ARTICLE X. RESIDENTIAL ZONING DISTRICTS

PART I. R-1 SINGLE FAMILY RESIDENTIAL DISTRICT

Section 108: Purpose

This district is designed to accommodate single family detached residential uses at low densities as designated in the comprehensive plan.

Section 109: Permitted Uses

The following uses are permitted in this district:

A. Single family detached dwellings

B. Public parks

Section 110: Accessory Uses and Structures

The following accessory uses and structures are permitted in this district:

A. Home occupations

B. Accessory uses and structures customarily appurtenant to a permitted or approved special exception use. Accessory structures shall only be located as provided for in Section 182. (Amended 6/9/16)

Section 111: Special Exception Uses

The following uses are permitted in this district subject to securing a special use permit as provided in Article V:

A. Adult assisted living

B. Adult care center

C. Bed and breakfast

D. Child care center

E. Cluster lot subdivision

F. Libraries and Museums (Amended 11/13/14)

G. Limited Residential Lodging (Amended 10/13/16)

H. Neighborhood utility facility

I. Places of worship

J. Public and private schools

K. Special uses of older structures including antique shop, professional office as a home occupation, and other appropriate commercial uses as specifically approved by the town council.

Section 112: Lot Requirements

A. Minimum Lot Size: 10,000 square feet

B. Minimum Lot Width: 70 feet at the required minimum front yard line and 50 feet at the front property line.

C. Yard Depth Requirements: (Amended 6/9/16)

1. Front: 25 feet minimum and 50 feet maximum, except in developed areas where the front yard shall not be less than the smaller of the front yards of the two immediately adjacent buildings. There shall be no maximum front yard for flag lots.

2. Side: 10 feet minimum; 25 feet minimum when adjacent to a street

3. Rear: 30 feet minimum

D. Lot coverage: 35 percent maximum

Section 113: Cluster Lot Requirements

A. Purpose: Cluster development is an option designed to allow a reduction in the standard minimum lot size in exchange for the provision of an equivalent amount of usable open space. Any conditions of approval adopted by Council are in addition to the requirements listed below.

B. Minimum Lot size: 8,000 square feet

C. Minimum Lot Width: 50 feet at the minimum front yard; 40 feet at the property line

D. Yard Depth Requirements:

1. Front: 20 feet minimum and 30 feet maximum, except in developed areas where the front yard shall not be less than the smaller of the front yards of the two immediately adjacent buildings or 30 feet maximum.

2. Side: 7.5 feet minimum; 20 feet minimum when adjacent to a street

3. Rear: 30 feet minimum

E. Minimum Usable Open Space: One square foot of useable open space for each square foot reduction in the minimum non-cluster lot size. A minimum of 15 percent of the tract shall consist of useable open space as defined in Article XIII.

F. Design Criteria: Buildings shall be clustered along existing or proposed roads. Useable open space shall be contiguous and used to preserve natural and environmental resources identified in the comprehensive plan.

Section 114: Maximum Building Height

A. Principal building: 35 feet

B. Accessory structures: 15 feet

Section 115: Off-Street Parking

Off-street parking shall be provided as required in Article XVI.

PART II. R-2 SINGLE FAMILY RESIDENTIAL DISTRICT

Section 116: Purpose

This district is designed to accommodate single family detached residential uses in older, established neighborhoods at low densities as designated in the comprehensive plan.

Section 117: Permitted Uses

The following uses are permitted in this district:

A. Single family detached dwellings

B. Public Parks

Section 118: Accessory Uses and Structures

The following accessory uses and structures are permitted in this district:

A. Home occupations

B. Accessory uses and structures customarily appurtenant to a permitted or approved special exception use. Accessory structures shall only be located as provided for in Section 182. (Amended 6/9/16)

Section 119: Special Exception Uses

The following uses are permitted in this district subject to securing a special use permit as provided in Article V:

A. Adult assisted living

B. Adult care center

C. Bed and breakfast

D. Child care center

E. Libraries and Museums (Amended 11/13/14)

F. Limited Residential Lodging (Amended 10/13/16)

G. Neighborhood utility facility

H. Places of worship

I. Public and private schools

J. Special uses of older structures including antique shop, professional office, and other appropriate commercial uses as specifically approved by the town council.

