonuses. Therefore, the PUD process shall permit a freer placement of buildings within the project area than the conventional subdivision system. In consideration of the unified development concept, the total project parcel shall be the unit of regulation and density shall be calculated on a project-wide basis to permit the clustering of buildings to create open space and preserve natural site features.
4. Maintaining and encouraging efficient land use patterns that integrate residential, commercial, public and employment in planned neighborhoods.
5. Targeting and recruiting new private sector employers in specific commercial and industrial uses to maintain and enhance a balanced tax base through the expansion of employment opportunities that complement and support Main Street.
6. Promoting professional offices and their contributions to a balanced mix of employment opportunities.
7. Balancing multi-modal transportation needs including motor vehicles, bicycles and pedestrians.
8. Reducing vehicular traffic by locating employment and housing within one development.

3-5.2.2 Applicability

The PUD Overlay District is hereby established as an overlay district, as shown on the Town's Official Zoning Map. All regulations of the applicable underlying regular base zoning district shall apply to each parcel within the overlay district, except as modified by the provisions of the overlay district and any proffers or other limitations associated with the approval of a specific

overlay district application by the Town. Hereinafter, the term PUD shall refer to residential and business planned unit developments; residential planned unit developments may be referenced as R-PUD and business developments may be further characterized as C-PUD (those PUDs with an underlying commercial zoning designation) or I-PUD (those PUDs with an underlying industrial base zoning district).

3-5.2.3 General Planning Considerations

3-5.2.3.1 Residential Planned Unit Development (R-PUD)

In considering an application for a Residential Planned Unit Development (R-PUD) with a primary residential component, the Town Council may request information which will aid in determining that:

1. The population density of the R-PUD is consistent with the recommended population density embodied in the Comprehensive Plan and zoning for that area.
2. The incorporation of the development with existing land use and the proposed land uses adjacent to the site has been attempted.
3. The conditions and availability of adjacent streets to efficiently and safely afford movement of the volume of vehicles to be generated by development have been met.
4. Additional community facilities made necessary by the proposed development will be provided in accord with the Town's plans and policies.
5. Additional public services made necessary by the proposed development will be provided or funds reserved for them in accord with the Town's plans and policies.
6. The adequacy of utility services is sufficient for the proposed uses.
7. The amount and relationship of the various types of dwellings proposed by the development are documented.
8. The ratio of dwelling units to be owner occupied and rental is documented.
9. The amount, location, and proposed use of permanent open space achieved by the development are illustrated.
10. The preservation of trees, groves, watercourses, scenic points, historic spots, and other community assets and landmarks will be incorporated.
11. Streets and sidewalks that are safe and convenient for pedestrian activity are provided within the development and connected to existing or proposed networks adjoining the development.

3-5.2.3.2 Commercial and Industrial Planned Unit Developments (C-PUD/I-PUD)

In considering an application for a Commercial or Industrial Planned Unit Development (C-PUD or I-PUD) with a primary commercial and/or industrial component, the Town Council may request information which will aid in determining that:

1. The pattern of development within the respective PUD is consistent with the features of the Town's traditional design and development patterns and expands the opportunity for a Live-work environment as identified in the Warrenton Comprehensive Plan.
2. Existing and proposed land uses adjacent to the site have been considered.
3. The PUD is established in an area adjacent to an arterial highway and is served by a road network of minor arterial highways or higher as designated in the Warrenton Comprehensive Plan to efficiently and safely afford movement of the volume of vehicles generated by the development.
4. Additional community facilities made necessary by the proposed development will be provided in accord with the Town's plans and policies.
5. Additional public services made necessary by the proposed development will be provided or funds will be reserved in accordance with the Town's plans and policies.
6. The adequacy of utility services is sufficient for the proposed uses.
7. The amount and relationship of the various types of industrial, commercial, and residential uses proposed by the development are documented.
8. The amount, location, and proposed uses of permanent open space achieved by the development are illustrated.
9. The preservation of trees, groves, watercourses, scenic points, historic spots, and other community assets and landmarks will be incorporated.
10. Development is designed to promote quality lifestyles by encouraging pedestrian movement and reducing automobile movement. Therefore, connections shall be provided from the development to any adjacent existing and/or proposed sidewalks or trails.

3-5.2.4 Standards and Criteria for Planned Unit Developments

This Article is formulated according to the principle that the PUD is an innovative departure from the traditional concept of zoning. In providing guidance for a PUD, the following standards and criteria are outlined in order to present respective minimum and maximum regulations.

3-5.2.4.1 General Criteria

Uses within the R-PUD shall emphasize residential uses permitted in the underlying base zoning district. Uses within the C-PUD and I-PUD shall emphasize commercial or industrial uses, depending upon the underlying base zoning district and subject to the development standards set forth in the chart below:

PUD Development Standards:			
Category	R-PUD Underlying base residential zoning district	C-PUD Underlying base commercial zoning district	I-PUD Underlying base industrial zoning district
Minimum total land area required.	25A	25A	25A
Maximum Density (FAR)	0.40	0.50	0.60
Land Use Mix *			
Industrial	Maximum 15% (limited to Office only)	Maximum 35%	Minimum 50%
Commercial	Maximum 35%	Minimum 50%	Maximum 30%
Residential	Minimum 50%	Maximum 15%	Maximum 20%
Mixed Use Residential		Minimum 5% Maximum 15%	Minimum 5% Maximum 35%
Open Space	Min. 25%	Min. 25%	Min. 20%
Open Space Bonus (Healthy Lifestyle, Amenities and/or Civic Greens)	25%	15%	15%
Open Space for Stand-alone Multi-Family **(included in min.)	500 Sq Ft/unit; min. 10,000 Sq Ft Area	500 Sq Ft/unit; min. 10,000 Sq Ft Area	min. 10,000 Sq Ft Area
Height **			
Residential, except multifamily	35	NA	NA
Multi-Family Residential	55	45	45
Mixed Use	55	55	45
All Other Uses	35	45	45

* The proposed Land Use Mix and FAR are based on the total land area within each PUD (e.g.: no more than 35% of the allowable uses in the C-PUD may be industrial, and in any event development may be at a density no greater than the maximum permitted

coverage expressed as FAR). The Land Use Mix may be modified pursuant to § 3-5.2.4.3.

** Heights are further subject to criteria set forth in § 3-5.2.8, however, height limits for mixed use buildings with residential uses may be increased up to 65 feet with Town Council approval; multifamily dwellings are subject to a Special Use Permit in the C-PUD.

3-5.2.4.2 Other Criteria for Residential Planned Unit Developments

1. The applications and provisions of this Article shall be applied only to an area of not less than twenty-five (25) adjacent and/or contiguous acres within any R district.
2. The Plan shall include maps and narrative text that describe the location of and relationships between all residential and commercial development, public facilities, roadways, open space and recreation areas, and other proposed major facilities.
3. The Plan shall provide for at least two dwelling types.
4. A Mixed Use Residential bonus system is offered to encourage private sector development of affordable dwelling units (ADU), in accord with Article 9, Section 9-3.
5. Not more than fifty (50) percent of the total number of dwelling units shall be provided in multi-family units.
6. No building designed or intended to be used, in part or in whole, for commercial purposes shall be constructed prior to the completion of not less than twenty (20) percent of the dwelling units proposed in the Plan. The Council shall further have the authority to waive or modify the criteria established in this section, if, in the opinion of the Council it shall determine that the grant of such waiver or modification (i) shall advance the legislative intent and general planning considerations underlying the Planned Unit Development District and this Ordinance, (ii) shall be in general conformity with the adopted Comprehensive Plan, and (iii) shall not create an adverse effect on adjacent land uses.
7. Residential and open space uses shall be incorporated into each phase or stage of development in the manner prescribed by the Plan. Applicable recreational facilities shall be completed prior to construction of the next phase.
8. Town Council reserves the right to disapprove any sub area (net) densities that are in excess of that which would otherwise be allowed for the same dwelling type under this Ordinance.
9. The applicant shall designate geographic sections and identify the number and type of dwellings of the entire parcel to be developed as a Planned Unit Development.
10. The unique nature of a proposal for Planned Unit Development may require that the specifications for the width and surfacing of streets and highways, alleys, ways for public utilities, for curbs, gutters, sidewalks, street lights, public parks

and playgrounds, school grounds, storm water drainage, water supply and distribution, sanitary sewers and sewage collection and treatment shall be subject to modification from the specifications established in the provisions of the Town of Warrenton Public Facilities Manual. The Council may therefore waive or modify the specifications otherwise applicable for a particular public facility where the Council finds that such specifications are not required in the interest of the residents of the Planned Unit Development and that the modifications of such specifications are not inconsistent with the interests of the Town. Proposed specifications and standards that are contrary to those required under the prevailing Town regulatory codes shall be termed acceptable upon approval by the Zoning Administrator.

