

ARTICLE VII

MDR MEDIUM DENSITY RESIDENTIAL DISTRICT

701. PURPOSE. To provide for a variety of carefully designed housing types at medium densities. To make sure that varied housing types are compatible with any existing single family detached houses. To make sure that the street system of the Township and other community facilities and services are fully able to handle moderately dense growth in an area. To work to encourage affordable housing, especially for young families and senior citizens. To encourage these areas to be developed for townhouses and apartments only after both public water and public sewer service is available.

702. PERMITTED BY RIGHT USES. Only the following uses are permitted by right in the MDR District, provided that the requirements for specific uses in Article XV are met:

A. The following principal uses:

1. Single Family Detached Dwelling (including Mobile/manufactured home*)
2. Crop Farming
3. Swimming Pool, Public or Semi-Public*
4. Publicly-owned Recreation
5. Wildlife Sanctuary
6. Place of Worship*
7. Township-owned Use
8. Expansion of an existing Public or Private Primary or Secondary School*
9. The following uses if both public water and public sewer service is provided:
 - a. Townhouse
 - b. Apartments
 - c. Single Family Semi-Detached Dwelling
 - d. Two Family Detached Dwelling
10. Commercial Forestry*

*See additional requirements in Section 1502.

B. The following accessory uses, within the requirements of Section 1503:

1. Home Office**
2. Accessory Use or Structure clearly customary and incidental to a permitted by right, approved special exception or conditional use. **
3. Swimming Pool, Private**
4. Recreational Facilities limited to use by residents of a development and their occasional guests.
5. Essential Services**
6. Accessory Apartment within an existing single family detached dwelling**
7. Accessory Use or Structure permitted under Section 1503.C. **

** See additional requirements in Section 1503.

703. SPECIAL EXCEPTION USES. Only the following uses are permitted by special exception in the MDR District, provided that the requirements for specific uses in Article XV are met;

and provided that both public water and public sewer service is provided (except for a public utility facility or home occupation).

A. Home Occupation**

**See additional requirements in Section 1503.

704. CONDITIONAL USES. Only the following uses, or a mix of the following uses are permitted as conditional uses in the MDR District, provided that the requirements for specific uses in Article XV are met:

A. New Public or Private Primary or Secondary School*

B. Emergency Services Station*

C. Bed and Breakfast Use**

D. Boarding House*

E. Mobile/Manufactured Home Park*

F. Life Care Center*

G. Personal Care Center*

H. Retirement Village*

I. Nursing Home*

J. Nursery School/Day Care Center*

K. Small scale commercial uses of the types allowed in the NC Zoning District subject to the following:

1. Tract area to be occupied by all small-scale commercial uses shall not exceed 15% of the total tract area.

2. Ground floor area for each use shall not exceed 3,200 sf.

*See additional requirements in Section 1502.

**See additional requirements in Section 1503.

705. LOT AND SETBACK REGULATIONS- Except as modified by Sections 706, 707 and 708 the following regulations shall apply to all uses in the MDR District, unless a more restrictive requirement is stated in Article XV or elsewhere in this Ordinance for a particular use.

A. Maximum Building Coverage- 50%

B. Maximum Impervious Coverage - 60%

C. Maximum Building Height - 35 feet, except for apartments. In addition, apartments may not include more than 3 habitable stories.

D. Minimum Setback from an Existing Industrial Building- 150 feet for any new principal residential building.

E. Condominium Ownership - See Section 1419.

F. Setback from Arterial Streets - 40 feet from the future right-of-way line

G. Streetscape -

1. All development within the District shall have an interconnected street and alley network.

2. Alleys shall provide access to parking, except that mid-block curb cuts for driveways along block frontages may be allowed for up to 30% of the total number of dwelling units.

3. Alleys shall be paved and maintained at 12 feet in width if they are one-way, and at 16 feet in width if they are two-way.

4. Street trees shall be installed and maintained at a 50 feet average interval on both sides of all streets. Street trees shall be installed at 2½ to 3 inch caliper minimum.
5. Sidewalks shall be installed and maintained along both sides of all streets. Sidewalks shall be at least 4'-6" in width.

