



**Franklin City Council Agenda
November 28, 2022
Council Chambers
207 West Second Avenue
Franklin, Virginia 23851**

6:00 P.M.

Work Session with City of Franklin Planning Commission

7:00 P.M.

Regular Meeting

CALL TO ORDER. MAYOR FRANK M. RABIL
PLEASE TURN OFF CELL PHONES. MAYOR FRANK M. RABIL
PLEDGE OF ALLEGIANCE
CITIZEN'S TIME
AMENDMENTS TO AGENDA

1. CONSENT AGENDA:

- A. Approval of November 14, 2022 minutes
- B. Resolution in Honor of Sherry Mayes 2022-28
- C. Resolution in Honor of Jeff Noia 2022-29

2. FINANCIAL MATTERS

- A. Budget Amendment 2023-10
- B. Franklin City Public Schools Carryover Request

3. OLD/ NEW BUSINESS:

- A. Public Hearing Ward 4 Franklin City Public School Board Seat
- B. Franklin Southampton Economic Development, Inc. Strategic Plan
- C. City Manager's Report

4. COUNCIL/STAFF REPORTS ON BOARDS/COMMISSIONS

5. CLOSED SESSION

I move that the City of Franklin, Virginia City Council adjourn into a closed meeting pursuant to Virginia Code Section 2.2-3711-A-1, 1. discussion of appointments to boards and commissions, and discussion of performance of employees of the public body to discuss the following subject or subjects: Industrial Development Authority, HRPDC Community Advisory Committee, Franklin Redevelopment and Housing Authority and

2.2-3711-A-5, Discussion concerning a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business' or industry's

interest in locating or expanding its facilities in the community specifically along Pretlow Industrial Park, Armory Drive, Downtown Franklin, and Franklin Regional Airport.

2.2-3711-A-7 briefings by staff regarding Southampton County Courthouse project delays.

Motion Upon Returning to Open Session- I move that the City of Franklin, Virginia City Council certify that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting held on November 28, 2022; (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the City of Franklin, Virginia City Council; and (iii) no action was taken in closed meeting regarding the items discussed.

6. ADJOURNMENT

STAFF REPORT

ISSUE:

Review of Residential Zoning Districts to revise and consolidate districts based upon minimum lot area, frontage, width and setback requirements.

BACKGROUND:

The Planning Commission directed staff to look at the current eight (8) residential zoning districts for revision and consolidation based upon existing and future development patterns. The first district considered was the R-O zoning district, adopted by City Council on October 25, 2021.

DESCRIPTION:

Over the past year, staff has been working with the Planning Commission, reviewing the remaining seven (7) residential districts.

For discussion at the Commission's joint worksession with City Council, you will find proposed amendments to the residential district regulations, along with an amended list of definitions. The revisions consolidate the current eight (8) districts into four (4), and the Residential PUD district.

Essentially, the consolidation of districts result into the following:

- 1) The R-O and the R-OA districts have been combined with the proposed changes reflected in the R-O district and elimination of the R-OA district.
- 2) The R-1 and R-1A districts have been combined with the proposed changes reflected in the R-1 district and elimination of the R-1A district.
- 3) The R-2 and R-1B and the R-Ur districts have been combined for which the proposed changes are reflected in the R-2 district and elimination of the R-1B and R-UR districts.

- 4) The R-3 district has revised to allow multi-family as a permitted use in addition to the other residential use types.
- 5) The Residential PUD district has been revised as a Mixed-Use/Residential PUD.

Staff has also updated the definitions sections to provide additional definitions including use type definitions for more clarity in administering the zoning ordinance.

Staff will be prepared for discussion to update City Council on proposed amendments and for joint discussion with the Planning Commission.

ATTACHMENTS:

- Residential Amendments, redlined version
- Residential Amendments, clean version
- Definitions

§ 29.1 Definitions.

General terms; enumeration. For the purpose of this ordinance, certain terms and words are used in a limited or special sense as defined herein. Words used in the present tense include the future; the singular number includes the plural and the plural the singular; the word "building" includes "structure"; the word "used" includes arranged, designed, constructed, altered, converted, rented, leased, or intended to be used; and the word "shall" is mandatory.

ABUTTING

Having a common border with, or being separated from such common border by right-of-way, alley or easement.

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ACCESS, PEDESTRIAN

The right to cross between public and private property, allowing pedestrians to enter and leave property.

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ACCESS, VEHICULAR

A means of vehicular approach or entry to or exit from property, from a street or highway.

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ACCESSORY BUILDING

A subordinate building customarily incidental to and located upon the same lot occupied by the principal building. When an accessory building is attached to the principal building in such a manner, as by a wall or roof, such accessory building shall be considered a part of the principal building. An accessory building is no longer considered subordinate if it exceeds the size of the principal building.

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ACCESSORY DWELLING UNIT (ADU) Added by Ord. No. 2018-05, 6/25/2018

An accessory dwelling unit on the same lot as a single-family detached dwelling that is clearly incidental and subordinate to the main use or a separate, complete dwelling unit that is substantially contained within the structure of, and clearly subordinate secondary to, a single-family dwelling. Living quarters within a detached accessory building located on the same premises with the main building. Either the ADU or the main residence must be occupied by the property owner.

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ACCESSORY USE OR STRUCTURE

A use customarily incidental and or structure subordinate to, and on the same lot as the principal use of building on the same lot and serving a purpose incidental thereto.

ADDITION

An extension or increase in floor area or height of a building or structure.

ADMINISTRATOR,

See "Zoning Administrator."

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ADULT DAY CARE CENTER

A facility which is either operated for profit or which desires licensure and which provides supplementary care and protection and promotes social, physical, educational and leisure activities during a part of a day only to four or more aged, infirm or disabled adults who reside elsewhere, except (a) a facility or portion thereof licensed by the State Board of Health or the Department of Mental Health, Mental Retardation and Substance Abuse Services and (b) the home or residence of an individual who cares for only persons related to him or her by blood or marriage. Unless exempt from licensing by statute, licenses for adult day care centers shall be obtained from the Commissioner of Social Services.

ADULT DAY TREATMENT FACILITY

A non-residential facility licensed by the Commissioner of the Department of Mental Health, Mental Retardation and Substance Abuse Services pursuant to Virginia Code § 37.1-179.1, which provides services to adults with mental illness, mental retardation or substance addiction or abuse during a part of a day only.

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ALLEY

A right-of-way public way that provides secondary service access for vehicles to the side or rear of abutting properties, in which affords only a secondary means of access to property abutting thereto.

ALTERATION

Any change in the total floor area, use, arrangement of the structural parts, such as bearing walls, columns, beams, girders or interior partitions, as well as any change to the ~~or~~ external appearance, such as doors or windows or any enlargement to or diminution of a of an existing structure.

AMEND OR AMENDMENT

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Any repeal, modification or addition to a regulation; any new regulation; any change in the number, shape boundary or area of a zone or zoning district; or any repeal or abolition of any map, part thereof or addition thereto.

ANTENNA AND/OR SATELLITE.

A rod, wire, or other device used to transmit or receive radio or television signals.

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APARTMENT

A dwelling unit located in a multiply-family dwelling.

APARTMENT HOUSE

Same as "Dwelling, Multiple-Family."

ASSISTED LIVING FACILITY

Any congregate residential setting that provides or coordinates personal or health care services, 24-hour supervision and assistance (scheduled or unscheduled) for the maintenance or care of four or more adults who are aged, infirm or disabled and who are cared for in a primarily residential setting, except (a) a facility or portion thereof licensed by the State Board of Health or the Department of Mental Health, Mental Retardation and Substance Abuse Services, but including any portion of such facility not so licensed; (b) the home or residence of an individual who cares for or maintains only related to him or her by blood or marriage; (c) a facility or portion thereof serving infirm or disabled persons between the age of 18 and 21, or 22 if enrolled in an educational program for the handicapped pursuant to Virginia Code, § 22.1-214, when such facility is licensed by the Virginia Department of Social Services as a child caring institution under Chapter 10 of title 63.1 of the Code of Virginia, but including any portion of the facility not so licensed; and (d) any housing project for seniors or the disabled that provides no more than basic coordination of care services and is funded by the U. S. Department of Housing and Urban Development § 8, 202, 221(d)(3), 221(d)(4), 231, 236 or 811 housing, by the U. S. Department of Agriculture or by the Virginia Housing Development Authority. Included in this definition are two or more places, establishments or institutions owned or operated by a single entity and providing maintenance or care to a combined total of four or more aged, infirm or disabled adults. Unless exempt from licensing by statute, assisted living facilities shall be licensed by the Commissioner of Social Services.

AUCTION ESTABLISHMENT

A structure or enclosure where goods are sold by auction on a recurring basis. Expressly excluded from this use are non-recurring auctions of property, possessions, estates, and other items located at the premises where the auction is being conducted.

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BASE FLOOD ELEVATION

The Federal Emergency Management Agency designated one-percent annual chance water surface elevation. The water surface elevation of the base flood in relation to the datum specified on the community's flood insurance rate map. For the purposes of this ordinance, the base flood is 100-year flood or one-percent annual chance flood.

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BASEMENT

That portion of a building between a floor and ceiling which is either wholly below grade or has more than one-half of its height below grade. The basement shall be counted as a store if its ceiling is over six (6) feet above the average level of the finished ground surface adjoining the exterior walls of such story, or if it is used for business or dwelling purposes.

BED AND BREAKFAST INN

A single-family dwelling or portion thereof, in which lodging is provided by the owner or operator who resides in the premises which, incidental to single family occupancy, The use offers not more than six bedrooms for short-term transient occupancy for compensation and where food service for resident guests is limited to breakfast only.

BLOCK

That property abutting one (1) side of a street and lying between the two (2) nearest intersecting streets or the nearest intersecting street and railroad right-of-way, river or between any of the foregoing and any other manmade or natural barrier to the continuity of development.

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BOARD OF ZONING APPEALS

The board appointed to review appeals made by individuals with regard to decisions of the zoning administrator in interpretation of this ordinance. In particular circumstances, the Board of Zoning Appeals is also authorized to grant variances and special exceptions under the provisions of the zoning ordinance.

BOARDINGHOUSE

Same as "Rooming House."

BREWERY, DISTILLERY, CIDERY

An establishment for the production and packaging of alcoholic beverages, such as beer, liquor, cider, mead, etc., for distribution and which meet all Virginia Alcoholic Beverage Control laws and regulations. The facility may include other accessory uses such as retail sales, tasting rooms, restaurants, etc., as permitted

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in the district and as long as the accessory uses do not exceed the primary use in floor area or value.

BUFFER OR BUFFERYARD

A natural open space or landscaped area intended to separate and protect adjacent or contiguous uses or properties, including land uses abutting highly traveled highway corridors, from noise, lights, glare, pollutants or other potential nuisances.

BUILDING OR STRUCTURE

Any structure having a roof supported by columns or walls used as a place of occupancy, storage or shelter for the shelter of persons, animals or chattels.

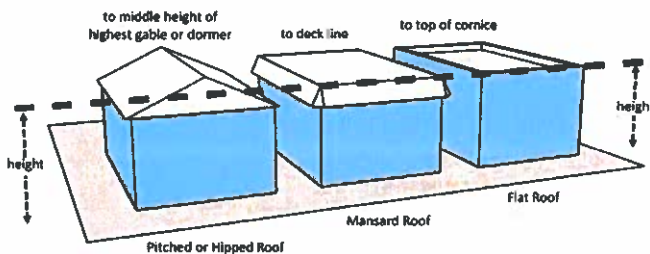
BUILDING FLOOR AREA

The total number of square feet area in a building, excluding uncovered steps, and uncovered porches, but including the basement and/or the total floor area of accessory buildings.

BUILDING HEIGHT

Of a wall or building, the vertical distance from the average finished grade at the front building line, or from the average established curb grade in front of the lot, if higher, to the highest point of the cornice on a flat roof, or the deck line of a mansard roof, or to the middle height of the highest level between eaves and ridge for gable or dormer in a pitched or hipped roof, hip, and gambrel roofs.

Illustration of Building Height



BUILDING LINE

A line parallel to the front property line of a yard beyond which the foundation wall and/or any enclosed porch, vestibule, or other enclosed portion of a building shall not project, except as provided for in this ordinance.

BUILDING OFFICIAL

The person designated as the official responsible for enforcing and administering all requirements of the Uniform Statewide Building Code in Franklin, Virginia.

BULK REGULATIONS

Controls that establish the maximum size of buildings and structures on a lot or parcel and the buildable area within which the structure may be placed, including

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lot coverage, height, setbacks, density, floor area ratio, open space ratio, and landscape ratio.

BUSINESS PARK

A group of commercial establishments located on a track of land set in park like surroundings which is planned, constructed, and managed by one or more entities with customer and employee parking provided on site. There is generally a unified aesthetic appearance, landscaping, and signage in accordance with an approved site plan. A business park shall include any "out parcels" under separate ownership or lease which contain complementary commercial enterprises within the boundaries of the business park.

[Added 3-25-2013 by Ord. No. 10-2013; amended 3-25-2013 by Ord. No. 11-2013]

CARWASH

Washing and cleaning of vehicles. Typical uses include automatic conveyor machines and self-service car washes.

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CEMETERY

A place used for interment of human or animal remains or cremated remains, including a burial park for earth interments, a mausoleum for vault or crypt interments, a columbarium for cinerary interments, or a combination thereof.

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CERTIFICATE OF OCCUPANCY

A document issued by the building official allowing the occupancy or use of a structure and certifying that the structure and/or site has been constructed and is to be used in compliance with all applicable plans, codes and ordinances.

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CHILD DAY CENTER

A child day program offered to (a) two or more children under the age of 13 in a facility that is not the residence of the provider or of any of the children in care or (b) 13 or more children in any location. Child day centers must have an outdoor play area of at least 40 square feet per child enrolled, but with a minimum outdoor play area of 1,000 square feet regardless of the number of children enrolled. The play area must be enclosed by a continuous fence not less than three feet in height which prevents children from leaving the premises and may not be located in the required front or side yard of the facility. This term includes day care centers, nursery schools and preschools. Unless exempt from licensing by statute, licenses for child day centers shall be obtained from the Commissioner of Social Services.

CHORD

A line segment joining any two (2) points of a circle.

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CLINIC

An institution, building, or part of a building where ambulatory patients receive health care. Included in this definition are urgent care facilities. An office building or a group of offices for one or more physicians, surgeons or other medical practitioners treating the sick or injured, but not including rooms for inpatients.

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CLUB

Buildings and facilities owned or operated by a corporation, association, fraternal/sororal organization, lodge, person or persons for members only and their guests for meetings, social, educational or recreational purposes, but not primarily for profit and not primarily to render a service which is customarily carried on as a business.

CLUSTER ZONING

Residential zoning that provides for a variation of lot sizes, but does not allow an increase in the overall density that would normally be allowed under the base zoning district.

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CO-LOCATION

The use of a single location structure and/or site by more than one (1) wireless communications service provider.

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COMBINATION USE

A use consisting of a combination of one (1) or more lots and two (2) or more principal uses separately listed in the district regulations.

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COMMERCIAL ACCESSORY APARTMENT

An apartment or apartments above a commercial use.

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COMMERCIAL INDOOR AMUSEMENT

Establishments which provide games of chance, skill or scoring other than an incidental use of the premises. Games would include pinball and video machines, pool and billiard tables, and other similar amusement or entertainment devices, whether or not they are coin-operated, and also card games, bingo, and off-track betting. Typical uses include game rooms, pool halls, video arcades, bowling alley and bingo parlors.

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COMMERCIAL INDOOR ENTERTAINMENT

Predominantly spectator uses conducted within an enclosed building. Typical uses include motion picture theaters, drama theaters, concert or music halls.

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COMMERCIAL OUTDOOR ENTERTAINMENT/SPORTS AND RECREATION

Predominantly spectator uses conducted in open or partially enclosed or screened facilities. Typical uses include motor vehicle, boat, motorcycle or animal racing

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facilities/complexes, drive-in movies, miniature golf, amphitheaters and outdoor amusement parks, motorized cart and motorcycle tracks, and motorized model airplane flying facilities. Professional and semi-professional athletic fields shall also be included in this use.

