



## Town Code

### ARTICLE 9. - RM-2 MULTIFAMILY, LOW DENSITY ZONE REGULATIONS

#### [Sec. 18-58. - Area requirements.](#)

- A. General requirements.
  - 1. All single-family detached dwellings shall adhere to the area requirements as specified for the RS-10 zone (see section 18-33).
  - 2. **All two-family dwellings for purposes of computing area requirements shall be considered as occupying one lot and each such lot shall adhere to the area requirements as specified for the RS-10 zone except the area need not exceed 8,000 square feet.**
- B. **Lot area. Every lot shall have a minimum area of 8,000 square feet. The minimum lot area per dwelling unit for multifamily dwellings, including resident employees' dwelling units, shall be 2,000 square feet.**
- C. Lot width. Lot widths shall be a minimum of 70 feet. The minimum width at the street line shall be 40 feet.
- D. **Front yard. Front yards shall be the same as those specified for the RS-16 zone.**
- E. Side yard. Side yards shall be a minimum of 15 feet each in width. Buildings other than dwellings and their accessory buildings shall have a side yard on each side of the building of not less than 25 feet in width. Corner lots shall have a side yard along the street side of at least 25 feet in width.
- F. **Rear yard. Rear yards shall be a minimum of 35 feet in depth.**
- G. Court requirements. No court shall be enclosed by walls on all four sides. A court shall have a width equal to or greater than the height of the adjoining building but in no case shall said width be less than 20 feet. The depth of the court shall not be more than 1½ times its width.
- H. Multiple-family dwellings. For those projects of more than one building, the front, side, and rear yard requirements for this section shall apply along the boundary lines of the project. The minimum distances between the principal buildings within the project area shall be as follows:
  - 1. Where buildings are front to front, or front to rear, two times the height of the taller building, but not less than 70 feet;
  - 2. Where buildings are side to side, one times the height of the taller building, but not less than 20 feet; and
  - 3. Where buildings are front to side, rear to rear, 1½ times the height of the taller building but not less than 55 feet; provided that where roadways are located between said buildings, the width of such roadway shall be in addition to the above minimum distances between buildings.
- I. **Lot coverage. Lot coverage shall be the same as that specified for RS-16 zone.**
- J. Site plan approval. Site plan approval shall be as required by article 25 of this chapter.



ARTICLE 5. - RS-16 SINGLE-FAMILY DETACHED RESIDENTIAL ZONE REGULATIONS

[Sec. 18-15. - Area requirements.](#)

The following area requirements shall apply in the RS-16 zone:

- A. Lot area. All lots other than in approved subdivisions shall have a minimum area of 16,000 square feet.
- B. Lot width. All lots shall provide a minimum width of 50 feet at the street right-of-way line, 65 feet at the front building line and 90 feet at the lot midline.
- C. **Front yard. The building line shall not be less than 60 feet measured from the centerline of the street, when fronting upon a street of less than 50 feet in width and not less than 35 feet measured from the street line fronting upon a street of 50 feet or more in width. In case of a through lot, the building line on any street shall be determined in the aforesaid manner, or as hereinafter required.**
- D. Side yard. Side yards shall be a minimum of 15 feet each in width. Buildings other than dwellings and their accessory buildings shall have a side yard on each side of the building of not less than 30 feet in width. A corner lot shall have a side yard along its street side at least 25 feet in width.
- E. Rear yard. The rear yard shall be a minimum of 35 feet in depth. Decks may encroach into a rear yard, provided that no deck may cause the reduction of any rear yard to less than 25 feet in depth.
- F. **Lot coverage. Not more than 25 percent of a lot shall be covered by buildings, accessory buildings, automobile parking spaces and access, stoops, sport courts, tennis courts, patios and terraces.**
- G. **Outdoor living coverage. Not more than an additional 5 percent of a lot shall be covered by decks. Up to 400 square feet of decks may be covered and not count towards lot coverage with the following conditions:**
  - a. **Covered decks must be single-story and cannot be converted into conditioned, interior living space;**
  - b. **Covered decks cannot be located in the front yard; and**
  - c. **Covered decks must provide for stormwater BMPs in accordance with the Stormwater Manual for Outdoor Living Areas and meet all criteria included in said manual.**

[Sec. 18-246. - Planning commission notice and hearing.](#)

- A. The planning commission shall hold a public hearing on the proposed amendment, supplement, change, or rezoning referred to it by the Town Council for its recommendation. Notice of public hearings before the commission shall be given by publishing the time, place and notice of the hearing once a week for two successive weeks in a newspaper having a paid general circulation in the Town. The public hearing shall be held not less than five nor more than 21 days after final publication.
- B. In addition, in cases where property is proposed for rezoning, the commission shall cause the property concerned to be posted at least ten days prior to the date of the hearing before said commission. When the proposed rezoning involves 25 or fewer parcels of land,



written notice by registered or certified mail shall be given by the planning commission at least five days before the hearing to the owner or owners, their agent or the occupant of each parcel involved, and to the owners, their agent or occupant of all abutting property and property immediately across the street or road from the property affected, whether such property is in the Town or county.

- C. After the public hearing, the planning commission shall submit its recommendations to the Town Council.

[Sec. 18-249. - Basis for determination.](#)

In determining what, if any, amendments to this chapter are to be adopted, the Town Council shall give due consideration to the proper relationship of such amendments to the entire comprehensive plan for the Town, with the intent to retain the integrity and validity of the zoning districts herein described, and to avoid spot zoning changes in the zoning map.