3-5.2.4.3 Other Criteria for Commercial and Industrial Planned Unit Developments

1. The applications and provisions of this Article shall be applied only to an area equal to or greater than twenty-five (25) adjacent and/or contiguous acres within an Industrial or Commercial District.
2. A Master Plan shall be required to guide the development. This Plan shall include (i) a general development plan incorporating land bays and land uses as set forth in the Development Standards (§ 3-5.2.4.1) and Use Regulations (§ 3-5.2.6) and (ii) a narrative text that describes phasing, the location of and relationships between all development types, public facilities, roadways, open space and recreation areas, and other proposed major facilities. The Plan shall provide for integrated development of all of the proposed uses and the coordination of infrastructure as a cohesive entity, rather than separate components or independent cells of land use.
3. Residential development within the I-PUD shall be limited to mixed commercial and/or industrial uses with dwellings having ten (10) or more dwelling units that may be designed as mixed-use developments.
4. Phasing. No dwelling units designed or intended to be used solely for residential purposes shall be constructed prior to the completion of not less than thirty five (35) percent of commercial and/or industrial uses, except mixed-use buildings constructed with a residential component shall not be subject to this threshold requirement.
5. The Town Council shall, upon recommendation of the planning commission, have the authority to modify (making the criteria more, less or equally restrictive) or waive, the criteria established §3-5.2 et seq. for Commercial or Industrial Planned Unit Development, if in the opinion of Town Council it shall determine that such modification or waiver:
 - a. Shall advance the legislative intent and general planning considerations underlying the PUD and this Ordinance,
 - b. Shall be in general conformity with the adopted Comprehensive Plan, and

- c. Shall not create an adverse effect on adjacent land uses.
6. The unique nature of a proposal for the PUD may require that the specifications for the width and surfacing of streets and rights-of-way; use of alleys; easements for public utilities; curbs, gutters, and sidewalks; street lights; public parks and playgrounds; school grounds; storm water drainage; water supply and distribution; sanitary sewers and sewage collection; shall be subject to modification from, or waiver of, the specifications established in the provisions of the Town of Warrenton Public Facilities Manual. The Council may, upon recommendation of the planning commission, waive or modify the specifications otherwise applicable for a particular public facility as noted above, where the Council finds that such specifications are not required in the interest of the occupants of the PUD and that the modifications of such specifications are not inconsistent with the interests of the Town. Said waivers or modifications may also include waivers of modifications of the requirements of Article 6 – Sign Regulations, such that the applicant may create a comprehensive sign package for a proposed development.
 7. Multilevel Parking Facilities shall be allowed as a by-right use within the Commercial and Industrial Planned Unit Development for a maximum of three stories above grade. Multilevel parking facilities should be encouraged as a means of centralizing parking and reducing overall impervious surfaces within the PUD area. The Town recognizes the need for a centralized parking area that may be considered part of the common ownership of the project area. Multilevel Parking Facilities may also exist as an accessory structure to a primary use, either above or below grade. The square footage of the multilevel parking facility shall be excluded from the overall Floor Area Ratio for the project.

3-5.2.5 Use Regulations - Residential Planned Unit Developments (R-PUD)

A building may be erected, altered, or used, and a lot or premises may be used or occupied, for any of the following purposes, and no other, in addition to those permitted by right within the underlying zoning district.

3-5.2.5.1 Uses Permitted by Right:

Residential Uses

1. Accessory buildings and uses customarily incidental to permitted uses
2. Apartment Building
3. Foster homes
4. Group Homes of eight or less serving physically handicapped, mentally ill, mentally retarded, or other developmentally disabled persons
5. Home occupations
6. Senior/Disability Housing
7. Single-family detached dwelling units
8. Townhouse

9. Two, Three-, and Four-Family dwelling units

Commercial Uses

1. Banks without drive-thru facilities
2. Community Buildings
3. Church
4. Dental Offices
5. Family Care Facilities
6. Live/work dwellings
7. Medical Offices
8. Mixed-use residential/commercial/industrial-office units
9. Mobile Food Vendors subject to Article 9-24
10. Off-street parking for permitted uses subject to Article
11. Pet Grooming
12. Personal Service Establishments
13. Professional and Business Offices
14. Restaurants without drive-thru facilities.
15. Retail Shops
16. Senior Citizens Centers

Industrial Uses

1. Professional and Business Offices

3-5.2.5.2 Uses Permitted by Special Use Permit

The following uses may be permitted upon authorization of the Town Council subject to Article 11, in addition to those permitted by Special Use Permit within the underlying zoning district:

Residential

1. Active recreation and recreational facilities
2. Affordable Dwelling Units (ADU), within areas designated for multifamily development, at bonus densities of up to twenty (20) dwelling units per net acre
3. Assisted living/care facilities
4. Family care homes
5. Group homes of more than eight serving physically handicapped, mentally ill, mentally retarded, or other developmentally disabled persons
6. Home Business [see revised definition]

Commercial Uses

1. Banks with Drive-through Facilities
2. Health and Fitness Facilities

3. Institutions, Education and Philanthropic, including Museums, Art Galleries and Libraries.
4. Restaurants with Drive-through Facilities
5. Swim and Tennis Club
6. Traditional Neighborhood Developments as provided for in Section 3-5.2.11

Industrial Uses

1. None in the R-PUD

3-5.2.6 Use Regulations – Commercial and Industrial Planned Unit Developments

A building may be erected, altered, or used, and a lot or premises may be used or occupied, for any of the following purposes, and no other.

3-5.2.6.1. C-PUD Uses Permitted by Right

The following principal uses shall be permitted subject to approval of the Master Development Plan and subject to the use limitations set forth below in Sections 3-5.4.5.3 and 3-5.4.6:

Residential Uses

1. Home Occupations
2. Mixed Use Residential dwellings (apartments located above ground floor retail and/or offices)

Commercial Uses

Any of the following uses provided that no one-business establishment exceeds 50,000 square feet of gross floor area on the lot or on the tract, unless covered by an approved Master Plan as approved by the Town Council.

1. Accessory Buildings and uses customarily incidental to permitted uses
2. Active and Passive Recreation and Recreation Facilities
3. Banks and other financial institutions without drive-thru facilities
4. Community buildings
5. Convenience Stores
6. Dentist Offices
7. Family Care Facilities
8. Health and Fitness Facilities
9. Hotels and motels
10. Laundromat
11. Medical and Dental Clinics
12. Medical Offices

13. Mixed Use Commercial (retail/office)
14. Mobile Food Vendors subject to Article 9-24
15. Off-street parking for permitted uses subject to Article 7
16. Offices –business/industrial/professional
17. Parking Garage/Facilities (See Article 12 for Definition)
18. Parks and playgrounds
19. Personal Services
20. Professional and Business Offices
21. Restaurant without drive-thru facilities
22. Retail Sales, including stores and shops
23. Senior Centers
24. Shopping Centers
25. Studios
26. Theater

Industrial Uses

1. Conference Center
2. Contractor Offices
3. Flex Offices
4. Medical Laboratories
5. Taxi-cab Stands
6. Trade Schools
7. Warehouses

3-5.2.6.2 C-PUD Uses Permitted by Special Use Permit

The following uses may be permitted subject to approval of the Master Development plan and authorization of the Town Council subject to Article 11 and to those limitations set forth below in Sections 3-5.4.5.3 and 3-5.4.6:

Residential Uses

1. Dwelling Units for Elderly or Handicapped, within areas designated for multifamily development, at bonus densities of up to twenty (20) dwelling units per net acre within the permitted FAR.
2. Apartment Buildings, maximum 10%, but subject to the maximum of 15% for all residential use of the site as prescribed in Section 3-5.2.4.1.
3. Assisted living/care facilities

Commercial Uses

1. Any use listed as permitted by right in Section 3-5.2.6.2 that exceeds 50,000 square feet of gross floor area and was not included in a Master Plan for the development as approved by Town Council.
2. Banks with drive-thru facilities.
3. Restaurant with Drive-thru facilities.

