

Article V. Medium Density Residential, District R-2

Sec. 70- 29 Statement of Purpose and Intent

This district is intended to establish areas where residential housing of a low to medium density capacity can be located. This district also allows for certain compatible public, semi-public, and very limited commercial land uses. The following regulations are designed to stabilize, protect and promote this type of development. This district should provide a suitable and comfortable living environment for people of all ages, while allowing the convenience of being near to shopping and employment centers and other community facilities.

Sec. 70- 30 Permitted Uses.

Unless otherwise provided in Section 70- 31 of this Article, the structures to be erected or land to be used in the R-2 Residential District shall be for one of the following uses and its permitted accessory uses; provided that, with the exception of multi-family dwelling, only one main building and its accessory structures may be erected on any lot or parcel of land in this district:

- (a.) Single-family detached dwellings.
- (b.) Public schools, and private schools which have been granted a non-profit, tax exempt status as educational institutions.
- (c.) Churches and other places of worship, but not including rescue mission.
- (d.) Libraries.
- (e.) Existing cemeteries and the expansion of such cemeteries when the expansion abuts an existing cemetery.
- (f.) Public parks, playgrounds and play fields, bikeways, pedestrian trails, walkways, nature preserves, swimming pools and tennis courts, in accordance with Sec. 70- 28 of this chapter.
- (g.) Minor public utilities, as defined.
- (h.) Golf courses.
- (i.) Home occupations, in accordance with Sec. 70- 137 of this chapter.
- (j.) Group homes, as defined and in accordance with Sec. 70- 139 of this chapter.
- (k.) Off-street parking and loading, in accordance with Sec. 70- 150 and Sec.70- 151 of this chapter.

- (l.) Signs, in accordance with Sec. 70- 152 of this chapter.
- (m.) Fences, in accordance with Sec. 70- 133 of this chapter.
- (n.) Storage of recreational vehicles, in accordance with Sec. 70- 129 of this chapter.
- (o.) Temporary buildings, in accordance with Sec. 70- 136 of this chapter.
- (p.) Dish antennae, in accordance with Sec. 70- 130 of this chapter.
- (q.) Other customary accessory residential buildings and uses that are clearly incidental to the principal and/or use, as defined and in accordance with Sec. 70- 128 of this chapter.

Sec. 70- 31 Permitted Uses with a Condition Use Permit.

The following uses may be permitted in the R-2 Residential District, subject to the procedures and the criteria established in this chapter:

- (a.) Two-family attached (duplex) dwellings, each unit of which may be separately owned.
- (b.) Two-family dwellings.
- (c.) Town houses, in accordance with Sec. 70- 145 of this chapter.
- (d.) Multi-family dwellings, including apartment houses, garden apartments and condominiums, as defined and in accordance with Sec. 70- 146 of this chapter.
- (e.) Professional offices and office buildings, in accordance with Sec. 70- 142 of this chapter.
- (f.) Rooming houses, as defined.
- (g.) Boarding houses, as defined.
- (h.) Bed and breakfast establishments, in accordance with Sec. 70- 143 of this chapter.
- (i.) Resorts, country clubs and memorials.
- (j.) Private clubs and organizations.
- (k.) Public safety and other community services facilities and public and semi-public uses, as defined, that are not listed in Sec. 70- 30 of this chapter.
- (l.) Major public utilities, as defined.

(m.) Nursing homes, rest homes and retirement homes, in accordance with Sec. 70-141 of this chapter.

(n.) Hospitals.

(o.) Day care centers/facilities, as defined and in accordance with Sec. 70-140 of this chapter.

(p.) Boarding facilities accessory to, and operating in conjunction with private schools, in accordance with Sec. 70-38 of this Article.

(q.) More than one main use may be permitted with a conditional use permit on any lot or parcel of land in the R-2 Residential District provided that:

1. The proposed uses are permitted by right or permitted with a conditional use permit in the R-2 zoning district;
2. Each of the proposed uses complies with all other requirements of this chapter; and
3. The governing body, in accordance with the provisions of this chapter, determines that the utilization of the property for more than one main use will in no way adversely impact the property in question or the surrounding neighborhood.