COMMERCIAL OUTDOOR SWIMMING POOL AND TENNIS FACILITY

Outdoor pools or tennis facilities operated by a commercial entity that are open to the general public usually requiring membership or some form of payment

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COMMERCIAL VEHICLE

A vehicle designed to have more than two (2) rear wheels on a simple axle. This shall not apply to pick-up body type trucks, passenger van type vehicles, or to vehicles essential for an agricultural use associated with the premises.

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COMMISSION

The city planning commission of Franklin, Virginia.

COMMUNICATION TOWER

A structure on which an antenna or dish is installed for the transmission, broadcasting or receiving of radio, television, radar, or microwaves, and similar types of devices. Included under this use type are aviation, radio, and cellular phone towers.

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COMMUNITY CENTER

A place, structure, or other facility used for providing civic and/or recreational programs generally open to the public and designed to accommodate and serve significant segments of the community.

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COMMUNITY RECREATION

A recreational facility for use solely by the residents and guests of a particular residential neighborhood, including indoor and outdoor facilities. These facilities are proposed or planned in association with development and are usually located within or adjacent to such development. Such uses may include clubhouses, swimming pools, workout facilities, and tennis courts.

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CONDITIONAL USE or SPECIAL EXCEPTION

A conditional use is a use that, because of special requirements or characteristics, may be allowed in a particular zoning district only after review and approval by the Board of Zoning Appeals as a special exception by imposing such conditions as necessary to make the use compatible with other uses permitted in the same zone or vicinity.

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CONDOMINIUM

A building or group of buildings containing three (3) or more residential units in which the units are owned individually and the structure, common areas and facilities are owned by all of the owners on a proportional, undivided basis and

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which has been created by the recordation of condominium instrument pursuant to the provision of Chapter 4.2 of the Title 55 of the Code of Virginia.

CONSTRUCTION OFFICE TEMPORARY

A trailer used as a temporary office during a construction operation. This use includes construction office trailers occupied in conjunction with a residential or nonresidential development. This use excludes residential construction on separately-owned, individual lots, not part of an overall residential development.

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CONSTRUCTION SALES AND SERVICE

Establishments or places of business primarily engaged in retail or wholesale, from the premises, of materials used in the construction of buildings or other structures, but specifically excluding motor vehicle or equipment supplies otherwise classified herein. Typical uses include building material stores and home supply establishments.

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CONSTRUCTION YARD

Establishments housing facilities of businesses primarily engaged in construction activities, including the outside storage of materials and equipment used for the business operations. Typical uses may include site work companies to include excavating and grading activities, roadway construction and utility companies, and other heavy construction companies.

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CONTRACTOR OFFICE AND STORAGE FACILITY

An establishment or place of business engaged in the construction of residential or commercial structures including trades that assist in building construction or remodeling including carpentry, electrical, masonry, painting, metalworking, flooring installation, ductwork, plumbing, heating, air conditioning, roofing and other similar trades.

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CONVENIENCE STORE

A store offering for sale a limited selection and quantity of groceries and other articles normally found in grocery stores, and which may also offer delicatessen or fast food items, and whose business is highly dependent on quick stops by work-related traffic and/or proximate developments or activities. A convenience store operation may also include self-service gasoline sales.

CONVENTIONAL TELEVISION OR RADIO ANTENNA

Any receiving antenna other than a satellite television antenna.

COUNTRY CLUB

See "Club."

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COURT

An open space which may or may not have direct street access and around which is arranged a single building or a group of related buildings.

CRISIS CENTER

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A facility providing temporary protective sanctuary for victims of crime or abuse, homelessness, including emergency housing during crisis intervention for individuals, including victims of such crimes, rape and abuse.

CULTURAL SERVICE

A library, museum, or similar public or quasi-public use displaying, preserving and exhibiting objects of community and cultural interest in one (1) or more of the arts or sciences. Such uses shall include, but are not limited to, libraries, museums, art galleries, and art centers.

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CUSTOM MANUFACTURING

Establishments primarily engaged in the on-site production of goods by hand manufacturing, within enclosed structures, involving the use of hand tools, and the use of mechanical equipment commonly associated with residential or commercial uses or a single kiln. Typical uses would include pottery, cabinet or woodwork shops.

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DAY CARE CENTER

An establishment where six or more children, excluding members of the family occupying the premises, are cared for. This term includes day nurseries, kindergartens and child care centers.

DECK

A structure, without a roof or walls, directly adjacent to and providing access to a principal building, which has an average elevation of thirty (30) inches or greater from finished grade, and which is considered as part of the principal building.

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DEVELOPMENT

Any manmade change to improved or unimproved real estate, including, but not limited to, buildings or other structures, the placement of manufactured homes, streets, and other paving, utilities, filling, grading, excavation, mining, dredging, drilling operations, or storage of equipment or materials.

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DISTRICT

Any area in the City of Franklin within which the zoning regulations are uniform.

DOCK OR PIER

Any structure extending into a body of water and used for landing or launching watercraft, for fishing or for otherwise providing access to the water.

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DRIPLINE

A vertical projection to the ground surface from the furthest lateral extent of a tree's leaf canopy.

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DRIVE-IN RESTAURANT

A retail food dispensing and eating establishment where patrons are permitted to park cars on premises and food or drinks are served to patrons in cars.

DRIVEWAY

A roadway providing access for vehicles to a parking space, garage, dwelling, or other structure. A driveway serves only one (1) or two (2) lots.

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DWELLING

A building or portion thereof occupied or intended to be occupied exclusively for residential purposes, including single-family dwellings, two-family dwellings, and multi-family, but not including a tent, travel trailer or mobile home or a room in a hotel or motel.

~~DWELLING GROUP~~

~~A residential development consisting of a part of a planned unit development consisting of any number of buildings, the arrangement of which makes it impracticable to apply all the requirements of this ordinance to the individual buildings.~~

DWELLING, SINGLE-FAMILY, DETACHED

A building designed for use, or occupied exclusively, by one family. Modular homes are included in this definition. Excluded from this definition are manufactured homes.

DWELLING, TWO-FAMILY OR DUPLEX

A building designed for or occupied exclusively by two families living independently of each other.

DWELLING, MULTIPLE-FAMILY

A building designed for or occupied exclusively by three or more families living independently of each other.

DWELLING, ATTACHED OR TOWNHOUSE

One of a series of three or more dwelling units separated from one another by common party walls without openings, i.e., townhouses.

DWELLING UNIT

A room or group of rooms physically arranged so as to create an independent housekeeping establishment for occupancy by one (1) family with toilets and facilities for cooking and sleeping separate from any other dwelling unit occupied or intended to be occupied as separate living quarters by a single family.

EDUCATIONAL FACILITY, PRIMARY/SECONDARY

A public, private or parochial school offering instruction at the elementary, junior and/or senior high school levels in the branches of learning and study required to be taught in the public schools of the Commonwealth of Virginia.

EDUCATIONAL FACILITY, COLLEGE/UNIVERSITY

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An educational institution authorized by the Commonwealth of Virginia to award associate, baccalaureate or higher degrees.

ELEVATION

A vertical distance above or below a fixed reference point.

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EMPLOYEE LIVING QUARTERS

A room or rooms within a single-family dwelling for persons employed therein.

EQUIPMENT SALES AND SERVICE

Establishments primarily engaged in the sale or rental of tools, trucks, tractors, construction equipment, and similar industrial equipment. Included in this use type is the incidental storage, maintenance, and servicing of such equipment.

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EVENT CENTER

A multipurpose facility with flexible indoor/outdoor space, typically used for activities such as weddings, conventions, meetings, job fairs, and trade shows.

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FACADE

That portion of any exterior elevation of the building extending from grade to top of the parapet, wall, or eaves and the entire width of the building elevation.

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FAMILY

A family shall be:

(1)

~~An individual, or two (2) or more persons related by blood, marriage or adoption, or a "A group of not more than four (4) unrelated persons not related by blood, marriage, adoption, guardianship or not living in an approved foster care program~~ living together as a single household in a dwelling unit; or

(2)

A group home as defined hereinbelow.

FAMILY DAY HOME

A child day program offered in the residence of the provider or the home of any of the children in care for one through 12 children under the age of 13, exclusive of the provider's own children and any other children who reside in the home, when at least one child receives care for compensation. The provider of a licensed or registered family day home shall disclose to the parents or guardians of children in their care the percentage of time per week that persons other than the provider will care for the children. Family day homes must be licensed if they serve six through 12 children, exclusive of the provider's own children or other

children residing in the home. However, no family day home shall care for more than four children under the age of two, including the provider's own children and any other children who reside in the home unless the family day home is licensed or voluntarily registered. A family day home where the children in care are all grandchildren of the provider shall not be required to be licensed. Unless exempt from licensing by statute, family day homes shall be licensed by the Commissioner of Social Services.

FLEA MARKET

Occasional or periodic commercial activities held in an open area or enclosed structure where groups of sellers rent space on a short-term basis to display, barter, or sell goods to the general public. A fee may be charged for expected buyers for admission, or a fee may be charged for the privilege of offering or displaying such merchandise. A flea market is composed of semi-closed or outdoor stalls, stands, or spaces.

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FLOOR AREA

~~The gross horizontal areas of all floors, including basements, cellars and penthouses in a building (but excluding such areas within a building which are used for parking) measured from the exterior faces of the exterior walls of a building.~~

FOSTER HOME

A residential institution providing care and guardianship for children whose parents are dead or unable to look after them. A foster care program in accordance with §§ 63.1-55.8 through 63.1-57 of the Code of Virginia, with no more than three foster children and no more than two live-in care-givers.

[Added 5-22-2006]

FREEBOARD

A factor of safety usually expressed in feet above a flood level for purposes of floodplain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization in the watershed. When a freeboard is included in the height of of a dstructure, the flood insurance premiums maybe less expensive.

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FRONTAGE

(1)

STREET FRONTAGE

All of the property on one side of a street between two intersecting streets (crossing or terminating), measured along the line of the street, or if the street is dead-ended, then all of the property abutting on one side between an intersecting street and the dead end of the street.

(2)

LOT FRONTAGE

A linear measurement in feet of the front property abutting a street where The distance for which the front boundary line of the lot and the street line are coincident.

FUNERAL HOME

A business establishment with facilities for the preparation of the dead for burial or cremation, for the viewing of the body and for funeral services, including any establishment known as a mortuary except for a morgue.

GARAGE, PRIVATE

An accessory building designed or used for the storage of not more than four motor-driven vehicles used by the occupants of the building to which it is an accessory and which is not operated as a separate commercial use.

GARAGE, PUBLIC

A building or portion thereof, other than a private garage, designed or used for equipping, servicing, repairing, hiring, selling or storing motor-driven vehicles.

GARDEN CENTER

Establishments engaged primarily in the retail sale of trees, shrubs, seeds, fertilizers, pesticides, plants, plant materials, and garden supplies, primarily for agricultural, residential and commercial consumers.

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GARDENING

Gardening is the practice of growing and cultivating plants as part of horticulture conducted on residential property by the occupant. In gardens, ornamental plants are often grown for their flowers, foliage, or overall enhancing appearance; useful plants, such as root vegetables, leaf vegetables, fruits, and herbs, are grown for consumption, for use as dyes, or for medicinal or cosmetic use. Gardening on residential properties shall have a manicured look and/or be confined to one or more contiguous areas. Gardens shall not be grown wildly, giving the appearance of weeds, particularly in the front or corner side yard, to the discretion of the Zoning Administrator.

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GASOLINE STATION

A facility for the retail sale of motor vehicle fuels, oils, and accessories, where repair is incidental, where no more than two (2) abandoned vehicles or other

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motor vehicles shall be stored on the premises. May include the sale of propane or kerosene as an accessory use.

GOLF COURSE

A tract of land for playing golf, improved with tees, greens, fairways, hazards, and which may include clubhouses and shelters. Included would be executive or par three (3) golf courses.

GOVERNMENTAL SERVICE

Governmental officials providing administrative, clerical or public contact services that deal directly with the citizen. Typical uses include federal, state and city offices.

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GRADE

The average level of the finished surface of the ground adjacent to the exterior walls of the building.

GREENHOUSE, COMMERCIAL

See "Garden Center."

GREENHOUSE, PRIVATE

The growing and storage of garden plants, shrubs, trees, flowers, vegetables, and other horticultural and floricultural products within a building whose roof and sides are made of glass or other transparent or translucent material. Items grown are used and/or consumed by the occupants of the premises.

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GROUP HOME

A dwelling unit in which not more than eight mentally ill, mentally retarded or developmentally disabled persons reside, with one or more resident counselors or other staff persons licensed by the Department of Mental Health, Mental Retardation and Substance Abuse Services, but not including persons whose mental illness or developmental disability entails current illegal drug use or addiction to a controlled substance.

GUEST HOUSE

Temporary living quarters within a detached accessory building located on the same premises with the main building for use by nonpaying guests of the occupants of the premises and not rented or otherwise used as a separate dwelling and not containing kitchen facilities.

HEIGHT

Of a wall or building, the vertical distance from the average finished grade at the front building line, or from the average established curb grade in front of the lot, if higher, to the highest point of the coping on a flat roof, or the deck line of a

mansard roof, or to the mean height level between eaves and ridge for gable, hip, and gambrel roofs.

HALFWAY HOUSE

An establishment providing accommodations, rehabilitation, counseling, and supervision to persons suffering from alcohol or drug addiction or similar disorders, and/or to persons re-entering society after being released from a correctional facility or other institution.

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HOME OCCUPATION

An accessory use of a dwelling unit for gainful employment involving the making, provision and sale of goods and/or services provided that:

(1)

No more than one person not residing in the dwelling shall be engaged in such occupation in the dwelling.

(2)

The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than 25 percent of the floor area of the dwelling unit shall be used in the conduct of the home occupation.

(3)

The outside of the dwelling shall not show any visible evidence of the conduct of such occupation other than one sign, not exceeding one square foot in area, nonilluminated and mounted flat against the wall of the dwelling.

(4)

No home occupation shall be conducted in any accessory building, except as may be authorized as a conditional use under a special exception by the board of appeals, taking into consideration the standards set forth herein.

(5)

No traffic shall be generated by such home occupation in greater volumes than would normally be expected in the neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street and other than in a required front yard.

(6)

A home occupation, or any equipment or process used in such occupation, shall not create any noise, hazard, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot, if the home occupation is conducted in a detached single-family dwelling, or outside the dwelling unit if conducted in any other form of dwelling. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receiver off the premises or causes fluctuation in line voltage off the premises.

(7)

Permitted home occupations not in violation of subsections (1) through (6) above.

a.

Dressmakers, seamstresses, tailors.

b.

Tutors, music teachers or dancing teachers limited to no more than two students at a time.

c.

Artists, craft persons, sculptors, authors, editors and photographers.

d.

Office of ministers, rabbis, priests and other religious leaders and teachers.

e.

Caterers.

f.

Office of architects, engineers and surveyors.

g.

Office of accountants, lawyers, physicians, dentists and other persons licensed by the Virginia Board of Health Professionals as independent practitioners.

h.

Office of computer programmers, consultants, bookkeepers, answering services, clerical or secretarial businesses, appraisers, sales representatives and manufacturers representatives.

i.

Persons in the business of repairing musical instruments, watches, clocks, small household appliances and other such items.

j.

The office of a contractor or other service business provided that (i) no more than one commercial vehicle with a gross vehicle weight of no more than 5,000 pounds shall be parked on the property or street adjacent to the property, (ii) no contracting equipment or materials shall be stored on the premises, except in a commercial vehicle used for transporting such equipment or materials between jobs, (iii) no unloading or loading shall be done on or in the vicinity of the premises and (iv) no work shall be done on the premises except clerical, administrative and bookkeeping work.

k.

Family day homes caring for no more than eight children, including children who reside in the home.

l.

One chair beauty or barber shops.

(8)

Prohibited home occupations:

a.

Realtors or insurance agents.

b.

Animal hospitals, stables or kennels.

c.

Tourist homes.

d.

Convalescent or nursing homes.

e.

Massage parlors.

f.

Restaurants.

g.

Mortuaries.

h.

Day care centers.

i.

Private clubs.

j.

Adult book store.

(9)

Any proposed home occupation not set forth in subsection (7) as a permitted use, and not prohibited under subsection (8) may be authorized as a conditional use under ~~as~~ a special exception by the board of appeals, taking

into consideration the standards set forth hereinabove in subsections (1) through (6).

(10)

A permit must be obtained from the zoning administrator in order to operate a home occupation.

