

CHAPTER 10

MD Districts -- Multiple Dwelling Districts

Sec. 10-1. Intent.

The purpose of this chapter is to provide for the orderly and innovative design and development of multi-family housing throughout the city. This chapter recognizes the value in allowing a variety of housing options, in terms of home ownership and rental properties, and the need to provide sufficient transition from traditional single family developments to multiple dwelling developments.

Article I. MD-T District -- Multiple Dwelling Townhouse District

Sec. 10-2. Uses Permitted; MD-T District.

- (1) Townhouses on fee-simple lots.
- (2) Multi-family dwellings, subject to securing a Use Permit, which shall first be reviewed by the Planning Commission, with their recommendation forwarded to City Council prior to any final action by City Council.
- (3) Tourist homes/ bed & breakfasts, subject to securing a Conditional Privilege. (10/27/99)
- (4) Churches and accessory uses such as convents, Sunday schools, parish houses, and assembly rooms (excluding rescue missions or temporary revival), provided:
 - (a) For the above uses with a capacity within any single assembly area of no more than five hundred (500) people, no vehicular access shall be permitted from any residential street unless required for emergency vehicular access.
 - (b) For the above uses with a capacity within any single assembly area of between five hundred one (501) and one thousand (1,000) people, no vehicular access shall be permitted from any residential or minor collector street unless required for emergency vehicular access.
 - (c) For the above uses with a capacity within any single assembly area in excess of one thousand (1,000) people, no vehicular access shall be permitted from any residential,

minor collector or collector street unless required for emergency vehicular access.

- (d) Notwithstanding the provisions of Chapter 21, Nonconforming Uses, a church may make additions to its physical plant, without regard to any street access requirements or limitations, provided:
 - (i) Any addition or construction of additional buildings which increases sanctuary seating above the limits which would otherwise be imposed by street access requirements, shall occur only on the property owned in accordance with Section 57-12 of the Code of Virginia by the church on March 11, 1987.
 - (ii) All additions or construction of additional buildings shall comply with the setback requirements in effect at the time of submission of the site plan for the addition or construction.
 - (iii) Any addition or construction of additional buildings which increases sanctuary seating shall be accompanied by additional parking spaces for the new seating provided at the ratio required at the time of submission of the site plan for such addition or construction.
- (5) Colleges or universities, public libraries, and public museums, owned and operated by a governmental agency. If privately owned, subject to securing a Use Permit. (10/27/99)
- (6) Schools, including public, private, nursery and/or kindergarten, all subject to securing a Use Permit. (10/27/99)
- (7) Day care 1.
- (7) Day care 2, in detached singlefamily homes with non-conforming status, subject to securing a Special Exception from the Board of Zoning Appeals. Unless it makes a factual determination that the proposed DC2 would be incompatible with the quiet enjoyment of surrounding properties, the Board shall issue the requested Special Exception. It may impose conditions governing factors related to the operation of said home, such as, but not limited to:

- (a) hours of operation;
- (b) location of play area and equipment;
- (c) fencing of play area;
- (d) limitations on signage;
- (e) record-keeping requirements and inspection by authorized personnel.

If the Board denies an application for Special Exception, no further application for Special Exception pertaining to the same use on the same property will be accepted by the Board for one (1) year following the date of denial. (10/27/99)

- (9) Day care 3, subject to securing a Conditional Privilege. (10/27/99)
- (10) Parks or playgrounds or community centers, all subject to securing a Use Permit. (10/27/99)
- (11) Transformer stations "static", normal distribution and transmission lines, poles and towers, pumping stations, water towers, structures necessary for the operation of a public utility (excluding power plants and gas plants) or for the exercise of a governmental function, excluding all types of equipment storage and penal or correctional institutions. Buildings to house public utility equipment, substations, water towers and high voltage transmission lines shall be allowed subject to approval by the City Planning Commission pursuant to the provision of Section 15.2-2232 of the Code of Virginia, 1950, as amended. (9/9/98)
- (12) Temporary buildings and uses for construction purposes, for a period of not to exceed one (1) year.
- (13) Deleted 7/9/97.
- (14) Skateboard ramps, subject to securing a Special Exception from the Board of Zoning Appeals. The

Board of Zoning Appeals shall apply the following standards before granting a Special Exception:

- (a) skateboard ramps shall only be permitted in areas under common ownership;
- (b) skateboard ramps shall not be located closer than fifteen (15) feet to any rear or side

property line;

- (c) skateboard ramps located on corner lots shall comply with the side yard setbacks for accessory buildings on corner lots as specified in Section 18-18.(2).

