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ARTICLE III. - ~~RESIDENTIAL~~ ZONING DISTRICTS

DIVISION 1. ~~RESIDENTIAL~~ DISTRICTS AND REGULATIONS ~~GENERALLY~~

Sec. 34-350. - Purpose.

(a) Low-density residential districts. Low density residential areas are areas wherein the predominant use is residential in nature, at densities of up to 21 dwelling units per acre. *Single-family (R-1)*. The single-family residential zoning districts are established to provide and protect quiet, low-density residential areas wherein the predominant pattern of residential development is the single-family dwelling. There are four (4) categories of single-family zoning districts: The city's low density zoning districts are:

- (1) "R-1", consisting of ~~low-density residential areas~~ where the predominant land use is residential, within single-family detached dwellings;
- (2) "R-1(S)" ("small lot"), consisting of ~~areas where the predominant land use is residential, within single-family detached dwellings on small lots~~ low-density residential areas characterized by ~~small lot development~~;
- (3) "R-1U" ("university"), consisting of ~~R-1 areas~~ ~~low-density residential areas~~ located in the vicinity of the University of Virginia campus; ~~and~~
- (4) "R-1U(S)" ("university, small lot"), consisting of ~~R-1U areas~~ ~~low-density residential areas~~ located in the vicinity of the University of Virginia campus, ~~characterized by small lot development~~;

(5b) "R-2" (two family), consisting of areas where the predominant land use is residential, within single-family-detached and two-family dwellings;

~~*Two-family (R-2)*. The two-family residential zoning districts are established to enhance the variety of housing opportunities available within certain low-density residential areas of the city, and to provide and protect those areas. There are two (2) categories of R-2 zoning districts:~~

- (1) ~~R-2, consisting of quiet, low-density residential areas in which single-family attached and two-family dwellings are encouraged. Included within this district are certain areas located along the Ridge Street corridor, areas of significant historical importance;~~
- (62) ~~R-2U ("university"), consisting of ~~R-2 areas~~ quiet, low-density residential areas in the vicinity of the University of Virginia campus, ~~in which single-family attached and two-family dwellings are encouraged~~;~~

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(be) *Multifamily residential districts.* ~~Multifamily residential areas are areas wherein the predominant use is residential in nature, but in which buildings containing three or more dwelling units ("multifamily dwellings") are common. Limited non-residential uses are permitted. The city's multifamily residential districts are: The purpose of the multifamily residential zoning district is to provide areas for medium to high density residential development. The basic permitted use is medium density residential development; however, higher density residential development may be permitted where harmonious with surrounding areas. Certain additional uses may be permitted, in cases where the character of the district will not be altered by levels of traffic, parking, lighting, noise, or other impacts associated with such uses. There are three (3) categories of multifamily residential zoning districts:~~

(1) R-3, consisting of ~~medium density residential areas in which medium density residential developments, including multifamily dwellings and other types of residential buildings uses, are encouraged at densities up to 21 DUA;~~

(2) R-UMD ("university medium density"), consisting of areas in the vicinity of the University of Virginia campus, in ~~which residential developments, including multifamily dwellings and other types of residential buildings, are encouraged at densities up to 43 DUA~~which medium density residential developments, including multifamily uses, are encouraged; and

(3) R-UHD ("university high density"), ~~consisting of areas in the vicinity of the University of Virginia campus, in which residential developments, including multifamily dwellings and other types of residential buildings, are encouraged at densities of up to 64 DUA; and consisting of areas in the vicinity of the University of Virginia campus, in which high density residential developments, including multifamily uses, are encouraged.~~

(4d) *McIntire/Fifth Street Residential Corridor.* ~~consisting of areas between the Route 250 bypass and X, in which residential development, -The purpose of this district is to encourage including multifamily dwellings and other types of residential buildings, at densities up to 21 DUA redevelopment in the form of medium density multifamily residential uses, are sited in a manner that will complement nearby commercial uses and be consistent with the function of McIntire Road/Fifth Street Extended as a gateway to the city's downtown area.~~

DIVISION 2. - REGULATIONS

~~Sec. 34-351. - Applicability.~~

~~The regulations set forth within this division shall apply to uses and developments within the following residential zoning districts: R-1; R-1S; R-1U; R-1US; R-2; R-2U; R-3; R-UMD; R-UHD; and McIntire/Fifth Street Residential Corridor. These regulations shall apply in addition to any other requirements set forth elsewhere within this zoning ordinance.~~

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Sec. 34-352. — Residential occupancy Uses.

Residential occupancy within the R-1U and R-1SU districts residential occupancy is restricted to three (3) unrelated individuals. In all other residential zoning districts, residential occupancy shall not exceed four (4) unrelated individuals. The uses allowed within the city's various residential zoning districts are those designated in the matrix set forth within section 34-420.

Sec. 34-XXX. Lot sizes

Sec. 34-XXX. Building types

Within the city's residential zoning districts, the following building types are permitted, as indicated:

(a) Single-family detached dwellings ("SFD") are permitted within:

R-1, R-1U, R-1S, and R-1SU

R-2 and R-2U

MHP

R-3, R-UMD, R-UHD and MR

(b) Single-family attached dwellings are permitted within:

R-2 and R-2U

MHP

(c) Duplex/two-family dwellings ("TFD") are permitted within:

R-2 and R-2U

R-3, R-UMD, R-UHD and MR

MHP

(d) Townhouses ("TH") are permitted within:

R-3, R-UMD, R-UHD and MR

(e) Single room occupancy facilities ("SRO") are permitted within:

R-3, with a special use permit

(f) Temporary family health care structures, as defined within Va. Code Sec. 15.2-2292.1 are permitted in all residential zoning districts.

