

# **ARTICLE 28 RESIDENTIAL HIGH DENSITY, R-4 DISTRICT**

## Statement of Intent

This district is designed to accommodate and foster high density forms of residential development. Non-residential uses which exist primarily to serve the needs of the district are permitted subject to the restrictions and safeguards of the conditional use process. Due to the primarily residential nature of this district, general commercial uses of a greater impact are discouraged. Provisions are made within this district for the mixed development of uses of both residential and non-residential nature within a single development site.

## **DIVISION ONE - USE REGULATIONS**

### **28-1 Permitted Uses<sup>1</sup>**

Within this Zoning District, a building and/or land shall be used only for the following purposes:

- a. Accessory Structures.
- b. Governmental Buildings.
- c. Minor Home Occupations.
- d. Private Boat Piers.
- e. Public utilities such as poles, lines, distribution transformers, pipes, meters and other facilities necessary for their provision and/or maintenance, except that storage yards and sewage treatment facilities are prohibited.

### **28-2 Conditional Uses (Conditional Use Permit Required)<sup>2</sup>**

Notwithstanding 28-1 of this Article, the following uses require a Conditional Use Permit. After review of the application and public hearing, thereon, in accordance with Article 16 herein, the Town Council finds as a fact that the proposed use is consistent with the intent of the Land Use Plan, and is in the public interest, the following uses may be permitted.

- a. Assisted Living Residences.
- b. Boathouses.

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<sup>1</sup> Section Amended - December 9, 1999 (Ordinance 440)

<sup>2</sup> Section Amended - December 9, 1999 (Ordinance 440)  
Section Amended - April 11, 2002 (Ordinance 477)

- c. Day Care Centers.
- d. Multi-Family Dwellings.
- e. Neighborhood Convenience Stores.
- f. Neighborhood Personal Service Establishments.
- g. Parks and Playgrounds.
- h. Professional Offices.
- i. Schools.
- j. Single Family Attached Dwellings.
- k. A mixture of uses including, but not limited to, residential and nonresidential uses located on an individual development site.

**28-3 Reserved**

**DIVISION TWO - GENERAL REGULATIONS**

**28-4 Purpose**

Division Two provides the regulations generally applicable throughout this district. For the purposes of this Article, Assisted Living Residences shall comply with the regulations for lot area, setback, street frontage, lot width, height, accessory structure, development site, common area, and additional regulations applicable to the dwelling type the Assisted Living Residences most closely resemble definitionally, in accordance with Article 20 of this Ordinance.

**28-5 Area Regulations**

The minimum lot area shall be five thousand (5,000) square feet.

**28-6 Minimum Street Frontage Regulations**

- a. For all lots abutting a cul-de-sac or located on the outside curve of a street, the minimum street frontage shall be thirty (30) feet.
- b. For all other lots the minimum street frontage shall be fifty (50) feet.

**28-7 Lot Width Regulations**

For main structures, the minimum lot width at the setback line shall be fifty (50) feet.

**28-8 Front Yard Setback Regulations**

For all main structures the minimum front yard setback from the street right of way upon which the structure fronts shall be twenty (20) feet.

**28-9 Side Yard Setback Regulations**

For main structures, the minimum side yard shall be ten (10) feet, and the total width of the two required side yards shall be twenty (20) feet.

### **28-10 Rear Yard Setback Regulations**

For main structures, the minimum rear yard shall be twenty (20) feet.

### **28-11 Height Regulations**

Permitted structures may be erected up to thirty-five feet from grade with the following exceptions:

- a. Church spires, belfries, cupolas, monuments, water towers, chimneys, flues, flag poles, television antennae, and radio aeri-als are exempt.
- b. Parapet walls may be up to four (4) feet above the height of the building on which the walls rest.

### **28-12 Accessory Structure Regulations**

- a. Accessory structures shall be located behind the front corners of the main structure.
- b. Accessory structures, including roof overhang, shall be no closer than three feet to any property line.
- c. Accessory structures shall be no more than twenty (20) feet high.

### **28-13 Additional Requirements Including But Not Limited To:**

- a. Chesapeake Bay Act: refer to Article 22 of this Ordinance.
- b. Flood Plain: refer to Article 21 of this Ordinance.
- c. Landscaping: refer to Article 24 of this Ordinance.
- d. Off-Street Parking: refer to Article 13 of this Ordinance.
- e. Signs: refer to Article 12 of this Ordinance.
- f. Site Plan Requirements: refer to Article 14 of this Ordinance.

### **28-14 -28-15 Reserved**

## **DIVISION THREE - REGULATIONS FOR SINGLE FAMILY ATTACHED DWELLINGS**

### **28-16 Purpose, Conflict of Regulations within Article**

Division Three provides the regulations specifically applicable to single family attached dwellings, as defined in Article 20 of this Ordinance, located in this district. These specific regulations override and control any conflicting provisions located in Division Two. Where no specific regulation is provided in this division, the provisions of Division Two shall control.

### **28-17 Area Regulations**

- a. Development sites associated with single family attached dwellings shall be two thousand, one hundred (2,100) square feet per dwelling unit.
- b. The minimum lot area for a single family attached dwelling shall be one thousand, six hundred (1,600) square feet.
- c. Development sites associated with single family attached dwellings shall have a maximum density of twenty (20) dwelling units per acre.