K. Public safety centers (amended 5/22/08)

Section 120: Lot Requirements

A. Minimum Lot Size: 8,000 square feet

B. Minimum Lot Width: 50 feet at the required minimum front yard line and 40 feet at the front property line

C. Yard Depth Requirements:

1. Front: 20 feet minimum and 30 feet maximum, except in developed areas where the front yard shall not be less than the smaller of the front yards of the two immediately adjacent buildings or 30 feet maximum.
2. Side: 7.5 feet minimum; 20 feet minimum when adjacent to a street
3. Rear: 30 feet minimum

D. Lot coverage: 30 percent maximum (amended 5/9/13)

Section 121: Building Height

A. Principal building: 30 feet (amended 5/9/13)

B. Accessory structures: 15 feet

Section 122: Off-Street Parking

Off-street parking shall be provided as required in Article XVI.

Part III. R-3 RESIDENTIAL DISTRICT

Section 123: Purpose

This district is designed to accommodate single family detached, duplex and single family attached residential uses at medium densities as designated in the comprehensive plan.

Section 124: Permitted Uses

The following uses are permitted in this district:

A. Single family detached dwellings

B. Two-family dwellings (duplex)

C. Single family attached dwellings (townhouse)

D. Public parks

Section 125: Accessory Uses and Structures

The following accessory uses and structures are permitted in this district:

A. Home occupations

B. Accessory uses and structures customarily appurtenant to a permitted or approved special exception use. Accessory structures shall only be located as provided for in Section 182. (Amended 6/9/16)

Section 126: Special Exception Uses

The following uses are permitted in this district subject to securing a special use permit as provided in Article V:

A. Adult assisted living

B. Adult care center

C. Bed and breakfast

D. Child care center

E. Libraries and Museums (Amended 11/13/14)

F. Limited Residential Lodging (Amended 10/13/16)

G. Neighborhood utility facility

H. Nursing home

I. Places of worship

J. Public and private schools

K. Rooming and boarding house

L. Special uses of older structures including antique shop, professional office, and other appropriate commercial uses as specifically approved by the town council.

M. Public Uses, such as governmental or public utility buildings or uses. (added 11/8/07)

Section 127: Density

Maximum density shall not exceed 6 dwelling units per acre.

Section 128: Lot Requirements

A. Minimum Lot Size:
   1. Single family detached: 7,000 square feet
   2. Two family (duplex): 5,000 square feet per unit
   3. Single family attached (townhouse): 1,400 square feet per unit.
B. Minimum Lot Width:
   1. Single family detached: 50 feet at the minimum front yard line; 40 feet at the property line
   2. Two family: 37.5 feet per unit
   3. Single family attached (townhouse): 14 feet
C. Yard Depth Requirements: (Amended 6/9/16)
   1. Front: 15 feet minimum and 30 feet maximum, except in developed areas where the front yard shall not be less than the smaller of the front yards of the two immediately adjacent buildings or 30 feet maximum.
   2. Side: 7.5 feet minimum for single family detached, duplex and end and corner townhouse units.
   3. Rear: 20 feet minimum
D. Lot coverage: 50 percent maximum

Section 129: Maximum Building Height

A. Principal building: 35 feet
B. Accessory structures: 15 feet

Section 130: Townhouse Design Features

A. Abutting townhouses shall have complementary but not identical facades.
B. A minimum of three units and maximum of six units shall be continuously connected.
C. Townhouses shall front on a public street or townhouse private accessway as provided in the Town of Middleburg Street and Parking Standards.
D. No townhouse shall have attached to its front facade a garage or carport unless the garage is an integral part of the residential building and does not project beyond the face of the building. Only in the case of an integrated garage shall a front driveway be permitted.

Section 131: Off-Street Parking

Off-street parking shall be provided as required in Article XVI.

Part IV. R-4 RESIDENTIAL DISTRICT

Section 132: Purpose

This district is designed to accommodate duplex, single family attached and multi-family uses at medium densities as designated in the comprehensive plan. Overall density in new areas zoned R-4 should generally not exceed the maximum density recommended by the comprehensive plan.

Section 133: Permitted Uses

The following uses are permitted in this district:

A. Two family (duplex)
B. Single family attached (townhouse)
C. Multi-family dwellings (apartments)
D. Public parks

Section 134: Accessory Uses and Structures

The following accessory uses and structures are permitted in this district:

A. Home occupations

B. Accessory uses and structures customarily appurtenant to a permitted or approved special exception use. Accessory structures shall only be located as provided for in Section 182. (Amended 6/9/16)

Section 135: Special Exception Uses

The following uses are permitted in this district subject to securing a special use permit as provided in Article V:

A. Adult assisted living

B. Adult care center

C. Bed and breakfast

D. Child care center

E. Community utility facility, provided such facility is located on public property (Added 11/9/95)

F. Libraries and Museums (Amended 11/13/14)

G. Neighborhood utility facility

H. Nursing home

I. Place of worship

J. Public or private school

K. Rooming or boarding house

L. Special uses of older structures including antique shop, professional, and other appropriate commercial uses as specifically approved by the town council.