(g) Institutional (residential) buildings are permitted within:

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R-1, R-1U, R-1S, and R-1SU (limited to 8 or fewer occupants)

R-2 and R-2U (limited to 8 or fewer occupants)

R-3, R-UMD, R-UHD

(h) Manufactured homes are permitted within:

R-MHP

(i) Non-residential buildings (buildings that contain no dwelling unit(s)) and structures are permitted as follows:

Accessory buildings and structures: permitted within all residential districts

Non-accessory buildings and structures: permitted only in R-3, R-UMD, R-UHD

Sec. 34-XXX. Minimum Lot sizes, by building type

No single-family detached dwelling (SFD), single-family attached dwelling (SFA), duplex/two-family dwelling (TFD) or townhouse (TH) shall be constructed on a lot, unless the lot has the minimum area specified in Table X, below.

Table X.

	<u>Single-Family Detached (SFD)</u>	<u>Single-Family Attached (SFA)</u>	<u>Duplex/Two-Family (TFD)</u>	<u>Townhouse (TH)</u>
<u>R-1 Minimum lot size</u>	<u>8,125 SF min.</u>	<u>NA</u>	<u>NA</u>	<u>NA</u>
<u>R-1S Minimum lot size</u>	<u>6,000 SF min.</u>	<u>NA</u>	<u>NA</u>	<u>NA</u>
<u>R-1U Minimum lot size</u>	<u>8,125 SF min.</u>	<u>NA</u>	<u>NA</u>	<u>NA</u>

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<u>R-1US</u> <u>Minimum lot size</u>	<u>6,000 SF</u> <u>min.</u>	<u>NA</u>	<u>NA</u>	<u>NA</u>
<u>R-2, R-2U, and</u> <u>McIntire/5th St. Res.</u> <u>Corridor</u> <u>Minimum lot size</u>	<u>6,000 SF</u> <u>min.</u>	<u>Per</u> <u>dwelling</u> <u>unit:</u> <u>2,000 SF,</u> <u>min.,</u> <u>3,600 SF,</u> <u>avg.</u>	<u>7,200 SF, min.:</u> <u>6,000 SF, min. for lots of</u> <u>record prior to 08/03/64</u>	<u>2,000 SF,</u> <u>min.</u>

Sec. 34-353. -- Building envelope standards~~Dimensional requirements~~—By district.

(a) ~~Every All~~ buildings ~~and structures~~ shall be constructed within the ~~envelope area~~ defined by the following building height, yard and land coverage requirements, according to the zoning district in which such building or structure is located, as follows:

<u>Zoning</u> <u>District</u>	<u>Height</u> <u>Restrictions</u>	<u>Req'd</u> <u>Front</u> <u>Yard</u>	<u>Req'd Side Yards</u>	<u>Req'd Rear Yard</u>	<u>Lot</u> Land <u>Coverage</u>
R-1	<u>2 stories</u> 35 <u>ft.</u> max	25 ft. min*	SFD: 10 feet, min Non-residential: 50 feet, min Corner, street side: 20 feet, min	Res: 25 feet, min	n/a
R-1S	<u>2 stories</u> 35 <u>ft.</u> max	25 ft. min*	SFD: 5 feet, min Non-Res: 50 feet, min Corner, street side: 20 feet, min	Res: 25 feet, min Non-Res: 50 feet, min	n/a
R-1U	<u>2 stories</u> 35 <u>ft.</u> max	25 ft. min*	SFD: 10 feet, min Non-Res: 50 feet, min Corner, street side: 20 feet, min	Res: 25 feet, min Non-Res: 50 feet, min	n/a

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R-1US	2 stories 35 ft. max	25 ft. min*	SFD: 5 feet, min Non-Res: 50 feet, min Corner, street side: 20 feet, min	Res: 25 feet, min Non-Res: 50 feet, min	n/a
R-2	2 stories 35 ft. max	25 ft. min*	SFD: 5 feet, min SFA: 10 feet, min TFD: 10 feet, min Non-Res: 50 feet, min Corner, street side: 20 feet, min	Res: 25 feet, min Non-Res: 50 feet, min	n/a
R-2U	2 stories 35 ft. max	25 ft. min*	SFD: 5 feet, min SFA: 10 feet, min TFD: 10 feet, min Non-Res: 50 feet, min Corner, street side: 20 feet, min	Res: 25 feet, min Non-Res: 50 feet, min	n/a
R-3	45 ft. 3 stories max	25 ft. min*	Res: Up to 21 DUA: 1 foot/2 feet height, 10 feet, min 22-43 DUA: 1 foot/3 feet height, 10 feet, min 44-87 DUA: 1 foot/4 feet height, 10 feet, min Non-Res: 25 feet, min Corner, street side: 20 feet, min	25 feet, min	Up to 21 DUA: 75% max 22-87 DUA: 80% max
R-UMD	4 stories 50 ft. max	25 ft. min*	1-2 stories: 10 feet, min 3-5 stories: 1 foot/3 feet height; 10 feet, min Non-res: 25 feet, min Corner, street side: 20 feet, min	25 feet, min	80% max

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R-UHD	4 stories 50 ft. max	15 ft. min*	1 foot/4 feet height, 8 feet, min Non-res: 25 feet, min Corner, street side: 20 feet, min	15 feet, min	n/a
<u>MR</u> McIntire 5th St. Corridor	2 stories, min 5 stories, max ¹	10 ft. min ² 25 ft. max	<u>20 ft. min., adjacent to low-density res. District; otherwise, none required</u>	<u>20 ft., min., adjacent to low-density res. District; otherwise, none required</u>	n/a

Comment [RL1]: Moved from 34-353(b)(6)

¹ See sec. 34-X Subparagraph (b), below.

