

CHAPTER 25. ZONING

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Article XXIII. Multi-family Residential (MF) Districts

§ 25-231. Purposes.

A. The Multi-family Residential District is intended to provide locations for multi-family residential developments at higher densities on public water and sewer.

B. Industrial, commercial or similar uses not common to or compatible with residential development are restricted or prevented.

C. These districts may serve as a buffer between less intensive and more intensive use districts.

D. A variety of housing densities and styles is encouraged in order to permit diversity and flexibility in design and layout.

§ 25-232. Permitted uses.

The following uses shall be permitted within Multi-family Residential Districts without Administrative or Special Use Permit:

- A. Multi-family dwellings.
- B. Two-family dwellings.
- C. Religious institutions.
- D. Duplexes.
- E. Townhouses.

§ 25-232.1. Accessory buildings and uses.

A. Accessory buildings and uses customary and clearly incidental to a permitted use, including accessories to multi-family residential developments as well as individual dwelling units, and which will not create a nuisance or hazard, shall be permitted in Multi-family Residential Districts, subject to the applicable provisions of article V of division A of this chapter.

B. Accessory buildings and structures not exceeding twenty feet (20') in height nor an aggregate area of nine hundred square feet (900 sq. ft.) may be erected in side and

rear yards. Accessory buildings and structures must meet the applicable yard requirements of §25-236.

§ 25-233. Uses permitted by Administrative Permit.

The uses listed in this section shall be permitted within Multi-family Residential Districts only upon the issuance of an Administrative Permit by the Zoning Administrator pursuant to the provisions of article LVI of division I of this chapter. Administrative permits are to be issued only for uses where the applicant can demonstrate that the proposal meets the standards required by this chapter and the uses will not have an undue adverse impact on the surrounding neighborhood. Among matters to be considered in this connection are traffic congestion, noise, lights, dust, odor, fumes, and vibration.

A. Home occupations, Class A.

Home occupations, Class A, may be permitted by Administrative Permit provided:

1. The use of the dwelling for the home occupation shall be clearly incidental and subordinate to the use of the dwelling for residential purposes. There shall be no change in the outside appearance of the dwelling or lot, nor other visible evidence of the conduct of such home occupation other than one (1) sign no more than four square feet (4 sq. ft.) in size; and
2. Such occupation shall be engaged in only by residents of the dwelling and no more than one (1) employee who comes to the home. The business can have multiple employees who do not come to the home; and
3. If the applicant is a tenant, written permission of the landowner is required; and
4. No display of products made shall be visible from the street; and
5. No products shall be sold on the premises except such as are made on the premises. No other retail sales or wholesale sales shall occur unless:
 - a. No clients or customers come to the home in conjunction with the sales; all sales occur off-premises or via telephone, mail, computer, etc.
 - b. Items are accessory to the main use and sold only to clients or customers using the main business, e.g. shampoo for clients in a beauty or barber shop.
6. No accessory building shall be used for such occupation; and

7. No outside display or storage of materials, goods, supplies, or equipment in relation to the home occupation shall be permitted. Any animals associated with a permitted home occupation, e.g. pet grooming business; must be kept indoors; and

8. The occupation shall not generate more than ten (10) vehicular trips in a day. A trip consists of one (1) arrival and one (1) departure; and

9. Deliveries shall be limited to normal daily deliveries by public and private mail carriers, including USPS, Fed-Ex, UPS, and similar carriers; and

10. All parking associated with the business shall be off-street and not located in any required front yard, except within the existing driveway; and

11. No more than one (1) commercial vehicle may be used in conjunction with the home occupation. Commercial vehicles shall be allowed pursuant to the requirements of §25-54.1.N. For purposes of this section a commercial vehicle does not include a utility trailer. (Ord. 09/28/11, Ord. 10/28/15)

The following uses are not to be considered to be Home Occupations, Class A: trash and garbage collection, boarding houses, day care centers, private schools, firearm sales, and small engine repair or motor vehicle repair. Landscaping, lawn care and mowing businesses, and mobile motor vehicle repair are not to be considered Home Occupations unless all equipment, materials and utility vehicles are kept off site. The applicant shall supply written documentation such as a lease agreement or contract describing where the equipment, materials, and utility vehicles are to be kept to the Community Development Department. (Ord. 09/28/11, Ord. 10/28/15)