### **28-18 Lot Width Regulations**

- a. For single family attached dwellings located on interior lots, the minimum lot width at the setback line shall be sixteen (16) feet.
- b. For single family attached dwellings located on exterior lots, the minimum lot width at the setback line shall be twenty-six (26) feet.

### **28-19 Minimum Street Frontage Regulations**

- a. For single family attached dwellings located on interior lots, the minimum street frontage shall be sixteen (16) feet.
- b. For single family attached dwellings located on exterior lots, the minimum street frontage shall be twenty-six (26) feet.

### **28-20 Front Yard Setback Regulations**

For single family attached dwellings, the minimum front yard setback shall be ten (10) feet.

### **28-21 Side Yard Setback Regulations**

For single family attached dwellings, the minimum side yard at each end of every grouping shall be ten (10) feet.

### **28-22 Rear Yard Setback Regulations**

For single family attached dwellings, the minimum rear yard setback shall be twenty-five (25) feet.

### **28-23 Common Area Regulations**

- a. Common areas including, but not limited to, recreational facilities, private streets, walkways, and parking areas, shall be maintained by and be the sole responsibility of the developer or owner of the development until such time as the developer or owner conveys such common area to a nonprofit homeowner's association consisting of at least all of the individual owners of the dwelling units in the development. Common areas shall then be maintained by, and be the sole responsibility of such association.
- b. All structures and accessory uses located in a common area shall be no closer than ten (10) feet from the development site boundary line.
- c. Accessory structures and uses located in a common area shall not be subject to Section 28-12(a) of this Article.
- d. A minimum of fifteen percent (15%) of the common area within the development site shall be green space as defined in Article 20 of this Ordinance.

### **28-24 Additional Regulations for Single Family Attached Dwellings**

- a. Each Single Family Attached Dwelling not having direct rear access to a public street shall have direct rear access to an easement of at least twelve (12) feet in width for the purpose of access by emergency vehicles, equipment, and personnel. Such easement shall be located on land controlled by the homeowner's association.
- b. Single Family Attached Dwellings shall vary in the following manner:
  1. Front yards shall vary in depth by at least two (2) feet so that no more than four (4) units in each grouping will have the same front yard depth, and
  2. Facades of dwelling units shall vary in architecture and design so that no more than four (4) units in each grouping shall have the same architectural treatment of facades and roof lines.
- c. No more than ten (10) single family attached dwellings shall be included in any grouping.
- d. Any common area provided or reserved for the acceptance and collection of refuse shall be screened from view.

**28-25 - 28-30 Reserved.**

## **DIVISION FOUR - REGULATIONS FOR MULTI-FAMILY DWELLINGS**

### **28-31 Purpose, Conflict of Regulations within Article:**

Division Four provides the regulations specifically applicable to multi-family dwellings, as defined in Article 20 of this Ordinance, located in this district. These specific regulations override and control any conflicting provisions located in Division Two. Where no specific regulation is provided in this division, the provisions of Division Two shall control.

### **28-32 Area Regulations**

- a. Development sites associated with multi-family dwellings shall be two thousand, one hundred (2,100) square feet per dwelling unit.
- b. Development sites associated with multi-family dwellings shall have a maximum density of twenty (20) dwelling units per acre.

### **28-33 Development Site Width Regulations**

For development sites associated with multi-family dwellings, there shall be no minimum lot width required.

### **28-34 Street Frontage Regulations**

For multi-family dwellings, there shall be no minimum street frontage required, however provisions shall be made for adequate ingress and egress to a public street.

### **28-35 Front Yard Setback Regulations**

For all structures and uses, the minimum front yard setback shall be twenty (20) feet.

### **28-36 Side Yard Setback Regulations**

For all structures and uses, the minimum side yard setback shall be twenty (20) feet.

### **28-37 Rear Yard Setback Regulations**

For all structures and uses, the minimum rear yard setback shall be twenty (20) feet.

### **28-38 Common Area Regulations**

- a. Common areas including but not limited to recreational facilities, private streets, walkways, and parking areas, shall be maintained by and be the sole responsibility of the developer or owner of the development until such time as the developer or owner conveys such common area to a nonprofit homeowner's association consisting of at least all of the individual owners of the dwelling units in the development. Common areas shall then be maintained by, and be the sole responsibility of such association.
- b. A minimum of fifteen percent (15%) of the common area within the development site shall be green space as defined in Article 20 of this Ordinance.
- c. Accessory structures and uses located in a common area shall not be subject to Section 28-12(a) of this Article.
- d. Any common area provided or reserved for the acceptance and collection of refuse shall be screened from view.

### **28-39 Additional Regulations for Multi-Family Dwellings<sup>3</sup>**

- a. All structures and uses shall be located at least ten (10) feet from any common parking area, or interior drive or any other structure or use.
- b. Notwithstanding Section 28-39(a), when two or more buildings devoted to multi-family dwelling units are located on the same lot, common yards of not less than twenty (20) feet shall be provided between such buildings.
- c. Each multi-family dwelling unit shall have a minimum of one thousand two hundred (1,200) square feet of living space.
- d. Notwithstanding Section 28-39(c), in conjunction with the issuance of the conditional use permit in accordance with Section 28-2, the minimum square footage for each multi-family dwelling unit may be reduced to six hundred (600) square feet of living space.

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Section Amended - March 9, 2000 (Ordinance 442)

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