**Chapter 84 – ZONING ORDINANCE**

**ARTICLE IV. – RESIDENTIAL DISTRICT REGULATIONS**

**PART 400. – GENERAL**

**Sec. 84-400.01. - Setbacks**

Residential primary structures and additions shall comply with the setback requirements identified in the applicable zoning district development standards.

1. Projections;
2. For other than Planned Districts,
3. projections, such as bays balconies and cantilevered extension may project no more than three feet into the required setback. The area of the projection shall not consist of more than 33% of the exterior wall face in which the projection is located.
4. Front porches and stoops may project 5 feet into the front setback.
5. For Planned Districts,
6. Architectural elevations shall indicate any projections. If reduced setbacks are proffered, projections within the reduced setback are prohibited unless specifically identified as a condition in the proffer statement.

**Sec. 84-400.02. - Accessory uses**

Accessory uses shall be permitted in all agricultural and residential districts, subject to the following limitations:

1. Motor vehicle parking and storage. Vehicles and motor vehicles shall be permitted in residential districts as follows:
   1. Commercial vehicles. Not more than one commercial vehicle may be parked on a residential lot provided the occupant of the dwelling unit is the operator of the vehicle.
   2. Location and area of vehicle parking and storage. All vehicles that are permitted to be parked or stored on residential properties shall be parked or stored only on an improved parking surface, meaning an area surfaced with asphalt, poured or precast concrete, brick, pavers, or other similar material commonly used for parking surfaces. In no event shall a vehicle be parked or stored on a gravel, grass, dirt, or other unimproved surface.
   3. Prohibited vehicles. The following types of vehicles shall not be parked or stored on any residential lot less than one acre:
      1. Cement trucks.
      2. Construction equipment.
      3. Dump trucks.
      4. Garbage, refuse or recycling trucks.
      5. Passenger buses (excluding school buses).
      6. Tractors or trailers of a tractor-trailer truck.
      7. Tow trucks.
2. Motor vehicle repair.
   1. Repair or service of motor vehicles on residential lots shall be limited to permitted vehicles titled and registered to the owner and/or occupant or a member of the immediate family of the owner or occupant of the dwelling unit where service or repairs are taking place. For purposes of this subsection, a member of the immediate family is defined as any person who is naturally or legally defined offspring, spouse, sibling, grandchild, grandparent or parent of the owner/occupant.
   2. Repair, restoration or service of motor vehicles as a hobby on residential lots shall be permitted subject to the following limitations:
      1. The dwelling owner or occupant, or member of the immediate family of the owner or occupant may repair, restore, or service up to two of their own vehicles at any one time.
      2. The repair, restoration or service shall not be within a right-of-way or easement.
      3. The maximum of two Inoperative vehicles shall be stored in a fully enclosed building or shall be fully screened from view from abutting property and streets, or covered when the repair, restoration or service ceases for 30 days or more.
      4. All material and equipment associated with such work must be stored inside or be fully screened from view from abutting property and streets.
      5. No commercial motor vehicle repair, restoration or service shall be permitted.
3. Accessory dwelling units (ADUs).
   1. ADUs are permitted as identified within each district’s permitted uses.
   2. One ADU is permitted per lot.
   3. The minimum permitted lot size shall be 0.50 acre.
   4. The square footage of the ADU shall not be more than the lesser of 33% of the primary dwelling square footage or 600 square feet.
   5. Detached ADU shall be located in the rear yard of the primary dwelling and setback 10 feet from the side and rear property lines.

**Sec. 84-400.03. - Accessory structures**

1. Accessory buildings and structures shall be permitted in all residential districts, subject to the following limitations:
   1. In all residential zoning districts, with the exception of multi-family dwelling lots, accessory structures, patios, in-ground and above ground swimming pools shall be subject to the following requirements:
      1. These structures shall be allowed only in the rear and side yards.
      2. The maximum lot coverage shall be 25 percent for accessory structures in the yard in which they are located.
      3. The aggregate gross floor area of all accessory structures on a lot shall not exceed 30 percent of the gross floor area of the principal building.
      4. Accessory structures in the side and rear yard, which are less than 20 feet in height, shall be set back a minimum of five feet from the rear and side property lines, and in the case of a corner lot a minimum of 20 feet from the side property line adjacent to the side street.
      5. Accessory buildings and structures shall not be located so as to restrict access to structures by emergency equipment.
      6. Accessory structures shall not be placed within an easement, unless otherwise stated in this Chapter.
      7. No accessory building shall be constructed, erected, or otherwise placed on a lot that is not occupied by a principal building, provided that an accessory building shall be permitted when a valid building permit has been issued for a principal building and construction of that principal building is diligently pursued.
      8. Pools, both in-ground and above ground, shall be setback from the side and rear property lines minimum of 10 feet or the depth of the in-ground pool, whichever is greater.
      9. Garden enclosures to include chain-link, chicken-wire and similar materials shall meet the requirements of this subsection a. and not subject to the requirements of PART 315 Fences and Walls.
      10. New ramps for accessibility purposes on lots may be exempted from subsections i through vi above. This exemption shall be at the discretion of the Zoning Administrator. Exemptions shall be in relation to existing site constraints and the prevention of major modifications that impact compliance with the American Disabilities Act.
   2. Fences – see PART 315 of this Chapter for requirements related to fences.
   3. Retaining Walls – see 84-300.04 and PART 315 of this Chapter for requirements related to retaining walls.

