

## ARTICLE 5.1

### LIMITED HIGH DENSITY RESIDENTIAL DISTRICT - HR-1

#### STATEMENT OF INTENT

This district is intended as a residential area with medium to high population density. The regulations for this district are designed to stabilize and protect the traditional single-family characteristics of the district; to promote and encourage, insofar as is compatible with the intensity of land use, a suitable environment for family life composed of an adult population with some children. Uses such as schools, parks, churches, and certain public facilities that serve the residents of the district area also permitted. Certain additional uses may be allowed, as long as the character of the district is not altered by levels of traffic, vehicular parking, lighting, noise, and visual displays which are not compatible with residential development.

#### SECTION 5.1-1. USE REGULATIONS.

Structures to be erected and land to be used shall be for one of the following uses:

- 5.1-1-1 Single family detached dwellings.
- 5.1-1-2 Public parks, community gardens, playgrounds, and play fields. (10/12/10, Case TA-10-418, Ord. No. 2010-51)
- 5.1-1-3 Public schools, elementary, middle, and high; and private schools having the same curricula that is ordinarily given in public schools.
- 5.1-1-4 Libraries.
- 5.1-1-5 Churches and other places of worship, but not including rescue missions or temporary revival tents.
- 5.1-1-6 Fire and rescue squad stations and Police substations. (6/10/97, Case TA-97-01, Ord. No. 013-97)
- 5.1-1-7 Public utilities, such as poles, lines, distribution transformers, meters, water and sewer lines, booster or relay stations, transformer substations, transmission lines and towers.
- 5.1-1-8 Existing cemeteries and the expansion of such cemeteries with the expansion abuts an existing cemetery.

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- 5.1-1-9 Home occupations in accord with Section 18-19 of this Ordinance.
- 5.1-1-10 Accessory uses, as defined.
- 5.1-1-11 Off-street parking and loading areas for permitted and conditional uses in accordance with Section 18-6 of this Ordinance.
- 5.1-1-12 Signs in accordance with Section 18-8 of this ordinance.
- 5.1-1-13 Group Home and assisted living facility in which no more than eight (8) persons reside as residential occupancy by a single family. (10/9/07 Case TA-07-02, Ord. No. 2007-41; 9/14/10, Case TA-10-333, Ord. No. 2010-38)
- 5.1-1-14 Cottage housing development, as per the design standards found in Article 13.1 of this Ordinance. (8/9/11, Case TA-11-125, Ord. No. 2011-36)

### **SECTION 5.1-2. USES PERMITTED WITH A CONDITIONAL USE PERMIT.**

- 5.1-2-1 Two family dwellings.
- 5.1-2-2 Townhouses. A maximum of two dwelling units are allowed per structure.
- 5.1-2-3 Day nursery or day care center.
- 5.1-2-4 Repealed. (2/11/97, Case TA-96-09, Ord. No. 005-97)
- 5.1-2-5 Repealed. (9/14/10, Case TA-10-337, Ord. No. 2010-40)
- 5.1-2-6 Transmitting and receiving facilities and towers for cellular communications systems and similar communications systems in accordance with Section 18-2-1.2 of this Ordinance.
- 5.1-2-7 Repealed. (2/12/08, Case TA-07-09, Ord. No. 2008-11)
- 5.1-2-8 Neighborhood Convenience Establishment (6/8/04, Case TA-04-02, Ord. No. 23-2004)
- 5.1-2-9 Museums and art galleries on properties located within either a local or national historic district. (3/11/09, Case TA-08-15, Ord. No. 2009-08)

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- 5.1-2-10 Accessory structure, used and occupied as a subordinate dwelling unit by a domestic employee, as defined; and, provided that such conditional use is recorded on the corresponding chain of title for the subject property in the office of the Winchester Circuit Court Clerk. Any such conditional use permit shall expire immediately upon change of ownership or change of occupancy of the main structure, so as to prevent undue density and overcrowding of land, which could adversely impact public health, safety, and welfare. (6/14/11, Case TA-11-06, Ord. No. 2011-14)
- 5.1-2-11 Cottage housing development, alternative design proposal inconsistent with the design standards found in Article 13.1 of this Ordinance. (8/9/11, Case TA-11-125, Ord. No. 2011-36)