The Board of Zoning Appeals may impose conditions concerning the operation of skateboard ramps such as:

- (a) hours of operation;
- (b) landscaping;
- (c) such other conditions regarding the location, character, and other features of the proposed structure as it may deem necessary in the public interest.

Special Exception granted under this section shall not be transferable. The Board of Zoning Appeals has the right to revoke the Special Exception for failure to meet the conditions set forth in the Special Exception.

- (15) Group home 1. (10/27/99)
- (16) Group home 2, subject to securing a Use Permit. (10/27/99)
- (17) Commercial communication tower, subject to securing a Use Permit. (10/27/99)
- (18) Noncommercial communication tower, up to seventy five (75) feet in height. Such tower height may be increased up to a total of one hundred twenty five (125) feet subject to securing a Use Permit. (10/27/99)
- (19) Commercial Building Mounted Antenna; provided the following:
 - (a) The building is not a single family dwelling;
 - (b) The minimum height of the building shall be no less than thirty five (35) feet;
 - (c) The height of the antenna (including support structures) shall not exceed twenty two feet above the highest point of the building;
 - (d) The antenna and support structures are painted so that they are compatible with the primary

building structure, unless roof mounted; and
(amended 7/9/97)

(e) Intermodulation testing is coordinated through the Hampton Police Division demonstrating that the proposed antenna operation is designed in a manner to eliminate interference with public safety communications. Such testing shall also be required from each subsequent operator prior to any building permits to add or modify antennae. Should any equipment associated with the antennae be found to interfere with public safety communications, the owner shall be responsible for the elimination of such interference. (Amended 1/23/02)

- (20) Adult care residence 1 and 2. (10/27/99)
- (21) Adult care residence 3, subject to securing a Use Permit. (10/27/99)
- (22) Juvenile residence 1 and 2. (10/27/99)
- (23) Juvenile residence 3, subject to securing a Use Permit. (10/27/99)
- (24) Shelter, subject to securing a Use Permit. (10/27/99)

Sec. 10-3. Homeowners' Association; MD-T District.

In the case where the development involves fee-simple ownership of either land or dwelling units or both, and the development also includes land or facilities that are in common ownership, a homeowners' association shall be required. Such association, its executive organ or designated managing agent shall be responsible for any and all commonly-owned property. The City shall be kept notified of the party responsible for commonly-owned property.

Sec. 10-4. Building Size; MD-T District.

- (1) Buildings and structures shall be permitted up to a height of thirty-six (36) feet; the limit for any building may be increased to forty-one (41) feet when side yards of at least thirty (30) feet each are provided.
- (2) Townhouse structures shall not exceed a maximum of one hundred eighty (180) feet in length.

Sec. 10-5. Lot Area; MD-T District.

Townhouse and multi-family development shall be permitted on lots with a minimum of twenty thousand (20,000) square feet.

Sec. 10-6. Dwelling Area; MD-T District.

The minimum dwelling area of all units shall equal that of the least restrictive, adjacent single family district; if there is no adjacent single family district, the minimum dwelling area shall be nine hundred (900) square feet.

Sec. 10-7. Density; MD-T District.

Residential development shall be permitted a maximum density of ten (10) units per buildable acre.

Sec. 10-8. Building Setback Regulations; MD-T District.

(1) Residential uses.

(a) Setbacks from project property lines.

(i) Front yard.

All structures shall be set back at least twenty (20) feet from the front project property line; however, if the property is adjacent to any single family or duplex residential district, all structures located within fifty (50) feet of said residential district shall be set back at least thirty (30) feet from the front project property line. Parking within this required front yard shall be prohibited.

(ii) Side yard.

All structures shall be set back from the side project property lines, with one side yard equal to ten percent (10%), and the other equal to fifteen percent (15%), of the lot width as measured at the front setback line. Except for the provisions of Section 10-4.(1), the total of the two side yards shall not be required to exceed forty (40) feet. Parking within this side yard shall be prohibited.

(iii) Rear yard.

All structures shall be set back at least twenty (20) feet from the rear project property line. Parking within this required rear yard shall be prohibited.

(b) Setbacks from fee-simple lot lines.

(i) Front yard.

