

Article 3.F:
MF-R, Multifamily Residential District

*Article 3.F:***MF-R Residential
(Multifamily Residential District)****A. Purpose and Intent:**

The MF-R, Multifamily Residential District is intended to provide for multifamily residences at locations compatible with the Comprehensive Plan's goals for housing for the elderly and other limited high density residential development and redevelopment in Smithfield. No more than three (3) unrelated occupants may reside in any one multifamily or attached dwelling in the MF-R District. The average density of twelve (12) units per acre establishes this district as one recognizing garden-styled and mid-rise apartment and/or condominium units as the dominant land use. Buildings shall not exceed three stories in height.

While no new garden apartment projects are recommended by the Comprehensive Plan, the MF-R District is intended to promote housing for the elderly and well planned higher density residential developments. Retirement residential projects, independent living communities and nursing homes and housing for persons requiring assisted living care are encouraged under this district.

Elderly housing proposals may be granted higher densities (up to 20 or more units per acre) subject to superior design proposals as well as the results of the supporting transportation/parking studies which quantify a reduction in parking demand and overall traffic impacts attributable to elderly and assisted living projects. The development of townhouses are permitted in the MF-R District and shall be subject to the requirements of the A-R, Attached Residential District.

This designation may be applied to existing multi-family development within stable areas of the Town. Also, it is intended for application to certain undeveloped tracts and infill locations as recognized by the Comprehensive Plan, where housing for the elderly would be appropriate. In all instances, it is the intent of this district to promote development which is sensitive to existing natural features and vegetation, promotes excellence in site planning and landscape design and incorporates appropriate scale, materials and character of architecture. Development in the MF-R District must be sensitive to land forms, environmental characteristics, adequate public infrastructure and quality transportation improvements.

B. Permitted Uses:

1. Multiple family residential dwellings (with no more than three (3) unrelated occupants per dwelling unit).
2. Single family attached dwellings, subject to A-R District regulations.
3. Duplex residential dwellings, subject to A-R District regulations.
4. A mix of residential dwelling types as set forth above.
5. Private community facilities, recreation areas, parking lots for recreational vehicles and other common area improvements normally associated with multi family residential developments (other than those requiring special use permits).
6. Accessory uses, to include tool sheds, detached garages and carports, children's playhouses and doghouses.
7. Irrigation wells and wells for ground source HVAC systems.

(Ord. of 2020-09-01)

C. Uses Permitted by Special Use Permit:

1. Cemeteries.
2. Community buildings, limited to residential use.
3. Churches and places of worship.
4. Public uses and facilities.
5. Libraries.
6. Child day care centers.
7. Adult day care centers.
8. Nursery schools, for use by MF-R District residents only.
9. Private schools and related uses.
10. Public schools and related uses.
11. Commercial swimming pools and tennis courts, except as may be approved in a planned unit development.
12. Housing for the elderly and assisted living residences requiring medical and/or food support structures.
13. Institutional housing and general care for indigents and orphans.
14. Hospitals and medical offices.
15. Public utilities.
16. Nursing homes (licensed) with medical offices.
17. Recycling centers, for use by the MF-R District residents only.
18. Home occupations.
19. Waiver of district size.
20. Waiver of maximum density.
21. Waiver of maximum building height.
22. Temporary real estate marketing offices for new subdivisions.

23. Waiver of Parking and Loading Requirements.
(Ord. of 9-5-2000, Ord. of 9-2-2008)

D. Maximum Density:

1. Multifamily dwellings (conventional):

Twelve (12.0) dwelling units per net developable acre.
2. Multifamily dwellings (subject to conditional zoning agreements and proffered for elderly and assisted living orientations only):

Twenty (20.0) dwelling units per net developable acre (by special permit via waiver of maximum density).
3. Attached dwellings:

Eight (8.0) dwelling units per net developable acre.

E. Lot Size Requirements:

1. Minimum district size: Five (5) acres
2. Minimum lot area for multifamily dwellings: Not regulated,
provided that dwellings must be appropriately sited to respect physiographic, air, solar, landscape, screening and environmental characteristics of lot and their relationship to adjoining properties, as well as other criteria provided in the Additional Regulations of this district.
3. Minimum lot area for attached dwellings:
- A. Interior lot: 1600 square feet
- B. Corner lot: 2400 square feet
- C. Condominium: See Additional Regulations
4. Non-residential uses:
In addition to the above regulations, the yard requirements for uses and structures other than residential dwellings and residential accessory uses shall be further regulated by

floor area ratio and lot coverage ratios. A maximum floor area ratio equal to 0.30 shall apply to such non-residential uses and structures, with a maximum percentage of building coverage on the lot equal to 20%. The location of all such uses shall be subject to site plan approval.