² See sec. 34-X Subparagraph (b), below.

Sec. 34-x. Alternative required yards

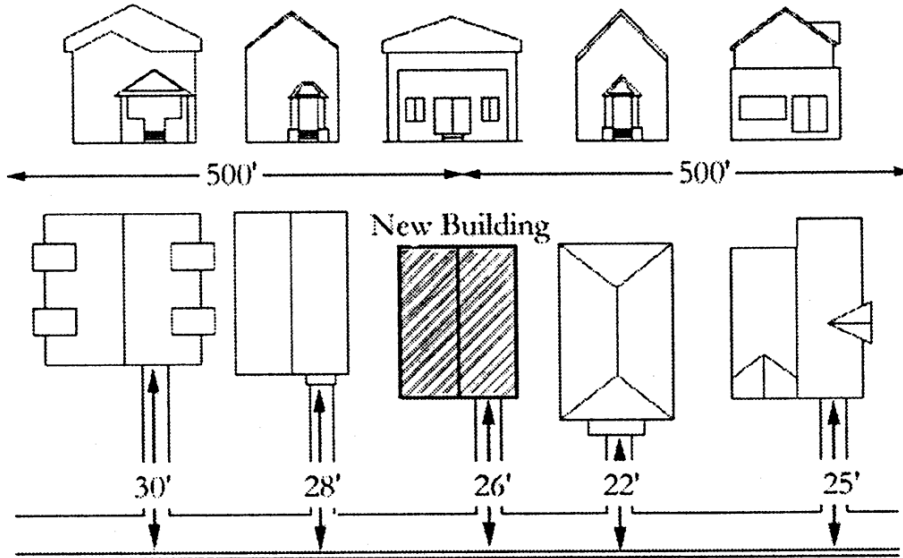
~~Notwithstanding the provisions of sec. 34-353, above: (b) — Exceptions to building envelope requirements set forth within subparagraph (a), above, are as follows:~~

- ~~(a4) Where a front yard requirement is annotated with an asterisk (*): on any lot where forty (40) percent or more of the lots located within five hundred (500) feet in either direction, fronting on the same side of the street, have front yards greater or less than the minimum front yard specified in subparagraph (a), above, the required front yard for such lot shall be the average depth of the existing front yards within five hundred (500) feet. In the R-UMD and R-UHD districts this front yard requirement shall apply only on lots where forty (40) percent or more of the lots located within five hundred (500) feet in either direction, fronting on the same side of the street, have front yards less than the minimum front yard specified in subparagraph (a) above. See Table X, following below. In no case shall this regulation be interpreted to require a front yard of more than sixty (60) feet. The provisions of this paragraph shall not apply to any land within the MR zoning district.~~

Comment [RL2]: All but one has an asterisk!

Table X: New Building, Front Yard Diagram

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New Building, Front Yard Diagram

- (2) Where a side yard requirement is annotated with an asterisk (*); where any two-family dwelling is located on a lot that was of record prior to August 3, 1964, such dwelling shall have minimum yards of five (5) feet on each side.
- (3) R-3 district: for developments containing residential uses at densities of 22-87 DUA, additional building height may be allowed pursuant to a special permit issued by city council, to a maximum of 80 feet (22-43 DUA) and 101 feet (44-87 DUA).
- (b4) R-3, R-UMD and R-UHD zoning districts: within a residential development containing any multifamily dwellings there shall be a minimum distance between the facade of the multifamily dwelling and the boundary of any low-density residential district, as follows:

Comment [RL3]: No side yard requirement is annotated with any asterisk!

Comment [RL4]: Move

Density	Required Distance
22—43 DUA	50 feet
44—87 DUA	75 feet

In the event the restrictions set forth within this paragraph impose a greater yard requirement than is otherwise specified for a particular site, the requirements of this paragraph shall apply and establish a new yard requirement. Where applicable, at least twenty five (25) feet of the new required yard shall consist of a landscaped buffer, S-3 type (refer to section 34-871).

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~~(5) Within the R-UHD district, additional building height, up to seven (7) stories may be allowed pursuant to a special use permit, provided that after five (5) stories, there shall be a setback of at least fifteen (15) feet along seventy (70) percent of the length of each streetwall.~~

Comment [RL5]: The max building height is 4 stories, should this read: after four (4) stories, there shall be a setback....?

~~(c6) Within the McIntire/Fifth Street Residential Corridor:~~

- ~~a. Additional building height, up to seven (7) stories may be allowed pursuant to a special use permit authorized by city council.~~
- ~~b. Five (5) feet of the required front yard shall be landscaped.~~
- ~~e. Where the side or rear of a lot adjoins a low-density residential district, there shall be a minimum required yard setback of twenty (20) feet for the length of the lot line adjacent to such district. Ten (10) feet of such required yards shall be planted with an S2 type landscaped buffer.~~

~~(7) Upon the determination of the director of neighborhood development services or the planning commission that a reduction of a required side yard is necessary to accommodate any required off-street parking space(s), such yard may be reduced or eliminated.~~

Comment [RL6]: Delete. An administrative officer has no legal authority to modify required yards specified within an ordinance.