All dwelling units shall be set back at least eight (8) feet from the front fee-simple lot line; however, if the front fee-simple lot line is the same as any project property line, the setbacks in Section 10-8.(1)(a) shall apply, in addition to the eight (8) feet required herein.

(ii) Side yard.

No side yard shall be required unless the side fee-simple lot line is the same as any project property line; in which case the setbacks in Section 10-8.(1)(a) shall apply.

(iii) Rear yard.

All dwelling units shall be set back at least twenty (20) feet from the rear fee-simple lot line; however, if the rear fee-simple lot line is the same as any project property line, the setbacks in Section 10-8.(1)(a) shall apply, in addition to the twenty (20) feet required herein.

(c) Distance between improvements.

(i) For any townhouse or multi-family dwelling project with all buildings less than or equal to thirty six (36) feet in height, there shall be provided a sixteen (16) foot radius between all structures or improvements, exclusive of surface parking and walkways.

(ii) Projects with one or more buildings in excess of thirty six (36) feet in height shall provide a twenty five (25) foot radius between all structures or improvements, exclusive of surface parking and walkways.

(2) Colleges and public or private schools, as may be

permitted in this section, shall be set back at least fifty (50) feet from the front property line and thirty (30) feet from the side and rear property lines.

- (3) Churches, as may be permitted in this section, shall be set back at least thirty (30) feet from the front property line; parking within this required setback shall be prohibited. Side setbacks of at least thirty (30) feet each shall be provided, and the sum of such side yards shall equal at least twenty five percent (25%) of the lot width. A setback of at least thirty (30) feet shall be provided from the rear property line. Parking within ten (10) feet of any side or rear property line is prohibited.

Sec. 10-9. Lot Coverage and Green Area; MD-T District.

- (1) Buildings and structures, exclusive of physical recreational amenities, shall be permitted a total lot coverage of twenty percent (20%).
- (2) A minimum of forty percent (40%) of the total lot area shall be maintained as green area. This green area shall be exclusive of the eight (8) foot front and twenty (20) foot rear yards within fee-simple lots.
 - (a) A maximum of twenty-five percent (25%) of this requirement may be water area.
 - (b) A maximum of fifty percent (50%) of this requirement may be within the footprint of physical recreational amenities.
- (3) In order to encourage the provision of active recreation areas within townhouse and multiple dwelling developments, density bonuses shall be granted to those developments meeting all the criteria for active recreation areas:
 - (a) Fifty percent (50%) of the required green is active recreation area.
 - (b) The minimum dimension of any active recreation area is fifty (50) feet.
 - (c) Each dwelling unit is within five hundred (500) feet of an active recreation area.
 - (d) If the total area of the site is greater than two (2) acres, ten thousand (10,000) contiguous square feet of active recreation area shall be provided for each two (2) acres of lot area.

(4) A bonus of one (1) dwelling unit per acre will be granted under the provisions of Sec.10-9.(3) for each of the following facilities:

- (a) swimming pool;
- (b) clubhouse;
- (c) lighted tennis court;
- (d) lighted basketball court;
- (e) nine-hole golf course;
- (f) dock, pier, or boat ramp;
- (g) shuffleboard area; or
- (h) on-site day care.

In no case, however, will the total bonus granted under these provisions exceed ten (10) units for the entire development.

Sec. 10-10. Accessory Structures; MD-T District.

Accessory structures on fee-simple lots shall be permitted to cover no more than twenty percent (20%) of the required rear yard. (amended 7/9/97)

Sec. 10-11. Off-street Parking; MD-T District.

Uses permitted shall provide garage or vehicle parking space as required in Chapter 19 hereof.

Sec. 10-12. Fences; MD-T District.

Fences shall be permitted as provided in Chapter 18 hereof.

Article II. MD-2 District --Multiple Dwelling District

Sec. 10-13. Uses Permitted; MD-2 District.

- (1) All uses permitted in MD-T District.
- (2) Multi-family dwellings.
- (3) Mobile/manufactured home parks and subdivisions, subject to securing a Use Permit, which shall first be reviewed by the Planning Commission, with their recommendation forwarded to City Council prior to any final action by City Council.
- (4) Nursing Home, subject to securing a Use Permit.

Sec. 10-14. Homeowners' Association; MD-2 District.