F. Bulk Regulations:

1. Maximum Height
 - A. Residential building height: 40 feet
 - B. Public or semi-public building: 45 feet,
provided that required front, rear and side yards shall be
increased by 1 foot for each foot of height over thirty-five feet.
 - C. Cupolas, spires and steeples: 90 feet,
by special permit.
2. Minimum yard requirements for multifamily dwellings:
 - A. Front yard: 30 feet,
for any yard fronting a public right of way.

15 feet,
for any yard fronting a private travelway and/or parking bay,
provided that the minimum yard depth be measured from the
building to either (1) the back of vehicular pavement curbing or
(2) the back of sidewalk if located between building and vehicular
pavement curbing, whichever is closer.
 - B. Side yard: 15 feet,
provided that where a side yard fronts a public right of way, the
side yard shall be 30 feet.
 - C. Rear yard: 30 feet
3. Minimum lot width for attached (townhouse) dwellings:
 - A. Interior lot: 18 feet

- B. Corner lot: 35 feet
 - C. Condominiums: See Additional Regulations for MF-R District
4. Minimum lot width for duplex dwellings:
- A. Interior lot: 35 feet
subject to additional side yard regulations.
 - B. Corner lot: 50 feet
 - C. Condominiums: See Additional Regulations for MF-R District
5. Other: Where a lot is to be subdivided into individual lots for the sale of single family attached dwelling units:
- A. Lot lines shall conform with party wall centerlines, and
 - B. Each lot shall be required to include a privacy yard with a minimum area of 200 square feet. The design of the privacy yard shall be detailed on the final site plan and shall include provisions for screening, fencing, paving, exterior lighting and/or special landscaping treatment.
6. Minimum yard requirements for attached and duplex dwellings:
- A. Front yard: 25 feet,
for any yard fronting a public right of way.

12 feet,
for any yard fronting a private travelway and/or parking bay,
provided that the minimum yard depth be measured from the face
of building to either (1) the back of vehicular pavement curbing or
(2) the back of sidewalk if located between building and vehicular
pavement curbing, whichever dimension is closer to the building
front.

20 feet,
for any yard fronting a private travelway and/or parking bay
serving a residential dwelling with a garage.

- B. Side yard: 25 feet,
for any side yard fronting a public right of way.
- 16 feet,
for any side yard abutting a private travelway and/or parking bay.
- 12 feet,
for any side yard abutting an adjacent lot line.
- C. Rear yard: 25 feet

G. Open Space and Recreation Areas:

1. Thirty percent (30%) of the gross site area shall be common open space dedicated to common usage and ownership.
2. Fifty percent (50%) of the required common open space area shall be developed as active recreational areas and facilities.
3. Active recreational areas may include playgrounds with recreational structures, tot lots, tennis courts, swimming pools, wading pools, spas and saunas, clubhouse facilities, community meeting rooms and other similar facilities intended for the exclusive use and participation of residents within the MF-R development. The applicant shall establish that the type and quality of the planned improvements for the active recreation space shall satisfy the needs of the residents of the project. The location, mix, type, quality and phasing of active recreation facilities and open spaces shall be delineated on the General Development Plan and is subject to Planning Commission approval. A bond may be required for such improvements and facilities subject to the discretion of the Planning Commission.
4. No more than 40% of the required common open space shall consist of land classified as 100 year floodplain, stream valleys, wetlands, water features, stormwater management facilities, slopes greater than 30% and/or drainage easements.

5. Required open space shall be contiguous and shall occupy a single parcel within the MF-R development unless otherwise approved by the Planning Commission.
6. In no instance shall open space credit be given for lands which are included in or reserved for public rights of way or private travelways, loading areas, required sidewalks or parking areas.
7. Common open space and active recreational areas shall be accessible to all attached residential lots within the development via dedicated pedestrian access easements. Walkways and other forms of pedestrian access shall form an interconnected system within the MF-R District, serving as access to open space, recreational areas and other pedestrian destinations. Pedestrian systems shall be delineated on the required General Development Plan.
8. Where community bike and pedestrian trails intended for public use have been designated by the Town's adopted Comprehensive Plan or the Capital Improvements Plan, the applicant shall connect interior pedestrian trails and sidewalks within the project to these community trails.
9. All open space shall be further regulated by landscaping and buffer yard requirements.
10. All common open space, recreational areas and other common properties shall be preserved for their intended purpose as shown on the approved Plan of Development and shall be established by metes and bounds on the Final Subdivision Record Plat.
11. Common open space, recreational areas and other common properties shall be owned, administered and maintained by a not-for-profit, property owners' association, provided that a portion or all of such properties may be dedicated to the Town at the sole discretion of the Town Council for acceptance at the time of plat recordation. Property owners' association by-laws, articles of incorporation, restrictive covenants and a schedule of maintenance shall be submitted with any application for a subdivision plat or site plan approval.
12. For common open space, recreational areas and other common properties to be retained by the property owners' association, the initial developer/owner of the project must establish the owners' association as a legal entity prior to the recordation of the final plat. Membership in the association shall be mandatory for all property owners within the development. The owners' association shall own all common open space and recreational facilities and shall provide for their perpetual administration, maintenance and operation.