### **SECTION 5.1-3. AREA REGULATIONS.**

The minimum lot area for permitted uses in this district shall be as follows (1/12/10, Case TA-09-323, Ord. No. 2009-39):

- 5.1-3-1 Single family detached dwellings- 3,000 square feet per unit.
- 5.1-3-2 Accessory Two family dwellings- 2,100 square feet per dwelling unit.
- 5.1-3-3 Townhouse dwellings and Two family dwellings other than Accessory two family dwellings- 2,800 square feet per unit.
- 5.1-3-4 Other permitted and conditional uses - 7,000 square feet.-

### **SECTION 5.1-4. LOT WIDTH REGULATIONS.**

The minimum lot width for uses in this district shall be as follows (1/12/10, Case TA-09-323, Ord. No. 2009-39):

- 5.1-4-1 Single family detached dwellings - 30 feet.
- 5.1-4-2 Two family dwelling units - 30 feet per unit for structures where the two units are side-by-side or 20 feet per unit where one unit is situated behind or above the other unit, except for the minimal amount of ground level entry floor area needed for an upper level unit.
- 5.1-4-3 Townhouse dwelling units - 30 feet per unit.

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5.1-4-4 All other permitted and conditional uses - 70 feet.

### **SECTION 5.1-5. SETBACK REGULATIONS.**

The minimum Setback for uses in this district shall be as follows:

5.1-5-1 Single family, two-family and townhouses dwellings: 20 feet.

5.1-5-2 Other Uses: 30 feet

### **SECTION 5.1-6. YARD REGULATIONS.**

5.1-6-1 The minimum Side Yards for uses in this district shall be as follows (1/12/10, Case TA-09-323, Ord. No. 2009-39):

5.1-6-1.1 Single family detached dwellings and Accessory Two Family Dwellings - 4 feet except as per Section 5.1-8 of this Ordinance.

5.1-6-1.2 Two-family dwellings - 6 feet except as per Section 5.1-8 of this Ordinance. Two family dwellings abutting a LR or MR Residential District shall have a minimum side yard of 10 feet.

5.1-6-1.3 Townhouse dwellings - 6 feet except as per Section 5.1-8 of this Ordinance and except along common property lines of units within the same townhouse dwelling in which case the common side yard equals zero (0) feet. Townhouse dwellings abutting a LR or MR Residential District shall have a minimum side yard of 10 feet.

5.1-6-1.4 Other uses - 25 feet.

5.1-6-2 Rear setbacks for uses in this district shall be as follows:

5.1-6-2.1 Each main structure - 25 feet except as follows.

- a. When a structure other than a single-family detached dwelling abuts a LR or MR Residential District in which case there shall be a rear yard of fifty (50) feet.

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**SECTION 5.1-7. HEIGHT REGULATIONS.**

As per Section 3-7 of this Ordinance.

**SECTION 5.1-8. CORNER SIDE YARD REGULATIONS. (9/13/05, Case TA-05-04, Ord. No. 027-2005)**

5.1-8-1 For single family dwellings, two family dwellings, and townhouse dwellings: fifteen (15) feet or more.

5.1-8-2 For all other uses: twenty-five (25) feet or more.

**SECTION 5.1-9. ACCESS.**

5.1-9-1 Each townhouse lot shall front on a dedicated public street.

**SECTION 5.1-10. MANAGEMENT OF COMMON OPEN SPACE.**

Per Section 5-10 of this Ordinance.

**SECTION 5.1-11 RECORDATION OF OWNER OCCUPANCY REQUIREMENT FOR ACCESSORY TWO FAMILY DWELLINGS (1/12/10, Case TA-09-323, Ord. No. 2009-39):**

Accessory Two family dwellings wherein one dwelling unit is required to be owner occupied shall only be approved after a deed restriction stipulating the owner-occupancy requirement is recorded in the Land Records for the City of Winchester, Virginia.

*(Editor's note: Article 5.1 established 8/14/96, Case TA-96-02, Ord. No. 017-96)*

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