~~(c) In calculating the maximum land coverage allowed for a development, the following areas shall be included: buildable lots, buildings, structures, improved parking, driveways, alleys, sidewalks and streets, and other improvements.~~

Comment [RL7]: This is the definition of "land coverage" in 34-1200; no need to repeat.

~~(d) Within the R-UMD and R-UHD zoning districts, in addition to the other requirements of this section and those set forth within Articles VIII and IX:~~

~~(1) There shall be a minimum distance between any two (2) buildings located on the same lot, equal to that required by applicable state building or fire codes, or eight (8) feet, whichever is greater.~~

Comment [RL8]: What is the purpose of this regulation? When separation is required for safety reasons, the USBC deals with it.

~~(2) Notwithstanding the provisions of section 34-984, the parking requirement for a multifamily development shall be as follows:~~

- ~~i. One (1) space for every two (2) bedrooms~~
- ~~ii. By special use permit the city council may reduce these parking requirements, but in no case shall any requirement(s) be reduced below one-half (1/2) space per unit.~~

~~(9-15-03(3); 6-6-05(2); 11-21-05)~~

Sec. 34-354. Front yard adjustments:

~~The front yards established in this article shall be adjusted in the following instances:~~

- ~~(d4) Where lots have double frontage, the required front yard shall be provided on both streets.~~
- ~~(e2) For a lot of record as of January 21, 1958, in the R-1, R-1S and R-2 districts, and for single- and two-family dwellings in the R-3 districts, the twenty-foot side yard requirement for a corner lots shall be (i) 10 feet, or (ii) such other dimension as will may be reduced to whatever footage will accommodate a building site having a permit a maximum buildable width of not more than thirty-two (32) feet; whichever is greater. In no case shall such side street yard requirement be less than ten (10) feet.~~

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~~DIVISION 3. - REGULATIONS - MULTIFAMILY RESIDENTIAL DEVELOPMENTS~~

Comment [RL9]: Moved to Article "Development Regulations"

~~Sec. 34-366. - Required amenities - Certain R-3 developments.~~

~~(a) The following amenities are required for multifamily dwellings and developments, and for townhouse developments, within the city's R-3 zoning districts:~~

- ~~(1) Laundry facilities shall be required, as follows: one (1) washer and one-half (1/2) dryer for every eight (8) units, plus one (1) additional dryer for every sixteen (16) units; minimum: two (2) washers and two (2) dryers.~~
- ~~(2) Storage facilities (other than that within the dwelling units): Three (3) square feet per bedroom, minimum.~~
- ~~(3) Recreational areas:~~

Dwelling Unit	Required Space
Studio	100 SF of adult space
1 bedroom unit	200 SF of adult space
2 bedroom unit	200 SF of adult space plus 20 SF of child space
3 bedroom unit	200 SF of adult space plus 40 SF of child space
4+ bedroom unit	200 SF of adult space plus 60 SF of child space

~~(b) The nature and proportions of recreational facilities may be altered if, in the opinion of the director of neighborhood development services or the planning commission, a result more appropriate for the location or use in question will be achieved (for example, mixed use spaces could be substituted for child use spaces). For the purposes of this section, the term "child use space" shall refer to facilities such as tot lots, playgrounds, nursery or daycare facilities, etc.; the term "adult space" shall refer to facilities such as rooftop or other terraces, health clubs, gym areas, etc.; and "mixed use space" shall refer to facilities such as swimming pools, ball courts, meeting and other activity rooms; libraries and reading rooms, etc.~~

Comment [RL10]: The NDS director cannot administratively modify the requirements of an ordinance.

~~(c) Required recreational areas shall be subject to the following additional requirements:~~

- ~~(1) An area equal to twenty-five (25) percent of the total square footage of required recreational facilities shall consist of indoor or weather-protected facilities, so as to be usable year-round.~~
- ~~(2) All recreational facilities shall be completely constructed, or sufficiently bonded to insure completion of construction, prior to issuance of any certificate of occupancy for the multifamily development, or any portion thereof.~~

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Sec. 34-367. Bedrooms – Limitation of number in R-UMD and R-UHD Districts.

~~Within the R-UMD and R-UHD zoning districts, the number of bedrooms permitted within a multifamily development shall be restricted as follows:~~

~~(1) – Density of 3-21 DUA:~~

~~R-UMD: Eighty-four (84) bedrooms per acre, maximum; not more than four (4) bedrooms per dwelling unit~~

~~R-UHD: Eighty-four (84) bedrooms per acre, maximum; not more than four (4) bedrooms per dwelling unit~~

~~(2) – Density of 22-64 DUA:~~

~~R-UMD: One hundred fifty (150) bedrooms per acre, maximum; not more than:~~

~~Four (4) bedrooms per dwelling unit (units attributable to density of up to twenty-one (21) DUA), and~~

~~Three (3) bedrooms per dwelling unit (units attributable to density in excess of twenty-one (21) DUA)~~

~~R-UHD: Two hundred fifteen (215) bedrooms per acre, maximum; not more than:~~

~~Four (4) bedrooms per dwelling unit (units attributable to density of up to twenty-one (21) DUA), and~~

~~Three (3) bedrooms per dwelling unit (units attributable to the density in excess of twenty-one (21) DUA)~~

~~(3) – For densities in excess of sixty-four (64) DUA approved by special use permit within the R-UHD district, the city council may establish reasonable conditions limiting the number of bedrooms per dwelling unit.~~