Industrial Uses

1. Contractor Office with Outdoor Storage
2. Lawn and Garden Retail/Equipment with Outdoor Storage

3-5.2.6.4. I-PUD Uses Permitted by Right

The following principal uses shall be permitted subject to approval of the Master Development Plan and subject to the use limitations set forth below in Sections 3-5.4.5.3 and 3-5.4.6:

Residential Uses

1. Mixed Use Residential (apartments located above ground floor retail and/or offices)
2. Apartment buildings, multifamily dwellings, and condominiums, as authorized on an approved Master Development Plan
3. Playgrounds and recreation areas

Commercial Uses

Any of the following uses, provided that no one-business establishment exceeds 50,000 square feet of gross floor area on the lot or on the tract, unless covered by an approved Master Plan as approved by the Town Council.

1. Active and Passive Recreation and Recreation Areas and Facilities
2. Banks and Savings and Loan Offices
3. Commercial recreation (indoor)
4. Child Care Center
5. Clinics (medical and dental)
6. Family Care Home
7. Health and Fitness Facilities
8. Hotels and motels
9. Medical Offices and Laboratories
10. Mixed Use Retail/Commercial
11. Mobile Food Vendors subject to Article 9-24
12. Retail uses, Personal Services
13. Retail Stores and Shops
14. Restaurant without drive-thru facilities
15. Studios
16. Theater
17. Offices
18. Daycare Facilities

Industrial Uses

1. Accessory Buildings and uses customarily incidental to permitted uses

2. Broadcast Studios
3. Business and office supply establishments
4. Cabinet, upholstery and furniture repair shops
5. Cafeterias, snack bars or other employee related commercial facilities up to 15% of building area
6. Conference Centers
7. Employment Service or Agency
8. Flex industrial
9. Health and fitness facilities
10. Institutional buildings
11. Light manufacturing uses, which can confine all aspect of the production and or manufacturing of product to the interior of the building and do not create danger to health and safety of the surrounding areas.
12. Medical Laboratories
13. Mixed Use Industrial (retail/office/industrial)
14. Off-street parking for permitted uses subject to Article 7
15. Offices
16. Parking Garage/Facilities (See Article 12 for Definition)
17. Parks
18. Plumbing and electrical supply, retail only
19. Rental Service Establishments, without outdoor storage
20. Restaurant
21. Security service office or station
22. Trade Schools
23. Warehouses restricted to outer areas of PUD
24. Wholesale establishment

3-5.2.6.5 I-PUD Uses Permitted by Special Use Permit

The following uses may be permitted, subject to approval of the Master Development plan and authorization of the Town Council subject to Article 11:

Residential Uses

1. Dwelling Units for Elderly or Handicapped, within areas designated for multifamily development
2. Assisted Living Facilities

Commercial Uses

1. Any use listed as permitted by right in Section 3-5.2.6.2 that exceeds 50,000 square feet of gross floor area
2. Banks and Savings and Loan Office with Drive-thru facilities
3. Restaurants with Drive-thru facilities

Industrial Uses

1. Farm Equipment Sales/service/repair shop

2. Outdoor storage of any kind.
3. Nurseries and greenhouses
4. Warehouses or distribution center
5. Wholesale sales and services incidental to permitted manufacturing facility

3-5.2.7 Density/Intensity and Area Regulations

3-5.2.7.1 Maximum density for Residential Planned Unit Developments

The maximum density/intensity computed over the entire R-PUD shall not exceed that specified in the Comprehensive Plan. Such computation may exclude from the land area only those streets, which are to be constructed as a part of the R-PUD. In addition, the maximum density/intensity computed over the entire R-PUD shall not exceed that permitted for the zoning district or districts in force in the R-PUD area at the time of the R-PUD application. Density intensity bonuses may be awarded in accordance with district schedules as a part of the design approval for the R-PUD, but not to exceed overall densities specified by the Comprehensive Plan.

3-5.2.7.2 Minimum Lot Sizes and Setbacks for Residential Planned Unit Developments

Notwithstanding the following minimum lot sizes and setbacks, overall gross densities on the site shall not exceed those provided for in Section 3-5.2.7.1.

3-5.2.7.3 Table of Bulk Development Requirements for Residential PUD (R-PUD)

Maximum building area is based on an assigned Floor Area Ratio as defined in Article 12 of this ordinance. The overall Floor Area Ratio for the R-PUD shall not exceed **0.40**. A typical breakdown of separate uses is provided here for illustrative purposes only for use on separate parcel within the PUD.

Use	Minimum Lot Size ¹	Minimum Lot Width ²	Front ³	Side	Rear
Single-Family	6,000	55	25	10	20
Multifamily Residential	12,500	80	20	15	20
Townhouses	2,000 sq. ft. per unit	20 for interior 30 for end units	20	20 ⁴	25
Multifamily with ADU	10,000	80	20	15	35
Mixed-use C/R only	6000	55	0	0	20
Commercial Uses	6,000	55	40	10	20

Use	Minimum Lot Size ¹	Minimum Lot Width ²	Front ³	Side	Rear
Industrial	6,000	55	40	15	20

¹ expressed in square feet

² as measured at the front setback

³ as measured from the interior street right-of-way or service drive; peripheral setbacks are based on the adjacent highway – 40 feet for 50 foot or less right-of-way and 60 feet for greater than 50 foot right-of-way.

3-5.2.7.4 Table of Bulk Development Requirements for Commercial PUD (C-PUD)

Maximum building area is based on an assigned Floor Area Ratio as defined in Article 12 of this ordinance. The overall Floor Area Ratio for the C-PUD shall not exceed **0.50**. A typical breakdown of separate uses is provided here for illustrative purposes only for use on separate parcel within the PUD.

Use	Minimum Lot Size ¹	Minimum Lot Width ²	Front ³	Side	Rear
Multifamily Residential *	12,500	80	20	15	20
Multifamily - Elderly *	10,000	80	20	15	25
Mixed Use Residential	2,000 sq. ft. per unit	20 Ft Interior, 30 ft Exterior	0	0	0
Commercial	6000	80	20	10	20
Industrial	6000	80	20	15	20

* Requires Special Use Permit

3-5.2.7.5 Table of Bulk Development Requirements for Industrial PUD (I-PUD)

Maximum building area is based on an assigned Floor Area Ratio as defined in Article 12 of this ordinance. The overall Floor Area Ratio for the I-PUD shall not exceed **0.60**. A typical breakdown of separate uses is provided here for illustrative purposes only for use on separate parcels within the PUD. Internal setbacks may be reduced to zero pursuant to § 3-5.2.4.3.

Use	Minimum Lot Size ¹	Minimum Lot Width ²	Front ³	Side	Rear
Multifamily Residential *	12,500	80	20	15	20

Use	Minimum Lot Size ¹	Minimum Lot Width ²	Front ³	Side	Rear
Multifamily – Elderly *	10,000	80	20	15	25
Mixed Use Residential	2,000 sq. ft. per unit	20 Ft Interior, 30 ft Exterior	0	0	0
Commercial	6000	80	20	10	20
Industrial	6000	80	20	15	20

* Requires Special Use Permit

3-5.2.8 Height Regulations

3-5.2.8.1 Residential Planned Unit Developments (R-PUD)

Buildings may be erected up to thirty-five (35) feet in height, measured from mean finished grade, except that:

1. The height limit for residential dwellings and non-residential uses may be increased up to forty-five (45) feet and up to three (3) stories provided that front, side, and rear yard setbacks increase one (1) foot for each additional foot of building height above thirty-five (35) feet.
2. The height limit for mixed-use building with residential units may be increased up to sixty-five (65) feet and up to seven (7) stories provided each side yard is fifty (50) feet plus one (1) foot or more of side yard for each additional foot of building height above thirty-five (35) feet.

3-5.2.8.2 Commercial or Industrial Planned Unit Developments (C-PUD/I-PUD)

Buildings and garage structures may be erected up to forty-five (45) feet in height, measured from mean finished grade, except that:

1. The height limit for office and mixed uses may be increased up to sixty-five (65) feet and up to five (5) stories by Special Use Permit approved by the Town Council.
2. The height limit for mixed-use buildings with residential components may be increased to five stories up to a maximum height of sixth-five (65) feet in the area immediately abutting the Central Plaza or within two hundred (200) feet surrounding the perimeter of the Plaza.
3. No buildings or structures shall be allowed over 45 feet in height along the periphery of the site or within one hundred fifty (150) feet of the site boundary.