H. Minimum Lot Area -

Single family detached with both public water & sewer –	8,000 sq. ft.
Single family semi-detached dwelling with both public water & sewer –	6,000 sq. ft.
Two-family detached dwelling with both public water and sewer –	12,000 sq. ft.
Non-residential with both public water & public sewer –	43,560 sq. ft.
Any use with public water & no public sewer –	43,560 sq. ft.
Any use with public sewer & no public water –	43,560 sq. ft.
Any use with neither public water nor public sewer –	65,340 sq. ft.

	<u>Residential Use with Both Public Water and Public Sewer</u>	<u>Any Use without both Public Water and Public Sewer</u>
I. <u>Minimum Lot Depth</u> -	100 Feet	150 Feet
J. <u>Minimum Lot Width</u> -		
1. at minimum front yard setback line (except 40 ft. for a single family semi-detached dwelling)	65 Feet	150 Feet
2. at future street right-of-way line	30 Feet	30 Feet
3. except: for any newly created lot with a new driveway entering directly onto an arterial street	150 Feet	150 Feet
K. <u>Minimum Front Yard Building Setbacks</u> -20 feet for both principal and accessory structures, except: Variation. Up to 50 percent of the principal residential buildings may be located up to 5 feet forward of the front yard building setback line, provided that an equal number of principal residential buildings in the same stage of construction and abutting onto the same street will be 5 feet or greater behind the front yard setback line.		
L. <u>Minimum Side Yard Setback</u> - (for each of two, except for one for single-family semi-detached dwellings)		
1. Principal structure 10 feet		
2. Accessory structure or use 10 feet		
3. Corner lots – See Section 1404.B.		
M. <u>Minimum Rear Yard Setback</u> -		
1. Principal structure 35 feet		
2. Accessory structure or use 10 feet		

706. MODIFICATIONS TO LOT AND SETBACK REGULATIONS FOR TOWNHOUSES, APARTMENTS, AND LIFE CARE CENTERS. These requirements are in addition to and supercede the requirements of Section 705 that are common to all uses.

A. Minimum Tract Area - 5 acres. However, in the case of apartments no more than 15% of the total tract area may be used for apartments.

B. Maximum Number of Dwelling Units Per Building or Attached -

- 6 for any building containing townhouses
- 60 for apartments and Life Care Centers

C. Maximum Density -

1. The maximum density shall be determined based upon the following calculation of "buildable area"-

- a. Total lot area of the tract, not including the following:
 - i. Areas within the future rights-of-way of pre-existing or previously approved streets;
 - ii. Areas with average slopes greater than 15 percent;
 - iii. Areas within the 100-year floodplain and wetlands; and
 - iv. Areas within rights-of-ways intended eventually for overhead electrical transmission of 35 kilovolts or greater capacity.
- b. Areas of land voluntarily dedicated to and accepted by the Township or State for a street improvement that would not otherwise be required by the Township or State and that is not necessary for providing internal access for the development may be included as buildable area.
- c. Areas of the tract that will be dedicated as common open space may be counted within the buildable area, provided that such areas are not excluded pursuant to Article XX.

2. Minimum Buildable Area Per Dwelling Unit - The following shall apply:

Type of Dwelling Unit	Minimum Average Square Feet of "Buildable Area" within the Tract Per Dwelling Unit
Townhouse	4,000 (see minimum private area)
Apartment	3,000
Life Care Centers	3,000

3. Flexibility in Placement - The total number of dwelling units allowed on the tract may be placed at any appropriate locations within the buildable area of the tract within the setback and other provisions of this Ordinance.

4. In calculating the allowable overall residential density:

- a. Land which is capable of further development or subdivision for additional dwellings shall not be included unless the possibility of such development or subdivision is prohibited by a deed restriction identifying the land as common open space and preventing future development. Said deed restrictions shall be recorded in the Office of the County Recorder of Deeds, and noted on the official record plan.