**Sec. 84-400.04. – Open Space for residential development.**

* + - 1. That portion of the gross acreage of a development that is not developed as residential lots and as internal street(s) shall be provided as open space.
      2. The open space shall not be less than 50 percent of the gross acreage for cluster development. Required buffers shall be included in the open space calculation.
      3. The open space shall be maintained in its natural, scenic, open and/or wooded condition and/or planted and maintained in perpetuity with indigenous species and/or species appropriate to rural locations. The following uses are permitted within the open space;
         1. Maintaining or adaptive reuse of a historic building.
         2. Community operated park.
         3. Community Garden.
         4. Community natural trails.
      4. The open space shall be conveyed to one or a combination of the following:
         1. An authorized public or private grantee, as described in the Conservation Easement Act, Code of Virginia, ch. 10.1, §§ 10.1-1009, et seq.
         2. A homeowners' association.
         3. An entity allowed by the homeowners' association or by other recorded covenants and restrictions, to live in an existing farm dwelling.
         4. An entity allowed by the homeowners' association or by other recorded covenants and restrictions, to live in and maintain an existing historic building.
      5. The open space shall be governed by recorded restrictive covenants that shall reaffirm and provide notice of, at a minimum, the development restrictions set forth in this section. The restrictive covenants shall be achieved through a deed conveying the land to one of the entities identified in this section. This deed must be binding upon the party to which this open space is conveyed and that party's successors and assigns, unless modified with approval from the Director of Planning.
      6. Except with a formal public facility review under Code of Virginia, § 15.2-2232, no portion of any land provided as open space may be used or disturbed for any public use. Such open space may, however, be permitted to contain any required stormwater management facilities.
      7. Maintenance of the open space shall be the responsibility of the party or parties identified above.
      8. Open space in rural cluster developments shall be laid out so as to provide adequate setbacks and other appropriate transitions to and from surrounding land uses.

**Sec. 84-400.05. – Lot coverage.**

* + - 1. Lot coverage percentages shall not exceed the values identified in the zoning district in which the lot is located.
      2. The following items shall be calculated when determining total lot coverage.
      3. Lot coverage shall be the sum of the square footage of the items listed above, divided by the lot square footage, multiplied by 100.

Example: Lot coverage = 684 sf, Lot size = 2000 sf, Total lot coverage is 34.2%



**Sec. 84-400.06. – Flag Lots**

1. Flag lots shall be permitted by the Zoning Administrator on a case-by-case basis for infill development. The following conditions shall be evaluated to determine if a flag lot can be permitted.
   1. The proposed flag lot must exist without further division of land,
   2. The lot has a sufficient buildable area outside of the required district setbacks,
   3. Public road access or frontage is not viable,
   4. The required access area must be by simple ownership,
   5. Access easements are prohibited,
   6. A maximum of two lots can be served from a single driveway,
   7. A minimum of 100-feet separation is required between pipestem groups,
   8. An existing lot with the required minimum road frontage cannot be divided to create a flag lot.
2. Flag lot driveways shall be designed in accordance with Section 3.2.2 of the Technical Design Manual.
3. Design standards for flag lots
   1. The front direction of the lot shall be the boundary line closest to, and most parallel to the public roadway that serves the lot.
   2. Minimum front, side and rear setback requirements as identified in the zoning district shall be met.
   3. The minimum front setback for a flag lot shall be measured parallel to the common driveway property line.
   4. The driveway shall be designed to provide a turn-around in accordance with Section ?? of the Technical Design Manual.
4. Flag lots for Tiny Homes shall comply with Section 84-703.03.

**Sec. 84-400.07. - Multiple residential buildings on a single lot prohibited; exceptions.**

1. Unless otherwise permitted by this section, no more than one building used for residential purposes may be placed upon a lot.
2. The prohibition of this section shall not apply to buildings used for residential purposes subject to a lawful condominium, horizontal property or cooperative regime, nor to multifamily structures under a single ownership and used for rental purposes. The exemption provided by this subsection shall apply only to residential structures conforming to the requirements of subsection 3 below and of the zoning district in which such structures are located.
3. Each building proposed for a residential use shall be located in such manner and reviewed as though every such building were to be located upon its individual lot and the requirements of this chapter and any other applicable law shall be met with regard thereto. This review standard shall not be deemed to require subdivision into such lot or parcel, unless subdivision shall otherwise be required, but only that such structure shall be reviewed in conformity with construction and development standards without regard to form of ownership.
4. The prohibition of this section shall not apply to temporary modular or mobile homes used for dwelling purposes while a principal dwelling is being constructed or reconstructed. It shall also not apply to using existing dwellings temporarily while a new dwelling is being constructed on the property. Temporary use of existing dwellings or modular or mobile homes shall only be permitted for a maximum of 18 months, subject to issuance of zoning approval and deposit of adequate bond or guarantee to ensure diligent construction or reconstruction of a principal dwelling and removal of the temporary dwelling or modular or mobile home.
5. Accessory dwellings are permitted per Section 84-400.02.3.