HOSPITAL

A building or group of buildings, having room facilities for one or more patients, used for providing services for the in-patient medical or surgical care of sick or injured humans, and which may include related facilities such as laboratories, out-patient department, training facilities, central service facilities and staff offices; provided, however, that such related facility must be incidental and subordinate to the main use and must be an integral part of the hospital operation.

HOTEL

A building in which lodging or boarding and lodging are provided for persons primarily transient and offered to the public for compensation and in which ingress and egress to and from all rooms is made through an inside lobby or office supervised by a person in charge at all hours. A hotel may include restaurants, taverns or club rooms, public banquet halls, ballrooms and meeting rooms.

INDUSTRY, TYPE 1

Enterprises engaged in the processing, manufacturing, compounding, assembly, packaging, treatment or fabrication of materials and products, from processed or previously manufactured materials. Included would be assembly of electrical appliances, bottling and printing plants, and the manufacturing of paint, oils, pharmaceuticals, cosmetics, solvents and other chemicals, production of items made of stone, metal or concrete.

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INDUSTRY, TYPE 2

Enterprises in which goods are generally mass produced from raw materials on a large scale through use of an assembly line or similar process, usually for sale to wholesalers or other industrial or manufacturing uses. Included in this use type are industries involved in processing and/or refining raw material such as chemicals, rubber wood or wood pulp, forging, casting, melting, refining, extruding, rolling drawing, and/or alloying ferrous metals, and the production of large durable goods such as automobiles, manufactured homes, or other motor vehicles.

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INDUSTRY, TYPE 3

An establishment which has the potential to be dangerous or extremely obnoxious. Included are those in which explosives are stored, petroleum is

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refined, natural and liquid and other petroleum derivatives are stored and/or distributed in bulk, radioactive materials are compounded, pesticides, fertilizers and certain acids are manufactured, and hazardous waste is treated or stored as the establishment's principal activity.

JUNK

"Junk" shall mean all scrap materials, discarded equipment and household items, parts of vehicles, pieces of watercraft, and similar materials.

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KENNEL, COMMERCIAL

A ~~soundproof~~ enclosure or structure wherein ~~seven or more adult~~ dogs or cats ~~four months old or older~~ or a combination ~~thereof~~ ~~of seven or more adult dogs and cats~~ are kept for compensation for the purpose of breeding, hunting, training, renting or showing ~~or as a hobby~~ and from which they cannot escape. It shall not mean a structure, wall or fence used to demarcate a property line. ~~A kennel in which dogs and/or cats are boarded, trained, rented or bred for compensation shall be considered a commercial kennel.~~

KENNEL, PRIVATE

The keeping, breeding, raising, showing or training of dogs for personal enjoyment of the occupants on property of five (5) or more acres for which commercial gain is not the objective.

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LANDFILL, SANITARY

The use of land for the legal disposal of municipal solid waste derived from households, business and institutional establishments, including garbage, trash, and rubbish, and from industrial establishments, other than hazardous wastes as described by the Virginia Hazardous Waste Regulations.

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LAWN AND GARDEN SERVICES

Establishments primarily engaged in performing a variety of lawn and garden services, including Bermuda sprigging services, cemetery upkeep, garden maintenance, garden planting, lawn care, lawn fertilizing services, lawn mowing services, lawn mulching services, lawn seeding services, lawn spraying services, lawn sprigging services, mowing highway center strips and edges, seeding highway strips, sod laying and turf installation.

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LIFE CARE FACILITY

A residential facility primarily for the continuing care of the elderly, providing for transitional housing progressing from independent living in various dwelling units, with or without kitchen facilities, and culminating in nursing home-type care, where all related uses are located on the same lot. Such facility may include other services integral to the personal and therapeutic care of the residents.

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LIVE/WORK UNIT

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A live/work unit is defined as single unit consisting of both commercial space or office and a residential component that is occupied by the same resident.

LOT

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A parcel of land intended to be separately owned, developed, or otherwise used as a unit, established by plat, subdivision or as otherwise permitted by law. A portion or parcel of land abutting on a public street, devoted to a common use or occupied or available for occupancy by a principal building and its accessory building and uses, including all open spaces required by this ordinance.

LOT AREA

The total horizontal area within the lot lines of the lot.

LOT, CORNER

A lot abutting upon two or more streets at their intersection which streets or parts of streets form an angle within the lot of less than 135 degrees. Of the two sides of a corner lot, the front shall be deemed to be the shorter of the two sides fronting on the streets.

LOT, DEPTH

The mean horizontal distance between the front and rear lot lines.

LOT, WIDTH

The width of the lot measured at right angles to its center lines, at the front building setback line.

LOT AREA

The total horizontal area within the lot lines of the lot.

LOT LINE

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A line dividing one (1) from another lot or from a street or alley.

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MANUFACTURED OR MOBILE HOME, SINGLE- AND DOUBLE-WIDE

"Manufactured home" means a structure subject to federal regulations, which is transportable in one or more sections; is eight body feet or more in width and 40 body feet or more in length in the traveling mode, or is 320 or more square feet when erected on site; is built on a permanent chassis; is designed to be used as a single-family dwelling, with or without a permanent foundation when connected to the required utilities; and includes the plumbing, heating, air conditioning and electrical systems contained in the structure.

MEDICAL FACILITY

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Facilities which provide diagnoses, minor surgical care and outpatient care on a routine basis, but which does not provide overnight care or service as a base for an ambulance stop. This use also includes groups of medical offices and

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establishments primarily engaged in research or testing activities, such as laboratories.

MINI-STORAGE FACILITY

A commercial development of contiguous locked rental spaces to be individually leased by tenants for the purpose of storage of personal property.

[Added 2-25-2008]

MIXED-USE DEVELOPMENT Added by Ord. No. 2018-06, 6/25/2018

Mixed use development is intended as an improvement over traditional segregated-use zoning. It derives from a positive vision of a more desirable community. A mixed-used development must be one in that the purpose is to spur community revitalization, increase affordable housing opportunities, promote pedestrian and bicycle travel, reduce auto dependency, roadway congestion, and air pollution by co-locating multiple destinations, promote a sense of community and promote efficient use of land and infrastructure.

~~Permitted uses, residential housing unit considerations, densities and dimensional requirements are listed in A, B, and C below:~~

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~~(1)~~

~~Uses Permitted by special exception within the mixed use development:~~

- ~~a. Museums, cultural and/or social community facilities.~~
- ~~b. Public parks, playgrounds and community centers.~~
- ~~c. Research and development.~~
- ~~d. Business and professional offices.~~
- ~~e. Child/Adult day care facilities.~~
- ~~f. Retail sales and services.~~

~~g-~~

~~Restaurant.~~

~~h-~~

~~Personal services.~~

~~i-~~

~~Indoor and outdoor recreational facilities.~~

~~j-~~

~~Residential housing units.~~

~~k-~~

~~Any principal use permitted in the B-2 district, which in the opinion of the board of appeals, and under such conditions as it may determine, will not be detrimental to other uses permitted in the B-1 district.~~

~~(2)~~

~~Residential housing units in a mixed use development: Residential housing units of various types may be included in a mixed use development and contribute to mixed use character of the district as a whole. To qualify for a residential housing unit component within a mixed use development the applicant must integrate dwelling units with a proposed commercial development. Integration may be achieved by one or both of the following methods:~~

~~a-~~

~~Locating housing units above the ground floor of a commercial building, i.e., an accessory dwelling in a structure occupied principally for commercial uses.~~

~~b-~~

~~Constructing separate or attached residential housing units on the same lot provided they are located behind or to the side of a commercial development such that the commercial development would be the major structure seen from the street.~~

(3)

Density and Dimensional Rules: The following density and dimensional rules shall apply to multi-family housing within a mixed use development:

a-

No more than 50% of the gross floor area of the primary structures that contribute to the mixed area of a proposed mixed use development shall be used for multi-family dwelling units.

MODULAR CLASSROOM

Portable, prefabricated buildings which are constructed off site and used as temporary facilities in relation to expanding educational facilities.

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MODULAR HOME

See Dwelling, Single-family.

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MOTEL, MOTOR COURT, MOTOR HOTEL or MOTOR LODGE

Same as hotel, except that the building or buildings are designed primarily to serve tourists traveling by automobile and that ingress and egress to rooms need not be through a lobby or office.

MOTOR VEHICLE DEALERSHIP

The use of a building, land area or other premises for the display of new and used automobiles, trucks and motorcycles for sale or lease, including warranty repair work and other major and minor repair service conducted as an accessory use.

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MOTOR VEHICLE PARTS/SUPPLY RETAIL

Retail sales of automobile parts and accessories. Typical uses include automobile parts and supply stores which offer new and factory rebuilt parts and accessories, and include establishments which offer minor automobile repair services, secondary and incidental to the primary use.

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MOTOR VEHICLE, RENTAL

Rental of motor vehicles and light trucks and vans, including incidental parking and servicing of vehicles for rent or lease. Typical uses include auto rental agencies and taxicab dispatch areas.

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MOTOR VEHICLE REPAIR SERVICE, MAJOR

Repair of construction equipment, commercial trucks, agricultural implements and similar heavy equipment, including automobiles, where major engine and transmission repairs are conducted. Typical uses include automobile and truck repair garages, transmission shops, radiator shops, body and fender shops, equipment service centers, machine shops and other similar uses where major repair activities are conducted.

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MOTOR VEHICLE REPAIR SERVICE, MINOR

Repair of automobiles, noncommercial trucks, motorcycles, motor homes, recreational vehicles, or boats, including the sale, installation, and servicing of equipment and parts. Typical uses include tire sales and installation, wheel and brake shops, oil and lubrication services, automobile glass repair and similar repair and service activities where minor repairs and routine maintenance are conducted.

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MUSEUM

See "cultural service."

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NONCONFORMING USE

The otherwise legal A-use located inof a building or structure or a tract of land on premises which is lawful despite the fact that the use does not conform to the use regulations of this ordinance for the district in which it is located, either at the effective date of this ordinance or as a result of subsequent amendments to the provisions of this ordinance or amendments thereto for the district in which it is located.

NONCONFORMING BUIDING OR STRUCTURE

An otherwise legal building or structure that does not conform with the yard, height, maximum density or other bulk regulations, or is designed or intended for a use that does not conform to the use regulations, of this ordinance for the district in which it is located either at the effective date of this ordinance or as a result of subsequent amendments.

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NONCONFORMING LOT

An otherwise legally platted lot that does not conform to the minimum area or width requirements for the district in which it is located either at the effective date of this ordinance or as a result of subsequent amendments to this ordinance.

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NONCONFORMING SITE

An otherwise legal site for which existing improvements do not conform to the lot coverage, bufferyard, landscaping, parking and other site requirements setforth in the zoning or special overlay district in which it is located either at the effective date of this ordinance or as a result of subsequent amendments to this ordinance.

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NURSING, CONVALESCENT, OR REST HOME

Any institution however named, whether conducted for charity or for profit, which is advertised, announced or maintained for the express or implied purpose of caring for two or more nonrelated persons admitted thereto for the purpose of nursing or convalescent care. Nursing and convalescent care includes care given because of prolonged illness or defect or during the recovery from injury or disease, and includes any and all of the procedures commonly employed in

waiting on the sick, such as administration of medicine, preparation of special diets, giving of bedside care, application of dressing and bandages, and the carrying out of treatments prescribed by a duly licensed practitioner of medicine.

OFFICE/INSTITUTION

Use of a site for business, professional, medical or administrative offices, including banks and other financial institutions, medical offices, real estate, insurance, management, travel or other business, government offices, organization and association offices, law, architectural, engineering, accounting, corporate or other professional offices. This definition excludes hospitals, clinics, laboratories and other medical facilities.

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OPEN SPACE

An area that is intended to provide light and air, and is designed, depending upon the particular situation, for environmental, scenic or recreational purposes. Open space may include, but need not be limited to, lawns, decorative plantings, walkways, active and passive recreation areas, playgrounds, fountains, swimming pools, wooded areas, and watercourses. Open space shall not be deemed to include structures, driveways, parking lots or other surfaces designed or intended for vehicular traffic.

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PARK AND RIDE FACILITY

A publicly owned, short-term parking facility for commuters.

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PAWN SHOP

A use engaged in the loaning of money on the security of property pledged in the keeping of the pawnbroker and the incidental sale of such property.

PORTABLE ON DEMAND STORAGE UNITS

Also known as a POD, a large container used for temporary storage. A POD is hauled to the property, loaded with items, hauled from the property and stored in a storage yard.

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POST OFFICE

Postal services directly available to the consumer operated by the United States Postal Service.

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PRINCIPAL BUILDING

A building or structure in which the primary or main use of the property on which the building is located is conducted and distinguished from an accessory or secondary building or structure on the same premises.

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PRINCIPAL USE

A use which represents the primary or main use of the land or structure which is distinguished from an accessory use on the same premises.

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PROFFER

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A condition voluntarily offered by the applicant and owner for a rezoning that limits or qualifies how the property in question will be used or developed. This definition includes cash proffers.

PUBLIC ACCESS EASEMENT

A right of ingress and egress over privately owned land to and from the premises of a lot owner(s) to a publicly maintained street, which right to enjoyment is vested in the public generally.

PUBLIC LIBRARY

See "cultural service." A nonprofit library established for the use of the general public and often supported with public funds.

PUBLIC MAINTENANCE AND SERVICE FACILITY

A government owned or operated facility supporting maintenance, repair, vehicular or equipment servicing, material storage, and similar activities.

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PUBLIC PARK OR PLAYGROUND

Government owned and operated park, picnic area, playground, indoor or outdoor athletic facility, game preserve and open space.

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[Added 4-9-2007]

PUBLIC SAFETY SERVICE

Facility for the conduct of safety and emergency services for the primary benefit of the public, whether publicly or privately owned and operated, including police and fire protection services, emergency medical and ambulance services, and helicopter landing sites.

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PUBLIC SCHOOL

Any building or group of buildings the use of which meets the state requirements for primary, secondary, or higher education, and secures the majority of its funding from a governmental agency.

PUBLIC SPORTS/EVENT CENTER

Facilities owned and operated by a government or quasi-government agency accommodating public assembly for indoor or outdoor sports, amusements, or entertainment purposes. Typical uses include auditoriums, sports auditorium, convention facilities, fairgrounds, and incidental sales and exhibition facilities.

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[Added 4-9-2007]

PUBLIC UTILITY, NEIGHBORHOOD

A service which is necessary to support development within the immediate vicinity and involve only minor structures. Included in this use type are distribution lines and small facilities that are underground or overhead, such as transformers, relay and booster devices, remote switching stations, well water and sewer pump stations.

PUBLIC UTILITY, COMMUNITY MAJOR

A service of a regional nature which normally entails the construction of new buildings or structures such as generating plants and sources, electrical switching facilities, and stations or substations, community wastewater treatment plants, and water supply and production in excess of fifty thousand (50,000) gallons per day. Included in this definition are also electric, gas and other utility transmission lines of a regional nature that are not otherwise reviewed and approved by the Virginia State Corporation Commission.

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RAILROAD

A track or set of tracks made of steel rails along which passenger and freight trains run.

REAL ESTATE OFFICE, TEMPORARY

A class A or B manufactured home, single-fame home or other structure used on a temporary basis as a real estate sales office in conjunction with residential development. This shall not include residential on separately-owned individual residential lots, not part of an overall residential subdivision.

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RECREATION, ACTIVE

Leisure activities, usually organized and performed with others, often requiring equipment and constructed facilities, taking place at prescribed places, sites or fields. The term active recreation includes, but is not limited to, swimming, tennis, and other court games, baseball and other field sports, golf and playground activities.

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RECREATION, PASSIVE

Recreation that involves existing natural resources and has a minimal impact. Such recreation does not require development of the site nor any alteration of existing topography. Such passive recreation shall include, but not be limited to, hiking, picnicking, and bird watching.

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RECREATIONAL VEHICLE OR TRAVEL TRAILER

A vehicle designed to be self-propelled or permanently towable, and not designed for use as a permanent dwelling but as temporary living quarters for recreational camping, travel, or seasonal use. This term shall also include watercraft and travel trailers.

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REHABILITATION SERVICE

A use providing recuperative or similar services for persons requiring rehabilitation assistance as a result of physical, mental illness, alcoholism, detention, drug addiction, or similar conditions for only part of a twenty-four-hour day.

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RESTAURANT

An establishment engaged in the preparation of food and beverages for either take-out, delivery or table service.