- b. The gross density of a tract shall not exceed six (6) dwelling units per acre.
- 5. Condominiums and Lots - The division of land into individual lots is not required, but instead condominium ownership may be used. See Section 1419.
- D. Roof Lines - Variation in rooflines of structures is required for the purpose of variety.
- E. Buffer Yard - A 50 foot wide buffer yard with screening shall be required, as described in Section 1404.D., between any townhouse or apartment and any abutting existing single family detached dwelling that is within 125 feet of the proposed apartment or townhouse building. The buffer yard shall be the responsibility of the developer of the townhouses or apartments.
- F. Accessory Uses and Structures -
 - 1. See Section 1503. A 10 feet minimum setback is required for all permitted accessory uses or structures, except a 1 and ½ foot setback is required along the shared lot line of attached buildings and except where a larger setback is required. A 20-foot wide minimum setback shall be maintained abutting the future right-of-way of any street.
 - 2. To avoid incompatible structures in a higher density environment, townhouse developers are required to establish deed restrictions or homeowner association regulations controlling the general types and materials of attached decks, fences and accessory structures that may be added or constructed in the future.
- G. Homeowners and/or Condominium Agreements - See Section 1419.
- H. Common Open Space. - See definition of open space, common -
 - 1. For any apartment or townhouse development involving 4 or more dwelling units, a minimum of 25 percent of the total land area shall be dedicated as common open space.
 - 2. This common open space shall be in addition to any other requirements of this Ordinance or common open space or fees-in-lieu of open space requirements of the Subdivision and Land Development Ordinance.
 - 3. Common open space shall be suitable for active recreation. Suitable for active recreation shall mean contiguous, and at least 75% of the open space having slopes of less than 10 percent and planted in grass and trees. For each 25 dwelling units, part of this area shall be graded to less than 4 percent slope to form at least 1 rectangular field of a least 300 feet in length and 100 feet in width.
 - 4. The applicant shall prove to the satisfaction of the Zoning Officer, upon advice of the Board of Supervisors, that there will be an adequate permanent method in place to maintain the common open space.
 - 5. Land within 15 feet of any building shall not be used to meet this requirement for common open space.
 - 6. If a tract is adjacent to existing public open space or a creek, the common open space shall be provided adjacent to such open space or creek.

I. Maximum Building Length –

1. Townhouses - 210 feet
2. Apartments - 280 feet
3. Life Care Centers - 300 feet

J. Changes in Façade - For every attached grouping of townhouses, a minimum of 2 changes in the front wall plane shall be provided. Such change shall involve a minimum variation or offset of 4 feet, and may be met by placing dwellings so that they are setback further than attached private garage structures.

K. Building Setback and Separation -

1. Principal buildings shall have the following separation:

- a. Single Family Detached – 20 feet
- b. Single Family Semi-Detached – 20 feet
- c. Townhouses - 20 feet
- d. Apartments - 50 feet
- e. All other Principal Uses – 50 feet

2. Minimum setback for townhouse and apartment buildings and their permitted accessory structures: 30 feet from all tract boundaries and all future street rights-of-ways exterior to the tract, except:

- a. This setback shall be increased to 75 feet from the lot line of an existing single-family detached residence.
- b. This setback shall be increased to 50 feet from the future right-of-way of any arterial street or expressway.

3. If Single Family Detached or Single Family Semi-Detached dwellings are subdivided into individual lots, the following shall apply:

a. Minimum Lot Area -

- i. Single family detached dwelling – 7,500 square feet
- ii. Single family semi-detached dwelling – 5,000 square feet

b. Minimum Lot Width -

- at minimum front yard setback line
- single-family detached dwelling
 - (with front access) 50 feet
 - (with rear access) 35 feet
- single family semi-detached dwelling 35 feet
- at future street right-of-way line 30 feet

c. Minimum Front Yard Building Setback - 10 feet for both principal and accessory structures

d. Maximum Front Yard Building Setback - 30 feet

e. Minimum Side Yard Setback - (for each of two, except for one for single-family semi-detached dwellings)

- Principal structure - 10 feet
- Accessory structure or use - 10 feet
- Corner lots – See Section 1404.B.