[Sec. 18-249.1. - Conditional zoning and proffers.](#)

As a condition to any rezoning or amendment to the zoning map, the council may suggest reasonable conditions, in addition to the regulations provided for the zoning district or zone by this Code, provided such conditions are voluntarily proffered in writing by the owner prior to public hearing before the council and provided further that:

- (a) The rezoning itself must give rise for the need for the conditions;
- (b) Such conditions shall have a reasonable relation to the zoning;
- (c) Such conditions may include a cash contribution to the Town in accordance with the Virginia State Code. Cash proffers may be used for any public improvements consistent with the Town's adopted Capital Improvement Plan and/or goals set forth in the Town's Comprehensive Plan to address transportation and other public facility needs and impacts;
- (d) Such conditions shall not include mandatory dedication of real or personal property for open space, parks, schools, fire departments or other public facilities not otherwise provided for in the Town's subdivision, site plan or other Town ordinances;
- (e) Such conditions may include payment for or construction of off-site improvements to address transportation and public facility impacts; not already provided for in the Town's subdivision or site plan ordinances;
- (f) Except for off-site transportation and public facility improvements, no condition shall be proffered that is not related to the physical development or physical operation of the property; and
- (g) All such conditions shall be in conformity with the comprehensive plan.



[Sec. 18-256. - Modification of requirements.](#)

Where an applicant for a building permit subject to the requirements of this article can demonstrate to the council that the most practical, efficient or aesthetic development of the site involved cannot be achieved within the requirements of this chapter, the council, after receiving the recommendation of the planning commission, or not less than 30 days after requesting such recommendation in writing, may modify such requirements upon a finding that the integrity of this chapter and the health, safety and morals of the Town will not be thereby impaired. Such modifications may apply to yard, lot area, lot coverage, parking, number of units, unit floor area, screening, frontage, and similar requirements, but this section shall not be construed to permit any modifications of the uses permitted in any zone or of the maximum building height permitted for any building.

[Sec. 18-257. - Procedure for requesting modification.](#)

- A. Requests for modifications authorized under section 18-256 shall be submitted to the director of public works in writing and shall be accompanied by a written statement setting forth the reasons therefor. Each such request shall also be accompanied by a site plan, including thereon all of the information required by this article shown to indicate the development as modified or building as it is proposed for construction by the applicant. The granting or denial of any such modification shall be discretionary with the council and this article shall not be deemed to create any right to any such modification.
- B. Prior to the Town Council granting or denying any such modification, notification letters by certified mail to adjoining property owners and those abutting across a public street shall be sent not less than five days prior to council's consideration of the request for modification.
- C. Approval by the Town Council of any such modified site plan, shall constitute authority for the director of public works to issue the necessary building permits therefor, provided other applicable provisions of law have been complied with.



## Code of Virginia

[§ 15.2-2204. \(Effective until July 1, 2022\) Advertisement of plans, ordinances, etc.; joint public hearings; written notice of certain amendments.](#)

- A. Plans or ordinances, or amendments thereof, recommended or adopted under the powers conferred by this chapter need not be advertised in full, but may be advertised by reference. Every such advertisement shall contain a descriptive summary of the proposed action and a reference to the place or places within the locality where copies of the proposed plans, ordinances or amendments may be examined.

The local planning commission shall not recommend nor the governing body adopt any plan, ordinance or amendment thereof until notice of intention to do so has been published once a week for two successive weeks in some newspaper published or having general circulation in the locality; however, the notice for both the local planning commission and the governing body may be published concurrently. The notice shall specify the time and place of hearing at which persons affected may appear and present their views, not less than five days nor more than 21 days after the second advertisement appears in such newspaper. The local planning commission and governing body may hold a joint public hearing after public notice as set forth hereinabove. If a joint hearing is held, then public notice as set forth above need be given only by the governing body. The term "two successive weeks" as used in this paragraph shall mean that such notice shall be published at least twice in such newspaper with not less than six days elapsing between the first and second publication. In any instance in which a locality in Planning District 23 has submitted a timely notice request to such newspaper and the newspaper fails to publish the notice, such locality shall be deemed to have met the notice requirements of this subsection so long as the notice was published in the next available edition of a newspaper having general circulation in the locality. After enactment of any plan, ordinance or amendment, further publication thereof shall not be required.

- B. When a proposed amendment of the zoning ordinance involves a change in the zoning map classification of 25 or fewer parcels of land, then, in addition to the advertising as required by subsection A, written notice shall be given by the local planning commission, or its representative, at least five days before the hearing to the owner or owners, their agent or the occupant, of each parcel involved; to the owners, their agent or the occupant, of all abutting property and property immediately across the street or road from the property affected, including those parcels which lie in other localities of the Commonwealth; and, if any portion of the affected property is within a planned unit development, then to such incorporated property owner's associations within the planned unit development that have members owning property located within 2,000 feet of the affected property as may be required by the commission or its agent. However, when a proposed amendment to the zoning ordinance involves a tract of land not less than 500 acres owned by the Commonwealth or by the federal government, and when the proposed change affects only a portion of the larger tract, notice need be given only to the owners of those properties that are adjacent to the affected area of the larger tract. Notice sent by registered or certified mail to the last known address of such



owner as shown on the current real estate tax assessment books or current real estate tax assessment records shall be deemed adequate compliance with this requirement. If the hearing is continued, notice shall be remailed. Costs of any notice required under this chapter shall be taxed to the applicant.

- C. When a proposed comprehensive plan or amendment thereto; a proposed change in zoning map classification; or an application for special exception for a change in use or to increase by greater than 50 percent of the bulk or height of an existing or proposed building, but not including renewals of previously approved special exceptions, involves any parcel of land located within one-half mile of a boundary of an adjoining locality of the Commonwealth, then, in addition to the advertising and written notification as required by this section, written notice shall also be given by the local commission, or its representative, at least 10 days before the hearing to the chief administrative officer, or his designee, of such adjoining locality.