3-5.2.9 Special Provision for Accessory Structures in Planned Unit Developments

3-5.2.9.1 Accessory Structures

3-5.2.9.1.1 Residential accessory buildings shall not be located closer than five (5) feet to any rear or side property line or within ten (10) feet of the main structure. Provision must be made for disposal of roof water onto the subject property or to the nearest storm sewer.

3-5.2.9.1.2 Commercial accessory buildings over fifteen (15) feet in height must be at least ten (10) feet from any side or rear lot line.

3-5.2.9.1.3 Industrial accessory buildings over fifteen (15) feet in height shall have a twenty (20) foot setback from any side or rear lot line.

3-5.2.9.2 Open fire escapes of noncombustible material may project into side or rear yards by not more than four (4) feet and be no closer to any property line than five (5) feet.

3-5.2.9.3 Encroachments into yards shall conform with Article 2, Section 2-18, unless otherwise specifically designated herein or as part of a proffered condition.

3-5.2.10 Open Space Considerations

3-5.2.10.1 General

In determining the amount and location of required permanent open space, the Town Council may request that the applicant:

1. Differentiate between open space and the Common Open Spaces and require a reasonable amount of prepared active recreation facilities to be incorporated into the open space plan;
2. Encourage protection of steep slope areas in excess of twenty-five percent (25%) in accordance with the requirements for Special Use Permit in Section 9-17 of the Warrenton Zoning Ordinance;
3. Identify any commercial recreational land use anticipated which land use shall not be part of the required minimum amount of open space;
4. Identify any community or institutional recreational facility deemed appropriate by the Town Council and made necessary by the magnitude and density of the Planned Unit Development, which use shall be included in the minimum acreage for open space, provided that such use shall not exceed fifty (50) percent of the minimum area required to be in Common Open Space; and
5. Document and make the appropriate assurances for the ownership and maintenance of the Common Open Space, which assures its continuation and conservation as outlined in Article 9, General Provisions for Open Space.

3-5.2.10.2 Healthy Lifestyle Amenity Reduction

The 25% Open Space requirement in the C-PUD and 20% Open Space requirement in the I-PUD can be reduced if open space areas incorporate healthy lifestyle amenities into the open space design. Healthy Lifestyle Amenities include, but are not limited to, such features as walking trails, sport courts, playgrounds and recreation areas and other applicable active recreation facilities.

3-5.2.10.3 Residential Planned Use Developments (R-PUD)

A minimum of twenty-five percent (25%) of the site shall be set aside as open space exclusive of street right-of-way. A minimum of one half of this open space shall be Common Open Space. Common Open Space refers to open space within the boundaries of the planned unit development designed and set aside for use-by all residents of the planned unit development or by residents of a designated portion of the development, and not dedicated as public lands. The location of the Common Open Space shall be planned as a contiguous area located for maximum benefit of the residents, preserving, and where possible, enhancing natural features. At least fifty (50) percent of such required open space shall be located in a central place within the development or near the main entrance to the development and framed by two-story or three-story buildings so as to create a human-scale development as defined in this ordinance. Healthy Lifestyle Amenities shall be incorporated into the open space plan.

3-5.2.10.4 Commercial and Industrial Planned Unit Developments

A minimum of twenty-five percent (25%) of the total site area in a C-PUD and twenty percent (20%) of the total site area in I-PUD shall be set aside as open space exclusive of street right-of-way, subject to the following provisions:

1. A minimum of one half of this open space shall be Common Open Space for the use of residents and occupants, located within the boundaries of the planned development.
2. A minimum of 20,000 square feet of the Common Open Space shall be provided in a Central Plaza planned and situated to provide maximum benefit to the public, occupants and residents. The developer shall be encouraged to preserve and enhance natural features, where possible, and to include such public amenities as fountains, public art, places for public gathering, plantings and benches.
3. The Central Plaza shall be situated so that at least one side adjoins a road. Buildings adjoining the plaza area shall be a minimum height of two (2) stories.
4. Design guidelines for the areas surrounding the Central Plaza shall be required at the time of concept plan approval. Such design elements may include mixed-use buildings surrounding the plaza with a consistent/cohesive design theme or character; buildings with classical proportions or signature style consistent with the Central Plaza or the promenade; and shall include sidewalks that are a minimum of five (5) feet in width and streetscape that includes plantings and

street furniture. The streetscape shall provide features such as benches, lamp posts, kiosks and transit shelters, where appropriate.

5. The Central Plaza and remaining open space shall be constructed and improved at an equivalent or greater rate than the construction of any residential structures.
6. A reduction of the required open space to minimum 15% is allowed through the implementation of healthy lifestyle initiatives throughout the PUD development. See Section 3-5.2.4.1 PUD Development Standards Chart.

3-5.2.11 Traditional Neighborhood Development Option (TND)

3-5.2.11.1 Purpose

The purposes of the Traditional Neighborhood Development Option (TND) are to:

1. Provide opportunities for the creation of new neighborhoods that have the desirable qualities of the Town’s older neighborhoods that were developed before the late 20th century. These neighborhoods feature a mix of land uses and building types, closely linked by an interconnected network of streets that are framed by buildings, and thus comfortable for pedestrians.
2. Provide optional provisions is to allow a flexible set of land use and design regulations that will allow traditional neighborhoods to be built subject to Town review and approval through the Special Use Permit process.
3. Allow residents to carry out many of life’s activities within their neighborhood, including working, shopping, education and recreation.
4. Provide a range and mix of land uses and dwelling types.
5. Provide a transportation system that provides safe and convenient movement for all forms of traffic, including motor vehicles, pedestrians and bicycles.
6. Provide a system of civic spaces including parks, squares and public structures to create a sense of community.
7. Provide a strong sense of identity to the neighborhood by creating public streets and outdoor spaces that are convenient for people to be in and travel through.

Upon approval, a Traditional Neighborhood Development Plan becomes the basis for all continuing land use controls and supercedes any other provisions of this ordinance that conflict with the provisions of the TND approval.

3-5.2.11.2 Use and Development Area Standards for TND Option

	Minimum	Maximum
Neighborhood Size	5 acres for a new PUD; 2 acres for expanding an existing PUD	None

	% of Net Development Area	
	Minimum	Maximum
Land Use Mix:		
Residential uses	50%	80%
Commercial uses	2%	15%
Civic uses*	2%	n/a
Parks, squares, and open space	10%	n/a
Net Density:		
Total Residential	n/a	6.0 du/ac
Single Family Detached	n/a	4.0 du/ac
Duplex	n/a	5.0 du/ac
Single Family Attached	n/a	7.0 du/ac
Multi-Family	n/a	12.0 du/ac
Building Floorplate		
Commercial	n/a	20,000 s.f.**
Lot Coverage:		
Residential	n/a	50%
Commercial	n/a	70%
Civic	n/a	50%

*Public utility uses shall not be included in this required percentage.