B. Day care home occupation.

Day care home occupations may be permitted by Administrative Permit provided:

1. The use of the dwelling for the day care home occupation shall be clearly incidental and subordinate to the use of the dwelling for residential purposes. There shall be no change in the outside appearance of the dwelling, nor other visible evidence of the conduct of such home occupation other than one (1) sign no more than four square feet (4 sq. ft.) in size; and

2. Such occupation shall be engaged in only by residents of the dwelling and one (1) employee who comes to the home; and

3. Play equipment and similar facilities may be used; and

4. No accessory building shall be used for such occupation, except for storage of play equipment when not in use; and

5. All parking associated with the business shall be off-street and not located in any required front yard, except within an existing driveway; and

6. Approval from the Department of Social Services or proof that such approval may be obtained pending zoning approval; and

7. Notification of adjoining property owners. Upon receipt of an application for an Administrative Permit for a day care home occupation, the Zoning Administrator shall send by certified mail written notice of such application to all adjoining property owners as shown on the current real estate assessment books.

a. Action if objection received.

If written objection is received from an adjoining property owner within thirty (30) days following the mailing of said notice, the application shall be denied, and the applicant advised that the day care home occupation may commence only upon the approval of a Special Use Permit by the board of zoning appeals.

b. Action if no objection received.

If no written objection is received from an adjoining property owner within thirty (30) days following the mailing of said notice, and the applicant meets all other requirements of this section, the Zoning Administrator may approve the Administrative Permit.

§ 25-234. Uses permitted by Special Use Permit.

The uses listed in this section shall be permitted within Multi-family Residential Districts only upon the issuance of a Special Use Permit by the board of zoning appeals pursuant to the provisions of article LVIII of division I of this chapter.

A. General standards applicable to all Special Use Permits. No Special Use Permit shall be issued without consideration that, in addition to conformity with any standards set forth in this chapter for Special Use Permit uses, the following general standards will be met either by the proposal made in the application or by the proposal as modified or amended and made part of the Special Use Permit:

1. Conformity with Comprehensive Plan and policies. The proposal as submitted or as modified shall conform to the Comprehensive Plan of the county or to specific elements of such plan, and to official policies adopted in relation thereto, including the purposes of this chapter.

2. Impact on neighborhood. The proposal as submitted or as modified shall not have undue adverse impact on the surrounding neighborhood.

NOTE: For restrictive conditions applicable to all Special Use Permits, see § 25-584 of division I of this chapter.

B. Day care centers and nursery schools.

Day care centers and nursery schools may be permitted by Special Use Permit provided:

1. Designated areas for pick-up and delivery are adequate to prevent traffic congestion both on and off site, thereby keeping waiting pedestrians out of vehicle passage ways and parking areas and preventing waiting vehicles from blocking access to and from parking areas or impeding traffic on adjoining streets; and
2. Proposed playgrounds are adequately fenced and subject to the same setback requirements as principal structures, unless the board of zoning appeals finds that greater setbacks are necessary in the interest of public safety and compatibility with the neighboring properties; and
3. The applicant demonstrates compliance with state licensing requirements and all applicable federal, state and local regulations.

C. Residential care facilities.

Residential care facilities may be permitted by Special Use Permit provided:

1. The facility and anticipated enlargements thereof will be appropriate for multi-family residential areas; and
2. The facility, taking into account such things as its proposed size, parking facilities, setbacks and landscaping, will not be out of character with neighboring properties; and
3. The permitting of the proposed facility, when taking into account the presence of other businesses in the neighborhood, will not result in such concentration or clustering of businesses as to create an institutional setting or business center or otherwise change the area's character and social structure; and
4. The applicant demonstrates compliance with state licensing requirements and all applicable federal, state and local regulations.

§ 25-235. Uses prohibited.

All uses except those listed in §§25-232, 25-232.1, 25-233 and 25-234 above are specifically prohibited in Multi-family Residential Districts.

§ 25-236. Setback and yard requirements.

A. All buildings and structures shall be set back from areas not zoned Multi-family Residential a minimum of twenty-five feet (25').

