



January 13, 2026 City Council Meeting

Title

Zoning Ordinance Amendment, Relating to reduced setbacks in the R-8 District— Planning Commission and Adam Fletcher, Community Development

Summary

Zoning Ordinance Sections	Amend Section 10-3-59.4 (11)
Purpose	To allow for fire-rated openings on the first floor when requesting a special use permit (SUP) for reduced setbacks in the R-8 district
Applicant	AM Yoder and Co
Planning Commission	December 10, 2025 (Public Hearing)
City Council	January 13, 2026 (First Reading/Public Hearing) Anticipated January 27, 2026 (Second Reading)

Recommendation

Option 1. Staff and Planning Commission (6-0) recommend approval of the Zoning Ordinance amendments.

Fiscal Impact

N/A

Context & Analysis

The R-8, Small Lot Residential District's by right residential uses include single-family detached dwellings and duplex dwellings while townhomes are permitted with an approved special use permit (SUP). Per Section 10-3-59.4 (11), a property owner may request for any residential use to have reduced side yard setbacks so long as either certain fire sprinklers are installed or exterior walls are constructed without openings and have a minimum 1-hour fire resistance rating.

As noted, if a SUP is approved allowing reduced side yard setbacks, and the owner chooses not to install a sprinkler system, then the required fire resistant wall cannot have any openings (i.e., windows) on the wall adjacent to a property line where the side yard setback is reduced. The applicant is proposing to amend Section 10-3-59.4 (11) to allow for the installation of fire-rated openings on the first floor and only when the bottom of such opening is no more than 10 feet above the exterior finished grade. If approved, note that any exterior walls along the same side of the building that meet the standard minimum setback requirements of Sec. 10-3-59.5 are exempt from fire-resistance requirements. As an example, this would allow a three-story building, where the third-story exterior walls are located 10 or more feet away from the side property line to not be

fire resistant and can have a standard window that opens. While an approved SUP may alleviate the Zoning Ordinance's minimum requirement for side yard setbacks, building code regulations would still need to be met regardless of an approved SUP.

The applicant proposes the following amendment to Section 10-3-59.4 (11):

Reduced required side yard setbacks to zero (0) feet where such buildings are single-family detached dwellings, duplex dwellings, or townhomes when:

- a) National Fire Protection Association (NFPA) 13, 13R, or 13D fire sprinkler systems are installed in such buildings, or
- b) Any exterior wall(s) adjacent to facing the property line with a reduced side yard setback is constructed without openings and has with a minimum 1-hour fire resistance rating in accordance with testing standards described in the Virginia Residential Code. resistant assembly documented by a nationally recognized testing agency. Any openings shall have a minimum 1-hour fire-rating and be fixed and inoperable. Openings shall only be located on the first floor of the dwelling and the bottom of openings shall be equal to or less than 10 feet above the exterior finished grade. Walls meeting the standard setback requirements of Sec. 10-3-59.5 are exempt from these fire resistance requirements.

Where the Virginia Residential Code sets more restrictive standards, compliance with its provisions is mandatory.

The Fire Department has reviewed the proposed amendment and supports permitting inoperable, fire-rated windows on the first floor, provided that the bottom of the window opening does not exceed 10 feet above the exterior finished grade. Openings above this height introduce significant operational and safety challenges for emergency responders, as ground ladders may not be able to provide adequate access for rescue operations. During some rescues, firefighters may need to break a window to remove someone quickly or safely. If a ladder cannot be used, openings that are 10 feet or lower present a more manageable drop, reducing the risk of serious injury to the resident and the responding firefighter.

Conclusion

Staff does not have concerns regarding the proposed amendments to Section 10-3-59.4 (11) and will have the opportunity to review SUP requests on a case-by-case basis. Staff recommends approval of the ZO amendment.

Options

1. Approve the Zoning Ordinance amendments.
2. Approve the Zoning Ordinance amendments with modifications.
3. Deny the Zoning Ordinance amendments.

Attachments

- Extract from Planning Commission
- Current Ordinance Reflecting Recommended Amendments
- Application and supporting documents