**maximum area of building floorplate; 50,000 s.f. by special use permit

Note: Buffer area (minimum 25') required between district and existing residential neighborhoods

3-5.2.11.3 Lot Area and Yard Standards for TND Option

Lot Requirements	Minimum	Maximum
Single Family Detached:		
Lot Size	8,500 s.f.	n/a
Lot Width	60 ft	n/a
Front Setback-core	0 ft	15 ft*
Front Setback-edge	10 ft	25 ft*
Side Yard	10 ft.	n/a
Rear Yard	25 ft	n/a
Duplex:		
Lot Size	14,000 s.f.	n/a
Lot Width	90 ft.	n/a
Front Setback	10 ft	25 ft
Side Yard	10 ft.	n/a
Rear Yard	25 ft	n/a

Lot Requirements	Minimum	Maximum
Single Family Attached:		
Lot Size	1,600 s.f.	n/a
Lot Width	18 ft.	n/a
Front Setback-core	0 ft.	15 ft
Single Family Attached:		
Front Setback-edge	10 ft.	n/a
Side Yard	10 ft.	n/a
Rear Yard	25 ft	n/a
Multi-Family:		
Lot Size	8,500 s.f.	n/a
Lot Width	90 ft.	n/a
Front Setback	0 ft.	25 ft
Side Yard	10 ft.	n/a
Rear Yard	25 ft	n/a
Commercial:		
Lot Size	8,500 sf	n/a
Lot Width	70 ft	n/a
Front Setback	0 ft	15 ft
Side Yard	5 ft	n/a
Rear Yard	35 ft	n/a
Civic Uses:		
Front Setback	10 ft.	25 ft.
Side Yard	5 ft.	n/a
Rear Yard	25 ft	n/a
Accessory Buildings:		
Front Setback	n/a	n/a
Side Yard	5 ft.	n/a
Rear Yard	20 ft	n/a

*no maximum front setback for lots of 20,000 square feet or greater

Note: Buffer area (minimum 25') required between district and existing residential neighborhoods

3-5.2.11.4. Parks, Squares and Open Space Requirements

1. Total Land Areas for Parks, Squares and Other Open Space Uses

A minimum of ten (10) percent of the net development area must be designated for Parks, Squares or Other Open Space uses as defined herein. Natural (undisturbed) open space shall count toward no greater than twenty (20) percent of the total required area for parks, squares or other open space uses.

2. Minimum Lot Area for Parks, Squares and Other Open Space Uses

A park, square or open space area shall be at least 10,000 square feet.

No residential dwelling unit of the neighborhood shall be located more than 1,400 feet from the boundary of a park, square or open space property.

3-5.2.10.5. Streets, Alleys, Paths, Blocks and Parking

1. Grid Network

The transportation system in Traditional Neighborhoods shall generally be in the form of a grid of interconnected streets, alleys and paths, modified as necessary to accommodate topography and parcel shape. Cul-de-sacs shall not exceed ten (10) percent of the total length of streets in the Traditional Neighborhood. Alleys are excepted from this calculation.

2. Block Size

The blocks created by the grid of streets shall have a maximum block perimeter of 1,800 lineal feet, measured along the interior edge of the street right-of-way, except in locations where a street must cross areas of steep slopes in excess of 10% natural grade. In such cases, the block length may be extended as necessary to circumvent the steep area.

3. Street Design

Street sections in Traditional Neighborhoods shall be designed to serve multiple purposes, including movement of motor vehicle traffic, safe and convenient pedestrian and bicycle movement, areas for public gathering and interaction, and areas for placement of street trees, street furniture and landscaping. Streets shall be designed to balance the needs of all users and promote efficient and safe movement of all modes of transportation.

The following street designations and sections shall be used as guidelines in designing streets that fit the land uses and densities of the proposed network.

Type of Street by Name	Defined by Typical ADT*	Design Speed	Right of Way	Paving	Parking
Neighborhood Boulevard	> 3,000	30 mph	72 feet	Two lanes @ 18'; 8' median	Two sides
Neighborhood Main Street	> 2,000	20 mph	64 feet	36 feet	Two sides

Type of Street by Name	Defined by Typical ADT*	Design Speed	Right of Way	Paving	Parking
Neighborhood Avenue	1,000 to 2,000	20 mph	60 feet	34 feet	Two sides
Mixed Residential Street	< 1,000	20 mph	48 feet	28 feet	One side
Mixed Residential Lane	< 500	20 mph	46 feet	26 feet	One side
Mixed Residential Side Street	< 500	20 mph	28 feet	20 feet	None

*Average Daily Traffic volume projected to occur at the time of completion of development of TND

4. Private Streets

Private streets and alleys, built to standards approved by the Zoning Administrator, are permitted in Traditional Neighborhood Developments. Such private streets and alleys may serve multiple lots and uses, allowing lots to share entrances on to the public street. Private streets and alleys shall be maintained by a property owners association approved by the Town.

5. Sidewalks

Sidewalks shall be provided on at least one side of the street. Paved area of sidewalk shall be not less than six (6) feet wide, with total sidewalk area width not less than twelve (12) feet.

6. Pedestrian and/or Bicycle Routes

Pedestrian and bicycle routes shall be provided to connect all uses, so that pedestrians and bicyclists can move comfortably and safely from any site within the TND to any other site with the TND. Pedestrian traffic shall be accommodated through the provision of sidewalks and paths. Bicycle traffic shall be accommodated through the provision of designated, well-marked bicycle lanes and/or paths suitable for bicycle traffic.

7. Parking

Parking and loading spaces shall be provided as required in Article 7. On-street as well as off-street parking spaces shall be counted toward satisfying the requirements.

On-street parking spaces assigned to a building or use shall be those spaces that abut the lot containing that building or use. All required handicapped parking spaces shall be provided off-street. Off-street parking and loading spaces shall be located behind or to the side of principal structures and may be served directly or indirectly by alleys. Shared parking shall be permitted upon approval by the Zoning Administrator of a shared parking plan prepared and submitted by the applicant.

3-5.2.11.6. Property Owners Association

A Property Owners Association shall be established at the time of zoning approval of a TND. Charter provisions for the POA shall be subject to approval of the Town and at a minimum shall provide for:

1. Adequate, on-going funding to maintain all common areas and facilities, including any commonly-owned parks, squares, open space, streets or alleys
2. Design guidelines and procedures for review and approval of structures and site plans

3-5.2.11.7. Use Limitations

1. Public Water and Sewer Service

All development within a Traditional Neighborhood District is required to be served by public (or community) water and sewer facilities.

2. Maximum Site Area in Impervious Surfaces

Residential Areas: No greater than sixty-five (65) percent of any lot.

Commercial Areas: No greater than eighty-five (85) percent of any lot.

3-5.3 HD - Historic District

3-5.3.1 Legislative Intent

Districts may hereafter be created which are designated as Historic Districts (HD). They shall include historic areas as defined in the 1950 Code of Virginia § 15.2-2201. See also Code of Virginia § 15.2-2280-2283 and § 15.2-2306. districts may be created by amendment of the Zoning Ordinance and shall be overlay districts, as defined herein.

Pursuant to the purposes and provisions of the 1950 Code of Virginia § 15.2-2306 and for the purposes of implementing the Comprehensive Plan, promoting the general welfare, education, and recreational pleasure of the public, through the perpetuation of those areas or individual structures and premises which have been or may be officially designated by

the Town Council as having historic or architectural significance, historic districts are created. Regulations within such districts are intended to protect against deterioration, destruction of, or encroachment upon, such areas, structures, and premises; to encourage uses which will lead to their continuance, conservation, and improvement in an appropriate manner; and to assure that new structures and uses within such districts will be in keeping with the character to be preserved and enhanced.

It is further the intent of this article that the Town Council along with the Planning Commission shall seek and obtain the advice and assistance of the Architectural Review Board, created herein, as well as other organizations or individuals qualified by interest, training, and experience in achieving the objectives set forth.

3-5.3.2 Creation and Composition of Architectural Review Board

3-5.3.2.1 Creation. For the general purposes of administering this article and specifically to preserve and protect historic places and areas in the Town through the control of demolition of such places and through the regulation of architectural design and uses of structures in such areas, there is hereby created a board to be known as the "Architectural Review Board" (ARB) to be composed of five (5) voting members. The members of said Architectural Review Board shall be appointed by the Town Council.

3-5.3.2.2 Membership. The Membership shall consist of five (5) members, a majority of which shall be residents of the Town, and all of who have reasonable knowledge and have demonstrated an interest in historic or architectural development within the Town.

3-5.3.2.3 Terms. Members shall be appointed for a term of four (4) years. Initial appointments shall be three (3) members for four (4) years, and remaining members for two (2) years.

3-5.3.2.4 Organization. The ARB shall elect from its own membership a chairman and vice-chairman who shall serve annual terms and may succeed themselves. The Planning Director or his designee shall serve as Secretary to the ARB.

3-5.3.2.5 Rules. The ARB shall meet in regular session at least once a month, whenever an application has been filed for their consideration. Special Meetings of the ARB may be called by the Chairman or a majority of the members after twenty-four (24) hours written notice to each member served personally or left at his usual place of business or

residence. Such notice shall state the time and place of a meeting and the purpose thereof.

Written notice of a special meeting is not required if the time of the special meeting has been fixed at a regular meeting, or if all members are present at a special meeting or file a written waiver of notice. For the conduct of any hearing and the taking of any action, a quorum shall be not less than a majority of all voting members of the ARB. The ARB may make, alter, or rescind rules and forms for its procedures, consistent with the ordinances of the Town and the general laws of the State of Virginia.