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RETAIL SALES

Sale or rental with incidental service of goods and merchandise for personal or household use which is not otherwise specifically described in the listing of commercial uses contained herein. Such uses include bakeries, grocery stores, drugstores, clothing and shoe stores, pet stores, florists, pawn shops, restaurants, hardware and appliance stores, novelty stores, gas stations and convenient stores.

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RETAIL SERVICE

Establishment or place of business engaged in the provision of frequently or recurrently needed services of a personal nature. Typical uses include beauty and barber shops, grooming/boarding of pets, printing shops, seamstress, tailors, shoe repair, laundromat and dry-cleaning, massage therapy, fitness/training centers, dance studio, driving school, and nail salons.

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RIGHT-OF-WAY

A strip of land occupied or intended to be occupied by a street, crosswalk, railroad, electric transmission line, oil or gas pipeline.

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ROOMING HOUSE or BOARDINGHOUSE

A dwelling or part thereof where meals and/or lodging are provided for compensation from one to six persons.

ROUTE 58 CORRIDOR HIGH-RISE SIGN

An on-premises freestanding sign that is located on any parcel of land zoned B-3 General Business or Industrial with any part of the parcel located within 500 feet of the Route 58 by-pass right of way within the cooperate limits of the City of Franklin. These signs shall be permitted for businesses and developments for the purpose of attracting non-local traffic from the by-pass. Such signs shall be allowed within the cooperate limits of the City. ~~Route 58 corridor high-rise signs shall be allowed when the following requirements are met:~~

~~{Added 3-25-2013 by Ord. No. 10-2013; amended 3-25-2013 by Ord. No. 11-2013}~~

~~(1)~~

~~There shall be no more than (1) high-rise sign structure per parcel.~~

~~(2)~~

~~All parcels shall be three (3) acres or larger in size.~~

~~(3)~~

~~The high-rise sign structure shall have no more than (4) individual signs.~~

~~(4)~~

~~The maximum sign height shall be 190 feet and.~~

~~(5)~~

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The high-rise signs shall observe a setback requirement of twenty (20) feet from all street right of way or lot boundary lines. However, there shall be no setback from the Route 58 by-pass right of way.

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(6)

Route 58 corridor high-rise signs shall be located no closer than 200 feet from a residentially-zoned property.

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(7)

If a high-rise sign is utilized, only one other freestanding monument ground sign will be allowed in accordance with § 22.3(b)(2)(a)(4).

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(8)

Directional signs for internal traffic circulation shall be allowed so as not obstruct sign vision at intersections within a public way.

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(9)

All Route 58 Gateway high-rise signs shall comply with all other local, state and federal regulations.

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The zoning administration shall interpret the above requirements of the definition for locations for close proximity to residentially-zoned property, the Route 58 by-pass and purpose and intent of this article under the following circumstances:

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a. The site is exceptionally narrow or shallow, has an odd size, shape or topography in physical dimension.

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b. There exists a unique relationship to adjacent properties or properties in the vicinity.

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SATELLITE TELEVISION ANTENNA

See "Antenna". An apparatus capable of receiving communications from geostationary orbital satellites.

SCREENING

The act of visually shielding or obscuring one (1) abutting or nearby structure or use from another by fencing, wall, berms, or required planted vegetation.

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SERVICE STATION

Any building, structure or land used for the dispensing, selling or offering for sale at retail of any automobile fuels, oils, or accessories, including lubrication of automobiles and replacement or installation of minor parts and accessories, but not including major repair work such as motor replacement, body and fender repair or painting.

SETBACK

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The required minimum horizontal distance between the building line and the related front, side, or rear property line. A setback is meant from a street not a driveway.

SETBACK LINE

A line within a lot parallel to a corresponding lot line, which is the boundary of any specified front, side, or rear yard, or the boundary of any public right-of-way whether acquired in fee, easement, or otherwise, or a line otherwise established to govern the location of buildings, structures or uses.

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SHIPPING CONTAINER

Primarily a metal container used to pack, ship and store goods. On land they are kept in shipping or storage yards.

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SHOPPING CENTER

A group of commercial establishments planned, constructed, and managed by one or more entities with customer and employee parking provided on site. There is generally a unified aesthetic appearance, landscaping, and signage in accordance with an approved site plan. A shopping center shall include any "out parcels" under separate ownership or lease which contain complementary commercial enterprises within the boundaries of the shopping center.
[Added 4-9-2007]

SHRUB

A relatively low growing, woody plant typified by having several permanent stems instead of a single trunk.

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SHRUB, DECIDUOUS

Any shrub which sheds its foliage during a particular season of the year.

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SHRUB, EVERGREEN

Any shrub which retains its foliage throughout the entire year.

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SLOPE

The degree of deviation of a surface from the horizontal, usually expressed as a percentage. Slope shall be measured as the vertical rise or fall to horizontal distance of terrain measured perpendicular to the contour lines at horizontal intervals of more than ten (10) feet.

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STABLE, COMMERCIAL

The boarding, breeding or raising of horses or ponies not owned by the owner or occupant of the property or riding of horses by other than the owner or occupant of the property and their non-paying guests. Included in this definition are riding academies. A tack shop is also included in this use type as an accessory use.

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STABLE, PRIVATE

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The keeping, breeding or raising of horses or ponies, exclusively for the personal use and enjoyment of the owner or occupant of the property or the riding of horses or ponies by the owner or occupant of the property and their guests.

STORY

That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the ceiling.

STORY, HALF

A partial story under a gable, hip or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than four feet above the floor of such story; provided, however, that any such story used as a separate dwelling unit shall be deemed a full story.

STREET

Any developed public right-of-way not less than 30 feet in width which provides a primary means of public access to abutting property.

STREET LINE

A dividing line between a lot, tract or parcel of land and a contiguous street.

STRUCTURE

Anything constructed, the use of which requires permanent location on the ground or attachment to something having a permanent location on the ground.

STUDIO, FINE ARTS

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A building or portion thereof, used as a place of business for visual art, which may include sculptors, artists or photographers.

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SUBDIVISION

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The division or resubdivision of a lot, tract, or parcel of land by any means into two (2) or more lots, tracts, parcels or other divisions of land, including changes in existing lot lines for the purpose whether immediate or future, of lease, transfer of ownership or building or lot development.

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TATTOO PAROR

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Any establishment placing designs, letters, scrolls, figures, symbols or any other mark upon or under the skin of any person with ink or other substance resulting in the permanent coloration of the skin, including permanent makeup or jewelry, by the aid of needles or any other instrument designed to touch or puncture skin, except when performed by a medical doctor, veterinarian, registered nurse or other medical professional licensed pursuant to Title 54.1 of the Code of Virginia in the performance of professional duties. Such establishment may also perform body piercing.

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TAXIDERMY

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A building where animal skins are prepared, stuffed and mounted for sale.

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TEMPORARY FAMILY HEALTH CARE STRUCTURE Added by Ord. No. 2018-04, 6/25/2018

A transportable residential structure, providing an environment facilitating a caregiver's provision of care for a mentally or physically impaired person, that (i) is primarily assembled at a location other than its site of installation; (ii) is limited to one occupant who shall be the mentally or physically impaired person or, in the case of a married couple, two occupants, one of whom is a mentally or physically impaired person, and the other requires assistance with one or more activities of daily living as defined in section 63.2-2200, as certified in writing by a physician licensed in the Commonwealth; (iii) has no more than 300 square feet of gross floor area; and (iv) complies with applicable provisions of the Industrialized Building Safety Law (section 36.70 et seq.) and the Uniform Statewide Building Code (section 36.97 et. seq.). Placing the temporary family health care structure on a permanent foundation shall not be required or permitted. Additional Statutory regulations for the use of a temporary family health care structure are located in Section 15.2-2298.1 of the Code of Virginia.

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TOWING SERVICE STORAGE YARD

An outdoor area or yard used by a tow service for the storage of inoperable, junk, or wrecked motor vehicles, with or without consent of the owner.

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TOWNHOUSE

See "Dwelling, Attached."

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TRAILER PARK or MOBILE HOME COURT

That area of land on which two or more manufactured homes or mobile homes being used for living purposes are parked.

TRANSFER STATION

Any storage or collection facility which is operated as a relay point for municipal solid waste which ultimately is transferred to a landfill.

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TRIP GENERATION

The number of trip ends caused, attracted, produced, or otherwise generated by a specific land use, activity, or development in accordance with the latest edition of the Trip Generation Manual, published by the Institute of Transportation Engineers.

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TRUCK STOP

An establishment containing a mixture of uses which cater to the traveling public and in particular motor freight operators. A truck stop might include such uses as fuel pumps, restaurants, overnight accommodations, retail sales related to the motor freight industry, and similar uses.

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TRUCK TERMINAL

See "warehousing and distribution."

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VARIANCE

A waiver of the dimensional and numeric requirements of this ordinance approved by the Board of Zoning Appeals.

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VETERINARY HOSPITAL/CLINIC

Any establishment rendering surgical and medical treatment of animals. Boarding of animals shall only be conducted indoors, on a short-term basis, and shall only be incidental to such hospital/clinic use, unless also authorized and approved as a commercial kennel.

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WAREHOUSING AND DISTRIBUTION

Uses including storage, warehousing and dispatching of goods within enclosed structures, or outdoors. Typical uses include storage warehouses, truck terminals and moving/storage firms.

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WATERCRAFT

Any vessel that is used or capable of being used as a means of transportation on water and is propelled by machinery, whether or not the machinery is the principal source of propulsion, as defined by the Code of Virginia.

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WORKSHOP

An attached or detached building on the same lot as the primary dwelling where manual, mechanical, crafts, art, and other similar activities are conducted as a hobby and not primarily for compensation. Excluded from this definition is a Home Occupation, which is defined separately.

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YARD

An open space, other than a court, on a lot, unoccupied and unobstructed from the ground upward, except as otherwise provided in this ordinance.

YARD, FRONT

An open space extending the full width of the lot, between a building and the front lot line, unoccupied and unobstructed by buildings except as otherwise provided in this ordinance.

YARD, REAR

An open space extending the full width of the lot, between a building and the rear lot line, unoccupied and unobstructed by buildings except as hereinbefore specified.

YARD, SIDE

An open space extending from the front yard to the rear yard between a building and the side lot line, unoccupied and unobstructed by buildings except as hereinbefore specified.

ZERO LOT LINE

The location of a structure on a lot in such a manner that one (1) of the structure's sides rest directly on a lot line.

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ZONING ADMINISTRATOR

The person designated as the official responsible for enforcing and administering all requirements of the City of Franklin Zoning Ordinance, or his duly authorized designee.

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ZONING, BASE DISTRICT

Those base underlying zoning districts other than special overlay districts set.

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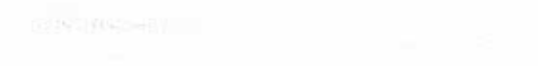
ZONING, SPECIAL OVERLAY DISTRICT

A district, which is placed over the existing base zoning and imposes additional restrictions.

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[1]

Editor's Note: Former Subsection (1) was repealed 5-22-2006. This ordinance also renumbered Subsections (2) and (3) to Subsections (1) and (2), respectively.



Appendix D. Zoning Ordinance

ARTICLE III. R-O One-Family Residence District Use Regulations

§ 3.1. Purpose of the district.

The purpose of residential district, R-O, is to provide for lower density, single-family, ~~detached~~ residential development and related uses, including those public and semi-public uses and accessory uses as may be necessary or are normally compatible with residential surroundings.

§ 3.2. Permitted principal uses.

[Amended by Ord. No. 6-12-2000(2); Ord. of 4-28-2002(3); Ord. of 10-11-2021??]

- (a) ~~Single~~One-family ~~detached~~ dwelling, ~~detacheds~~.
- (b) Public park ~~or playgrounds~~.
- ~~(c)~~ ~~Public playgrounds~~.
- ~~(d)~~ ~~Truck garden, orchard, or nursery for growing or propagation of plants, trees and shrubs, including temporary stands for seasonal sale of products raised on the premises and gardening and general farming not including commercial chicken farms, hog farms, fur farms or the raising of other creatures to such an extent as to be objectionable to surrounding residents. No retail or wholesale business office or store may be operated in this district.~~
- ~~(e)~~(c) Existing railroad lines, not including switching or storage yard, or other station facilities.
- ~~(f)~~(d) Public ~~utility, neighborhood~~water and sanitary facilities, ~~except sewage treatment or dispos~~plants.
- ~~(g)~~(e) Cluster zoning in accordance with the provisions of article ~~XV~~II of this zoning ordinance.
- (f) Family day homes ~~caring for no more than eight children including children residing in the home~~.
- ~~(h)~~(g) ~~Community recreation~~.

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§ 3.3. Permitted conditional uses.

[Amended by Ord. No. 6-12-2000(2); Ord. of 2-25-2002(5); Ord. of 4-28-2002(3); Ord. of 10-11-2021??]

Certain uses shall be conditionally permitted in the R-O district, when authorized as a special exception by the board of appeals.

(1) Two-family dwelling.

~~(1)(2) Public maintenance and service facility~~ utility buildings and structures necessary to the furnishing of proper service in the area not including storage or maintenance yards.

~~(2) Club, country clubs,~~

~~(3)~~

~~(3)(4) Golf courses and similar recreational uses of a noncommercial nature.~~

(5) Hospital,

(6) Nursing home,

(7) Funeral home, ~~and~~

~~(4)(8) Cemetery~~ ies.

~~(5)(9) Child day centers.~~

~~(6)(10) Antenna and/or Satellite television antennas or ground-mounted conventional television or radio antennas,~~ as accessory uses to a permitted principal use. (See Article XXIII of this zoning ordinance.)

~~(7)(11) Bed and breakfast inn.~~

(12) Churches,

(13) Educational facility, primary/secondary.

(14) Educational facility, college/university, public and private schools,

(15) Cultural Service, public libraries and museums and

~~(16) Community center, not operated for commercial purposes.~~

~~(8)(17) Kennel, commercial~~

~~(9)(18) Dog kennel, private other than boarding or other commercial kennels~~ on a tract of five or more acres.

~~(10)(19) Adult day care centers.~~

~~(11)(20) Adult day treatment facility~~ ies.

~~(12)(21) Assisted living facility~~ ies.

~~(13)(22) Family day homes~~ caring for nine or more children.

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§ 3.4. Permitted accessory uses.

[Amended by Ord. of 11-24-1997(2); Ord. No. 2005-16, 6-13-2005]

Accessory uses, customarily incidental to a permitted principal use or a conditional use, are allowed on the same lot including but not limited to the following:

- (1) Private garages or carports.
- (2) Storage buildings other than shipping containers, sea containers, freight containers, portable storage units and like containers.
- (3) Guest homes.
- (4) Workshops.
- (5) **Employee living quarters within a one-family dwelling for persons employed therein.**
- (6) Home occupations.
- (7) Signs, as permitted by article XXII of this ordinance.
- (8) Fences and walls as permitted in § 2.9 of this ordinance.
- ~~(9) Temporary family health care structure. [Added by Ord. No. 2018-07, 6-25-2018]~~
- ~~(10) Accessory dwelling unit. [Added by Ord. No. 2018-08, 6-25-2018] Foster homes.~~
- ~~(9)(11) Gardening (no zoning permit required).~~
[Added 5-22-2006¹]
- ~~(1) — Editor's Note: This ordinance also renumbered former Subsection (9) to Subsection (10).~~
- ~~(10)(12)~~ Additional provisions dealing with the location, size and height of accessory structures are found in § 19.2(11) of this ordinance.

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§ 3.5. Minimum lot area.

[Amended 8-28-2006 and 10-25-2021]

The minimum lot area shall be twenty thousand (20,000) square feet. Refer to article XIX for exceptions to the minimum lot area.

§ 3.6. Setback regulations.

[Amended by Ord. of 11-24-1997(3)]

All structures shall be set back at least fifty (50) feet from the right-of-way of the following streets: Clay Street, South Street, Armory Drive, College Drive and Hunterdale Road. All structures shall be set back at least forty (40) feet from the right-of-way of all other public streets. Pursuant to subsection 19.2(5), for the purpose of calculating setbacks no street shall be considered to have a right-of-way less than fifty (50) feet Wide.

§ 3.7. Minimum lot frontage and width.