Sec. 34-368. – Density bonus, R-UMD and R-UHD:

~~Within a multifamily development proposed within any R-UMD or R-UHD district, an additional five (5) units shall be allowed over and above the number of units permitted by the density limitations of the applicable zoning district, for each single-family detached dwelling owned by the developer and for which the developer records restrictive covenants requiring such dwelling, for so long as it remains a residential use, to be: (i) owner-occupied, and (ii) used and occupied by no more than two (2) persons unrelated by blood or marriage. To qualify for this bonus, the single-family detached dwelling must be located within an R-1(U) or R-2(U) zoning district within the city, and the restrictive covenants must be recorded prior to approval of the preliminary site plan for the multifamily development to which the bonus units will be applied.~~

Sec. 34-369. – Retail sales and consumer service uses:

~~(a) Retail stores and consumer service businesses located within a multifamily dwelling, where such dwelling is located in a multifamily development containing at least seventy-two (72) dwelling units, shall constitute permitted ancillary uses. However, such uses shall be limited to the following: convenience stores, pharmacies, newsstands, barbershops, beauty shops, laundromats, dry cleaners, delicatessens, and coffee shops.~~

Comment [RL11]: Is there a way to streamline this? Perhaps just establishing one maximum # bedrooms per acre in UHD and UMD?

Can this be moved, and made more generally applicable to developments in other zoning districts, as well?

Comment [RL12]: Nobody has used this; it's not effective. Recommend deletion

Comment [RL13]: Why limit this by a list? This list is a outdated

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~~(b) The permitted ancillary uses listed in paragraph (a), above, are further subject to the following:~~

- ~~(1) Notwithstanding the definition of "ancillary use" set forth within section 34-1200, retail sales and consumer service businesses shall not occupy, collectively, an area greater than seventy (70) square feet per dwelling unit in a multiple-family development, and no single retail store or consumer service business shall occupy an area of more than one thousand (1,000) square feet.~~
- ~~(2) Such uses shall be located on the ground floor.~~



Building With Ground Floor Ancillary Uses

- ~~(3) Each such use may have a non-illuminated identification sign, having an area of not more than two (2) square feet, that rests flat upon the facade of the building in which such use is located, or such signage as may be permitted within Article IX, Division 4, section 34-1020, et seq., whichever is more restrictive.~~
- ~~(4) No such use shall operate any delivery service(s), other than to occupants of the multifamily development of which such use is a part.~~
- ~~(5) Such use shall be located, constructed, and operated in a manner whereby there is no external indication of the use by noise, glare, or odor.~~

Sec. 34-370. Property management offices.

~~(1) There is no exterior variation from the residential character of the building in which the office is located.~~

~~(2) Such use may have one (1) non-illuminated sign, having an area of not more than four (4) square feet, or such signage as may be permitted within Article IX, Division 4, section 34-1020, et seq., whichever is more restrictive.~~

~~(3) No mechanical equipment, other than equipment normally used within a residential household or office, shall be house or utilized within the office space.~~

Comment [RL14]: What is this protecting against?

DIVISION 4. STANDARDS FOR TOWNHOUSES.

Comment [RL15]: Moved to Article "Development Regulations"

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~~Sec. 34-386. Applicability.~~

~~The standards set forth within this division shall apply to townhouse developments, wherever permitted within the city. In the event of a conflict between these standards and those generally applicable within a particular zoning district, the standards within this division shall govern.~~

Comment [RL16]: If they apply generally throughout the City, shouldn't these standards be in the "Generally Applicable Regulations" article?

~~Sec. 34-387. Groupings.~~

~~(a) — No more than eight (8) townhouses shall be included within any grouping ("row").~~

~~(b) — The facades of townhouses within a townhouse development may be varied by changed front yards, varied architectural features or designs, roof lines, etc.~~

~~(c) — Required distance between any two (2) rows of townhouses: Ten (10) feet, minimum.~~

~~Sec. 34-388. Dimensional requirements.~~

~~(a) — The minimum area of a site containing a townhouse development shall be twelve thousand (12,000) square feet.~~

~~(b) — Within a townhouse development, there shall be an average minimum lot width (measured at the front building line) of twenty (20) feet; in no case shall any lot frontage be less than sixteen (16) feet. Lot width for end units shall be adequate to provide required front and side yards. Each individual townhouse unit shall have frontage on a dedicated public street, or on a private street.~~

~~(c) — No townhouse shall exceed a height of forty five (45) feet.~~

~~Sec. 34-390. Access.~~

~~If access to a townhouse development is to be provided by means of a private street or access easement, the following minimum standards shall be observed:~~

~~(1) — Minimum pavement width: Twenty four (24) feet, exclusive of parking.~~

~~(2) — Concrete curb and gutter: Required on both sides of the street or easement.~~

~~(3) — Sidewalks: sidewalks of at least five (5) feet in width must be provided on at least one (1) side of the street or easement.~~

~~(4) — The radius for all cul-de-sacs shall be at least forty (40) feet, to be paved to a minimum radius of thirty five (35) feet.~~

Comment [RL17]: Shouldn't we be encouraging connectivity?

~~(5) — Trees shall be planted along the frontage of the street/easement, at fifty (50) foot intervals (maximum).~~

Comment [RL18]: Review/ update

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~~Sec. 34-391. — Common areas.~~

~~Within a townhouse development, open space and common areas (including, without limitation, the amenities required within section 34-366), and all buildings, structures, facilities, lighting and landscaping located therein, shall be and remain, for the life of the development, under ownership of a single individual, entity or association responsible for maintenance thereof. The developer of a townhouse development shall demonstrate to the satisfaction of the city that this requirement is satisfied, prior to issuance of any building permit(s) for construction within such development.~~

DIVISION 5. — MANUFACTURED HOME PARK (MHP) RESIDENTIAL DISTRICTS

Sec. 34-406. — Description and Purpose of R-MHP district.