The ARB shall establish procedures for all matters coming before it for review and all meetings shall be open to the public. Adequate notice shall be given to applicants, but meetings need not be advertised in advance except in the case of a proposal to demolish or move a designated landmark or contributing structure. Notice when required shall be the publication of the agenda in a newspaper of general circulation in the county seven (7) days prior to the meeting.

3-5.3.2.6 Powers and Duties. The Architectural Review Board shall have the power and authority for issuing or denying Certificates of Appropriateness for construction, reconstruction, substantial exterior alteration, razing, relocation, and signs within the historic district, with right of direct appeal of an adverse decision to the Town Council as provided in Article 11.

In addition to the aforementioned duties and powers, the Board shall have the following duties and powers:

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, such as appropriate land usage, parking facilities, and signs.
2. To advise owners of historic landmarks or contributing structures on problems of preservation.
3. To propose additional historic districts.
4. To conduct studies deemed necessary by the Town Council or Planning Commission concerning additional districts, and means of preservation and utilization of historic assets in the Town.
5. To formulate recommendations to the Town Council concerning the establishment of an appropriate system of markers for selected

historic sites and buildings, including proposals for the installation and care of such historic markers.

6. 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 historic landmarks, buildings, sites, or areas within the Town.

3-5.3.3 Applicability; Historic District Boundaries Generally

3-5.3.3.1 Character.

The Historic District boundaries shall in general be drawn so as to include lands closely related to and bearing upon the character of the historic site or sites, thus providing an area needed to control potentially adverse influences. Said boundary shall include land on both sides of a street or streets where desirable to accomplish the preservation objective. The concept of the historic district shall include groupings of structures which have significance relative to their patterns of development and/or interrelationships among such structures, while some of the structures might not possess significant merit when considered alone.

3-5.3.3.2 Inventory of Landmarks and Contributing Properties Established.

The ARB shall prepare and recommend for adoption as a part of this Ordinance an inventory map based upon the criteria set forth in this Ordinance. This map, hereinafter called the Inventory Map, when adopted by the Town Council shall be as much a part of this Ordinance as if fully described herein and shall be filed as a part of this Ordinance by the Zoning Administrator. All structures or sites designated on the Inventory Map as landmark structures or sites shall be considered as landmarks or landmark structures for the purposes of this Ordinance. Structures or sites designated as properties which contribute to the historic character of the Town but which do not contain landmark structures or sites shall be known as contributing properties for the purpose of this Ordinance. Structures or sites not designated as landmark or contributing properties shall be known as noncontributing properties. The Inventory Map may be amended from time to time in the same manner as the zoning map.

3-5.3.3.3 Establishment of and Amendments to Historic District Boundaries and Regulations.

Historic District boundaries, regulations and amendments thereto may be initiated (i) by resolution of the Town Council, (ii) by motion of the Planning Commission, or (iii) by petition of the owner, contract purchaser with the owner's written consent, or the owner's agent therefore, of the property which is the subject of the proposed Inventory Map amendment, addressed to the governing body or the local planning commission, in accord with Section 11-3.10 of this Ordinance. Any such resolution or motion by the Town Council or Planning Commission proposing the rezoning shall state the public purposes therefore.

The ARB shall prepare and submit a report with an evaluation of the proposed amendment. Such report should establish and define the historic district boundaries as defined upon an appropriate overlay map, as well as the historic and/or architectural significance of the buildings, structures, or sites to be protected; report on any special characteristics, qualities and/or fabric to be preserved; and describe current planning, present trends, conditions, and desirable public objectives for preservation.

3-5.3.3.4 Criteria.

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

1. Architectural and Landscape Style

The evaluation shall respect the qualities of each architectural and landscape style and shall judge a structure's merit on how well it exemplifies the distinguishing characteristics of said style.

Consideration will be given to:

1. Significance of architectural design.

2. Scale and/or interrelationships of structures and/or environmental features.
3. Significant patterns of development.
4. Quality of Workmanship.
5. Amount of surviving original fabric.
6. Original location and/or use.
7. Remaining outbuildings or dependencies.
8. Surrounding environment, including gardens, landscaping, and walks.
9. Aesthetic quality.
10. Original integrity of the structure and its details.

2. Historical and/or Cultural Significance

Structures or spaces relating to one or more of the following criteria will be considered historically or culturally valuable:

1. Association with historic personage.
2. Association with historic event.
3. Work of leading architect or master craftsman.
4. Site or structure of cultural significance.

In addition, sole or infrequent surviving building types and structures not historic in themselves but adding to the character of a historic district need to be looked at as potentially deserving preservation. The location of such resources within the Historic District and the resource's relative importance to the District as a whole, shall be considered.

3-5.3.3.5 Additional Required Information. In addition to historical and architectural information, the aforementioned report of the ARB required by paragraph 3-5.3.3.2 for amendments to the Ordinance shall include:

1. A description of existing structures, premises, and uses likely to have an adverse effect on the desired character of the district, including those near and visually related to the district, with maps, photographs, and other data indicating the reasons for such an effect.
2. An analysis of lands not occupied by structures, including lands near and visually related to the district. For public lands, ownership, use, and location shall be indicated. For private lands,

assessed valuation shall be added as well as existing zoning and planned land use.

3. Recommendations concerning detailed regulations to be applied within the district, to supplement or modify general regulations set forth herein, which may include principal and accessory uses and structures, minimum lot and yard requirements, maximum lot coverage by all buildings, maximum height of structures, off-street parking and loading requirements, control of signs and exterior illumination, and control of integral facade changes to existing buildings where said controls and regulations are only for the express purpose of preventing changes which are architecturally incompatible with the buildings, structures, or sites to be preserved.

3-5.3.3.6 Action by the Town Council. The creation of a historic district by the Town Council shall include a declaration that the landmarks, buildings, structures, or sites to be preserved are in fact of historical and/or architectural significance requiring protection against destruction or encroachment; that the designation of individual structures and premises is in substantial public interest; and that such recommendations as approved by the Town Council supplementing or modifying general regulations are to be applied to the district created.

3-5.3.4 District Regulations

Within the Historic District the following regulations shall apply:

3-5.3.4.1 Certain Minor Actions Exempted From Review By The Architectural Review Board. Certain minor actions which are deemed not to have permanent effects upon the character of the historic district are exempted from review for architectural compatibility by the Architectural Review Board. Such actions shall include the following and any similar actions which in the written opinion of the Zoning Administrator will have no more effect on the character of the district than those listed:

1. Repainting resulting in the same or in a different color. (Original painting of masonry surfaces is not exempted from review.)
2. Replacement of missing or broken window panes, roofing slates, tiles, or shingles and except on landmark structures outside doors, window frames, or shutters where no substantial change in design or material is proposed.

3. Addition or deletion of storm doors or storm windows and window gardens, or similar appurtenances.
4. Addition or deletion of television and radio antennas, or skylights and solar collectors in locations not visible from a public street.
5. Landscaping involving planting of grass, trees or shrubs, minor grading, walks, low retaining walls, temporary fencing, small fountains, ponds, and the like which will not substantially affect the character of the property and its surroundings.
6. Minor additions or deletions to the structure or accessory structures which will not substantially change the architectural character of the structure or which are generally hidden from public view.
7. Construction of accessory buildings and structures on properties which are not designated as landmark or contributing properties and which are generally in keeping with the character of the existing structure and its surroundings.
8. Construction of off-street loading areas and off-street parking areas containing five (5) spaces or less in a commercial or Central Business District.
9. Creation of outside storage in a commercial or Central Business District which does not require structural changes or major grading.
10. Routine utility repairs and minor improvements which will not be clearly visible from the public right-of-way.
11. Any changes within a structure which are not visible from a public street.

Provided however that the Zoning Administrator shall have authority to order that work be stopped and that an appropriate application be filed for review by the Architectural Review Board in any case where in his opinion the action may have an adverse effect on the Historic District or may produce arresting and spectacular effects, violent contrasts of materials or colors and intense and lurid colors or patterns, or details clearly inconsistent with the character of the present structures or with the prevailing character of the surroundings and the historic district.

3-5.3.4.2 Certificate of Appropriateness Required for New Construction, Reconstruction, and Substantial Exterior Alteration.