**Sec. 84-400.08. – Residential Occupancy Regulations.**

To ensure the safe occupancy of dwelling units. In general, the limitations are based on the size of the house, the size and number of bedrooms, the relationships of the residents, and fire safety standards. Failure to comply with any portion of these requirements constitutes a violation of legal occupancy allowances. The regulations identified within the Uniform Statewide Building Code shall apply.

**PART 401. - HOME OFFICE AND HOME OCCUPATION**

**Sec. 84-401.01. – Purpose.**

1. Permit the conduct of these uses as a secondary use to a dwelling unit, whether owner or renter occupied;
2. Ensure that such uses are compatible with, and do not have a harmful effect on nearby residential properties and uses;
3. Adequately protect existing residential neighborhoods from dust, odors, noise, traffic and/or other potentially adverse effects;
4. Allow residents of the community to use their homes as a work place and a source of livelihood, under certain specified standards, conditions and criteria;
5. Enable the fair and consistent enforcement of these regulations.

**Sec. 84-401.02. – Home office and home occupation uses deemed unsafe.**

* + - * 1. If, in the opinion of the Zoning Administrator, any home office or home occupation use becomes dangerous or unsafe, or presents a safety hazard to the public, pedestrians or motorists, or presents a safety hazard to adjacent or nearby properties, residents or businesses, the Zoning Administrator shall issue an order to the Dwelling owner and/or tenant on the property on which the use is being undertaken directing that the use be immediately made safe or be terminated.
        2. The property owner and/or tenant shall be responsible for taking the necessary corrective steps or measures, but in the event of a failure to do so by the owner and/or tenant, after notice and a reasonable period of time, the Zoning Administrator may take any action to make the use and dwelling safe. Costs incurred by the Zoning Administrator, if forced to take enforcement actions, shall be borne by the property owner and, shall be treated as a zoning violation pursuant to this ARTICLE XIII of this Chapter.

**Sec. 84-401.02. – Home office standards.**

Home office uses shall meet the following standards.

1. Shall be permitted in any attached, detached and multi-family dwellings.
2. No signs shall be permitted.
3. No employees shall be permitted to work on the premises, except for family members residing in the dwelling unit.
4. One company vehicle shall be permitted as accessory to a home occupation, provided, however, that overnight parking shall be limited as provided for in subsection 84-400.02.1.
5. No outside storage shall be permitted. Commercial deliveries and pick-ups of supplies associated with the use shall be limited to not more than one per day and shall be made only during business hours.
6. The area devoted to the home office shall not exceed 25 percent of the gross floor area of the dwelling unit.
7. No customers or clients may be seen at the home.

**Sec. 84-401.03. – Home office, permitted uses.**

The following uses shall be subject to all applicable home office regulations and standards.

1. Artists, sculptors, composers not selling their artistic product to the public on the premises;

2. Craft work, such as jewelry-making and pottery with no sales permitted on the premises;

3. Home offices with no client visits to the home;

4. Telephone answering and message services.

**Sec. 84-401.04. – Home occupation, general standards.**

1. Operations shall be located in a single-family detached dwelling or accessory structure on the same lot.
2. Home occupations are prohibited to take place in a duplex, townhouse, or multi-family dwellings.
3. The resident operating the use shall secure a business license from the Town. The Applicant shall demonstrate that public facilities and utilities are adequate to safely accommodate any equipment used in conjunction with the home occupation.
4. Off-street parking spaces shall be provided as required for the residential use, plus one (1) space for each employee, plus one space for customers (if applicable).
5. The use shall create no disturbing or offensive noise, vibration, smoke, dust, odor, heat, glare, traffic hazard, unhealthy or unsightly conditions. In addition, any equipment or process shall not create audible or visual interference with any electronic device on any adjacent properties, and shall comply with the Town Noise Ordinance.
6. Delivery and distribution of goods from commercial suppliers shall be limited to between the hours of 7 am and 6 pm, Monday through Saturday. Shipping deliveries and pick-ups (excluding U.S. Postal Service) are limited to two (2) per weekday.
7. Customer hours are limited to the hours between 7am and 9pm.
8. Home occupations are not permitted on Tiny House residential lots.

**Sec. 84-401.04. – Home occupation standards for lots 3 acres or greater within A-3 and R-1 Districts.**

1. Not more than three (3) client vehicles may park on the site at one time.
2. The maximum area for a home occupation is two thousand five hundred (2,500) square feet and no more the 25% of the dwelling.
3. Up to three (3) non-resident on-site employees are allowed.
4. Storage of dangerous, combustible, or volatile materials used in conjunction with the home occupation shall not be permitted in residential dwellings.
5. Agricultural equipment repair and maintenance is authorized within an enclosed structure.
6. Home occupations may include the grooming, boarding, medical treatment of animals, training or breeding.