In the case where the development involves fee-simple ownership of either land or dwelling units or both, and the development also includes land or facilities that are in common ownership, a homeowners' association shall be required. Such association, its executive organ or designated managing agent shall be responsible for any and all commonly-owned property. The City shall be kept notified of the party responsible for commonly-owned property.

Sec. 10-15. Building Size; MD-2 District.

- (1) Buildings and structures shall be permitted up to a height of thirty-six (36) feet; the limit shall be increased to forty-one (41) feet when side yards of at least thirty (30) feet each are provided.
- (2) Townhouse structures shall not exceed a maximum of one hundred eighty (180) feet in length.

Sec. 10-16. Lot Area; MD-2 District.

Townhouse and multi-family development shall be permitted on lots of a minimum of one (1) acre.

Sec. 10-17. Dwelling Area; MD-2 District.

- (1) Townhouse units shall have a minimum dwelling area of nine hundred (900) square feet.
- (2) Multi-family units shall have a minimum dwelling area of five hundred (500) square feet.

Sec. 10-18. Density; MD-2 District.

Residential development shall be permitted a maximum density of sixteen (16) units per buildable acre.

Sec. 10-19. Building Setback Regulations; MD-2 District.

(1) Residential uses.

(a) Setbacks from project property lines.

(i) Front yard.

All structures shall be set back at least twenty (20) feet from the front project property line; however, if the property is adjacent to any single family or duplex residential district, all structures located within fifty (50) feet of said residential district shall be set back at least thirty (30) feet from the front project property line. Parking within this required front yard shall be prohibited.

(ii) Side yard.

All structures shall be set back from the side project property lines, with one side yard equal to ten percent (10%), and the other equal to fifteen percent (15%), of the lot width as measured at the front setback line. Except for the provisions of Section 10-15.(1), the total of the two side yards shall not be required to exceed forty (40) feet. Parking within this side yard shall be prohibited.

(iii) Rear yard.

All structures shall be set back at least twenty (20) feet from the rear project property line. Parking within this required rear yard shall be prohibited.

(b) Setbacks from fee-simple lot lines.

(i) Front yard.

All dwelling units shall be set back at least eight (8) feet from the front fee-simple lot line; however, if the front fee-simple lot line is the same as any project property line, the setbacks in Section 10-19.(1)(a) shall apply, in addition to the eight (8) feet required herein.

(ii) Side yard.

No side yard shall be required unless the side fee-simple lot line is the same as any project property line; in which case

the setbacks in Section 10-19.(1)(a) shall apply.

(iii) Rear yard.

All dwelling units shall be set back at least twenty (20) feet from the rear fee-simple lot line; however, if the rear fee-simple lot line is the same as any project property line, the setbacks in Section 10-19.(1)(a) shall apply, in addition to the twenty (20) feet required herein.

(c) Distance between improvements.

(i) For any townhouse or multi-family dwelling project with all buildings less than or equal to thirty six (36) feet in height, there shall be provided a sixteen (16) foot radius between all structures or improvements, exclusive of surface parking and walkways.

(ii) Projects with one or more buildings in excess of thirty six (36) feet in height shall provide a twenty five (25) foot radius between all structures or improvements, exclusive of surface parking and walkways.

(2) Colleges and public or private schools, as may be permitted in this section, shall be set back at least fifty (50) feet from the front property line and thirty (30) feet from the side and rear property lines.

(3) Churches, as may be permitted in this section, shall be set back at least thirty (30) feet from the front property line; parking within this required setback shall be prohibited. Side setbacks of at least thirty (30) feet each shall be provided, and the sum of such side yards shall equal at least twenty five percent (25%) of the lot width. A setback of at least thirty (30) feet shall be provided from the rear property line. Parking within ten (10) feet of any side or rear property line is prohibited.

Sec. 10-20. Lot Coverage and Green Area; MD-2 District.

(1) Buildings and structures, exclusive of physical recreational amenities, shall be permitted a total lot coverage of twenty percent (20%).