- f. Minimum Rear Yard Setback -
 - Principal structure- 20 feet
 - Accessory structure or use - 10 feet
- L. Water and Sewer - Public water and public sewer service shall be required for any townhouse or apartment.
- M. Minimum Width of Townhouse - Each townhouse dwelling unit shall have a minimum width of 18 feet, except this minimum width shall be 26 feet for any townhouse with 2 or more off-street parking spaces located in the required front yard of a building or that has garage door(s) for 2 or more motor vehicles facing onto the front of the townhouse lot.
- N. Minimum Private Area -
 1. For each townhouse there shall be a yard, balcony, patio or other outdoor area other than a driveway immediately adjacent to the front, back or side of each dwelling of not less than 200 square feet for the exclusive use of the occupants of that dwelling.
 2. If townhouses are subdivided into individual lots, the minimum lot area shall be the building footprint plus this 200 square feet.
 3. Design measures shall be used to seek an appropriate level of privacy in any rear yards. Such measures might include landscaped screening, compatible fencing or earthen berming. The intent is to avoid the placement of incompatible fencing by individual lot owners in the future.
 4. Storage. If the maintenance of grass yards in front of or behind a townhouse would be the responsibility of an individual homeowner, a storage area suitable for storing lawn maintenance equipment shall be provided with appropriate outside access and not place within any setback or easement.
- O. Private Streets - All private and public streets, and access ways shall be built to Township construction standards for public streets.
- P. Architectural Renderings - Preliminary architectural renderings, models or photos are required for any garden apartment or townhouse development of more than 25 units where a subdivision or land development plan is submitted to the Township.
- Q. Preservation of Natural Buffers - See Section 1404.D.3.c.
- R. Architectural Variety - A variety of complementary designs and colors among clusters of dwellings are required to avoid extreme repetition, provided that there are not extreme changes between adjacent facades.
- S. Mailboxes - Any mailboxes provided within the future street right-of-way shall be clustered together in an orderly and attractive arrangement or structure. Individual freestanding mailboxes of non-coordinated types at the curbside are prohibited.
- T. Trash Bins - For any apartment or rental townhouse development, common trash receptacles shall be provided in locations that are convenient for residents and for collection. Screening is required for all dumpsters for apartments only by Section 1615.
- U. Access - Vehicular access points onto all arterial and collector streets shall be minimized and be the lowest reasonable number. No townhouse unit shall have its own driveway entering onto an arterial or collector street.
- V. Minimum Tract Width and Depth - 150 feet each.

W. Paved Area Setback - All off-street parking spaces, except spaces on driveways immediately in front of carport or garage entrance, shall be setback a minimum of 10 feet from any dwelling.

707. MODIFICATIONS TO LOT AND SETBACK REGULATIONS FOR RETIREMENT VILLAGES

These requirements are in addition to and supercede the requirements of Section 705 that are common to all uses.

A. Minimum Tract Area - 5 acres. However, in the case of apartments no more than 15% of the total tract area may be used for apartments.

B. Minimum Non-residential Building Height – 24 feet.

C. Minimum Setback from an Existing Industrial Building - 100 feet for any new principal residential building.

D. Maximum Number of Dwelling Units Per Building or Attached -

1. Townhouses – 6 units
2. Apartments and Life Care Centers – 60 units

E. Maximum Density -

1. The maximum density shall be determined based upon the following calculation of “buildable area”-

a. Total lot area of the tract, not including the following:

- i. Areas within the future rights-of-way of pre-existing or previously approved streets;
- ii. Areas with average slopes greater than 15 percent;
- iii. Areas within the 100-year floodplain and wetlands; and
- iv. Areas within rights-of-ways intended eventually for overhead electrical transmission of 35 kilovolts or greater capacity.

b. Areas of land voluntarily dedicated to and accepted by the Township or State for a street improvement that would not otherwise be required by the Township or State and that is not necessary for providing internal access for the development may be included as buildable area.