[Amended 8-28-2006 and 10-25-2021]

- (1) The minimum lot frontage and width shall be one hundred (100) feet.
 - a. Frontage shall be measured along the front property line abutting a public street.
 - b. Width shall be measured at the setback line.
- (2) The minimum frontage on a cul-de-sac shall be no less than fifty percent (50%) of minimum lot frontage; however, the minimum width at the setback line shall be deemed to be where the lot meets one hundred (100) feet of width.
- (3) In the case that there are existing lots of record in a subdivision having a width that would require a front setback to be lesser or greater than the other lots within the subdivision, the setback met by the majority of the lots within the same block shall be required, provided that in no case shall the front yard be reduced to less than fifteen (15) feet.

§ 3.8. Yard regulations.

[Amended by Ord. of 11-24-1997(4)]

This section sets forth the minimum yard dimensions in the district. Additional provisions dealing with size and special circumstances can be found in article XIX.

- (1) Side yards. The minimum width of a side yard for single family residences shall be ten (10) feet for one yard and twenty (20) feet for both yards. The minimum width of a side yard for other uses shall be twenty (20) feet for one yard and forty (40) feet for both yards.
- (2) Side yards for corner lots. The minimum width of side yards for corner lots for all uses is as set forth in subsections 19.2(7)b. and c.
- (3) Rear yard. The minimum depth of the rear yard shall be at least forty (40) feet from the principal permitted structure.
- (4) Front yard. Except as provided for in article XIX, front yard regulations are set forth in § 3.6 of this article.

§ 3.9. Height regulations.

The maximum height of all structures shall not exceed fifty (50) feet and may not exceed three (3) stories.

§ 3.10. ~~Special provisions for corner lots~~ Yard Variations.

Are as set forth in § 19.2(6),(7) and (8).

§ 3.11. Sign regulations.

All provisions for the regulation of signs in this district are found in article XXII.

§ 3.12. Parking regulations.

All provisions for the regulation of parking in this district are found in article XVIII.

§ 3.13. Floodplain regulations.

Floodplain regulations that apply to certain properties within the district are set forth in article XXI.

§ 3.14. Aircraft approach zone regulations.

Certain properties within the district may also be located within the aircraft approach zone. Applicable regulations are found in article XX.

~~ARTICLE IV. R-OA One Family Residence District Use Regulations~~

~~§ 4.1~~

~~The purpose of residential district, R-OA, is to provide for low density, single-family, detached residential development and related uses, including those public and semi-public uses and accessory uses as may be necessary or are normally compatible with residential surroundings.~~

~~§ 4.2~~

~~Permitted principal uses:~~

~~[Amended by Ord. No. 6-12-2000(3); Ord. of 4-8-2002(3)]~~

~~(a)~~

~~One-family detached dwellings.~~

~~(b)~~

~~Public parks.~~

~~(c)~~

~~Public playgrounds.~~

~~(d)~~

~~Truck garden, orchard, or nursery for growing or propagation of plants, trees and shrubs, including temporary stands for seasonal sale of products raised on the premises and gardening and general farming not including commercial chicken farms, hog farms, fur farms or the raising of other creatures to such an extent as to be objectionable to surrounding residents. No retail or wholesale business office or store may be operated in this district.~~

~~(e)~~

~~Existing railroad lines, not including switching or storage yards, or other station facilities.~~

~~(f)~~

~~Public water and sanitary facilities, except sewage treatment or disposal plants.~~

~~(g)~~

~~Cluster zoning in accordance with the provisions of article XVII of this zoning ordinance.~~

~~(h)~~

~~Family day homes caring for no more than eight children including children residing in the home.~~

~~§ 4.3~~

~~Permitted conditional uses:~~

~~[Amended by Ord. No. 6-12-2000(3); Ord. of 2-25-2002(8); Ord. of 4-8-2002(3)]~~

~~Certain uses shall be conditionally permitted in the R-OA district, when authorized as a special exception by the board of appeals.~~

~~(1)~~

~~Public utility buildings and structures necessary to the furnishing of proper service in the area not including storage or maintenance yards.~~

~~(2)~~

~~Country clubs, golf courses and similar recreational uses of a noncommercial nature.~~

~~(3)~~

~~Hospitals, nursing homes, funeral homes and cemeteries.~~

~~(4)~~

~~Child day centers.~~

~~(5)~~

~~Satellite television antennas or ground-mounted conventional television or radio antennas, as accessory uses to a permitted principal use in accordance with article XXIII.~~

~~(6)~~

~~Bed and breakfast inn.~~

~~(7)~~

~~Churches, public and private schools, public libraries and museums and community centers not operated for commercial purposes.~~

~~(8)~~

~~Dog kennels other than boarding or other commercial kennels on a tract of five or more acres.~~

~~(9)~~

~~Adult day care centers.~~

~~(10)~~

~~Adult day treatment facilities.~~

~~(11)~~

~~Assisted living facilities.~~

(12)

~~Family day home caring for nine or more children.~~

~~§ 4.4~~

~~Permitted accessory uses.~~

~~[Amended by Ord. of 11-24-1997(2); Ord. No. 2005-16, 6-13-2005]~~

~~Accessory uses, customarily incidental to a permitted principal use or a conditional use, are allowed on the same lot including but not limited to the following:~~

(1)

~~Private garages or carports.~~

(2)

~~Storage buildings other than shipping containers, sea containers, freight containers, portable storage units and like containers.~~

(3)

~~Guest homes.~~

(4)

~~Workshops.~~

(5)

~~Living quarters within a one-family dwelling for persons employed therein.~~

(6)

~~Home occupations.~~

(7)

~~Signs, as permitted by article XXII of this ordinance.~~

(8)

~~Fences and walls as permitted in § 2.0 of this ordinance.~~

(9)

~~Foster homes.~~

~~[Added 5-22-2006{1}]~~

~~(1)~~

~~Editor's Note: This ordinance also renumbered former Subsection (9) to Subsection (10).~~

~~(10)~~

~~Additional provisions dealing with the location, size, and height of accessory structures are found in § 10.2(11) of this ordinance.~~

~~§ 4.5~~

~~Minimum lot area.~~

~~The minimum lot area shall be 15,000 square feet. Refer to article XIX for exceptions to the minimum lot area.~~

~~§ 4.6~~

~~Setback regulations.~~

~~[Amended by Ord. of 11-24-1997(3)]~~

~~All structures shall be set back at least 40 feet from the right-of-way of all public streets. Pursuant to subsection 10.2(5), for the purpose of calculating setbacks no street shall be considered to have a right-of-way less than 50 feet wide.~~

~~§ 4.7~~

~~Minimum lot frontage.~~

~~The minimum lot frontage shall be 100 feet at the front setback line.~~

~~§ 4.8~~

~~Yard regulations.~~

~~[Amended by Ord. of 11-24-1997(4)]~~

~~This section sets forth the minimum yard dimensions in the district. Additional provisions dealing with size and special circumstances can be found in article XIX.~~

~~(1)~~

~~Side yards. The minimum width of a side yard for single-family residences shall be ten feet for one yard and 20 feet for both yards. The minimum width of a side yard for other uses shall be 20 feet for one yard and 40 feet for both yards.~~

~~(2)~~

~~Side yards for corner lots. The minimum width of side yards for corner lots for all uses is as set forth in subsections 10.2(7)b. and c.~~

~~(3)~~

~~Rear yard—The minimum depth of the rear yard shall be at least 40 feet from the principal permitted structure, if it is a single family dwelling unit. For all other principal permitted structures, the minimum depth of the rear yard shall be at least 50 feet.~~

~~(4)~~

~~Front yard—Except as provided for in article XIX, front yard regulations are set forth in § 4.6 of this article.~~

~~§ 4.9~~

~~Height regulations.~~

~~The maximum height of all structures shall not exceed 50 feet and may not exceed three stories.~~

~~§ 4.10~~

~~Special provisions for corner lots.~~

~~Are as set forth in § 19.2(7).~~

~~§ 4.11~~

~~Sign regulations.~~

~~All provisions for the regulation of signs in this district are found in article XXII.~~

~~§ 4.12~~

~~Parking regulations.~~

~~All provisions for the regulation of parking in this district are found in article XVIII.~~

~~§ 4.13~~

~~Floodplain regulations.~~

~~Floodplain regulations that apply to certain properties within the district are set forth in article XXI.~~

~~§ 4.14~~

~~Aircraft approach zone regulations.~~

~~Certain properties within the district may also be located within the aircraft approach zone. Applicable regulations are found in article XX.~~

ARTICLE V. R-1 One-Family Residence District Use Regulations

§ 5.1. Purpose of the district.

The purpose of residential district, R-1, is to provide for medium ~~low~~ density, single-family, ~~detached and two-family~~ residential development and related uses, including those public and semi-public uses and accessory uses as may be necessary or are normally compatible with residential surroundings.

§ 5.2. Permitted principal uses.

[Amended by Ord. No. 6-12-2000(4); Ord. of 4-8-2002(3)]

~~(a) Single~~ ~~One-family~~ ~~detached~~ dwellings, ~~detached~~.

~~(a)(b) Two-family dwellings.~~

~~(b)(c) Public parks or playground.~~

~~(c) Public playgrounds.~~

(d) Existing railroad lines, not including switching or storage yard, or other station facilities.

(e) Public ~~utility, neighborhood~~ water and sanitary facilities, ~~except sewage treatment or disposal plants.~~

(f) Cluster zoning in accordance with the provisions of article XVII of this zoning ordinance.

(g) Family day homes ~~caring for no more than eight children including children residing in the home.~~

~~(g)(h) Community recreation.~~

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§ 5.3. Permitted conditional uses.

[Amended by Ord. No. 6-12-2000(4); Ord. of 4-8-2002(3)]

Certain uses shall be conditionally permitted in the R-1 district, when authorized as a special exception by the board of appeals.

~~(1) Single-family dwelling, attached dwellings such as townhouses as set forth in § 2.7 of this zoning ordinance.~~

~~(1)(2) Public maintenance and service facility utility buildings and structures necessary to the furnishing of proper service in the area not including storage or maintenance yards.~~

~~(3) Club, eountry clubs.~~

~~(2)(4) Golf courses and similar recreational uses of a noncommercial nature.~~

~~(5) Hospital_s.~~

~~(6) Nursing home_s.~~

~~(7) Funeral home_s and~~

~~(3)(8) Cemeteryies.~~

~~(4)(9) Child day centers.~~

~~(5)(10) Antenna and/or Satellite television antennas or ground-mounted conventional television or radio antennas, as accessory uses to a permitted principal use in accordance with article XXIII.~~

~~(6)(11) Bed and breakfast inn.~~

~~(12) Church_es.~~

~~(13) Educational facility, primary/secondary.~~

~~(14) Educational facility, college/universitye, public and private schools,~~

~~(15) Cultural service, public libraries and museums and~~

~~(7)(16) Community centers not operated for commercial purposes.~~

~~(8)(17) Adult day care centers.~~

~~(9)(18) Adult day treatment facilityies.~~

~~(40)(19) Assisted living facilityies.~~

~~(20) Family day home caring for nine or more children.~~

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~~(21) Workshop.~~

~~(11)~~

§ 5.4. Permitted accessory uses.

[Amended by Ord. of 11-24-1997(2); Ord. No. 2005-16, 6-13-2005]

Accessory uses, customarily incidental to a permitted principal use or a conditional use, are allowed on the same lot including but not limited to the following:

- (1) Private garages or carports.

(2) Storage buildings other than shipping containers, sea containers, freight containers, portable storage units and like containers.

(3) Guest homes.

~~(4) Workshops.~~

~~(6) Employee living quarters within a one-family dwelling for persons employed therein.~~

~~(6)(4) Home occupations.~~

~~(7)(5) Signs, as permitted by article XXII of this ordinance.~~

~~(8) Fences and walls as permitted in § 2.9 of this ordinance.~~

~~(6)~~

~~(7) Temporary family health care structure. (Added by Ord. No. 2018-07, 6-25-2018)~~

~~(8) Accessory dwelling unit. (Added by Ord. No. 2018-08, 6-25-2018)~~

~~(9) Gardening (no zoning permit required).~~

~~(9) Foster homes.~~

[Added 5-22-2006^[1]]

[1] Editor's Note: This ordinance also renumbered former Subsection (9) to Subsection (10).

(10) Additional provisions dealing with the location size and height of accessory structures are found in § 19.2(11) of this ordinance.

§ 5.5. Minimum lot area.

~~(1) Single-family, detached: The minimum lot area shall be 10,000 square feet.~~

~~Two-family: The minimum lot area shall be 12,000 square feet.~~

~~For Single-family, attached: The minimum lot area shall be 60,000 square feet.~~

~~(2) Refer to article XIX for exceptions to the minimum lot area.~~

§ 5.6. Setback regulations.

[Amended by Ord. of 11-24-1997(3)]

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All structures shall be set back at least 30 feet from the right-of-way of all public streets. Pursuant to subsection 19.2(5), for the purpose of calculating setbacks no street shall be considered to have a right-of-way less than 50 feet wide.

§ 5.7. Minimum lot frontage and width.

(1) For Single-Family, detached: The minimum lot frontage and width shall be fifty (50) feet.

For Two-Family: The minimum lot frontage and width shall be one hundred (100) feet.

For Single-family, attached: See Section 2.7.

a. Frontage shall be measured along the front property line abutting a public street.

b. Width shall be measured at the setback line.

(2) The minimum frontage on a cul-de-sac shall be no less than fifty percent (50%) of minimum lot frontage; however, the minimum width at the setback line shall be deemed to be where the lot meets one hundred (100) feet of width.

(3) In the case that there are existing lots of record in a subdivision having a width that would require a front setback to be lesser or greater than the other lots within the subdivision, the setback met by the majority of the lots within the same block shall be required, provided that in no case shall the front yard be reduced to less than fifteen (15) feet.

The minimum lot frontage shall be 75 feet at the front setback line.

§ 5.8. Yard regulations.

[Amended by Ord. of 11-24-1997(4)]

This section sets forth the minimum yard dimensions in the district. Additional provisions dealing with size and special circumstances can be found in article XIX.

- (1) Side yards. The minimum width of a side yard for single family residences shall be ten feet for one yard and 20 feet for both yards. The minimum width of a side yard for other uses shall be 20 feet for one yard and 40 feet for both yards.
- (2) Side yards for corner lots. The minimum width of side yards for corner lots for all uses is as set forth in subsections 19.2(7)b. and c.
- (3) Rear yard. The minimum depth of the rear yard shall be at least ~~30~~40 feet from the principal permitted structure, if it is a single-family dwelling ~~unit~~. For all other principal permitted structures, the minimum depth of the rear yard shall be at least ~~45~~60 feet.
- (4) Front yard. Except as provided for in article XIX, front yard regulations are set forth in § 5.6 of this article.

§ 5.9. Height regulations.

The maximum height of all structures shall not exceed 50 feet and may not exceed three stories.

~~§ 5.10. Special provisions for corner lots~~ Yard variations.

Are as set forth in § 19.2(6), (7) and (8).

§ 5.11. Sign regulations.

All provisions for the regulation of signs in this district are found in article XXII.

§ 5.12. Parking regulations.

All provisions for the regulation of parking in this district are found in article XVIII.

§ 5.13. Floodplain regulations.

Floodplain regulations that apply to certain properties within the district are set forth in article XXI.

§ 5.14. Aircraft approach zone regulations.

Certain properties within the district may also be located within the aircraft approach zone. Applicable regulations are found in article XX.