- (2) A minimum of forty percent (40%) of the total lot area shall be maintained as green area. This green area shall be exclusive of the eight (8) foot front and twenty (20) foot rear yards within fee-simple lots.
 - (a) A maximum of twenty-five percent (25%) of this requirement may be water area.
 - (b) A maximum of fifty percent (50%) of this requirement may be within the footprint of physical recreational amenities.
- (3) In order to encourage the provision of active recreation areas within townhouse and multiple dwelling developments, density bonuses shall be granted to those developments meeting all the criteria for active recreation areas:
 - (a) Fifty percent (50%) of the required green is active recreation area.
 - (b) The minimum dimension of any active recreation area is fifty (50) feet.
 - (c) Each dwelling unit is within five hundred (500) feet of an active recreation area.
 - (d) If the total area of the site is greater than two (2) acres, ten thousand (10,000) contiguous square feet of active recreation area shall be provided for each two (2) acres of lot area.
- (4) A bonus of one (1) dwelling unit per acre will be granted under the provisions of Sec.10-20.(3) for each of the following facilities:
 - (a) swimming pool;
 - (b) clubhouse;
 - (c) lighted tennis court;
 - (d) lighted basketball court;
 - (e) nine-hole golf course;
 - (f) dock, pier, or boat ramp;
 - (g) shuffleboard area; or
 - (h) on-site day care.

In no case, however, will the total bonus granted

under these provisions exceed ten (10) units for the entire development.

Sec. 10-21. Accessory Structures; MD-2 District.

Accessory structures on fee-simple lots shall be permitted to cover no more than twenty percent (20%) of the required rear yard. (amended 7/9/97)

Sec. 10-22. Off-street Parking; MD-2 District.

Uses permitted shall provide garage or vehicle parking space as required in Chapter 19 hereof.

Sec. 10-23. Fences; MD-2 District.

Fences shall be permitted as provided in Chapter 18 hereof.

Article III. MD-3 District -- Multiple Dwelling District

Sec. 10-24. Uses Permitted; MD-3 District.

- (1) All uses permitted in MD-2 District.
- (2) Nursing Home, subject to securing a Use Permit.

Sec. 10-25. Homeowners' Association; MD-3 District.

In the case where the development involves fee-simple ownership of either land or dwelling units or both, and the development also includes land or facilities that are in common ownership, a homeowners' association shall be required. Such association, its executive organ or designated managing agent shall be responsible for any and all commonly-owned property. The City shall be kept notified of the party responsible for commonly-owned property.

Sec. 10-26. Building Size; MD-3 District.

- (1) Buildings and structures shall be permitted up to a height of fifty-six (56) feet.
- (2) Townhouse structures shall not exceed a maximum of one hundred eighty (180) feet in length.

Sec. 10-27. Lot Area; MD-3 District.

Townhouse and multi-family developments shall be permitted on lots of a minimum of two (2) acres.

Sec. 10-28. Dwelling Area; MD-3 District.

- (1) Townhouse units shall have a minimum dwelling area of nine hundred (900) square feet.
- (2) Multi-family units shall have a minimum dwelling area of five hundred (500) square feet.

Sec. 10-29. Density; MD-3 District.

Residential development shall be permitted a maximum density of twenty (20) units per buildable acre.

Sec. 10-30. Building Setback Regulations; MD-3 District.

- (1) Residential uses.
 - (a) Setbacks from project property lines.
 - (i) Front yard.

All structures shall be set back at least twenty (20) feet from the front project property line; however, if the property is adjacent to any single family or

duplex residential district, all structures located within fifty (50) feet of said residential district shall be set back at least thirty (30) feet from the front project property line. Parking within this required front yard shall be prohibited.

(ii) Side yard.

All structures shall be set back from the side project property lines, with one side yard equal to ten percent (10%), and the other equal to fifteen percent (15%), of the lot width as measured at the front setback line. In any case, the total of the two side yards shall not be required to exceed forty (40) feet. Parking within this side yard shall be prohibited.

(iii) Rear yard.

All structures shall be set back at least twenty (20) feet from the rear project property line. Parking within this required rear yard shall be prohibited.

(b) Setbacks from fee-simple lot lines.

(i) Front yard.

All dwelling units shall be set back at least eight (8) feet from the front fee-simple lot line; however, if the front fee-simple lot line is the same as any project property line, the setbacks in Section 10-30.(1)(a) shall apply, in addition to the eight (8) feet required herein.

(ii) Side yard.

No side yard shall be required unless the side fee-simple lot line is the same as any project property line; in which case the setbacks in Section 10-30.(1)(a) shall apply.

(iii) Rear yard.

All dwelling units shall be set back at least twenty (20) feet from the rear fee-simple lot line; however, if the rear fee-simple lot line is the same as any project property line, the setbacks in

Section 10-30.(1)(a) shall apply, in addition to the twenty (20) feet required herein.