2. Minimum Buildable Area Per Dwelling Unit - The following shall apply:

Type of Dwelling Unit	Minimum Average Square Feet of “Buildable Area” within the Tract Per Dwelling Unit
Apartment	2,000
Townhouse	3,500 (see minimum private area)
Single Family Semi-Detached	4,000
Single Family Detached	6,500
Life Care Centers	2,000

3. Flexibility in Placement - The total number of dwelling units allowed on the tract may be placed at any appropriate locations within the buildable area of the tract within the setback and other provisions of this Ordinance.

4. In calculating the allowable overall residential density:

- a. Land which is capable of further development or subdivision for additional dwellings shall not be included unless the possibility of such development or subdivision is prohibited by a deed restriction identifying the land as common open space and preventing future development. Said deed restrictions shall be recorded in the Office of the County Recorder of Deeds, and noted on the official record plan.
 - b. The gross density of a Retirement Village shall not exceed eight (8) dwelling units per acre.
 - 5. Condominiums and Lots - The division of land into individual lots is not required, but instead condominium ownership may be used. See Section 1419.
- F. Roof Lines - Variation in rooflines of structures is required for the purpose of variety.
- G. Buffer Yard - A 50 foot wide buffer yard with screening shall be required, as described in Section 1404.D., between any townhouse or apartment and any abutting existing single family detached dwelling that is within 125 feet of the proposed apartment or townhouse building. The buffer yard shall be the responsibility of the developer of the townhouses or apartments.
- H. Accessory Uses and Structures -
 - 1. See Section 1503. A 10 feet minimum setback is required for all permitted accessory uses or structures, except a 1 and ½ foot setback is required along the shared lot line of attached buildings and except where a larger setback is required. A 20-foot wide minimum setback shall be maintained abutting the future right-of-way of any street.
 - 2. To avoid incompatible structures in a higher density environment, townhouse developers are required to establish deed restrictions or homeowner association regulations controlling the general types and materials of attached decks, fences and accessory structures that may be added or constructed in the future.
- I. Homeowners and/or Condominium Agreements - See Section 1419.
- J. Common Open Space - For retirement villages no open space dedication shall be required; however, the applicant shall be required to pay fees-in-lieu of dedicating land as set forth in Township Ordinance No. 100.
- K. Maximum Building Length -
 - 1. Townhouses - 210 feet
 - 2. Apartments - 280 feet
 - 3. All other uses - 300 feet
- L. Changes in Façade - For every attached grouping of townhouses, a minimum of 2 changes in the front wall plane shall be provided. Such change shall involve a minimum variation or offset of 4 feet, and may be met by placing dwellings so that they are setback further than attached private garage structures.
- M. Building Setback and Separation -
 - 1. Principal buildings within a Retirement Village shall have the following separation:
 - a. Single Family Detached – 20 feet
 - b. Single Family Semi-Detached – 20 feet

- c. Townhouses - 20 feet
 - d. Apartments - 50 feet
 - e. All other Principal Uses – 50 feet
2. Minimum setback for townhouse and apartment buildings and their permitted accessory structures: 30 feet from all tract boundaries and all future street rights-of-ways exterior to the tract, except:
- a. This setback shall be increased to 75 feet from the lot line of an existing single-family detached residence.
 - b. This setback shall be increased to 50 feet from the future right-of-way of any arterial street or expressway.
3. If Single Family Detached or Single Family Semi-Detached dwellings are subdivided into individual lots, the following shall apply:
- a. Minimum Lot Area -
 - i. Single family detached dwelling – 6,500 square feet
 - ii. Single family semi-detached dwelling – 4,000 square feet
 - b. Minimum Lot Width -
 - at minimum front yard setback line
 - single-family detached dwelling
 - (with front access) 50 feet
 - (with rear access) 35 feet
 - single family semi-detached dwelling 35 feet
 - at future street right-of-way line 30 feet
 - c. Minimum Front Yard Building Setback - 10 feet for both principal and accessory structures
 - d. Maximum Front Yard Building Setback - 30 feet
 - e. Minimum Side Yard Setback - (for each of two, except for one for single-family semi-detached dwellings)
 - Principal structure - 10 feet
 - Accessory structure or use - 10 feet
 - Corner lots – See Section 1404.B.
 - f. Minimum Rear Yard Setback -
 - Principal structure- 20 feet
 - Accessory structure or use - 10 feet