Except as herein provided no building or structure, including signs, shall be refaced, erected, reconstructed, restored, or substantially altered in exterior appearance within a historic district and no permit authorizing same shall be granted unless and until the same is approved by the Architectural Review Board and a Certificate of Appropriateness has been issued by that body, with right of direct appeal to the Town Council as hereinafter provided, as being architecturally compatible with the historical, cultural, and/or architectural aspects of the structure and its surroundings.

"Substantial alterations" shall be defined as any and all work done on buildings, structures, or sites in a historic district other than those specifically exempted herein and other than the general examples of "nonsubstantial" alterations cited herein. Examples of work constituting "substantial alterations" include:

1. Construction of a new building at any location or a new accessory building on a landmark or contributing property or on a site within the Historic District adjacent to a designated landmark site.
2. Any addition to or alteration of a structure which increases the square footage of the structure or otherwise alters substantially its size, height, contour, or outline.
3. Any change or alteration of the exterior architectural style of a contributing or landmark structure, including removal or rebuilding of porches, openings, dormers, window sash, chimneys, columns, structural elements, stairways, terraces, and the like.
4. Addition or removal of one (1) or more stories or alteration of a roof line.
5. Landscaping which involves major changes of grade or walls and fences more than three-and-one-half (3.5) feet in height.
6. All signs on all structures shall be reviewed in accordance with Article 6.
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.
8. Erection of awnings, canopies, and similar appurtenances shall be reviewed.
9. Placement of window air conditioners on the front of commercial buildings only shall be reviewed. Central air conditioning units on residential and commercial buildings shall be reviewed. Placement of exhaust fans shall be reviewed.

In any case in which there might be some question as to whether a project may be exempted from review, may constitute a minor action, or may constitute "substantial alteration," the Zoning Administrator shall be contacted for a written determination prior to commencement of work.

"Unsubstantial Alterations" shall include:

1. Work done to prevent deterioration or to replace parts of a structure with similar materials in order to correct any deterioration, decay of, or damage to any structure or on any part thereof, or
2. To restore same as nearly as practical to its condition prior to such deterioration, decay, or damage.
3. Those minor actions exempted from review by Section 3-5.3.4.1.

3-5.3.4.3 Matters to be Considered in Reviewing the Appropriateness of the Construction, Reconstruction, or Exterior Alteration of Buildings or Structures by the Board. The Architectural Review Board shall consider only those elements that support the purpose of preventing construction, reconstruction, exterior alteration, repair, or restoration that is not compatible with the old and historic aspect of the surroundings.

The Architectural Review Board shall consider the following in reviewing the appropriateness of architectural features:

1. Exterior architectural features including all signs except for those exempted in Section 3-5.3.4.1
2. General design, scale, and arrangement.
3. Texture and material, of new construction.
4. The relation of features 1, 2, and 3 above, to similar features of buildings and structures in the immediate surroundings.
5. The extent to which the building or structure would be harmonious with or incompatible with the old and historic aspects of the surroundings. It is not the intent of this consideration to discourage contemporary architectural expression or to encourage the emulation of existing buildings or structures of historic or architectural interest in specific detail. Harmony or incompatibility should be evaluated in terms of the appropriateness of materials, scale, size, height, and placement of a new building or structure in relationship to existing buildings and structures and to

the setting thereof, in accord with the Town's Historic District Design Guidelines.

3-5.3.4.4 Matters Not to be Considered in Reviewing the Appropriateness of the Construction, Reconstruction, or Exterior Alteration of Buildings or Structures by the Board.

The Architectural Review Board shall not consider the following in reviewing the appropriateness of architectural features:

1. Interior arrangements of rooms, spaces, materials and structural elements, which are reviewed by the building official for compliance with the building code
2. Base Zoning Regulations, such as use, lot size, height, setback, parking requirements, density and landscaping, which are reviewed by the Zoning Administrator for compliance with the Zoning Ordinance.

3-5.3.4.5 Demolition. No building or structure officially designated as a landmark or a contributing building or structure within the historic district on the Inventory Map which accompanies this Ordinance shall be demolished until a Certificate of Appropriateness is issued by the Architectural Review Board, with right of direct appeal from an adverse decision to the Town Council, as hereinafter provided. The Town Council may approve the demolition of a building or structure within the historic district which has not been designated either as a landmark or contributing structure on said inventory map.

3-5.3.4.6 Moving or Relocation. No building or structure officially designated as a landmark or contributing building or structure within the district on the inventory map which accompanies this Ordinance shall be moved or relocated unless the same is approved by the Architectural Review Board and a Certificate of Appropriateness issued with right of direct appeal of an adverse decision to the Town Council as herein provided. An appeal for final decision by the Town Council shall be automatic and mandatory in the case of approval of the moving or relocation of a building or structure so designated as a landmark. The Zoning Administrator may approve the moving or relocation of the building or structure within the historic district which has not been designated either as a landmark or contributing structure on said inventory map.

3-5.3.4.7 Matters to be Considered in Determining the Appropriateness of Moving or Relocating a Landmark Building or Structure within a Historic District.

1. Whether or not the proposed relocation would have a detrimental effect on the structural soundness of the landmark building or structure.
2. Whether or not the proposed relocation would have a detrimental effect on the historical aspects of other landmarks in the districts.
3. Whether the proposed relocation would provide new surroundings that would be harmonious with or incompatible with the historical and architectural aspects of the landmark, building, or contributing structure.
4. Whether or not the proposed relocation is the only feasible means of saving the structure from demolition or demolition by neglect.

3-5.3.4.8 Matters to be Considered in Determining Whether or Not to Grant a Certificate of Appropriateness for Razing or Demolition. The Architectural Review Board shall consider the following criteria in determining whether or not to grant a certificate of appropriateness for razing or demolition:

1. Whether or not the building or structure is of such architectural or historic interest that its removal would be to the detriment of the public interest.
2. Whether or not the building or structure is of such interest or significance that it would qualify as a National, State, or local historic landmark.
3. Whether or not the building is of such old and unusual or uncommon design, texture, and/or material that it could be reproduced only with great difficulty and/or expense.
4. Whether or not retention of the building or structure would help to preserve and protect a historic place or area of historic interest in the Town.

3-5.3.4.9 Offer for Sale. However, the owner of a historic landmark, as a matter of right shall be entitled to raze or demolish such landmark provided that:

1. They have applied to the Architectural Review Board for such right.

2. The owner has for the period of time set forth in the time schedule hereinafter contained at a price reasonably related to its fair market value as determined by independent appraisal, as hereinafter set forth, made a bona fide offer to sell such landmark, and the land pertaining thereto, to such person, firm, corporation, government, or agency, or political subdivision or agency thereof, which gives reasonable assurance that it is willing to preserve and restore the landmark, and the land pertaining thereto. A bona fide offer shall mean actions equivalent to a formal offer in writing and publicly advertised, from the seller to the public, specifying the price and terms of sale. The procedure for establishing the fair market value, unless the owner and the Architectural Review Board agree upon the said value, shall be that the owner and Architectural Review Board shall each retain one independent, qualified appraiser, and should the two appraisers not agree upon the said fair market value, those appraisers shall choose a third qualified appraiser. A median value shall be established by the three appraisers which shall be final and binding upon the owner and the Architectural Review Board.
3. No contract for the sale of any such historic landmark, and the land pertaining thereto, shall be binding or enforceable prior to the expiration of the applicable time period as set forth in the time schedule hereinafter contained. Any appeal which may be taken to the Town Council from the decision of the Architectural Review Board, and from the Town Council to the Circuit Court of Fauquier County, shall not affect the right of the owner to make bona fide offer to sell. Offers to sell as provided in this section shall be made within one (1) year of the date of application to the Architectural Review Board.
4. Notice. Before making a bona fide offer to sell, an owner shall first file a written statement with the Chairman of the Architectural Review Board. Such statement shall identify the property, state the offering price, the date the offer of sale is to begin, and name of the real estate agent, if any. No time period set forth in the time schedule hereinafter set forth shall begin to run until such statement has been filed.