~~ARTICLE VI. R-1A General Residence District Use Regulations~~

~~§ 6.1. Purpose of the district.~~

~~The purpose of residential district, R-1A, is to provide for higher density, single family, detached residential development, two family and multi-family residential development and related uses including those public and semi public uses and accessory uses as may be necessary or are normally compatible with residential surroundings.~~

~~§ 6.2. Permitted principal uses.~~

~~[Amended by Ord. No. 6-12-2000(5); Ord. of 4-8-2002(3); Ord. No. 2005-9, 5-9-2006]~~

- ~~(a) One-family detached dwellings.~~
- ~~(b) Multi-family dwellings.~~
- ~~(c) Single-family attached dwelling units such as townhouses.~~
- ~~(d) Public parks.~~
- ~~(e) Public playgrounds.~~
- ~~(f) Existing railroad lines, not including switching or storage yard, or other station facilities.~~
- ~~(g) Public water and sanitary facilities, except sewage treatment or disposal plants.~~
- ~~(h) Family day homes caring for no more than eight children including children residing in the home.~~

~~§ 6.3. Permitted conditional uses.~~

~~[Amended by Ord. No. 6-12-2000(5); Ord. of 4-8-2002(3)]~~

~~Certain uses shall be conditionally permitted in the R-1A district, when authorized as a special exception by the board of appeals.~~

- ~~(1) Public utility buildings and structures necessary to the furnishing of proper service in the area not including storage or maintenance yards.~~
- ~~(2) Country clubs, golf courses and similar recreational uses of a noncommercial nature.~~
- ~~(3) Hospitals, nursing homes, funeral homes and cemeteries.~~
- ~~(4) Child day centers.~~
- ~~(5) Satellite television antennas or ground-mounted conventional television or radio antennas, as accessory uses to a permitted principal use in accordance with article XXIII.~~
- ~~(6) Bed and breakfast inn.~~
- ~~(7) Churches, public and private schools, public libraries and museums and community centers not operated for commercial purposes.~~
- ~~(8) Adult day care centers.~~
- ~~(9) Adult day treatment facilities.~~
- ~~(10) Assisted living facilities.~~
- ~~(11) Family day homes caring for nine or more children.~~

~~§ 6.4. Permitted accessory uses.~~

~~[Amended by Ord. of 11-24-1997(2); Ord. No. 2005-16, 6-13-2006]~~

~~Accessory uses, customarily incidental to a permitted principal use or a conditional use, are allowed on the same lot including but not limited to the following:~~

- ~~(1) Private garages or carports.~~
- ~~(2) Storage buildings other than shipping containers, sea containers, freight containers, portable storage units and like containers.~~
- ~~(3) Guest homes.~~
- ~~(4) Workshops.~~
- ~~(5) Living quarters within a one-family dwelling for persons employed therein.~~
- ~~(6) Home occupations.~~
- ~~(7) Signs, as permitted by article XXII of this ordinance.~~
- ~~(8) Fences and walls as permitted in § 2.9 of this ordinance.~~

~~(9) Foster homes.~~

~~[Added 5-22-2006¹⁴¹]~~

~~— [1] Editor's Note: This ordinance also renumbered former Subsection (9) to Subsection (10).~~

~~(10) Additional provisions dealing with the location, size and height and size of accessory structures are found in § 19.2(11) of this ordinance.~~

~~§ 6.5. Minimum lot area.~~

~~[Amended by Ord. of 11-24-1997(5); Ord. of 11-24-1997(6)] The minimum lot area shall be:~~

- ~~(a) Ten thousand square feet for single family dwelling units.~~
- ~~(b) Twelve thousand square feet for two family dwelling units.~~
- ~~(c) Five acres for multi-family dwellings with a minimum of 3,000 square feet for each dwelling unit.~~
- ~~(d) The minimum lot area for each townhouse unit shall be 3,000 square feet including a pro-rata portion of common areas.~~

~~§ 6.6. Setback regulations.~~

~~[Amended by Ord. of 11-24-1997(3)]~~

~~All structures shall be set back at least 30 feet from the right-of-way of all public streets. Pursuant to subsection 19.2(5), for the purpose of calculating setbacks no street shall be considered to have a right-of-way less than 60 feet wide.~~

~~§ 6.7. Minimum lot frontage.~~

~~The minimum lot frontage at the front setback line shall be at least:~~

- ~~(1) Seventy five feet for single family dwelling units.~~
- ~~(2) One hundred feet for two family dwelling units.~~
- ~~(3) Three hundred feet for multi family dwelling project.~~
- ~~(4) Twenty feet for townhouses.~~

~~§ 6.8. Yard regulations.~~

~~[Amended by Ord. of 11-24-1997(4); Ord. of 11-24-1997(7)]~~

~~This section sets forth the minimum yard dimensions in the district. Additional provisions dealing with size and special circumstances can be found in article XIX.~~

- ~~(1) Side yards. The minimum width of a side yard for single family residences and duplexes shall be ten feet for one yard and 20 feet for both yards. The minimum width of a side yard for other uses shall be 20 feet for one yard and 40 feet for both yards.~~
- ~~(2) Side yards for corner lots. The minimum width of side yards for corner lots for all uses is as set forth in subsections 19.2(7)b. and c.~~
- ~~(3) Rear yard. The minimum depth of the rear yard shall be at least 40 feet from the principal permitted structure, if it is a single family, two family or multi family dwelling unit. If the principal permitted structure is a townhouse, the minimum depth of the rear yard shall be 25 feet. For all other principal permitted structures, the minimum depth of the rear yard shall be at least 50 feet.~~
- ~~(4) Front yard. Except as provided for in article XIX, front yard regulations are set forth in § 6.6 of this article.~~

~~§ 6.9. Height regulations.~~

~~The maximum height of all structures shall not exceed 50 feet and may not exceed three stories.~~

~~§ 6.10. Special provisions for corner lots.~~

~~Are as set forth in § 19.2(7).~~

~~§ 6.11. Sign regulations.~~

~~All provisions for the regulation of signs in this district are found in article XXII.~~

~~§ 6.12. Parking regulations.~~

All provisions for the regulation of parking in this district are found in article XVIII.

~~§ 6.13. Floodplain regulations.~~

Floodplain regulations that apply to certain properties within the district are set forth in article XXI.

~~§ 6.14. Aircraft approach zone regulations.~~

Certain properties within the district may also be located within the aircraft approach zone. Applicable regulations are found in article XX.

~~ARTICLE VII. R 1B One Family Residence District Use Regulations~~

~~§ 7.1. Purpose of the district.~~

The purpose of residential district, R 1B, is to provide for low density, single family, detached residential development and related uses, including those public and semi-public uses and accessory uses as may be necessary or are normally compatible with residential surroundings.

~~§ 7.2. Permitted principal uses.~~

~~{Amended by Ord. No. 6-12-2000(6); Ord. of 4-8-2002(3)}~~

- ~~(a) One family detached dwellings.~~
- ~~(b) Public parks.~~
- ~~(c) Public playgrounds.~~
- ~~(d) Existing railroad lines, not including switching or storage yard, or other station facilities.~~
- ~~(e) Public water and sanitary facilities, except sewage treatment or disposal plants.~~
- ~~(f) Cluster zoning in accordance with the provisions of article XVII of this zoning ordinance.~~
- ~~(g) Family day homes caring for no more than eight children including children residing in the home.~~

~~§ 7.3. Permitted conditional uses.~~

~~[Amended by Ord. No. 6-12-2000(6); Ord. of 4-8-2002(3)]~~

~~Certain uses shall be conditionally permitted in the R-1B district, when authorized as a special exception by the board of appeals.~~

- ~~(1) Public utility buildings and structures necessary to the furnishing of proper service in the area not including storage or maintenance yards.~~
- ~~(2) Country clubs, golf courses and similar recreational uses of a noncommercial nature.~~
- ~~(3) Hospitals, nursing homes, funeral homes and cemeteries.~~
- ~~(4) Child day centers.~~
- ~~(5) Satellite television antennas or ground-mounted conventional television or radio antennas, as accessory uses to a permitted principal use in accordance with article XXIII.~~
- ~~(6) Bed and breakfast inn.~~
- ~~(7) Churches, public and private schools, public libraries and museums and community centers not operated for commercial purposes.~~
- ~~(8) Adult day care centers.~~
- ~~(9) Adult day treatment facilities.~~
- ~~(10) Assisted living facilities.~~
- ~~(11) Family day home caring for nine or more children.~~

~~§ 7.4. Permitted accessory uses.~~

~~[Amended by Ord. of 11-24-1997(2); Ord. No. 2005-16, 6-13-2005]~~

~~Accessory uses, customarily incidental to a permitted principal use or a conditional use, are allowed on the same lot including but not limited to the following:~~

- ~~(1) Private garages or carports.~~
- ~~(2) Storage buildings other than shipping containers, sea containers, freight containers, portable storage units and like containers.~~
- ~~(3) Guest homes.~~
- ~~(4) Workshops.~~
- ~~(5) Living quarters within a one-family dwelling for persons employed therein.~~
- ~~(6) Home occupations.~~
- ~~(7) Signs, as permitted by article XXII of this ordinance.~~
- ~~(8) Fences and walls as permitted in § 2.9 of this ordinance.~~
- ~~(9) Foster homes.~~

[Added 5-22-2006⁽¹⁾]

~~[1] Editor's Note: This ordinance also renumbered former Subsection (9) to Subsection (10).~~

~~(10) Additional provisions dealing with the location, size and height size of accessory structures are found in § 19.2(11) of this ordinance.~~

~~§ 7.5. Minimum lot area.~~

~~The minimum lot area shall be 7,500 square feet. Refer to article XIX for exceptions to the minimum lot area.~~

~~§ 7.6. Setback regulations.~~

~~[Amended by Ord. of 11-24-1997(3)]~~

~~All structures shall be set back at least 25 feet from the right-of-way of all public streets. Pursuant to subsection 19.2(5), for the purpose of calculating setbacks no street shall be considered to have a right-of-way less than 60 feet wide.~~

~~§ 7.7. Minimum lot frontage.~~

~~The minimum lot frontage shall be at least 60 feet at the front setback line.~~

~~§ 7.8. Yard regulations.~~

~~[Amended by Ord. of 11-24-1997(4)]~~

~~This section sets forth the minimum yard dimensions in the district. Additional provisions dealing with size and special circumstances can be found in article XIX.~~

- ~~(1) Side yards. The minimum width of a side yard for single-family residences shall be ten feet for one yard and 15 feet for both yards. The minimum width of a side yard for other uses shall be 20 feet for one yard and 40 feet for both yards.~~
- ~~(2) Side yards for corner lots. The minimum width of side yards for corner lots for all uses is as set forth in subsections 19.2(7)b. and c.~~
- ~~(3) Rear yard. The minimum depth of the rear yard shall be at least 40 feet from the principal permitted structure, if it is a single-family dwelling unit. For all other principal permitted structures, the minimum depth of the rear yard shall be at least 60 feet.~~
- ~~(4) Front yard. Except as provided for in article XIX, front yard regulations are set forth in § 7.6 of this article.~~

~~§ 7.9. Height regulations.~~

~~The maximum height of all structures shall not exceed 50 feet and may not exceed three stories.~~

~~§ 7.10. Special provisions for corner lots.~~

~~Are as set forth in § 10.2(7).~~

~~§ 7.11. Sign regulations.~~

~~All provisions for the regulation of signs in this district are found in article XXII.~~

~~§ 7.12. Parking regulations.~~

~~All provisions for the regulation of parking in this district are found in article XVIII.~~

~~§ 7.13. Floodplain regulations.~~

~~Floodplain regulations that apply to certain properties within the district are set forth in article XXI.~~

~~§ 7.14. Aircraft approach zone regulations.~~

~~Certain properties within the district may also be located within the aircraft approach zone. Applicable regulations are found in article XX.~~

ARTICLE VIII. R-2 General Residence District Use Regulations

§ 8.1. Purpose of the district.

The purpose of residential district, R-2, is to provide for higher density, single-family ~~(detached and attached) detached residential development and~~ two-family residential development and related uses including those public and semi-public uses and accessory uses as may be necessary or are normally compatible with residential surroundings.

§ 8.2. Permitted principal uses.

[Amended by Ord. No. 6-12-2000(7); Ord. of 4-8-2002(3); Ord. No. 2005-9, 5-9-2005]

~~(a) Single~~One-family ~~detached~~ dwellings, ~~detached~~.

~~(a)(b)~~ Two-family dwellings. ~~(Added by Ord. No. 2018-12, 8-27-2018)~~

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~~(b)(c) Single-family dwelling, attached dwellings such as townhouses as set forth in § 2.7 of this zoning ordinance~~

~~(e) Public parks or playground~~

~~(d) Public playgrounds~~

(e) Existing railroad lines, not including switching or storage yard, or other station facilities.

(f) Public utility, neighborhood water and sanitary facilities, except sewage treatment or disposal plants.

(g) Cluster zoning in accordance with the provisions of article XVII of this zoning ordinance.

~~(h) Rooming houses not primarily for transients~~

(h) Family day homes caring for no more than eight children including children residing in the home.

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(i) Community recreation.

§ 8.3. Permitted conditional uses.

[Amended by Ord. No. 6-12-2000(7); Ord. of 4-8-2002(3)]

Certain uses shall be conditionally permitted in the R-2 district, when authorized as a special exception by the board of appeals.

~~(1) Multi-family dwellings.~~

~~(4)(2) Public maintenance and service building utility buildings and structures necessary to the furnishing of proper service in the area not including storage or maintenance yards.~~

~~(3) Country clubs.~~

~~(4) Golf courses and similar recreational uses of a noncommercial nature.~~

~~(2)(5) Community center.~~

~~(6) Hospitals.~~

~~(7) Nursing homes.~~

~~(8) Funeral homes and~~

~~(3)(9) Cemeteries.~~

~~(4)(10) Child day centers.~~

~~(5)(11) Antenna and/or Satellite television antennas or ground-mounted conventional television or radio antennas, as accessory uses to a permitted principal use in accordance with article XXIII.~~

~~(12) Hotels, motels, tourist homes and~~

~~(6)(13) Restaurants~~ on lots abutting on streets that are a part of the thoroughfare system as described in the most recent Franklin Area Highway Needs Study, prepared by the Virginia Department of Transportation and adopted by the Franklin City Council.

~~(7)(14) Clubs, lodges, and social or recreational buildings, not conducted primarily for gain; (provided that any such building shall be at least 25 feet from any other lot in an R district).~~

~~(8)(15) Bed and breakfast inn.~~

~~(16) Churches,~~

~~(17) Educational facility, primary/secondary, public and private schools,~~

~~(18) Educational facility, college/university.~~

~~(19) Cultural service, public libraries and museums and~~

~~(9)(20) Community center, not operated for commercial purposes.~~

~~(10)(21) Adult day care centers.~~

~~(11)(22) Adult day treatment centers.~~

~~(23) Assisted living facilities.~~

~~(12)(24) Boarding house.~~

~~(13)(25) Family day homes, caring for nine or more children.~~

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§ 8.4. Permitted accessory uses.

[Amended by Ord. of 11-24-1997(2); Ord. No. 2005-16, 6-13-2005]

Accessory uses, customarily incidental to a permitted principal use or a conditional use, are allowed on the same lot including but not limited to the following:

- (1) Private garages or carports.
- (2) Storage buildings other than shipping containers, sea containers, freight containers, portable storage units and like containers.
- (3) Guest homes.
- (4) Workshops.
- ~~(5) Living quarters within a one-family dwelling for persons employed therein.~~
- ~~(6)(5) Home occupations.~~
- ~~(7)(6) Signs, as permitted by article XXII of this ordinance.~~
- ~~(8) Fences and walls as permitted in § 2.9 of this ordinance.~~

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~~(7)~~

~~(8) Temporary family health care structure. (Added by Ord. No. 2018-07, 6-25-2018)~~

~~(9) Accessory dwelling unit. (Added by Ord. No. 2018-08, 6-25-2018)~~

~~(10) Gardening (no zoning permit required).~~

~~(9) Foster homes.~~

[Added 5-22-2006⁽¹⁾]

[1] *Editor's Note: This ordinance also renumbered former Subsection (9) to Subsection (10).*

~~(10)~~(11) Additional provisions dealing with the location, size and height of accessory structures are found in § 19.2(11) of this ordinance.

§ 8.5. Minimum lot area.

~~(1) Single-family, detached and Two-family. The minimum lot area shall be 5,000 square feet.~~

~~For Single-family, attached: The minimum lot area shall be 60,000 square feet.~~

~~For Multi-family: The minimum lot area shall be 5 acres.~~

~~(2) Refer to article XIX for exceptions to the minimum lot area.~~

~~The minimum lot area shall be 7,500 square feet for single-family dwelling units and for two-family dwelling units. Refer to article XIX for exceptions to the minimum lot area.~~

§ 8.6. Setback regulations.

[Amended by Ord. of 11-24-1997(3)]

All structures shall be set back at least 25 feet from the right-of-way of all public streets. Pursuant to subsection 19.2(5), for the purpose of calculating setbacks no street shall be considered to have a right-of-way less than 50 feet wide.

§ 8.7. Minimum lot frontage and width.

~~(1) For Single-family, detached and Two-family: The minimum lot frontage and width shall be fifty (50) feet.~~

~~For Single-family, attached: See section 2.7.~~

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For Multi-family See section 2.13.

a. Frontage shall be measured along the front property line abutting a public street.

b. Width shall be measured at the setback line.