N. Non-residential Uses –

- 1. Minimum Lot Area – 43,560 sf.
- 2. Minimum Lot Width – 100 feet
- 3. Minimum Front Yard Building Setback- 30 feet

4. Minimum Side Yard Setback -
 - a. - Principal structure - 10 feet
 - b. - Accessory structure or use - 10 feet
 - c. - Corner lots – See Section 1404.B.
 5. Minimum Rear Yard Setback – 50 feet
- O. Water and Sewer - Public water and public sewer service shall be required.
- P. Minimum Width of Townhouse - Each townhouse dwelling unit shall have a minimum width of 18 feet, except:
1. This minimum width shall be 26 feet for any townhouse with 2 or more off-street parking spaces located in the required front yard of a building or that has garage door(s) for 2 or more motor vehicles facing onto the front of the townhouse lot.
- Q. Minimum Private Area -
1. For each townhouse or quad unit there shall be a yard, balcony, patio or other outdoor area other than a driveway immediately adjacent to the front, back or side of each dwelling of not less than 200 square feet for the exclusive use of the occupants of that dwelling.
 2. If townhouses or quad units are subdivided into individual lots, the minimum lot area shall be the building footprint plus this 200 square feet.
 3. Design measures shall be used to seek an appropriate level of privacy in any rear yards. Such measures might include landscaped screening, compatible fencing or earthen berming. The intent is to avoid the placement of incompatible fencing by individual lot owners in the future.
 4. Storage- If the maintenance of grass yards in front of or behind a townhouse would be the responsibility of an individual homeowner, a storage area suitable for storing lawn maintenance equipment shall be provided with appropriate outside access and not place within any setback or easement.
- R. Private Streets - All private and public streets, and access ways shall be built to Township construction standards for public streets.
- S. Architectural Renderings - Preliminary architectural renderings, models or photos are required for any garden apartment or townhouse development of more than 25 units where a subdivision or land development plan is submitted to the Township.
- T. Preservation of Natural Buffers - See Section 1404.D.3.c.
- U. Architectural Variety - A variety of complementary designs and colors among clusters of dwellings are required to avoid extreme repetition, provided that there are not extreme changes between adjacent facades.
- V. Mailboxes - Any mailboxes provided within the future street right-of-way shall be clustered together in an orderly and attractive arrangement or structure. Individual freestanding mailboxes of non-coordinated types at the curbside are prohibited.
- W. Trash Bins - For any apartment or rental townhouse development, common trash receptacles shall be provided in locations that are convenient for residents and for collection. Screening is required for all dumpsters for apartments only by Section 1615.

X. Access - Vehicular access points onto all arterial and collector streets shall be minimized and be the lowest reasonable number. No townhouse unit shall have its own driveway entering onto an arterial or collector street.

Y. Minimum Tract Width and Depth - 150 feet each.

Z. Paved Area Setback - All off-street parking spaces, except spaces on driveways immediately in front of carport or garage entrance, shall be setback a minimum of 10 feet from any dwelling.

AA. Streetscape -

1. All development within the District shall have an interconnected street network.
2. Street trees shall be installed and maintained at a 50 feet average interval on both sides of all streets. Street trees shall be installed at 2½ to 3 inch caliper minimum.
3. Sidewalks shall be installed and maintained along both sides of all streets. Sidewalks shall be at least 4'-6" in width.

708. MODIFICATIONS TO LOT & SETBACK REGULATIONS FOR MOBILE/MANUFACTURED HOME PARKS - See Section 1502. These requirements are in addition to and supercede the requirements of Section 705 that are common to all uses.

709. ADDITIONAL REQUIREMENTS-

A. Parking. See Article XVII.

B. Signs. See Article XVIII.

C. Site Plan Review. See Section 1411, which requires site plan review by the Planning Commission for nonresidential building expansions and parking lots.

D. Off-Street Parking Setback. See Section 1703.G.