**Sec. 84-401.05. – Home occupation standards for R-4, R-8, R-16, and R-H Districts.**

1. The dwelling shall include no feature or design not customary in buildings for residential use. Uses shall be conducted entirely within the principal dwelling and shall not exceed the lesser of five hundred (500) square feet or 25% of the living area. There shall be no entrance or exit way specifically provided in the dwelling or on the premises for the conduct of a home occupation.
2. Retail sales are prohibited, and goods, stock in trade or other commodities shall not be displayed.
3. The use shall not be visibly evident from outside the dwelling except for a sign, as provided by standards contained herein. There shall be no associated outdoor activities or outdoor storage of materials or equipment related to the home occupation on the premises.
4. Up to two (2) non-residents on-site employees are allowed.

**Sec. 84-401.06. – Home occupation, uses permitted.**

1. Administrative offices of business and/or trade.
2. Arts and crafts activities.
3. Baking/catering (off-premise service).
4. Barber shops and beauty salon (no tanning or toning equipment).
5. Clerical/secretarial activities.
6. Day-time adult care (no more than four adults not residing in the home).
7. Diaper/laundry service.
8. Floral design.
9. Interior design/decorating.
10. Jewelry, watch, clock repair; engraving; locksmith; eyeglass; framing; dentures.
11. Maid service (off premise).
12. Mail order.
13. Nail sculpture, manicurist.
14. Offices of a therapist (including psychological, physical, and/or massage), lawyer, accountant, engineer, architect, desktop publishing, or similar professional.
15. Pet grooming.
16. Photography.
17. Picture framing.
18. Scissors, saw, blade sharpening.
19. Seamstress, tailoring, upholstery activities.
20. Small electronics repair.
21. Tutoring, education or training (no more than five children or two adults at any one time).

**Sec. 84-401.07. – Home occupation, uses prohibited.**

Except as specifically authorized above, the following home occupations are prohibited:

1. Animal hospitals;
2. Automobile repair and paint shops.
3. Body piercing services;
4. Child care services of more than 4 children.
5. Dance studios;
6. Exercise studios;
7. Hotels or motels;
8. Massage services, except those provided by a Licensed Massage Therapist
9. Mortuaries;
10. Motorized equipment and appliance repair shops;
11. Palm reading and fortune telling;
12. Physicians, dentists and chiropractors;
13. Public or private clubs;
14. Restaurants;
15. Stables and kennels;
16. Tattoo and body art studios, and;
17. Any use that would constitute a nuisance as defined by the Town’s code of ordinances.

**PART 402. – A-3 AGRICULTURAL DITRICT**

**Sec. 84-402.01. - A-3 Zoning District; Purpose and intent. (3 acres minimum AG/RR)**

The A-3, Agricultural Zoning District (formerly AG/RR) is intended to implement the Agricultural/Rural Residential classification of the Comprehensive Plan. The district is designed to encourage conservation and proper use of large tracts of real property in order to assure available sources of agricultural products, to assure open spaces within reach of concentrations of population, to conserve natural resources, prevent erosion, and protect the environment; and to assure adequate water supplies. The intent is to encourage private land owners to protect these values and thereby create an environment favorable for the continuation farming and other agricultural pursuits; and to preserve prime agricultural land, forest land and/or open space.

**Sec. 84-402.02. - Uses permitted by right**

The following uses are by-right within the A-3 zoning district.

1. Agricultural
2. Assisted care residence
3. Dwelling, single-family
4. Group home
5. Home sales office
6. Dwelling, Manufactured Home

**Sec. 84-402.03. - Secondary uses**

The following uses shall be permitted by right in the A-3 district only in conjunction with a permitted principal use, as specifically identified below, existing or proposed:

1. Dwelling, accessory
2. Dwelling, emergency
3. Dwelling, temporary health care structure
4. Garden, home
5. Home occupation
6. Home office
7. Kennel, private lots 3 acres or larger
8. Tack shop, secondary to a stable use only.

**Sec. 84-402.04. - Special uses**

The following uses shall be permitted in the A-3 district on existing lots of any size with a Special Use Permit:

1. Agricultural service
2. Amateur radio tower
3. Cemetery
4. Child care, as a secondary use
5. Child care facility
6. Child day center
7. Club
8. Dwelling Unit, Secondary Family Member
9. Event center
10. Farmers market
11. Flea market
12. Garden center
13. Garden, community
14. Group home
15. Halfway house
16. Homeless shelter
17. Kennel, commercial as a secondary use, with not more than 10 dogs
18. Pet grooming service
19. Recreation facility, outdoor
20. Religious institution
21. Satellite parking, secondary to a religious institution or place of religious worship only
22. School, private
23. Stable, private
24. Stable, commercial
25. Solar energy facility

**Sec. 84-402.05. - A-3 Development Standards**

1. The minimum lot size shall be 3 acres.
2. The minimum road frontage shall be 200 feet. Frontage shall be maintained to the minimum required front yard setback.
3. The minimum lot depth/width ratio shall be 3.5.
4. The maximum lot coverage shall be 30%.
5. The maximum building heights for dwellings shall be 35 feet. The maximum height for a barn, silo or other agricultural building shall be 60 feet, provided that all yard setbacks are increased by one foot for each foot in height the building is over 35 feet.