(2) The minimum frontage on a cul-de-sac shall be no less than fifty percent (50%) of minimum lot frontage; however, the minimum width at the setback line shall be deemed to be where the lot meets one hundred (100) feet of width.

(3) In the case that there are existing lots of record in a subdivision having a width that would require a front setback to be lesser or greater than the other lots within the subdivision, the setback met by the majority of the lots within the same block shall be required, provided that in no case shall the front yard be reduced to less than fifteen (15) feet.

The minimum lot frontage at the front setback line shall be at least 60 feet for single-family dwelling units and for two-family dwelling units.

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§ 8.8. Yard regulations.

[Amended by Ord. of 11-24-1997(4)]

This section sets forth the minimum yard dimensions in the district. Additional provisions dealing with size and special circumstances can be found in article XIX.

- (1) Side yards. The minimum width of a side yard for ~~detached~~ single family ~~dwelling residences and duplexes~~ shall be ten feet for one yard and 15 feet for both yards. The minimum width of a side yard for other uses shall be 20 feet for one yard and 40 feet for both yards.
- (2) Side yards for corner lots. The minimum width of side yards for corner lots for all uses is as set forth in subsections 19.2(7)b. and c.
- (3) Rear yard. The minimum depth of the rear yard shall be at least ~~25~~40 feet from the principal permitted structure, if it is a single-family ~~dwelling or two-family dwelling unit~~. For all other principal permitted structures, the minimum depth of the rear yard shall be at least 40 feet.
- (4) Front yard. Except as provided for in article XIX, front yard regulations are set forth in § 8.6 of this article.

§ 8.9. Height regulations.

The maximum height of all structures shall not exceed 50 feet and may not exceed three stories.

§ 8.10. ~~Special provisions for corner lots~~ Yard variations.

Are as set forth in § 19.2(6), (7) and (8).

§ 8.11. Sign regulations.

All provisions for the regulation of signs in this district are found in article XXII.

§ 8.12. Parking regulations.

All provisions for the regulation of parking in this district are found in article XVIII.

§ 8.13. Floodplain regulations.

Floodplain regulations that apply to certain properties within the district are set forth in article XXI.

§ 8.14. Aircraft approach zone regulations.

Certain properties within the district may also be located within the aircraft approach zone. Applicable regulations are found in article XX.

~~ARTICLE VIIIA. R UR Single Family Urban Revitalization District~~

~~§ 8A.1. Purpose of the district.~~

~~[Amended by Ord. No. 2004-8-5-24-2004]~~

~~The purpose of residential urban revitalization district, R UR, is to provide for higher density, detached single family and attached single family residential development and related uses including those public and semi-public uses and accessory uses as may be necessary or are normally compatible with residential surroundings. This district is to allow for conservation and revitalization of existing residential neighborhoods that are in need of revitalization due to distressed housing conditions, deteriorated infrastructure and blighted properties.~~

~~§ 8A.2. Permitted principal uses.~~

~~[Amended by Ord. No. 2004-8-5-24-2004]~~

- ~~(a) One family detached dwellings.~~
- ~~(b) Single family attached dwelling units, such as townhouses as set forth in § 2.7 of this ordinance.~~
- ~~(c) Public parks.~~
- ~~(d) Public playgrounds.~~
- ~~(e) Existing railroad lines, not including switching or storage yard, or other station facilities.~~

- ~~(f) Public water and sanitary facilities, except sewage treatment or disposal plants.~~
- ~~(g) Family day homes caring for no more than eight children including children residing in the home.~~

~~§ 8A.3. Permitted conditional uses.~~

~~[Amended by Ord. No. 2004-8, 6-24-2004]~~

~~Certain uses shall be conditionally permitted in the R-UR District, when authorized as a special exception by the board of appeals.~~

- ~~(1) Public utility buildings and structures necessary to the furnishing of proper service in the area not including storage or maintenance yards.~~
- ~~(2) Churches, cemeteries and nursing homes.~~
- ~~(3) Day care centers.~~
- ~~(4) Satellite television antennas or ground-mounted conventional television or radio antennas as accessory uses to a permitted principal use in accordance with article XXIII.~~
- ~~(5) Tourist homes and restaurants on lots abutting on streets that are a part of the thoroughfare system as described in the most recent Franklin Area Highway Needs Study, prepared by the Virginia Department of Transportation and adopted by the Franklin City Council.~~
- ~~(6) Adult day care centers.~~
- ~~(7) Adult day treatment centers.~~
- ~~(8) Assisted living facilities.~~
- ~~(9) Family day homes caring for nine or more children.~~

~~§ 8A.4. Permitted accessory uses.~~

~~[Amended by Ord. No. 2004-8, 6-24-2004; Ord. No. 2005-16, 6-13-2005]~~

~~Accessory uses, customarily incidental to a permitted principal use or a conditional use, are allowed on the same lot including but not limited to the following:~~

- ~~(1) Private garages and carports.~~
- ~~(2) Storage buildings other than shipping containers, sea containers, freight containers, portable storage units and like containers.~~
- ~~(3) Workshops.~~
- ~~(4) Living quarters within a one-family dwelling for persons employed therein.~~
- ~~(5) Home occupations.~~
- ~~(6) Signs, as permitted by article XXII of this ordinance.~~

~~(7) Fences and walls as permitted by § 2.9 of this ordinance.~~

~~(8) Foster homes.~~

~~[Added 5-22-2006⁽⁴⁾]~~

~~— [1] Editor's Note: This ordinance also renumbered former Subsection (8) to Subsection (9).~~

~~(9) Additional provisions dealing with the location, size and height size of accessory structures are found in §§ 2.7(i) and 19.2(11) of this ordinance.~~

~~§ 8A.5. Minimum lot area.~~

~~[Amended by Ord. No. 2004-8, 5-24-2004]~~

~~(a) The minimum lot area for a single family detached dwelling shall be 4,500 square feet.~~

~~(b) The minimum lot area for a townhouse project shall be 10,000 square feet.~~

~~(c) The minimum lot area for each townhouse unit shall be 2,000 square feet including a pro-rata portion of common areas.~~

~~§ 8A.6. Setback regulations.~~

~~[Amended by Ord. No. 2004-8, 5-24-2004; Ord. No. 2005-15, 6-13-2005]~~

~~(a) Townhouses shall be set back a minimum of 20 feet from the right of way of all public streets.~~

~~(b) All other structures shall be set back a minimum of 15 feet and a maximum of 20 feet from the right of way of all public streets. The maximum setback requires that at least one point of the structure or structures be congruent with a point on the maximum setback line.~~

~~§ 8A.7. Minimum lot frontage.~~

~~[Amended by Ord. No. 2004-8, 5-24-2004]~~

~~The minimum lot frontage shall be at least 50 feet at the minimum front setback line for single family detached dwellings and at least 20 feet at the minimum front setback line for attached single family dwellings (townhouses).~~

~~§ 8A.8. Yard regulations.~~

~~[Amended by Ord. No. 2004-8, 5-24-2004]~~

~~This section sets forth the minimum yard dimensions in the district. Additional provisions dealing with size and special circumstances can be found in articles II and XIX.~~

~~(1) Side yard — Townhouses. The minimum width of the side yard for an exterior unit shall be ten feet.~~

- ~~(2) Side yard — All other uses. The minimum width of the side yard shall be ten feet for one yard. The minimum width of the combined side yards shall be 15 feet.~~
- ~~(3) Rear yard. For townhouses, the minimum depth of the rear shall be at least 25 feet from the principal permitted structure. For all other principal permitted structures, the minimum depth of the rear yard shall be at least 30 feet.~~
- ~~(4) Front yard. Except as provided for in articles II and XIX, front yard regulations are set forth in § 8A.6 of this article.~~

~~§ 8A.9. Height regulations.~~

~~[Amended by Ord. No. 2004-8, 5-24-2004]~~

~~The maximum height of all structures shall not exceed 50 feet and may not exceed three stories.~~

~~§ 8A.10. Special provisions for corner lots.~~

~~[Amended by Ord. No. 2004-8, 5-24-2004] Are~~

~~as set forth in § 10.2(7).~~

~~§ 8A.11. Sign regulations.~~

~~[Amended by Ord. No. 2004-8, 5-24-2004]~~

~~All provisions for the regulation of signs in this district are found in article XXII.~~

~~§ 8A.12. Parking regulations.~~

~~[Amended by Ord. No. 2004-8, 5-24-2004]~~

~~All provisions for the regulation of parking in this district are found in article XVIII.~~

~~§ 8A.13. Floodplain regulations.~~

~~[Amended by Ord. No. 2004-8, 5-24-2004]~~

~~Floodplain regulations that apply to certain properties within the district are set forth in article XXI.~~

~~§ 8A.14. Aircraft approach zone regulations.~~

~~[Amended by Ord. No. 2004-8, 5-24-2004]~~

~~Certain properties within the district may also be located within the aircraft approach zone. Applicable regulations are found in article XX.~~

~~(7) Adult day care centers.~~

(8) Adult day treatment facilities.

~~(9) Assisted living facilities.~~

~~(10)(9) Family day home caring for nine or more children. Mixed-use development.~~

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§ 9.4. Permitted accessory uses.

[Amended by Ord. of 11-24-1997(2); Ord. No. 2005-16, 6-13-2005]

Accessory uses, customarily incidental to a permitted principal use or a conditional use, are allowed on the same lot including but not limited to the following:

- (1) Private garages or carports.
- (2) Storage buildings other than shipping containers, sea containers, freight containers, portable storage units and like containers.
- (3) Workshops.
- (4) ~~Employee living quarters within a one-family dwelling for persons employed therein.~~
- (5) Home occupations.
- (6) Signs, as permitted by article XXII of this ordinance.
- (7) Fences and walls as permitted in § 2.9 of this ordinance.

~~(8) Foster homes.~~

[Added 5-22-2006⁽¹⁾]

[1] Editor's Note: This ordinance also renumbered former Subsection (8) to Subsection (9).

~~(8)~~ Additional provisions dealing with the location, size and height size of accessory structures are found in §§ 2.7(i) and 19.2(11) of this ordinance.

~~(9) Temporary family health care structure. (Added by Ord. No. 2018-07, 6-25-2018)~~

~~(10) Accessory dwelling unit. (Added by Ord. No. 2018-08, 6-25-2018)~~

~~(9)(11) Gardening (no zoning permit required).~~

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§ 9.5. Minimum lot area.

[Amended by Ord. of 11-24-1997(6)]

ARTICLE IX. R-3 ~~Mixed-Residential~~**Townhouse** District Use Regulations

§ 9.1. Purpose of the district.

The purpose of residential district, R-3, is to provide for ~~the highest~~ density, single-family, ~~(detached and attached), two-family and multi-family~~ residential development and related uses including those public and semi-public uses and accessory uses as may be necessary or are normally compatible with residential surroundings.

§ 9.2. Permitted principal uses.

[Amended by Ord. No. 6-12-2000(8); Ord. of 4-8-2002(3)]

~~(a) Single-family dwelling, detached.~~

~~(b) Two-family dwelling.~~

~~(c) Single-family attached dwelling units, such as townhouses as set forth in § 2.7 of this zoning ordinance.~~

~~(a)(d) Multi-family dwelling, as set forth in section 2.13 of this ordinance.~~

~~(e)(e) Public parks and playground.~~

~~(e) Public playgrounds.~~

~~(d)(f) Existing railroad lines, not including switching or storage yard, or other station facilities.~~

~~(g) Public utility, neighborhood water and sanitary facilities, except sewage treatment or disposal plants.~~

~~(e)(h) Public utility, community.~~

~~(i) Family day homes, caring for no more than eight children including children residing in the home.~~

~~(j) Community center.~~

~~(k) Community recreation.~~

~~(l) Cultural service.~~

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[\(m\) Church.](#)

[\(n\) Club.](#)

[\(o\) Nursing home.](#)

[\(p\) Funeral home.](#)

[\(q\) Child day center.](#)

[\(r\) Adult day center.](#)

[\(s\) Assisted living facility.](#)

[\(f\)\(t\) Public maintenance and service facility.](#)

§ 9.3. Permitted conditional uses.

[Amended by Ord. No. 6-12-2000(8); Ord. of 4-8-2002(3)]

Certain uses shall be conditionally permitted in the R-3 district, when authorized as a special exception by the board of appeals.

~~(1) Public utility buildings and structures necessary to the furnishing of proper service in the area not including storage or maintenance yards.~~

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~~(2)(1) Country clubs, golf courses and similar recreational uses of a noncommercial nature.~~

~~(2) Hospitals, nursing homes, funeral homes and~~

~~(3) Cemeteries.~~

~~(4)(3) Child day centers.~~

~~(5)(4) Antenna and/or Satellite television antennas or ground-mounted conventional television or radio antennas, as accessory uses to a permitted principal use in accordance with article XXIII.~~

~~(5) Churches,~~

~~(6) Educational facility, primary/secondary~~

~~(7) Educational facility, college/university public and private schools,~~

~~(6) public libraries and museums and community centers not operated for commercial purposes.~~

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~~(1) The minimum area for the establishment of a mixed-residential development is twenty (20) acres.~~

~~(2) Single-family, detached and Two-family: The minimum lot area shall be 4,000 square feet.~~

~~For Single-family, attached: The minimum lot area shall be 60,000 square feet.~~

~~For Multi-family: The minimum lot area shall be 5 acres.~~

~~(2) Refer to article XIX for exceptions to the minimum lot area.~~

~~(a) The minimum lot area for a townhouse project shall be 60,000 square feet.~~

~~(b) The minimum lot area for each townhouse unit shall be 3,000 square feet including a pro-rata portion of common areas.~~

§ 9.6. Setback regulations.

[Amended by Ord. of 11-24-1997(3)]

All structures shall be set back at least 2030 feet from the right-of-way of all public streets. Pursuant to subsection 19.2(5), for the purpose of calculating setbacks no street shall be considered to have a right-of-way less than 50 feet wide.

§ 9.7. Minimum lot frontage.

~~(1) For Single-family, detached and Two-family: The minimum lot frontage and width shall be fifty (50) feet.~~

~~For Single-family, attached: See Section 2.7.~~

~~For Multi-family: See Section 2.13.~~

~~a. Frontage shall be measured along the front property line abutting a public street.~~

~~b. Width shall be measured at the setback line.~~

~~(2) The minimum frontage on a cul-de-sac shall be no less than fifty percent (50%) of minimum lot frontage; however, the minimum width at the setback line shall be deemed to be where the lot meets one hundred (100) feet of width.~~

~~(3) In the case that there are existing lots of record in a subdivision having a width that would require a front setback to be lesser or greater than the other lots within the subdivision, the setback met by the majority of the lots within the same block shall be required, provided that in no case shall the front yard be reduced to less than fifteen (15) feet.~~

Commented [BHW1]: Added minimum acreage to establish mixed-residential district.

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~~The minimum lot frontage shall be at least 20 feet at the front setback line for townhouses.~~

§ 9.8. Yard regulations.

[Amended by Ord. of 11-24-1997(4)]

This section sets forth the minimum yard dimensions in the district. Additional provisions dealing with size and special circumstances can be found in articles II and XIX.

(1) Side yards.

(a) ~~The minimum width of a side yard for single-family and two-family dwellings an exterior side yard for townhouses shall be fiveten feet for one yard and ten feet for both yards.~~

(b) ~~For single family attached, see section 2.7 and for multi-family, see section 2.13.~~

(1) ~~The minimum width of a side yard for other uses shall be 1020 feet for one yard and 2040 feet for both yards.~~

(2)(c) Side yards for corner lots. The minimum width of side yards for corner lots for all uses is as set forth in subsections 19.2(7)b. and c.

(2) Rear yard.

(a) ~~For townhouses,~~ the minimum depth of the rear yard shall be at least 205 feet from the principal permitted structure, ~~if single-family or two-family.~~

(b) ~~For single-family attached, see section 2.7 and for multi-family, see section 2.13.~~

(3) (c) For all other principal permitted structures, the minimum depth of the rear yard shall be at least 340 feet.

(4) (3) Front yard. Except as provided for in articles II and XIX, front yard regulations are set forth in § 9.6 of this article.

§ 9.9. Height regulations.

The maximum height of all structures shall not exceed 50 feet and may not exceed three stories.

§ 9.10. ~~Special provisions for corner lots~~ Yard variations.