(r.) Private medical transport service, as defined in Section 70-10, provided that no emergency lights, sirens or any other loud warning devices are used in conjunction with the operation of the business. This business shall comply with the requirements of Section 70-150 and 70-152.

(s.) Courtyard homes, in accordance with Section 70-146A of this chapter.

Sec. 70-32 Area Regulations.

The minimum lot area for uses in the R-2 Medium Density Residential District shall be 12,500 square feet, with the following exceptions:

(a.) Two-family attached (duplex) dwellings – 15,000 square feet (7,500 square feet for each unit).

(b.) Town houses – Interior lot: 2,000 square feet per unit.
End and corner lots: 3,000 square feet per unit.

The maximum density for town house development shall not exceed ten (10) lots per gross acre.

(c.) Multi-family dwellings – 15,000 square feet for the first two dwelling units, plus: 1,500 square feet for each dwelling unit in excess of two (2) contained in an apartment house, as

defined; or 2,500 square feet for each dwelling unit in excess of two (2) contained in a garden apartment or condominium, as defined.

(d.) The following exception shall apply only to that area located within the boundaries of Congress Street, Dixie Lane, John Sevier Road and Fairway Drive on the East side of Congress Street; and that area located within the boundaries of Congress Street, tax map lot #103A2-A-287 (including this lot), Cadet Road and West Old Cross Road (U.S. Rt. 211 W). On the West side of Congress Street:

The minimum lot area for all uses other than town houses, two-family attached (duplex) dwellings and multi-family dwellings shall be 4,500 square feet, provided that:

1. any new lot which is created by subdivision after the date of the adoption or amendment of this chapter shall have frontage on a public street, and;
2. on any lot, existing on-site parking that is not in excess of the minimum requirements set forth in Sec. 70 – 150 of this chapter shall not be reduced, nor shall access to such parking be prevented, as a result of subdivision.

The town council, after notice, joint public hearing and recommendation from the planning commission, may further reduce the minimum lot size for subdivision in this area only if the size limitation of the original lot shall make it impossible to meet the 4,500 square foot area requirement. Such further reduction shall meet the following standards:

1. the reduced lot size shall not constitute a hazard to public health, safety or welfare;
2. the reduced lot size shall not adversely affect surrounding properties; and
3. the reduced lot size shall conform to all other requirements of this chapter.

(e.) Courtyard Homes – 6,000 square feet.

Sec. 70- 33 Setback Regulations.

No structures in the R-2 Residential District shall be located closer than thirty (30) feet to any street right-of-way which is fifty (50) feet or greater in width, or closer than fifty feet to the centerline of any street right-of-way less than fifty feet in width; except that no building need be set back more than the average setback of the two adjacent structures on either side. This shall be known as the “setback line”. However, if either of the adjacent structures is not in compliance with the applicable setback requirements and has not received a variance therefore, or is not a nonconforming structure by reason of inadequacy of setback, this exception shall not apply. A vacant lot shall be assumed to be occupied by a building housing a minimum setback.

Sec. 70- 34 Frontage Regulations.

The minimum lot width at setback line in the R-2 Residential District shall be seventy-five (75) feet, with the following exceptions:

(a.) Two-family attached (duplex) dwellings – One-hundred (100) feet (fifty feet per individual lot).

(b.) Town house – Interior lot: Twenty (20) feet per unit.
End and corner lots: Thirty (30) feet per unit.

(c.) Multi-family dwellings – One-hundred and twenty-five (125) feet.

(d.) The minimum width of any single-family, two-family, or courtyard home lot that fronts on a cul-de-sac, as defined, shall not be more than a twenty (20) percent reduction at the setback line.

(e.) The following exception shall apply only to that area located within the boundaries of Congress Street, Dixie Lane, John Sevier Road and Fairway Drive on the East side of Congress Street; and that area located within the boundaries of Congress Street, tax map lot #103A2-A-287 (including this lot), Cadet Road and West Old Cross Road (U.S. Rt. 211W) on the West side of Congress Street:

Any lot which does not meet the minimum frontage requirements at the time of the adoption or amendment of this chapter may be subdivided provided that such subdivision shall not result in any reduction of the existing lot frontage at the time of such subdivision; and further provided that any new lot which is created shall have frontage on a public street.