**Sec. 84.402.06. - A-3 Setbacks**

1. The minimum front yard and right-of-way setback is 75 feet if right-of-way is 50 feet wide or more.
2. The minimum front yard and right-of-way setback is 85 feet if right-of-way is less than 50 feet wide.
3. The minimum side yard setback is 40 feet.
4. The minimum rear yard setback shall be 25 feet.
5. The minimum setback of accessory structures to the side and rear property line shall be 5 feet. For agricultural buildings, the setbacks identified in this subsection above shall apply.

**PART 403. - R-1 RESIDENTIAL DISTRICT**

**Sec. 84.403.01. - R-1 Zoning District; Purpose and intent. (1 acre minimum ER)**

The rural residential district R-1 (formerly ER) is intended to implement the residential land use classifications of the Comprehensive Plan. This district is designed to encourage and transition the appropriate use of real property to those areas designated Agricultural, including providing for large-lot single-family development along with certain generally compatible special uses in a semi-rural setting. It is the purpose of this district to encourage landowners to protect the environment, conserve natural resources and limit the type and density of development so that a harmonious relationship of land uses is insured.

**Sec. 84-403.02. - Uses permitted by right**

The following uses are by-right within the R-1 zoning district.

1. Assisted care residence
2. Dwelling, single-family
3. Home sales office

**Sec. 84-403.03. - Secondary uses**

The following uses shall be permitted by right in the R-1 district only in conjunction with a permitted principal use, as specifically identified below, existing or proposed:

1. Dwelling, accessory
2. Dwelling, emergency
3. Dwelling, temporary health care structure
4. Garden, home
5. Home occupation
6. Home office
7. Keeping of chickens

**Sec. 84-403.04. - Special uses**

The following uses shall be permitted in the R-1 district on existing lots of any size with a Special Use Permit:

1. Assisted care residence
2. Child care facility
3. Child day center
4. Dwelling Unit, Secondary Family Member
5. Event Center (lots 2 acres or larger)
6. Garden, community
7. Group home
8. Halfway house
9. Homeless shelter
10. Kennel, private on lots 1 acres or larger
11. Religious institution
12. School, private
13. Stables, private on lots 3 acres or larger

**Sec. 84-403.05. - R-1 Development Standards**

1. The minimum lot size shall be 1 acre.
2. The minimum road frontage shall be 200 feet. Frontage shall be maintained to the minimum required front yard setback.
3. The maximum lot coverage shall be 30%.
4. The maximum building heights for dwellings shall be 35 feet.

**Sec. 84-403.06. - R-1 Setbacks**

1. The minimum front yard and right-of-way setback is 50 feet.
2. The minimum side yard setback is 40 feet.
3. The minimum rear yard setback shall be 60 feet.
4. The minimum setback of accessory structures to the side and rear property line shall be 5 feet.

**PART 404. - R-4 RESIDENTIAL DISTRICT**

**Sec. 84.404.01. - R-4 Zoning District; Purpose and intent. (4 lots per acre (LDR)**

The R-4 district (formerly LDR) is intended residential land use classifications of the Comprehensive Plan. This district is designed to provide for and encourage development of quality one-family dwellings at a low to moderate suburban density of approximately four dwelling units per acre or less.

**Sec. 84-404.02. - Uses permitted by right**

The following uses are by-right within the R-4 zoning district.

1. Assisted care residence
2. Dwelling, single-family
3. Home sales office

**Sec. 84-404.03. - Secondary uses**

The following uses shall be permitted by right in the R-4 district only in conjunction with a permitted principal use, as specifically identified below, existing or proposed:

1. Dwelling, accessory
2. Dwelling, emergency
3. Dwelling, temporary health care structure
4. Garden, home
5. Home occupation
6. Home office
7. Keeping of chickens

**Sec. 84-404.04. - Special uses**

The following uses shall be permitted in the R-4 district on existing lots of any size with a Special Use Permit:

1. Assisted care residence
2. Child care facility
3. Child day center
4. Dwelling Unit, Secondary Family Member
5. Event Center (lots 2 acres or larger)
6. Garden, community
7. Group home
8. Halfway house
9. Homeless shelter
10. Religious institution

**Sec. 84-404.05. - R-4 Development Standards**

1. The minimum lot size shall be 10,890 sf.
2. The minimum road frontage shall be 100 feet. Frontage shall be maintained to the minimum required front yard setback.
3. The maximum lot coverage shall be 30%.
4. The maximum building heights for dwellings shall be 35 feet.

**Sec. 84-404.06. - R-4 Setbacks**

1. The minimum front yard and right-of-way setback is 35 feet.
2. The minimum side yard setback is 10 feet.
3. The minimum rear yard setback shall be 25 feet.
4. The minimum setback of accessory structures to the side and rear property line shall be 5 feet.