(c) Distance between improvements.

- (i) For any townhouse or multi-family dwelling project with all building less than or equal to thirty six (36) feet in height, there shall be provided a sixteen (16) foot radius between all structures or improvements, exclusive of surface parking and walkways.
 - (ii) Projects with one or more buildings in excess of thirty six (36) feet in height shall provide a twenty five (25) foot radius between all structures or improvements, exclusive of surface parking and walkways.
- (2) Colleges and public or private schools, as may be permitted in this section, shall be set back at least fifty (50) feet from the front property line and thirty (30) feet from the side and rear property lines.
- (3) Churches, as may be permitted in this section, shall be set back at least thirty (30) feet from the front property line; parking within this required setback shall be prohibited. Side setbacks of at least thirty (30) feet each shall be provided, and the sum of such side yards shall equal at least twenty five percent (25%) of the lot width. A setback of at least thirty (30) feet shall be provided from the rear property line. Parking within ten (10) feet of any side or rear property line is prohibited.

Sec. 10-31. Lot Coverage and Green Area; MD-3 District.

- (1) Buildings and structures, exclusive of physical recreational amenities, shall be permitted a total lot coverage of twenty percent (20%).
- (2) A minimum of forty percent (40%) of the total lot area shall be maintained as green area. This green area shall be exclusive of the eight (8) foot front and twenty (20) foot rear yards within fee-simple lots.
 - (a) A maximum of twenty-five percent (25%) of this requirement may be water area.

- (b) A maximum of fifty percent (50%) of this requirement may be within the footprint of physical recreational amenities.
- (3) In order to encourage the provision of active recreation areas within townhouse and multiple dwelling developments, density bonuses shall be granted to those developments meeting all the criteria for active recreation areas:
 - (a) Fifty percent (50%) of the required green is active recreation area.
 - (b) The minimum dimension of any active recreation area is fifty (50) feet.
 - (c) Each dwelling unit is within five hundred (500) feet of an active recreation area.
 - (d) If the total area of the site is greater than two (2) acres, ten thousand (10,000) contiguous square feet of active recreation area shall be provided for each two (2) acres of lot area.
- (4) A bonus of one (1) dwelling unit per acre will be granted under the provisions of Sec.10-31.(3) for each of the following facilities:
 - (a) swimming pool;
 - (b) clubhouse;
 - (c) lighted tennis court;
 - (d) lighted basketball court;
 - (e) nine-hole golf course;
 - (f) dock, pier, or boat ramp;
 - (g) shuffleboard area; or
 - (h) on-site day care.

In no case, however, will the total bonus granted under these provisions exceed ten (10) units for the entire development.

Sec. 10-32. Accessory Structures; MD-3 District.

Accessory structures on fee-simple lots shall be permitted to cover no more than twenty percent (20%) of the required rear yard. (amended 7/9/97)

Sec. 10-33. Off-street Parking; MD-3 District.

Uses permitted shall provide garage or vehicle parking space as required in Chapter 19 hereof.

Sec. 10-34. Fences; MD-3 District.

Fences shall be permitted as provided in Chapter 18 hereof.

Article IV. MD-4 District -- Multiple Dwelling District

Sec. 10-35. Uses Permitted; MD-4 District.

- (1) Townhouses on fee-simple lots.
- (2) Multi-family dwellings.
- (3) Group home 1. (10/27/99)
- (4) Group home 2, subject to securing a Use Permit. (10/27/99)
- (5) Commercial Building Mounted Antenna; provided the following:
 - (a) The building is not a single family dwelling;
 - (b) The minimum height of the building shall be no less than thirty five (35) feet;
 - (c) The height of the antenna (including support structures) shall not exceed twenty two feet above the highest point of the building;
 - (d) The antenna and support structures are painted so that they are compatible with the primary building structure, unless roof mounted; and (amended 7/9/97)
 - (e) Intermodulation testing is coordinated through the Hampton Police Division demonstrating that the proposed antenna operation is designed in a manner to eliminate interference with public safety communications. Such testing shall also be required from each subsequent operator prior to any building permits to add or modify antennae. Should any equipment associated with the antennae be found to interfere with public safety communications, the owner shall be responsible for the elimination of such interference. (Amended 1/23/02)
- (6) Adult care residence 1 and 2. (10/27/99)
- (7) Adult care residence 3, subject to securing a Use Permit. (10/27/99)
- (8) Day care 1. (10/27/99)
- (9) Day care 2, in detached single family homes with non-conforming status, subject to securing a Special Exception from the Board of Zoning Appeals. Unless it makes a factual determination that the proposed DC2 would be incompatible with the quiet

enjoyment of surrounding properties, the Board shall issue the requested Special Exception. It may impose conditions governing factors related to the operation of said home, such as, but not limited to:

- (a) hours of operation;
- (b) location of play area and equipment;
- (c) fencing of play area;
- (d) limitations on signage;
- (e) record keeping requirements and inspection by authorized personnel.