Section 136: Density

Maximum density shall not exceed 10 dwelling units per acre for multi-family dwellings and 6 dwelling units per acre for townhouses.

Section 137: Lot Requirements

A. Minimum Lot Size:
   1. Two family (duplex): 5,000 square feet per unit
   2. Single family attached (townhouse): 1,400 square feet per unit
   3. Multi-family (apartment): 22,000 square feet
B. Minimum Lot Width:
   1. Two family (duplex): 37.5 feet per unit
   2. Single family attached: 14 feet
   3. Multi-family: 100 feet
C. Yard Depth Requirements:
   1. Front: 15 feet minimum and 35 feet maximum, except in developed areas where the front yard shall not be less than the smaller of the front yards of the two immediately adjacent buildings or 35 feet maximum.
   2. Side: 7.5 feet minimum for single family detached, duplex and end and corner townhouse units and 30 feet for multi-family units.
   3. Rear: 20 feet minimum single family detached, duplex and townhouse units; 30 feet minimum multi-family units.
D. Lot coverage: 35 percent maximum

Section 138: Maximum Building Height

A. Principal building: 35 feet
B. Accessory structures: 15 feet

Section 139: Usable Open Space and Recreational Requirements for Multi-Family Dwellings

A. 25 percent of the site area shall be reserved as usable open space as defined in Article XIII. Active recreation space required below shall not be counted toward the usable open space requirement.
B. A minimum of 100 square feet of active recreation space shall be provided for each dwelling unit. The following are illustrative of the facilities that shall be deemed to serve active recreational needs: tennis courts, swimming pools, sauna and exercise rooms, meeting or activity rooms within clubhouses, basketball courts, swings, slides, and other play apparatus.
C. Each development shall satisfy its active recreation requirement by installing the types of recreational facilities most likely to be suited to and used by the residents in that development.

At least 15 percent of the active recreation space shall consist of tot lots, unless it appears that less than 5 percent of the residents of a development are likely to be children under 12.

D. Each active recreation area shall be centrally located and easily and safely accessible to the residents of the development.

E. Each active recreation area shall be constructed on land that is relatively flat, dry and capable of serving the purposes intended by this ordinance.

Section 140: Design Features

A. Abutting townhouses shall have complementary but not identical facades.

B. A minimum of three townhouse units and maximum of six townhouse units shall be continuously connected.

C. Townhouses shall front on a public street or townhouse private accessway as provided in the Town of Middleburg Street and Parking Standards.

D. No townhouse shall have attached to its front facade a garage or carport unless the garage is an integral part of the residential building and does not project beyond the face of the building. Only in the case of an integrated garage shall a front driveway be permitted.

E. Multi-family buildings (apartments) shall avoid massive, monolithic, and repetitive building types, facades and setbacks, and shall be compatible in mass, scale, and design with surrounding areas. Building elevations and architectural details shall be submitted to the planning commission to demonstrate compliance with this section if the project is not reviewed by the Historic District Review Committee as provided in Article XVII.

Section 141: Off-Street Parking

Off-street parking shall be provided as required in Article XVI.

Section 142: Reserved

PART V: PRD PLANNED RESIDENTIAL DEVELOPMENT

Section 143: Purpose

Planned residential developments (PRD) are intended to encourage development in the traditional pattern of Middleburg to include a mixture of housing types and price ranges, community facilities and services, and open space and recreation facilities.

Section 144: Minimum District Size

A planned residential development district shall be at least five acres unless the town council finds a smaller area suitable due to its unique historic or environmental features or its redevelopment or infill development potential.

Section 145: General Procedures

Consideration of an application for a PRD shall consist of three stages:

A. Sketch Plan

Applicants for a planned residential development district shall submit three copies of a sketch plan showing the proposed development for review and comment. The administrator shall transmit the sketch plan to the commission. The commission shall review the sketch plan at the next meeting after it is received and shall provide comments and recommendations to the applicant within 60 days after the sketch plan is received.