**PART 405. - R-8 RESIDENTIAL DISTRICT**

**Sec. 84.405.01. - R-8 Zoning District; Purpose and intent. (7-8 lots per acre MDR)**

The R-8 (formerly MDR) district is intended to implement the residential land use classifications of the Comprehensive Plan. The R-8 district is designed to provide for a mixture of single-family attached and detached dwelling types so long as appropriate standards are maintained to insure a reasonable amount of open space and architectural variety.

**Sec. 84-405.02. - Uses permitted by right**

The following uses are by-right within the R-8 zoning district.

1. Assisted care residence (single-family dwelling only)
2. Dwelling, Duplex
3. Dwelling, single-family
4. Dwelling, townhouse, no more than 4 units per building
5. Home sales office

**Sec. 84-405.03. - Secondary uses**

The following uses shall be permitted by right in the R-8 district only in conjunction with a permitted principal use, as specifically identified below, existing or proposed:

1. Dwelling, emergency
2. Dwelling, temporary health care structure
3. Garden, home
4. Home occupation, only in detached dwellings
5. Home office
6. Keeping of chickens

**Sec. 84-405.04. - Special uses**

The following uses shall be permitted in the R-8 district on existing lots of any size with a Special Use Permit:

1. Assisted care residence
2. Child care facility
3. Child day center
4. Dwelling, townhouse, more than 4 but no more than 8 units per building
5. Dwelling Unit, Secondary Family Member
6. Garden, community
7. Group home
8. Halfway house
9. Homeless shelter
10. Religious institution

**Sec. 84-405.05. - R-8 Development Standards**

1. For single-family dwellings,
   1. The minimum lot size shall be 6,250 square feet.
   2. The minimum road frontage shall be 50 feet. Frontage shall be maintained to the minimum required front yard setback.
   3. The maximum lot coverage shall be 35%.
   4. The maximum building heights for dwellings shall be 35 feet.
2. For duplex dwellings,
   1. The minimum lot size shall be 5,445 square feet.
   2. The minimum road frontage shall be 30 feet. Frontage shall be maintained to the minimum required front yard setback.
   3. The maximum lot coverage shall be 35%.
   4. The maximum building heights for dwellings shall be 35 feet.
3. For townhouse dwellings, see PART 408 of this Chapter.

**Sec. 84-405.06. - R-8 Setbacks**

1. For single-family dwellings,
   1. The minimum front yard and right-of-way setback is 25 feet.
   2. The minimum side yard setback is 10 feet.
   3. The minimum rear yard setback shall be 25 feet.
   4. The minimum setback of accessory structures to the side and rear property line shall be 5 feet.
2. For duplex dwellings,
   1. The minimum front yard and right-of-way setback is 25 feet.
   2. The minimum side yard setback is 10 feet.
   3. The minimum rear yard setback shall be 25 feet.
   4. The minimum setback of accessory structures to the side and rear property line shall be 5 feet.
3. For townhouse dwellings, see PART 408 of this Chapter.

**PART 406. - R-16 RESIDENTIAL DISTRICT**

**Sec. 84.406.01. - R-16 Zoning District; Purpose and intent. (16 lots/units per acre MFR)**

The R-16 District (formerly MFR) is intended to implement the residential land use classifications of the Comprehensive Plan. The R-16 District is designed to provide for and encourage quality development at urban densities in locations well-served by public utilities and roadways, not to exceed 16 dwelling units per net acre.

**Sec. 84-406.02. - Uses permitted by right**

The following uses are by-right within the R-16 zoning district.

1. Assisted care residence (single-family dwelling only)
2. Dwelling, Duplex
3. Dwelling, multi-family
4. Dwelling, single-family
5. Dwelling, townhouse, no more than 8 units per building
6. Home sales office

**Sec. 84-406.03. - Secondary uses**

The following uses shall be permitted by right in the R-16 district only in conjunction with a permitted principal use, as specifically identified below, existing or proposed:

1. Dwelling, emergency
2. Dwelling, temporary health care structure
3. Home office
4. Home occupation, only in detached dwellings

**Sec. 84-406.04. - Special uses**

The following uses shall be permitted in the R-16 district on existing lots of any size with a Special Use Permit:

1. Assisted care residence
2. Child care facility
3. Child day center
4. Dwelling Unit, Secondary Family Member
5. Garden, community
6. Group home
7. Halfway house
8. Homeless
9. Religious institution

**Sec. 84-406.05. - R-16 Development Standards**

1. For single-family dwellings,
   1. The minimum lot size shall be 6,250 square feet.
   2. The minimum road frontage shall be 40 feet. Frontage shall be maintained to the minimum required front yard setback.
   3. The maximum lot coverage shall be 35%.
   4. The maximum building heights for dwellings shall be 35 feet.
2. For duplex dwellings,
   1. The minimum lot size shall be 5,445 square feet.
   2. The minimum road frontage shall be 30 feet. Frontage shall be maintained to the minimum required front yard setback.
   3. The maximum lot coverage shall be 35%.
   4. The maximum building heights for dwellings shall be 35 feet.
3. For townhouse dwellings, see PART 408 of this Chapter.
4. For multi-family dwellings, see PART 409 of this Chapter.