The purpose of the R-MHP district is to establish areas of the city deemed suitable for manufactured homes, and to ensure a safe and healthy residential environment consistent with existing land use and density patterns. For the purposes of Sec. 34-XXX (Permitted Uses) the R-MHP shall be considered a low-density residential district.

~~Sec. 34-407. — Permitted uses.~~

~~The uses allowed within the R-MHP zoning district are designated on the matrix set forth within section 34-416.~~

Sec. 34-408. — MHP district rRegulations.

- (a) All spaces within a manufactured home park shall be and remain under single ownership.
- (b) The following requirements as to number, density, area, setbacks and height shall apply to manufactured home parks:
 - (1) Minimum number of spaces in a manufactured home park: Ten (10).
 - (2) Maximum density: Twelve (12) spaces per acre.
 - (3) Minimum area, each space: Three thousand (3,000) square feet.
 - (4) Minimum distance from street right-of-way or interior lot line of contiguous lot: Twenty-five (25) feet.
 - (5) Minimum distance between manufactured homes, and between a manufactured home and any other building or structure: Fifteen (15) feet.
 - (6) Maximum height of the manufactured home: Eighteen (18) feet from average grade.

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- (7) Minimum manufactured home space dimension: Thirty (30) feet.
- (c) Provisions for water supply, sewer system and sanitary facilities, electrical equipment and systems, gas supply and drainage shall be provided and shall meet all applicable building code requirements.
- (d) Streets and walkways in the R-MHP District shall conform to the following:
- (1) Streets and driveways shall be provided within the park area to afford easy access to all parking spaces. Such streets and driveways shall be constructed with a hard, dustless road surface and shall provide ready means of entrance and exit to the street in an approved manner. The minimum width of streets providing for two-way traffic shall be thirty-six (36) feet when parking of cars is allowed on both sides and twenty-two (22) feet where parking is not allowed. Satisfactory means of drainage shall be provided with all streets and lanes draining into catch basins properly connected to the storm sewer system in accordance with applicable requirements for such facilities. Walkways shall be provided as necessary to all accessory buildings and service facilities of the park. Walks shall have a non-slip impervious surface and shall comply with applicable requirements for public sidewalks. Streets and walkways shall be illuminated as required for streets.
- (2) Every manufactured home space shall front on a private street built in accordance with city standards, or on a city-maintained public street.
- (3) Every manufactured home park shall have frontage on a public street.
- (e) At each entrance of any private street fronting along a manufactured home park, an eighteen-inch by twenty-four-inch sign shall be posted stating "Private Drive, No Thru Traffic." The lettering shall be readable from a distance of fifteen (15) feet.
- (f) All manufactured home parks shall have at least one (1) recreation area, located as to be free of traffic hazards, accessible to all residents and centrally located where topography permits:
- (1) *Extent:* Recreation areas and facilities, such as playgrounds, swimming pools, and community buildings should be provided which will meet the anticipated needs of the clientele the park is designed to serve. Provision of separate adult and juvenile recreational areas is encouraged.
- (2) *Size:* No less than five thousand (5,000) square feet of the gross park area shall be devoted to recreational facilities. Two hundred fifty (250) additional square feet shall be required for each manufactured home or travel trailer in excess of ten (10).
- (3) *Recreation areas:* Recreation areas include space for community buildings and community use facilities such as adult recreation and child play areas and swimming pools, but do not include vehicle parking, maintenance and utility areas, etc.

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- (g) The operator of a manufactured home park shall keep an accurate register of all tenants occupying spaces within the park.
- (h) Manufactured home parks shall be enclosed with an approved fence or planted hedge, not less than seven (7) feet in height and with no openings to adjoining property other than the required entrances and exits to streets or public spaces.
- (i) Skirting shall be required for each manufactured home. For each space within the park, site preparation, utility connections, skirting installation and maintenance of the manufactured home shall meet all applicable building code requirements.

Sec. 34-409. - Replacement of manufactured homes.

Notwithstanding any other provision of this chapter to the contrary (e.g., Article IX, sections 34-1140, et seq., governing nonconforming uses, lots and structures) a landowner or home owner may remove a valid nonconforming manufactured home from a manufactured home park and replace that home with another comparable manufactured home that meets the current HUD manufactured housing code. In such manufactured home park, a single-section home may replace a single-section home and a multi-section home may replace a multi-section home.

~~DIVISION 6. - CROSS REFERENCES~~

~~Sec. 34-415. - Additional regulations.~~

~~For additional regulations governing use and development of land within a residential zoning district, refer to:~~

- ~~(1) Article VIII, sections 34-850, et seq. (Landscaping and Other Developments Subject to Site Plans).~~
- ~~(2) Article IX (General Regulations), including, without limitation: Off-Street Parking (sections 34-970, et seq.), Outdoor Lighting (sections 34-1000, et seq.), Sign Regulations (sections 34-1020, et seq.), Buildings and Structures (sections 34-1100, et seq.), Lots and Parcels (sections 34-1120, et seq.), Approvals of residential dwellings (section 34-1125), and Mixed-use density calculation (section 34-1126).~~

DIVISION 7. - USE MATRIX

~~**Sec. 34-420. - Use matrix - Residential zoning districts.**~~

~~The uses and residential densities allowed within the city's residential zoning districts are those identified within the matrix following below. (For a list of each of the city's zoning districts and their abbreviations, see section 34-216).~~

A = Ancillary use	DUA = dwelling units per acre	P = provisional use permit
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Comment [RL19]: I don't think that these cross-references incorporate everything that might apply. Better to delete.