If the Board denies an application for Special Exception, no further application for Special Exception pertaining to the same use on the same property will be accepted by the Board for one (1) years following the date of denial. (10/27/99)

- (10) Day care 3, subject to securing a Conditional Privilege. (10/27/99)
- (11) Juvenile residence 1 and 2. (10/27/99)
- (12) Juvenile residence 3, subject to securing a Use Permit. (10/27/99)
- (13) Shelter, subject to securing a Use Permit. (10/27/99)
- (14) Nursing Home, subject to securing a Use Permit.

Sec. 10-36. Homeowners' Association; MD-4 District.

In the case where the development involves fee-simple ownership of either land or dwelling units or both, and the development also includes land or facilities that are in common ownership, a homeowners' association shall be required. Such association, its executive organ or designated managing agent shall be responsible for any and all commonly-owned property. The City shall be kept notified of the party responsible for commonly-owned property.

Sec. 10-37. Building Size; MD-4 District.

Townhouse structures shall not exceed a maximum of one hundred eighty (180) feet in length.

Sec. 10-38. Lot Area; MD-4 District.

No minimum lot area required.

Sec. 10-39. Dwelling Area; MD-4 District.

- (1) Townhouse units shall have a minimum dwelling area of nine hundred (900) square feet.
- (2) Multi-family units shall have a minimum dwelling area of five hundred (500) square feet.

Sec. 10-40. Building Setback Regulations; MD-4 District

- (1) Front yard.

Structures shall be set back from the front project property line a distance equal to the average of the front yards of all structures within two hundred (200) linear feet of each side property line along the right-of-way that abuts the front yard; however, if there are no such structures, the setback shall be twenty (20) feet from the front project property line. Parking within the required front yard shall be prohibited.

- (2) Side yard.

Structures shall be set back from each side project property line a distance equivalent to the side setback of the abutting property; however, if there are no such structures, the setback shall be ten (10) feet from the side project property line. Parking within the required side yard shall be prohibited.

- (3) Rear yard.

Structures shall be set back from the rear project property line a distance equal to the average rear yard of all structures within two hundred (200) linear feet of each side property line; however, if there are no such structures, the setback shall be twenty (20) feet from the rear project property line. Parking within the required rear yard shall be prohibited.

- (4) Distance between improvements.

- (a) For any townhouse or multi-family dwelling project with buildings less than or equal to thirty six (36) feet in height, there shall be provided a sixteen (16) foot radius between all structures or improvements, exclusive of surface parking and walkways.

- (b) Projects with one or more buildings exceeding thirty six (36) feet in height shall provide

a twenty five (25) foot radius between all structures or improvements, exclusive of surface parking and walkways.

Sec. 10-41. Lot Coverage and Green Area; MD-4 District.

- (1) Buildings and structures, exclusive of physical recreational amenities, shall not exceed a total lot coverage of fifteen percent (15%).
- (2) A minimum of forty percent (40%) of the total lot area shall be maintained as green area. This green area shall be exclusive of the eight (8) foot front and twenty (20) foot rear yards within fee-simple lots.
 - (a) A maximum of twenty-five percent (25%) of this requirement may be water area.
 - (b) A maximum of fifty percent (50%) of this requirement may be within the footprint of physical recreational amenities.

Sec. 10-42. Accessory Structures; MD-4 District.

Accessory structures on fee-simple lots shall be permitted to cover no more than twenty percent (20%) of the required rear yard. (amended 7/9/97)

Sec. 10-43. Off-street Parking; MD-4 District.

Uses permitted shall provide garage or vehicle parking space as required in Chapter 19 hereof.

Sec. 10-44. Fences; MD-4 District.

Fences shall be permitted as provided in Chapter 18 hereof.