**Sec. 84-405.06. - R-16 Setbacks**

1. For single-family dwellings,
   1. The minimum front yard and right-of-way setback is 25 feet.
   2. The minimum side yard setback is 10 feet.
   3. The minimum rear yard setback shall be 25 feet.
   4. The minimum setback of accessory structures to the side and rear property line shall be 5 feet.
2. For duplex dwellings,
   1. The minimum front yard and right-of-way setback is 25 feet.
   2. The minimum side yard setback is 10 feet.
   3. The minimum rear yard setback shall be 25 feet.
   4. The minimum setback of accessory structures to the side and rear property line shall be 5 feet.
3. For townhouse dwellings, see PART 408 of this Chapter.
4. For multi-family dwellings, see PART 409 of this Chapter.

**PART 407. - R-H RESIDENTIAL DISTRICT**

**Sec. 84.407.01. - R-H Zoning District; Purpose and intent. (Historic, 7-8 lots per acre (mostly MDR, 24 lots LDR)**

The R-H district (formerly MDR/LDR) is intended residential land use classifications of the Comprehensive Plan. This district is designed to provide for and encourage development of quality one-family dwellings within the Strasburg Historic District. Development in this district shall comply with Article 8 of this chapter.

**PART 408. – TOWNHOUSE STANDARDS**

**Sec. 84-408.01. – Townhouse design standards.**

Townhouses developed in any district shall follow the standards set forth in Part 408.

**Sec. 84-408.02. – Townhouse development, dwellings per acre.**

1. MDR District
   1. 8-units
   2. Special Use Permit required for up to 16 units
2. MFR District 16 units per acre

**Sec. 84-408.03. - Townhouse development, maximum number of attached dwellings.**

MDR District

* + - 1. 4-unit buildings
      2. Special Use Permit required for up to 8-unit buildings.

1. MFR District – 8-unit building.

**Sec. 84-408.04. - Townhouse development, design standards.**

1. Minimum lot size (end units) 2700 sf
2. Minimum lot size (interior units) 1800 sf
3. Minimum lot width 20 ft.
4. Maximum building height 35 ft.
5. Setbacks:
6. Front/ROW (with off-street parking) 25 ft.
7. Front/ROW (with on-street parking spaces) 15 ft.
8. Side 10 ft.
9. Side (from right-of-way) 20 ft.
10. Rear 25 ft.
11. Minimum living area 950 sq. ft.
12. Open Space 30%

**Sec. 84-408.05. – Townhouse development, building design.**

Architectural Variation:

* 1. Architectural treatments shall vary so that no more than two abutting units are substantially the same, and so that no more than 50% of the units in any group are substantially the same,
  2. Front setbacks shall be varied at least two feet for all townhouse units within a group,
  3. Include variations in heights, color, setback, rooflines, trim, architectural features, and building sizes to create visual diversity between structures.

Architectural features:

* + - * 1. Bay windows, box bays or similar bump-out features can project into the building setback provided the feature;

Projects no more than 2 feet,

Consists of a single floor,

Does not consist of more than 40% of the wall face for the floor in which it is located,

Is setback 2 feet from property line for interior lot lines and side walls on end units,

Is the only projection on the building face.

* 1. Porches, stoops, or roofed entry features can project into the building setback provided the feature;
     1. Projects no more than 5 feet,
     2. Is located on the at-grade level of the dwelling providing the primary access.
  2. Areaways and window wells that protrude no more the 6 inches above grade may encroach into the rear setback.

**Sec. 84-408.06. - Parking requirements.**

1. Parking spaces, per dwelling ….. 2.25
2. 2 spaces must be off-street on the dwelling lot,
3. The additional 0.25 can be in a common parking area or on-street. These spaces shall be clearly marked, conform with Section 4.21 of this UDO and Section 3.7 of the Technical Design Manual.
4. All on-street parking shall be on internal streets within the townhouse development, not on common roadways or roadways serving other uses.
5. No parking shall be permitted within cul-de-sacs, signage shall be provided.

**Sec. 84-408.07. - Required common areas.**

Rear common area:

* + - 1. The purpose of the required common rear buffer is to provide access to the rear of all townhouse lots.
      2. The minimum width of the rear common area shall be:

1. 20 ft in MDR districts, may be reduced to 10 ft as a part of a Special Use Permit
2. 10 ft in MFR districts
   * + 1. If townhouse properties are back-to -back, the common area does not need to be increased.
       2. The rear common area shall be accessible by right-of-way or side common area. This access shall be provided on each side of no more than two contiguous townhouse buildings. (See exhibit 408 A)
       3. The common area can include utility easements and landscaping provided access is not impeded.

