

## ARTICLE 4

### MEDIUM DENSITY RESIDENTIAL DISTRICT - MR

#### STATEMENT OF INTENT

This district is intended as a single family residential area with medium population density. The regulations for this district are designed to stabilize and protect the essential characteristics of the district, to promote and encourage a suitable environment for family life where there are children. To these ends, development is limited to a relatively low concentration and permitted uses are limited basically to providing homes for the residents plus certain additional uses, such as schools, parks, churches, and certain public facilities that serve the residents of the district.

#### SECTION 4-1. USE REGULATIONS.

Structures to be erected or land to be used shall be for one (1) of the following uses. Only one (1) main building and its accessory buildings may be erected on any lot or parcel of land in this district.

- 4-1-1 Single family detached dwellings.
- 4-1-2 Public parks, community gardens, playgrounds, and play fields. (10/12/10, Case TA-10-418, Ord. No. 2010-51)
- 4-1-3 Public schools, elementary, middle, and high, and private schools having the same curricula that is ordinarily given in public schools.
- 4-1-4 Churches and other places of worship, but not including rescue missions or temporary revival tents.
- 4-1-5 Existing cemeteries and the expansion of such cemeteries when the expansion abuts an existing cemetery.
- 4-1-6 Fire and rescue squad stations and Police substations. (6/10/97, Case TA-97-01, Ord. No. 013-97)
- 4-1-7 Public utilities, such as poles, lines, distribution transformers, meters, water and sewer lines, booster or relay stations, transformer substations, transmission lines and towers.
- 4-1-8 Home occupations in accord with Section 18-19 of this Ordinance.

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- 4-1-9 Accessory uses, as defined.
- 4-1-10 Off-street parking and loading areas for permitted and conditional uses in accordance with Section 18-6 of this Ordinance. (2/14/89 Case TA-88-17, Ord. No. 006-89)
- 4-1-11 Signs in accordance with Section 18-8 of this Ordinance.
- 4-1-12 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).
- 4-1-13 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 4-2. USES PERMITTED WITH A CONDITIONAL USE PERMIT.**

- 4-2-1 Museums operated in conjunction with buildings designated by City Council as Historic Landmarks.
- 4-2-2 Repealed. (9/14/10, Case TA-10-337, Ord. No. 2010-40)
- 4-2-3 Boarding facilities accessory to and operated in conjunction with private schools. (2/14/89, Case TA-88-14, Ord. No. 002-89)
  - 4-2-3.1 Structures shall maintain compatibility with that of the neighborhood in which they are situated. The building foot print shall be not less than 1200 square feet nor greater than 2,500 square feet. The maximum allowable total square footage shall be 4000 square feet per structure. The structures shall not exceed two (2) levels. (2/14/89, Case TA-88-14, Ord. No. 002-89)
  - 4-2-3.2 Occupancy density shall not exceed that of acceptable density for the residential district. (2/14/89, Case TA-88-14, Ord. No. 002-89)
  - 4-2-3.3 Any active play area or parking area for more than 3 vehicles which is closer than 25 foot to an adjacent residential lot, without an intervening street, shall be screened in accordance with the Ordinance. (2/14/89, Case TA-88-14, Ord. No. 002-89)
  - 4-2-3.4 Green space around boarding structures shall be consistent with the requirements of the district. (2/14/89, Case TA-88-14, Ord. No. 002-89)

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- 4-2-3.5 A minimum of 2 parking spaces shall be provided for each structure. (2/14/89, Case TA-88-14, Ord. No. 002-89)
- 4-2-4 Surface parking lots, existing at the time of enactment of this provision, which are used to support uses within the Health Services District. (7/10/90, Case TA-90-02, Ord. No. 023-90)
- 4-2-5 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. (2/13/96, Case TA-95-07, Ord. No. 002-96)
- 4-2-6 Repealed. (2/12/08, Case TA-07-09, Ord. No. 2008-11)
- 4-2-7 Neighborhood Convenience Establishment (6/8/04, Case TA-04-02, Ord. No. 23-2004)
- 4-2-8 Market gardens, including the sale of food and/or non-food crops produced on the site. (10/12/10, Case TA-10-418, Ord. No. 2010-51)
- 4-2-9 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)
- 4-2-10 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 4-3. AREA REGULATIONS.**

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

- 4-3-1 Single family detached dwellings - 8,000 square feet
- 4-3-2 Other permitted uses and conditional uses - 20,000 square feet.

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### SECTION 4-4. LOT WIDTH REQUIREMENTS.

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

- 4-4-1 Single family detached dwellings - 60 feet.
- 4-4-2 Other permitted and conditional uses - 120 feet.

### SECTION 4-5. SETBACK REGULATIONS.

- 4-5-1 Main buildings: Thirty (30) feet. (3/8/94, Case TA-93-08, Ord. No. 004-94)

### SECTION 4-6. YARD REGULATIONS.

- 4-6-1 Side setbacks for uses in this district shall be as follows:
  - 4-6-1.1 Single family detached dwellings - 6 feet except as per Section 4-8 of this Ordinance.
  - 4-6-1.2 Other permitted and conditional uses - 15 feet except as per Section 4-8 of this Ordinance.
- 4-6-2 Rear setbacks for all uses in this district - 25 feet.

### SECTION 4-7. HEIGHT REGULATIONS.

As per Section 3-7 of this Ordinance.

### SECTION 4-8. CORNER SIDE YARD REGULATIONS. (9/13/05, Case TA-05-04, Ord. No. 027-2005)

- 4-8-1 For single family dwellings: twenty (20) feet or more. (9/11/01, Case TA-01-03, Ord. No. 028-2001)
- 4-8-2 For all other uses: twenty-five (25) feet or more.