Comment [RL20]: Existing Use Matrix is overly complicated and confusing, in relation to the limited types of uses that are actually permitted in these districts.

The Suggested Replacement Table/Chart follows below.

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B = by right use	GFA = gross floor area	S = special use permit
CR = commercial/residential	MFD = multifamily development	T = temporary use permit
A/S = Ancillary or Special Use Permit		

Use Types	ZONING DISTRICTS											Requirements 34-xxxx
	R-1	R-1U	R-1S	R-1SU	R-2	R-2U	R-3	R-UMD	R-UHD	MR	MHP	
RESIDENTIAL AND RELATED USES												
Accessory apartment, internal	P		P		P		B	P	P	P	P	1105; 1171
Accessory apartment, external	P		P		P		P	P	P	P		1105; 1171
Accessory buildings, structures and uses	B	B	B	B	B	B	B	B	B	B	B	1105
Adult assisted living												
- 1-8 residents	B	B	B	B	B	B	B	B	B	B	B	
- Greater than 8 residents							S	S	S	S		
Adult day care							S					
Amateur radio antennas,	B	B	B	B	B	B	B	B	B	B		

Comment [RL21]: The 1-8 facilities are already included in definition of "residential occupancy"

Comment [RL22]: Why only one district?

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to a height of 75 ft.												
Bed and breakfast:												
Homestay	B	B	B	B	B	B	B	B	B	B		935
B & B							B	B	B	B		935
Inn							S	S	S	S		935
Boarding, fraternity and sorority house							S	S	S			
Boarding house (rooming house)							S	S	S	S		
Convent/monastery	S	S	S	S	S	S	S	S	S	S		
Criminal justice facility												
Dwellings:												
–Multifamily							B	B	B	B		
–Single family attached					B	B	B	B	B	B	B	1123
–Single family detached	B	B	B	B	B	B	B	B	B	B	B	1123
–Townhouse							B	B	B	B		386; 1123
–Two family					B	B	B	B	B	B		1123
Family day home												
–1–5 children	B	B	B	B	B	B	B			B		
–6–12 children	S	S	S	S	S	S	B			B		

Comment [RL23]: This is an obscure use, can we eliminate.

Comment [RL24]: Included within definition of residential occupancy, as a matter of state law

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Home occupation (occupancy, transient)	P	P	P	P	P	P	P	P	P	P	P	1172
Manufactured home park											B	
Night watchman's dwelling unit, accessory to industrial use												
Nursing homes							S	S	S	S		
Occupancy, residential												
-3 unrelated persons	B	B	B	B	B	B	B	B	B	B	B	
-4 unrelated persons	B		B		B	B	B	B	B	B	B	
Residential density (developments)												
-1-21 DUA							B	B	B	B		
-22-43 DUA							S	B	B	S		
-44-64 DUA							S		B			
-65-87 DUA							S		S			
-88-200 DUA												
Residential treatment facility												
-1-8 residents	B	B	B	B	B	B	B	B	B	B	B	
-8+ residents						S	S	S				
Shelter care facility							S					

Comment [RL25]: Recommend dealing with density in the text regulations. Over the years we've encountered some situations where it's difficult to determine whether text or matrix should govern. Also, density isn't really a use

Comment [RL26]: Included in the state's definition of residential occupancy

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Single room occupancy facility								S			S	
Temporary family health care structure	T	T	T	T	T	T	T	T	T	T	T	T
NON-RESIDENTIAL: GENERAL and MISC. COMMERCIAL												
Access to adjacent multifamily, commercial, industrial or mixed-use development or use								B	B	B	B	
Accessory buildings, structures and uses								B	B	B		1105
Amusement center												
Amusement enterprises (circuses, carnivals, etc.)												1193
Amusement park (putt-putt golf; skateboard parks, etc.)												
Animal boarding/grooming/kenne- ls:												933
—With outside runs or pens												
—Without outside runs or pens												
Animal shelter												933

Comment [RL27]: This is a type of building/multifamily dwelling, not really a use. The use is "residential occupancy"

Comment [RL28]: Again, this is a type of building/ structure, not really a use

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Art gallery:												
–GFA 4,000 SF or less												
–GFA up to 10,000 SF												
Art studio, GFA 4,000 SF or less												
Art workshop												
Assembly (indoor)												
Arena, stadium (enclosed)												
Auditoriums, theaters												
Houses of worship	B	B	B	B	B	B	B	B	B	B		
Assembly (outdoor)												
Amphitheater												
Stadium (open)												
Temporary (outdoor church services, etc.)	T	T	T	T	T	T	T	T	T	T		1191
Assembly plant, handcraft												
Assembly plant												
Automobile uses:												
–Gas station												931
–Parts and equipment sales												