Side common area:

1. The purpose of the required common side buffer is to provide access to the rear common area and to provide separation from any other use. (See exhibit 408 A)
2. Side common areas shall not be required for ends of building adjacent to a right-of-way. (See exhibit 408 B)
3. The minimum width of the side common area shall be:

20 ft in MDR districts, may be reduced to 10 ft as a part of a Special Use Permit

10 ft in MFR districts

1. Exception to side and rear common areas for infill lots only:
   1. The common areas may be incorporated within individual unit lots with the recordation of an access easement.
   2. The widths identified as required common area shall be in addition to the setback requirements identified in subsection A above.
2. Front common area:
   1. Front common area shall consist of a 4 ft grass strip from the back of the curb to the sidewalk, and a 4 ft wide sidewalk,
   2. The front common area maybe within the right-of-way.

**Sec. 84-408.08. - Trash receptacles.**

One of the following shall be provided within a townhouse development.

1. Designated locations for trash receptacles for each unit to be placed at the street during trash pick-up.
2. Dumpsters with approved enclosures that serve all dwellings within the townhouse development.

Exhibit 408 A. – Common area shall be 10 feet wide around no more than two contiguous buildings.

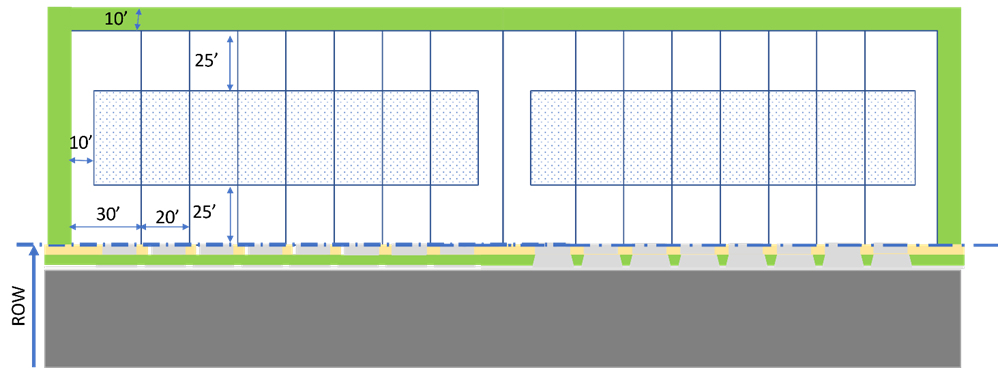
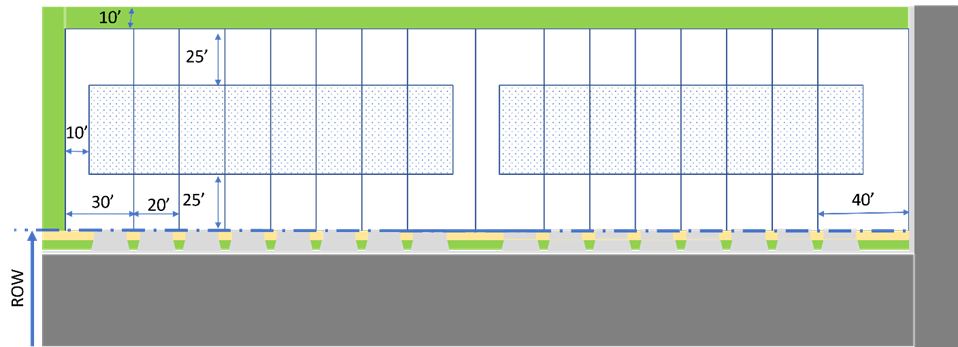


Exhibit 408 B. – Side common area not required on lots adjacent to a right-of-way.



**PART 409. – MULTI-FAMILY STANDARDS**

**Sec. 84-409.01. –** **Multi-family design standards.**

Multi-family structures such as apartments and similar dwellings developed in any district shall follow the standards set forth in Part 409.

**Sec. 84-409.02. - Multi-family development, design standards.**

1. Maximum dwelling units per acre 16
2. Minimum lot width 40 ft.
3. Maximum building height 35 ft.
4. Setbacks:
5. Front/ROW 20 ft.
6. Side 10 ft.
7. Side (from right-of-way) 20 ft.
8. Rear 25 ft.
9. Open Space 30%

**Sec. 84-409.03. – Multi-family development, building design.**

Architectural Variation:

* 1. Architectural treatments shall vary so to create an aesthetic of separate building segments. No more than 50% of a single building shall be substantially the same,
  2. Variations can be obtained by varied setbacks at least two feet.
  3. Include variations in heights, color, setback, rooflines, trim, architectural features, and building sizes to create visual diversity in the structure.

Architectural features:

1. Exterior area of units by decks, balconies, patios and similar structures are encouraged.

Open space shall comply with Sec. 84-400.04.

**Sec. 84-409.04. – Street and Parking requirements.**

1. Parking spaces, per dwelling ….. 2.25
2. All parking shall be provided by parking lots as on-street on roadways internal to the multi-family development.
3. Cul-de-sacs shall be permitted by the Zoning Administrator only when the lot size, lot shape, or topography prevents street design to promote circulation.
4. No parking shall be permitted within cul-de-sacs, signage shall be provided.
5. All parking spaces shall be located behind the front building setback line.

**Sec. 84-408.07. - Trash receptacles:**

Dumpsters shall be provided with approved enclosures that serve all dwellings within the multi-family development.