B. Concept Plan/Comprehensive Plan Amendment

1. A petition for concept plan approval and amendment of the comprehensive plan may be filed any time after receipt of the commission's sketch plan comments.
2. The administrator shall refer the petition to the commission which shall hold a public hearing in conformity with Article VI of this ordinance.
3. The commission shall review the petition and make a recommendation to the council to approve, approve with modifications, or disapprove the petition within 60 days after the public hearing.
4. The administrator shall forward the petition to the council with the commission's recommendations. The council shall hold a public hearing in conformity with Article VI of this ordinance.
5. The council shall proceed as expeditiously as possible to approve, approve with modifications, or disapprove the petition after the public hearing.

C. Zoning Map Amendment

The zoning map amendment shall be filed and processed in accordance with Article XVIII of this ordinance.

Section 146: Permitted Uses

The following uses are permitted in a planned residential development district when listed in the ordinance approving the concept plan and establishing the district:

A. Single family detached
B. Duplex
C. Single family attached
D. Multi-family
E. Accessory uses
F. Home occupations
G. Public parks
H. Schools
I. Colleges
J. Bed and breakfast
K. Neighborhood utility facility
L. Place of worship
M. Library
N. Municipal buildings
O. Municipal parking lots
P. Group home
Q. Cemetery
R. Nursing homes
S. Child care center
T. Rooming and boarding houses
U. Special Uses as approved by the town council

Section 147: Residential Density

A. Residential density limits shall be as established in the comprehensive plan. The base density shall be the lower of the density numbers shown on the Land Use Policy Map in the Comprehensive Plan. The higher number shall be the maximum density allowed within a planned residential development through the provision of additional public benefit as provided in Subsection 147.C. In no case shall a planned residential development be approved which permits more dwellings per acre than indicated on the land use policy map.
B. The number of units allowed in a planned residential development shall not exceed the base density unless the town council, in its sole discretion, finds that the proposed development plan provides additional benefits to the public health, safety and welfare by providing one or more of the following features above the minimum requirements of this ordinance:

1. Dedication of public facility sites
2. Additional open space
3. Design reflecting the traditional development pattern of the Town of Middleburg
4. Environmental protection
5. Historic preservation

C. The permitted number of units allowed in a planned residential development may be increased as determined by the town council above the base density upon a finding of additional public benefit in accordance with the formulas set out below:

ADDITIONAL PUBLIC BENEFIT	INCREASE IN DENSITY
1. Public Facility Sites:	
For dedication of public facilities recommended by the comprehensive plan.	Up to 10 percent of base density
For provision or dedication of off-site road improvements or payments in lieu of such improvements.	Up to 10 percent of base density
2. Open Space:	
For provision of additional usable open space beyond the minimum requirements of this ordinance.	Up to 5 percent of base density for each 5 percent open space; up to 10 percent of base density
3. Traditional town design:	
For site and building design which is in conformity with the traditional design characteristics of the town. Examples include period architecture in conformity with the town design manual, superior use of building materials, and siting compatible with the existing town development pattern.	Up to 20 percent of base density
4. For protection of environmental features as shown on the comprehensive plan:	
Floodplains or natural drainageways	Up to 5 percent of base density
Slopes 15 to 25 percent	Up to 5 percent of base density
Use of existing hydrological systems or innovative engineering solutions for stormwater management	Up to 5 percent of base density
5. Historic preservation	
For appropriate use of a designated historic structure or site	Up to 5 percent of base density
For compatible development adjacent to a designated historic structure or site	Up to 5 percent of base density

Section 148: Usable Open Space and Recreational Requirements for Planned Residential Developments

A. Twenty-five percent of the site area shall be reserved as usable open space as defined in Article XIII.

B. A minimum of 100 square feet of active recreation space shall be provided for each dwelling unit. The following are illustrative of the facilities that shall be deemed to serve active recreational needs: tennis courts, swimming pools, sauna and exercise rooms, meeting or activity rooms within clubhouses, basketball courts, swings, slides, and other play apparatus.

C. Each development shall satisfy its active recreation requirement by installing the types of recreational facilities most likely to be suited to and used by the residents in that development. At least 15 percent of the active recreation space shall consist of tot lots, unless it appears that less than 5 percent of the residents of a development are likely to be children under 12.

D. Each active recreation area shall be centrally located and easily and safely accessible to the residents of the development.

E. Each active recreation area shall be constructed on land that is relatively flat, dry and capable of serving the purposes intended by this ordinance.

Section 149: Lot and Height Requirements

Lot and height requirements shall be as provided for the R-4 Residential District; provided, however, that the town council may waive or modify specific lot or height requirements at the time of approval of the PRD district. Such waiver or modification shall be made a part of the ordinance approving the PRD district.

Sections 150 through 151: Reserved