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–Veterinary (with outside pens/runs)												933
–Veterinary (without outside pens/runs)												933
Clubs, private	S	S	S	S	S	S	S	S	S	S		
Communications facilities and towers:												1070 et seq.
–Antennae or microcells mounted on existing towers established prior to 02/20/01	B	B	B	B	B	B	B	B	B	B		
–Attached facilities utilizing utility poles or other electric transmission facilities as the attachment structure	B	B	B	B	B	B	B	B	B	B		
–Attached facilities not visible from any adjacent street or property	B	B	B	B	B	B	B	B	B	B		
–Attached facilities visible from an adjacent street or property												
–Alternative tower support structures												
–Monopole tower support structures												
–Guyed tower support structures												
–Lattice tower support												

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structures												
-Self-supporting tower support structures												
Contractor or tradesman's shop, general												
Crematorium (independent of funeral home)												
Data-center												
Daycare facility	S	S	S	S	S	S	B	B	B	B	B	
Dry-cleaning establishments												
Educational facilities (non-residential)												
-Elementary	S	S	S	S	S	S	B	B	B	B		
-High schools	S	S	S	S	S	S	B	B	B	B		
-Colleges and universities	S	S	S	S	S	S	B	B	B	B		
-Artistic up to 4,000 SF, GFA												
-Artistic up to 10,000 SF, GFA												
-Vocational, up to 4,000 SF, GFA												
-Vocational, up to 10,000 SF, GFA												

Comment [RL29]: Doesn't a college have dorms?

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Electronic gaming café												937
Funeral home (without crematory)												
–GFA 4,000 SF or less							S					
–GFA up to 10,000 SF							S					
Funeral homes (with crematory)												
–GFA 4,000 SF or less							S					
–GFA up to 10,000 SF							S					
Golf course												
Golf driving range												
Helipad												
Hospital												
Hotels/motels:												
–Up to 100 guest rooms												
–100+ guest rooms												
Laundromats							A	A	A	A	A	
Libraries	B	B	B	B	B	B	B	B	B	B	B	
Manufactured home sales												
Micro-producers												

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Small Breweries												
Movie theaters, cineplexes												
Municipal/governmental offices, buildings, courts	S	S	S	S	S	S	S	S	S	S	S	
Museums:												
–Up to 4,000 SF, GFA												
–Up to 10,000 SF, GFA												
Offices:												
–Business and professional												
–Medical												
–Philanthropic institutions/agencies												
–Property management							A	A	A	A	A	370
–Other offices (non-specified)												
Outdoor storage, accessory												
Parking:												
–Parking garage							A/S	A/S	A/S	A/S		
–Surface parking lot							A	A	A	A		

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Comment [RL30]: A "garage" is specifically referenced as an accessory use for a residential dweller
 Is there a separate need to allow a "parking garage", which is defined in 34-1200 as anything OTHER than an accessory "garage"?

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-Surface parking lot (more than 20 spaces)								A	A	A	A		873
-Temporary parking facilities									T	T			873
Photography studio													
Photographic processing; blueprinting													
Radio/television broadcast stations													
Recreational facilities:													366
-Indoor: health/sports clubs; tennis club; swimming club; yoga studios; dance studios, skating rinks, recreation centers, etc. (on City-owned, City School Board-owned, or other public property)	B	B	B	B	B	B	B	B	B	B	B	B	B
-Indoor: health/sports clubs; tennis club; swimming club; yoga studios; dance studios, skating rinks, recreation centers, etc. (on private property)													
-GFA 4,000 SF or less								A	A	A	A		
-GFA up to 10,000 SF													
-GFA more than 10,000													

Comment [RL31]: From a zoning perspective, why does it matter whether it's on public or private property?

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SF												
–Outdoor: Parks, playgrounds, ball fields and ball courts, swimming pools, picnic shelters, etc. (city owned), and related concession stands	B	B	B	B	B	B	B	S	S	S		366
–Outdoor: Parks, playgrounds, ball fields and ball courts, swimming pools, picnic shelters, etc. (private)	S	S	S	S	S	S	S	S	S	S		366
Restaurants:												
–Dance hall/all night												1174
–Drive through windows												
–Fast food												
–Full service												
Taxi stand												
Towing service, automobile												
Technology based businesses												
Transit facility												
Utility facilities	S	S	S	S	S	S	S	S	S	S		
Utility lines	B	B	B	B	B	B	B	B	B	B	B	

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(2) Unlisted dissimilar uses—If a use is not listed in Table-X and is not interpreted by the NDS Director as being similar in nature and impact to a permitted use, then the unlisted use is prohibited.

(d) Table-X:

B=Permitted PU=Provisional Use SUP = Special Use Permit		
Permitted Uses	Low density districts	Multifamily districts
Residential		
Occupancy, residential	<u>B</u>	<u>B</u>
Civic		
General Civic uses	<u>B</u>	<u>B</u>
Cemetery	<u>B</u>	<u>B</u>
Retail		
Service		
Bed and Breakfast		<u>B</u>
Residential care; residential treatment (more than 8 residents)	SUP* *excluding all R-1 districts	<u>B</u>
Congregate living (fraternity house, sorority house, boarding house)		SUP
Congregate living, other		SUP
Vehicle staging and storage		<u>B</u>
Infrastructure		
Utility and Infrastructure	<u>B</u>	<u>B</u>
Attached communications facilities, not visible from adjacent streets and properties	<u>B</u>	<u>B</u>
Attached communications facilities (utility pole used as attachment structure)		
Open Space	<u>B</u>	<u>B</u>
Accessory and Temporary Uses		
General accessory uses	<u>B</u>	<u>B</u>
Homestay	<u>PU</u>	<u>PU</u>
Home Occupation	<u>PU</u>	<u>PU</u>
Temporary uses	<u>TU</u>	<u>TU</u>