H. Net Developable Area Calculation for the MF-R District:

1. Notwithstanding governing lot size and yard regulations, the maximum number of units for multifamily and attached residential development or subdivision shall be calculated based on existing land conditions. The yield of a multifamily development project shall be based on its net developable area, with adjustment factors for physical land units as specified in the chart in the following section.
2. The final plat and/or site plan for a project shall graphically depict the location and area for the physical land units as outlined below. A calculation of the net developable area shall be required for all subdivision and site plan submissions. *(Refer to illustrative example of net developable area calculation in Appendix 1 of the Zoning Ordinance.)*

Physical Land Unit	Percent Credited Toward Net Acreage
<i>Slopes of less than 10%:</i>	<i>100%</i>
<i>Slopes greater than 10% but less than 20%:</i>	<i>75%</i>
<i>Slopes from 20% but less than 30%:</i>	<i>50%</i>
<i>Slopes of 30% or more:</i>	<i>10%</i>
<i>Soils with high shrink/swell characteristics, as defined:</i>	<i>75%</i>
<i>Wetlands, existing water features and streams:</i>	<i>0%</i>
<i>Stormwater management basins and structures:</i>	<i>0%</i>
<i>Above-ground 69 KV or greater transmission lines:</i>	<i>0%</i>
<i>Public right-of-way</i>	<i>0%</i>
<i>Private streets, travelways and combined travelways and parking bays</i>	<i>0%</i>

3. No credit towards net developable area shall be given for planned public rights-of-way, private streets, travelways and combined travelways and parking bays within a lot or property to be developed or subdivided. Twenty percent (20%) shall be subtracted from the calculated net developable acreage to allow for street rights of way, unless it can be demonstrated by survey calculations to the satisfaction of the Planning Commission that proposed street rights of way, private streets, travelways and combined travelways and parking bays in a subdivision will be less than 20% percent of the calculated net acreage.
4. No MF-R District residential lot shall be configured such that more than 10% of the prescribed minimum lot area for a subdivided attached residential or duplex residential lot is comprised of one or more of the following physical land units: (a) slopes of 30% or more, (b) wetlands, (c) 100-year floodplains or (d) water features. Stormwater management and BMP facilities shall not be constructed within the boundaries of a residential lot.
(Ord. of 8-1-2001)

I. Additional Regulations:

1. Waiver of Minimum District Size: The Planning Commission may approve a special permit waiving the five acre minimum district size requirement for the MF-R District provided that the owner shall successfully demonstrate that the consolidation of contiguous parcels or lots necessary to meet the minimum district size represents an undue economic hardship or physical impossibility. Further, the owner shall establish that such proposed MF-R development will have no deleterious effect on contiguous properties while satisfying the purpose and intent of the district.
2. Refer to Parking and Loading Requirements for parking regulations.
 - A. Parking spaces for each dwelling unit shall be assigned and located within reasonable walking distance to the individual dwelling unit served.
 - B. Separate parking spaces shall be allocated and reserved for recreational vehicle parking on the basis of one (1) recreational vehicle parking space per six (6) dwelling units. No recreational vehicle parking space shall front on a public street.
 - C. ADA (American Disabilities Act) parking requirements and dimensions shall be incorporated as a required improvement into all plats and site plans.
 - D. Recreational vehicle parking shall not be permitted on residential lots within the MF-R District. Refer to Parking and Loading Requirements for commercial parking lots and specific requirements for recreation vehicle and boat storage.
3. Private Travelways, Combined Travelways with Parking Bays and General Access:
 - A. All dwellings shall have access to a private travelway providing for two-way traffic on twelve (12) foot travel lanes with a minimum width of 24 feet (curb to curb), within a minimum 30-foot private vehicular access easement which shall be recorded with the subdivision plat.
 - B. Travelways combined with single loaded perpendicular parking bays (90 degree parking stalls) shall be a minimum width of 42 feet (curb to curb), 18 feet of which shall be allocated to and striped for parking. Travelways combined with double loaded perpendicular parking bays shall be a minimum width of 60 feet (curb to curb), with 18 feet allocated to the depth of each parking bay space.