B. No building or other structure shall be erected, altered, located, reconstructed or enlarged nearer to the right-of-way line of an existing public street identified by Virginia Department of Transportation as an arterial or collector street than fifty feet (50').

C. No building or other structure shall be erected, altered, located, reconstructed or enlarged nearer to the right-of-way line of any private street or any street identified by the Virginia Department of Transportation as a local street than twenty-five feet (25'). On lots in developments with a site plan or plan of development approved prior to February 28, 2010, no building or other structure shall be erected, altered, located, reconstructed, or enlarged nearer to the right-of-way line of any public or private street than thirty-five feet (35').

D. Additional setback for buildings in excess of thirty-five feet (35') in height.

1. For buildings and structures in excess of thirty-five feet (35'), but not more than fifty feet (50') in height, the required setback shall be increased one foot (1') for every one foot (1') increase in building height.

2. For buildings and structures in excess of fifty feet (50') in height, the required setback shall be increased fifteen feet (15') plus two feet (2') for every one foot (1') increase in building height above fifty feet (50').

E. There are no other setback or yard requirements.

§ 25-237. Public water and sewer required.

All developed lots shall have service by a public water and public sewer system.

25-237.1. Additional parking required.

In addition to the parking required in §25-35.A., guest parking and parking at the school bus pick-up point(s) shall be provided. In addition to the required parking for individual dwelling units, an amount equal to ten percent (10%) of the required parking spaces shall be provided. These requirements may be modified or waived in an individual case if the board of supervisors finds upon presentation of a parking study or similar documentation from the applicant that the public health, safety or welfare would be equally or better served by the modification or waiver; that the modification or waiver would not be a departure from design practice; and the modification or waiver would not otherwise be contrary to the purpose and intent of this chapter. In granting a modification or waiver, the board of supervisors may impose such conditions as deemed necessary to protect the public health, safety or welfare. (Ord. 09/28/11)

§ 25-238. Density limitations.

The maximum number of dwelling units per gross acre shall be as follows:

- A. One-story development: Eight (8).
- B. Two-story development: Twelve (12).
- C. Three-story development: Sixteen (16).
- D. Four-story development: Twenty (20).

When a development includes buildings with varying heights, the maximum number of dwelling units per gross acre permitted shall be calculated based upon the proportions of each type of development.

(Ord. 06/27/2012)

§ 25-239. Minimum single-family dwelling sizes.

In Multi-family Residential Districts single-family dwelling units may be smaller than the minimum size of single-family dwellings required by §25-12 of division A of this chapter. (Ord. 11/28/01; eff. 1/1/02)

§ 25-240. Site Plan required.

A site plan meeting the requirements of division J article LXVII “Site Plan Review” shall be submitted and approved prior to the approval of any building, placement or other development permit.

§ 25-240.1. Bonding. (Repealed Ord. 09/28/11)

§ 25-240.2. Height limitations.

In Multi-family Residential Districts, all buildings and structures shall be subject to the following height limitations:

A. No building or structure shall exceed four (4) stories and in no case shall a building or structure exceed seventy-five feet (75') in height. (Ord. 6/27/12)

B. In no case shall the height of any building or structure exceed the height limitations of the transitional surface, approach surface, horizontal surface and conical surface as required in any airport overlay district.

C. For exceptions to height limitations, see §25-15 of article II, division A, of this chapter.

D. Special Use Permit. The requirements of §25-238 may be modified, by special use permit, in an individual case if the Board of Supervisors finds upon presentation of documentation and a site plan submitted by the applicant that the public health, safety, and welfare of residents of the proposed development would be equally or better served by the permit; that the granting of a modification will have no adverse impact on the community or its resources; and the overall density of the multi-family development will not exceed the density recommended in the Comprehensive Plan Future Land Use Map for the parcel. In granting a permit, the Board of Supervisors may impose such conditions as deemed necessary to protect the public health, safety, or welfare. (Ord. 6/27/12)

The Board of Zoning Appeals shall continue to have authority to grant special use permits in all other cases. (Ord. 6/27/12)

[Article XXIII, Division D, Chapter 25 was revised and readopted on 2/10/10, eff. 3/1/10]