The time schedule for offers to sell shall be as follows:

1. Three (3) months when the offering price is less than twenty-five thousand dollars (\$25,000);

2. Four (4) months when the offering price is twenty-five thousand dollars (\$25,000) or more but less than forty thousand dollars (\$40,000);
3. Five (5) months when the offering price is forty thousand dollars (\$40,000) or more but less than fifty-five thousand dollars (\$55,000);
4. Six (6) months when the offering price is fifty-five thousand dollars (\$55,000) or more but less than seventy-five thousand dollars (\$75,000);
5. Seven (7) months when the offering price is seventy-five thousand dollars (\$75,000) or more but less than ninety thousand dollars (\$90,000);
6. Twelve (12) months when the offering price is ninety thousand dollars (\$90,000) or more.

3-5.3.4.10 Hazardous Buildings or Structures. Notwithstanding anything to the contrary contained in this Article, review and approval of a Certificate of Appropriateness by the Architectural Review Board is not required for the razing or demolition of any building or structure, or any portion thereof, (i) that is determined by the Zoning Administrator to be of such an unsafe condition that it presents an imminent danger to life or property, and (ii) where the Zoning Administrator determines that such razing or demolition is immediately necessary for the protection of life or property. If the Building Code or other applicable Town ordinance allows for any such unsafe condition to be abated by reasonable means and methods of stabilization and/or shoring, including but not limited to the establishment of alternative load paths, then as an alternative to demolition the Zoning Administrator shall have the right to undertake such abatement at the owner's cost and expense.

3-5.3.4.11 Demolition by Neglect. All historic landmarks, buildings, or structures within any historic district shall be maintained in good condition and repair and shall not be allowed to deteriorate or fall into disrepair due to any actions or inactions by the owner.

"Demolition by neglect" shall mean any or all of the following:

1. Deterioration, disrepair, or lack of maintenance of any portion of a building or structure to the extent that it creates or permits a hazardous or unsafe condition.

2. Deterioration, disrepair, or lack of maintenance of foundations, exterior walls, or other vertical supports, horizontal members, roofs, chimneys, parapets, cornices, or other exterior wall elements of a building or structure, including but not limited to, siding, wooden walls, brick, plaster, mortar, pilasters, or columns.
3. The ineffective waterproofing of exterior walls, roofs, and foundations, including but not limited to peeling paint, rotting wood, broken and cracked windows and doors, windows and doors that do not fully close, or other unsealed openings or penetrations.
4. Deterioration, disrepair, or lack of maintenance of fences, gates, sidewalks, steps, signs, accessory structures, and landscaping that contributes to the historic integrity of the building or structure.

In the event that the Zoning Administrator determines that any of the above conditions exist, they shall so notify the owner and the Chairman of the Architectural Review Board in writing, stating the specific instances of deterioration, disrepair, and/or lack of maintenance observed, and the owner shall have thirty (30) days from the date of the written notice in which to commence work to address the issues in the notice, or to initiate proceedings as provided in Section 3-5.3.4.2 or 3-5.3.4.9 above. If the owner commences action to address the issues in the notice within the 30-day period, the Zoning Administrator may extend the time for the owner to fully address the issues for such period that the Zoning Administrator deems reasonable for the owner to completely address the issues in the notice. If the owner does not commence appropriate action to address, or does not completely address, the issues in the notice within such period, or does not completely address such issues within any extended period, the owner shall be in violation of this Ordinance and shall be guilty of committing a Class 2 misdemeanor for each and every day of such ongoing violation, which shall be punishable as provided by Va. Code § 15.2-2286(A)(5).

3-5.3.4.12 Signs, Exterior Illumination. Within the Historic District only those signs permitted in the underlying, base Zoning District shall be permitted. However, no sign otherwise permitted by the Zoning Ordinance shall be permitted if the Architectural Review Board finds such sign or exterior illumination to be architecturally incompatible

with the historical and/or architectural character of the landmark or district as set forth in the adopted Historic District Guidelines.

3-5.3.4.13 Exceptions. Where the strict interpretation of this article contradicts existing building, sanitary, or other codes, the Architectural Review Board shall make recommendations for reasonable relief after consultation with qualified technical authorities or with any appeal board now or hereafter established by code. In other cases of conflict between this and other regulations, the stricter between the two shall apply.

3-5.3.5 Administration

3-5.3.5.1 Zoning Administrator.

Except as authorized herein the Zoning Administrator shall not authorize a permit for any erection, reconstruction, addition, integral exterior facade change, demolition, or razing of a building or structure, or for a sign in the Historic District until the same has been approved by the Architectural Review Board as set forth in the following provisions.

3-5.3.5.2 Receipt of Application.

Upon receipt of an application by the Planning Director for each permit in the historic district, the Planning Director shall:

1. Forthwith forward to the Architectural Review Board a copy of the application, together with a copy of the site plan and the building plans and specifications filed by the applicant;
2. Maintain in his office a record of all such applications and of his handling and final disposition of the same; and
3. Require applicants to submit seven (7) copies of material required to permit compliance with the foregoing.

3-5.3.5.3 Material to be Submitted for Review.

By general rule, or by specific request in a particular case, the Architectural Review Board may require submission of any or all of the following in connection with the application: architectural plans, site plans, landscaping plans, construction methods, proposed signs with appropriate detail as to character, proposed exterior lighting

arrangements, elevations of all portions of structure with important relationships to public view (with indications as to visual construction materials, design of doors and windows, colors, and relationships to adjoining structures), and such other exhibits and reports as are necessary for its determinations. Requests for approval of activities proposed in historic districts shall be accepted only from the record owner of the land involved in such proposal, or his agent.

For minor actions not required to be reviewed by the Architectural Review Board and which may be approved by the Zoning Administrator, an application shall be submitted on a form provided by the Town to determine if the proposed action is exempt from review by the Architectural Review Board. Should the proposed action not be capable of adequate description on the application form, the Zoning Administrator may require additional information, including photographs, sketches, and samples of materials or such other information as may be required for a decision.

3-5.3.5.4 Other Approvals Required.

In any case in which an applicant's proposal also requires the approval of the Board of Zoning Appeals, final action by the Board of Zoning Appeals shall precede final action by the Architectural Review Board. The Board of Zoning Appeals may, however, table a proposal in order to request the comments of the Architectural Review Board. Final action by the Architectural Review Board shall be taken prior to consideration of proposals requiring site plan approval.-

3-5.3.5.5 Action by the Architectural Review Board, Issuance of Certificates of Appropriateness.

The Architectural Review Board shall render a decision upon any request or application for a Certificate of Appropriateness within sixty (60) days after the filing of such application; failure of the Architectural Review Board to render such a decision within said sixty (60) day period, unless such period be extended with the concurrence of the applicant, shall entitle the applicant to proceed as if the Architectural Review Board had granted the Certificate of Appropriateness applied for. Prior to denying the Certificate of Appropriateness, the Architectural Review Board, on the basis of the review of information received, shall, upon request, indicate to the applicant the changes in plans and specifications, if any, which in the

opinion of the Board would protect and/or preserve the historical aspects of the landmark, building, structure, or district. If the applicant determines that he will make the suggested changes and does so in writing, the Architectural Review Board may issue the Certificate of Appropriateness.

3-5.3.5.6 Expiration of Certificates of Appropriateness and Permits to Raze.

Any Certificate of Appropriateness issued pursuant to this article and any permit to raze a building issued pursuant to this article shall expire of its own limitation twelve (12) months from the date of issuance if the work authorized thereby is not commenced by the end of such twelve-month period; and further, any such certificate and permit shall also expire and become null and void if such authorized 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 or permit is stayed pursuant to this article shall be excluded from the computation of the twelve (12) months.

3-5.3.5.7 Appeals of Architectural Review Board Decisions to Town Council.

Applicants may appeal a decision by the ARB to the Town Council, in accord with the procedures set forth in Article 11 of this Ordinance and §15.2-2306 (A) (3) of the Code of Virginia.

3-5.3.5.8 Appeals of Town Council Decisions to the Circuit Court.

Applicants may appeal a decision by the Town Council to the Circuit Court, in accord with the procedures set forth in Article 11 of this Ordinance and §15.2-2306 (A) (3) of the Code of Virginia. Such appeals shall set forth the alleged illegality of the action of the Town Council and shall be filed within thirty days of the final decision rendered by the Town Council.

3-5.3.6 Violations and Penalties

Any violation of this Article and the penalties for all such violations shall be as set forth in the Zoning Ordinance, in accord with Article 11 of this Ordinance and §15.2-2306 (A) (3) of the Code of Virginia.