- C. Private travelways and combined travelways with parking bays shall be constructed to geometric and pavement design standards as specified by the Town's *Design and Construction Standards Manual*, as revised.
 - D. All travelways and parking bays shall be constructed with VDOT CG-6 or approved equivalent curb and gutter.
 - E. No attached dwelling unit may be accessed directly from a public street unless approved by special permit.
4. Refuse and Solid Waste Buffering and Screening
- A. All refuse facilities shall be completely enclosed and screened according to the provisions established in the Landscaping and Screening Regulations.
5. Additional Setback and Lot Requirements
- A. Where adjacent properties are zoned to a district other than the MF-R District, all buildings shall be set back at least 30 feet from the common district property line(s) or as otherwise provided by screening and buffer requirements.
 - B. Front lot lines shall be common with private vehicular access easement lines, provided that where a perpendicular parking stall, recreational feature and/or a sidewalk intended for common usage are located outside of the private vehicular access easement, a minimum landscaped front yard of 12 feet shall be provided.
6. Separation and Grouping of Units
- A. Building structures for multifamily residential units shall be separated from one another by a minimum of 30 feet and single-family attached dwelling units shall be separated from one another by a minimum of 24 feet.
 - B. No more than twenty-four (24) multifamily units shall be included in any one building structure, provided that greater than 24 units per building may be permitted for housing for the elderly by special permit.
 - C. No more than eight (8) single-family attached units (townhouses) shall be included in any one physically contiguous grouping.

- D. Multifamily and townhouse groupings shall be designed to minimize “flat,” row-house architectural facades. Architectural projections, off-sets, window bays, porches, mixed materials and colors and other design elements shall be employed to achieve this result.
 - E. Architectural treatment of attached dwellings shall vary so that no more than two abutting units are substantially the same and so that no more than four units in any group are substantially the same.
7. Required Improvements and Maintenance of Improvements
- A. For any development in the MF-R District, all common area improvements (including open space, recreational facilities, private travelways, walkways, parking areas and other community facilities) shall be maintained by the developer/owner of the MF-R District development until such time as the developer/owner conveys said common area to a non-profit property owners association.
 - B. On-site lighting, signage and mailboxes (as approved by U.S. Postal Service) shall be provided by the owner/developer of the MF-R District development. These improvements shall be of compatible scale, materials and colors with the proposed development and adjacent uses. The designs for these improvements shall be provided with the final site plan.
8. Property Owners’ Association and Covenants
- A. Prior to final approval of a subdivision plat or site plan which includes common properties or common property improvements to be owned by a property owners association, the Town Attorney shall review and approve the applicant’s property owners’ association bylaws, articles of incorporation, restrictive covenants and a schedule of common property maintenance.
 - B. Deed restrictions and covenants shall be included with the conveyance of common property and common property improvements to include, among other things, that assessments, charges and costs of maintenance of such common areas shall constitute a pro-rata share lien upon the individual dwelling lots, such lien being inferior only to taxes and recorded trusts.

- C. Restrictive covenants shall specify the detailed means by which the non-profit entity shall govern and manage itself and maintain building exteriors, landscaping, lighting, recreation areas, walkways, pedestrian trails, parking areas, snow removal travelways and other common elements of the development.
9. Additional Land Development and Site Plan Requirements
- A. All uses within the MF-R District shall require a General Development Plan for zoning and/or special permit approval. The General Development Plan shall serve as the master land use plan for the specific development proposal.
 - B. The development of any and all sections within the MF-R District shall require site plan approval in conformance with the General Development Plan.
 - C. A Traffic Impact Assessment may be required for any MF-R District application by the Planning and Zoning Administrator. See Appendix, Article 14.B.
 - D. Refer to Article 9, Landscape and Screening Regulations for additional screening buffer yard and open space landscaping provisions.
 - E. Refer to the Town's Design and Construction Standards Manual for additional residential design standards and criteria.
10. Condominiums
- A. Any proposed condominium development established under the Condominium Laws of Virginia shall be subject to the following provisions:
 - (1) All setbacks, density and other MF-R District provisions shall be met.
 - (2) Minimum lot and yard requirements shall be met as if lot lines existed.
11. No private domestic well and septic systems shall be permitted. Irrigation wells and wells for ground source HVAC systems are permitted by right.
12. Any subdivision or lot which is proposed to be developed on shrink/swell soils shall require a geotechnical report to be submitted with the preliminary plat and plans. Such report shall be prepared by a registered professional engineer and shall address the feasibility of development on the subject soils. No subdivision plat or site plan shall be approved for final recordation until a foundation engineering report has been reviewed by the Town. All recorded plats for lots containing shrink/swell soils shall bear the following note: *"This lot contains shrink/swell soils which require special engineering design for*

foundations and structural elements. No structure will be approved for issuance of a building permit until a foundation engineering design prepared by a certified professional engineer has been approved for the proposed structure.”

13. Refer to the Floodplain Zoning Overlay District, where applicable.
14. Refer to the Chesapeake Bay Preservation Area Overlay District.
15. Refer to Article 10, Signage Regulations for signage provisions.

(Ord. of 2020-09-01)