(f.) Courtyard homes – Fifty (50) feet.

Sec. 70- 35 Yard Regulations.

(a.) Side. The minimum side yard in the R-2 Residential District shall be ten (10) feet, with the following exceptions:

1. Town houses – Each main building groups shall have side yards of at least twenty (20) feet when adjoining an R-1 Residential District. In no case shall a side yard of less than ten (10) feet in width be provided for each end residence in the group of town houses.

2. Multi-family dwellings – Twenty (20) feet.

3. Courtyard homes – A courtyard home lot may have a zero (0) feet side yard on one side of the lot only. The minimum side yard for the side of the lot opposite the zero (0) feet side yard shall be ten (10) feet. Dwellings shall not be configured to allow the zero (0) feet side yards of adjoining lots to be on the common line between the lots.

(b.) Rear. The minimum rear yard in the R-2 Residential District shall be twenty-five (25) feet.

Sec. 70- 36 Height Regulations.

(a.) Buildings may be erected up to thirty-five (35) feet in height from the average level of the ground adjacent to the front exterior wall, except that:

(b.) The height limit for structures may be increased up to forty-five (45) feet and up to three (3) stories, provided that each side yard is ten (10) feet plus one foot of side yard for each additional foot of building height over thirty-five (35) feet.

(c.) A public or semi-public building such as a church, school or library may be erected to a height of sixty (60) feet above grade, provided that required front, side and rear yards shall be increased one foot for each foot in height over thirty-five (35) feet.

(d.) Church spires, belfries, cupolas, municipal water towers, chimneys, flues, flagpoles, television antennae, and radio aerials are exempt. Parapet walls may be up to four (4) feet above the height of the building upon which the walls rest.

Sec. 70- 37 Lot Coverage

The buildings of resorts, country clubs, memorials, golf courses and private clubs and organizations shall not cover more than ten (10) percent of the site.

Sec. 70- 38 Special Provisions

(a.) Corner lots.

With the exception of town houses, and unless otherwise provided in this chapter, the following provisions shall apply to corner lots in the R-2 Residential District:

1. Of the two sides of a corner lot, the front shall be deemed to be the shortest of the two sides fronting on streets; however, this provision may be waived by the planning commission, upon recommendation by the zoning administrator, in instances when it is determined that the interests of safety and/or practicality are best served by the granting of such a waiver.

2. The side yard on the side facing the side street shall be thirty (30) feet or more for both main and accessory buildings. For courtyard homes, the side yard on the side of the lot facing the side street plus any common open space shall insure that the minimum distance from the right-of-way line of the side street is thirty (30) feet.

3. For subdivisions platted after the enactment of this chapter, each corner lot shall have a minimum setback width at the setback line of not less than seventy-five (75) feet; except that two family attached (duplex) lots shall have a minimum setback width at the setback line of not less than fifty (50) feet (per unit); multi-family dwellings shall have a minimum setback width at the setback line of not less than one-hundred, twenty-five (125) feet; town houses shall have a minimum setback width at the setback line of not less than thirty (30) feet; and courtyard homes shall have a minimum setback width at the setback line of not less than fifty (50) feet.

(b.) Recreational uses.

As provided in Sec. 70-28 of this chapter.

(c.) Open space.

A minimum of twenty-five (25) percent of a site developed for town houses that exceeds one (1) acre in area, or of a site developed for multi-family dwellings that contains more than twenty (20) units, or of the gross area of a courtyard home development, excluding paved areas (except as hereinafter described for courtyard homes), shall be maintained as open space, as provided in Sec. 70- 145, Sec. 70- 146 and Sec. 70-146A of this chapter.

(d.) Boarding facilities for private schools.

1. Structures shall maintain compatibility with those of the neighborhood in which they are situated. The total square footage shall not exceed 4,000 square feet per structure, and the structures shall not exceed two levels.

2. Occupancy density shall not exceed that of the acceptable density for the district.

3. Any active play area or any parking area for more than three vehicles which is closer than twenty-five (25) feet to an adjacent residential lot, without an intervening street, shall be screened in accordance with Sec. 70-135 of this chapter.

4. Open space around the boarding structures shall be consistent with the requirements of the district.

5. A minimum of two (2) parking spaces shall be provided for each structure.