Are as set forth in § 19.2(6),(7) and (8).

§ 9.11. Sign regulations.

All provisions for the regulation of signs in this district are found in article XXII.

§ 9.12. Parking regulations.

All provisions for the regulation of parking in this district are found in article XVIII.

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§ 9.13. Floodplain regulations.

Floodplain regulations that apply to certain properties within the district are set forth in article XXI.

§ 9.14. Aircraft approach zone regulations.

Certain properties within the district may also be located within the aircraft approach zone. Applicable regulations are found in § XX.

ARTICLE XVB. Residential ~~and/or Mixed Use~~ Planned Unit Development District

[Added 11-28-2005 ~~and by Ord. No. 2018-06, 6-25-2018~~]

§ 15B.1. Purpose of District

The purpose of the Residential Planned Unit development (PUD) zoning district is to provide for the development of planned residential communities that incorporate a variety of housing options and may incorporate certain limited commercial and office uses designed to serve the inhabitants of the PUD. ~~This district may be applied for in any district which permits residential uses, including B-1 (Neighborhood Business Districts) and B-2 (Central Business Districts).~~ The development will include features, such as enhanced building quality, innovative site design, historic preservation, open space protection and landscaping that exceeds the standards usually found in conventional developments. This PUD district is intended to allow greater flexibility than is generally possible under other zoning district regulations by allowing deviations in lot size, density, type of dwelling, lot coverage and open space. This flexibility is intended to permit a significant variation of available price points for residential properties within the district. It provides for PUDs, or portions of a PUD which may be under single ownership PUDs, or portions of a PUD, in which residents purchase the properties in which they reside.

§ 15B.2. Permitted uses

(a)

The following uses shall be permitted in this district.

(1)

Single-family ~~dwelling, detached and attached dwellings.~~

(2)

~~Two~~Single-family ~~attached dwellings, including townhouses, duplexes,~~

(3)

Multi-family dwellings, ~~including triplexes (3 units) and quadplexes (4 units)~~

(4)

Public parks or playgrounds,

(5)Community center

(6)Community recreation, ~~and other community and recreational facilities.~~

(7)

Underground public utilities.

(b)

The following business uses shall be permitted in this district:

(1)

~~Child day care centers for children or adults.~~

(2)

Churches,

(3)Educational facility, primary/secondary.

(4)Educational facility, college/university, public and private schools,

(5)Cultural service, public libraries and museums.

(6)

Public utility, neighborhood water and sanitary facilities, except sewage treatment or disposal plants.

(7)

General and professional offices.

~~(85)
 Retail sales, Neighborhood retail business or service establishments located entirely within a building which supplies commodities or services primarily for residents of the District. Such establishments will be limited to those principal uses permitted in Article X of this ordinance, (Neighborhood Business District), paragraph 10.2 subparagraph h. Representative businesses include food stores, drugstores, barbershops, clothes cleaning or laundry depots, shoe repair shops, tailors, restaurants, clothing and department stores, hardware, lighting and appliance stores, health and fitness clubs, dance studio, research and development, service stations and convenience stores.~~

~~Retail service.~~

~~(96)~~

~~Hospitals.~~

~~(10) Nursing homes.~~

~~(11) Medical facility, and other medical facilities authorized as a special exception by the Board of Zoning Appeals.~~

~~(12) Clinic.~~

~~(13)~~

~~Adult Day Center.~~

§ 15B.3. Permitted Accessory Uses.

The following accessory uses shall be permitted in this district:

(1)

Private garages and carports.

(2)

Storage buildings.

(3)

Workshops.

(4)

Privacy fences in the rear yard of residences.

~~(5)~~

~~Recreational areas and facilities for use only by residents and their guests.~~

~~(56)~~

Parking and loading areas.

~~(67)~~

Home occupations as defined in Article 28.

~~(78)~~

Signs as permitted in Article 22.

~~(89)~~

~~Guest homes.~~

~~(949)~~

~~Accessory dwelling units.~~

(10)

Gardening (no zoning permit required).

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§ 15B.4. General Standards.

(a)

The master plan of the PUD shall emphasize compatibility with surrounding neighborhoods.

(b)

Proposed streets, parking areas and pedestrian circulation systems shall provide safe and convenient access to and from the development and all lots within the development. Streets shall be designed to allow for smooth traffic flow and minimum hazards to vehicular, bicycle and pedestrian traffic and to discourage through traffic. Adequate access and circulation for emergency and service vehicles shall be provided.

(c)

All streets within the PUD district shall be public, except that approval may be sought for private streets serving a multifamily housing development and private alleys and drive aisles providing secondary or internal access for a parcel or lot having primary frontage on a public road. Traffic lanes of primary streets must be sufficiently wide to carry the anticipated volume and speed of traffic and in no case shall the pavement width be less than thirty (30) feet.

(d)

Sidewalks and streetlights, which provide reasonable pedestrian convenience and safety, shall be provided. Appropriate descriptions shall be provided in the Master Plan and become a part of the approval process.

(e)

Landscaping shall meet the minimum requirements of Article XXV of this ordinance. The PUD shall, to the extent feasible, preserve existing trees on the site and the existing topography and the natural character of the site by minimizing grading thereof. The Master Plan shall include a tree preservation plan that will identify target trees, and/or areas of trees, to be preserved within the district.

~~(f) Residential dwelling units of various types may be included in a mixed-use development and contribute to mixed-use character of the district as a whole. To qualify for a residential housing unit component within a mixed-use development, the applicant must integrate dwelling units with a proposed commercial development. Integration may be achieved by one or more of the following methods:~~ added 6/25/2018

- ~~i. Locating dwelling units above the ground floor of a commercial building.~~
- ~~ii. Constructing an accessory dwelling unit attached to the rear of the commercial building provided that the commercial development would be the major structure seen from the street.~~
- ~~iii. No more than 70% of the total area of the mixed-use development shall be dedicated to residential use. **(50% adopted by ordinance 6/25/2018)**~~

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§ 15B.5. District Requirements.

(a)

The minimum size for a district shall be ~~twenty (20) five (5)~~ contiguous acres, but contiguous additions to the district, ~~which are less than five (5) acres,~~ may be added by the same process as set forth below. Proposed Plan Unit Developments of less than 10 acres are limited to the allowed residential uses only.

(b)

In order to create a diversified, interesting and attractive complement to the city and offer varying living opportunities to future residents, the following housing restrictions shall apply:

(1)

~~Single~~ ~~Single~~ family ~~dwelling, detached detached-dwellings~~ shall comprise at least 45% of the dwelling units within the district. A variety of lot sizes and dwelling types is desirable;

(2)

Remaining property devoted to housing shall be divided among at least two other dwelling unit types: ~~two-family, single-family attached duplexes, triplexes, quadplexes~~ and multifamily units;

(3)

~~In no case shall more than eight (8) residential units be included in one contiguous building;~~

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(c)

Permitted general and business offices, retail and service establishments are intended, primarily, to serve the community in which they are located. Facilities for these commercial operations should be located within one centralized area or zone, of the PUD district. These facilities should not occupy more than five (5%) of the gross useful land area of the district.

(d)

Mixed use buildings in which a commercial business is located on the first floor and residential uses are on the second and third floors are permitted within the commercial area of the district. The area occupied by a ~~commercial in the~~ mixed use facility will be counted towards the area permitted within the commercial area. The residential uses will be counted against the permitted multi-family uses.

(e)

The maximum height of any building or structure in the district shall be fifty (50) feet or three (3) stories.

(f)

Open space for common use, excluding paved areas public and private streets, aisles and alleys and private streets paved areas, shall comprise at least twenty-five (25) percent of the total gross area of the district. At least seventy-five (75) percent of the open space must be satisfactory for recreational uses.

(g)

At least fifteen (15%) percent of the total gross area of the district shall be developed for recreational use or community facilities such as walking paths, bike and exercise trails, playgrounds, swimming pools, gymnasiums, playing fields, tennis or basketball courts, gardens, landscaped areas around dwellings and other buildings or similar uses. All common open space and recreational facilities will be developed at a rate proportional to the rate of construction of the residences within the development.

~~(h)~~

~~For lots within the PUD, the maximum lot coverage shall be fifty (50%) percent.~~

(h)

Each dwelling and commercial unit in the district shall front on a public street, except as permitted in Paragraph 15B.4(c) of this Article. Permitted private roads, alleys and aisles shall be maintained ~~in accordance with the standards set forth in the site plan ordinance~~ and to such an extent that delivery and emergency vehicles shall have unimpeded access. Maintenance provisions will be defined in the approved Master Plan.

(i)

Signage used in the district must not exceed the applicable restrictions established in Article XXII of this Ordinance.

(j)

The Off-Street Parking within the PUD shall comply with the minimum requirements specified in Article XVII of this Ordinance. However, § 18.5 (g) shall not exempt the off-street parking requirements within a planned unit development.

§ 15B.6. Setback and Yard Requirements.

(a)

All residential, community and recreational structures in the PUD shall be set back at least thirty-five (35) feet from any boundary of the district.

(b)

All residential units, community and recreational structures between the outside perimeter boundary and the first street within the PUD shall comply with the character of the underlying district and adjacent property.

(c)

Non-residential uses shall not border adjacent residential districts unless such uses are permitted within the adjacent district at the time of PUD approval. All business structures within the PUD shall be set back at least one-hundred (100) feet from the boundary line of the district.

(d)

~~The re shall be no minimum lot size, yard, or frontage and width requirements shall be established and approved as part of the master plan process.~~

(e)

Where a PUD is established on property that shares a block face with improved property, development within the PUD facing such existing improvements shall be harmonious as to height, mass, lot coverage and setbacks.

(f)

Building spacing shall provide privacy within each dwelling unit and ensure that each room has adequate light and air in accordance with the Virginia Uniform Statewide Building Code.

~~(g)~~

~~Building spacing and design shall provide privacy for outdoor activity areas associated with individual dwelling units.~~

(gh)

Areas used as service yards, for storage of trash or for other utilitarian purposes shall be screened from adjoining dwellings with screens compatible with building designs and in accordance with the landscaping requirements Article XXV of this ordinance.

§ 15B.7. Relationship to Subdivision Ordinance.

To encourage flexibility and creativity of design in the event that the property in the PUD is to be subdivided and sold to separate owners, the master plan may provide for variations and deviations from the standards set forth in the subdivision ordinance, provided that city council determines that such variations and deviations do not diminish the protection of the health and safety of other residents of the city provided by the subdivision ordinance regulations. Deviations and variations from the subdivision ordinance must be ~~included as part expressly waived or modified in~~ the approved master plan.

§ 15B.8. Management of Common Spaces and Facilities.

~~If for the property in the PUD that is to be subdivided and sold to separate owners,~~ the Developer shall provide for the establishment of a Property Owners Association in accordance with the Virginia Property Owners' Association Act for all individuals and corporations owning property within the PUD. This will ensure adequate provisions for maintenance of all common open space, properties and facilities have been made prior to the final approval, recording and sale of any lot.

(1)

The membership of the property owners' association and the obligations of such association with respect to the common areas shall be set forth within a declaration suitable for recording in the Clerk's Office of the Circuit Court of Southampton County, meeting the requirements of the Virginia Property Owners' Association Act and shall be approved by the city attorney as being in compliance with statute prior to recordation.

(2)

A recorded copy of such declaration must be delivered to the office of the Director of Community Development prior to approval of any subdivision plat.

(3)

The declaration shall detail how the association shall be organized and administered, how the common areas and facilities are to be operated and maintained and how the owners of individual properties are to be assessed for their share of operation and maintenance of the common areas and facilities.

(4)

All common areas and facilities within a development shall be preserved for their intended purposes as expressed in the approved master plan.

(5)

All deeds conveying interests in common open space and recreational facilities located within the PUD shall contain covenants and restrictions running with the land sufficient to ensure that such areas are preserved for their intended purposes as expressed in the approved master plan and shall contain a prohibition against partition.

§ 15B.9. Development and Preservation of Common Areas.

(a)

All common open space and recreational facilities shall be fully improved by the Developer at a proportionately equivalent or greater rate than the construction of residential structures and shall be preserved for their intended purpose as expressed in the approved master plan.

(b)

All property within the PUD shall remain under single ownership of the Developer(s) until appropriate provisions have been made that insure satisfactory operation and ongoing maintenance of all open space, recreational and common space areas within the PUD. No property may be leased or sold until the Director of Community Development provides written confirmation that such provisions have been made.

§ 15B.10. Procedure to Obtain Approval of Residential Planned Unit Development.

(a)

Any person who wishes to have property rezoned to a Residential Planned Unit Development District shall initiate such proposed rezoning pursuant to § 28.2 of this ordinance, and if such development involves the subdivision of land, by the concurrent submission of a preliminary subdivision plat in accordance with § 5-2 of the subdivision ordinance.

(b)

In addition to the submissions required for rezoning and subdivision of the subject property the applicant must submit to the Director of Community Development eight copies of a Master Plan of the development in order for the city staff to review it and determine whether it is in compliance with the standards set forth in this Article. The master plan shall be constituted by a

~~concept~~site plan submitted in accordance with Article XXIV of this ordinance and such additional data as may be required for determining whether the plan is in compliance with the standards and provisions of this Article.

(c)

Directors of city departments shall review the master plan and report their findings to the Director of Community Development who, prior to consideration of the plan by the Planning Commission, shall prepare a report, a copy of which shall be delivered to the applicant and the Planning commission with recommendations for approval, disapproval or modification of the proposed master plan. Any recommendation for disapproval or modifications to the master plan shall state the reasons for the modification or denial.

(d)

The planning commission shall recommend approval or disapproval of ~~the master plan and~~ the rezoning and forward such recommendations to city council. The planning commission shall indicate that approval of the ~~any portion of the development shall be site plan and any subdivision of property is~~ contingent upon compliance with the master plan approved as part of the rezoning approval of the master plan and rezoning by city council.

(e)

Final consideration of the master plan shall be concurrent with and a part of the consideration of the rezoning request to city council.

(f)

In the event that city council rezones any property in the city to a residential PUD, the zoning administrator shall indicate such designation on the official zoning map of the city.

(g)

Minor changes to or deviations from an approved master plan may be approved by the majority vote of a Committee, consisting of the Director of Community Development, the member of the Planning Commission and the member of City Council representing the Ward or Wards in cases where the property is located in more than one Ward in which the PUD is located (the "Committee"), without going through the procedure set forth in this section, if conditions arise which merit such changes or deviations. The request for changes or deviations must be supported by graphic and other information necessary for appropriate evaluation of the request. For the purpose of this section, minor changes or deviations refer to changes of location and design of buildings, other structures, streets, parking, recreation facilities, open space, landscaping or similar details which do not materially alter the character or concept of the approved master plan.

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(h)

In the event that the Committee determines, in its sole discretion, that requested changes or deviations in the master plan are something more than minor changes to, or deviations from the master plan, the owner of the development may apply for permission to amend the approved master plan following the same procedure as set forth in this section.

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§ 15B.11. Phasing of the Planned Unit Development.

Nothing within this Article is intended to prevent the development from proceeding in stages or phases, provided that the following conditions are met:

(1)

The proposed stages or phases will be identified and delineated in the Master Plan.

(2)

All data required for the total PUD must be provided for each phase.

(3)

Each phase must conform to the Master Plan as approved or amended.

(4)

Each stage or phase must include useable open space areas, landscaped and available for use, approximately equivalent to the pro-rata share of the total open space approved for the PUD.

§ 15B.12. Termination of the Zoning District.

~~(a)~~

~~If the present, or any future, owner of the planned unit development does not comply with the approved plans for the planned unit development, and after certification of such to the City Council by the Zoning Administrator, the remaining undeveloped property shall revert to the underlying zoning classification and be subject to all requirements and restrictions of the underlying district.~~

~~(b)~~

~~If development pursuant to an approved planned unit development has not begun within two (2) years after date of approval of the plan by the City Council, the approved planned unit development shall become null and void and the regulations of the underlying zoning district shall be applicable to the property.~~

~~(c)~~

~~Prior to completion of the planned unit development, the owner of undeveloped portions of the planned unit development may file with the zoning administrator a certificate of intent to discontinue development of such undeveloped portions, stating a date after which such development shall be discontinued. The regulations of the underlying zoning district shall be applicable to the undeveloped property from the date specified in the certificate.~~

§ 15B.13. Contents of the Master Plan.

The formal application for the PUD overlay district must be submitted with the Master Plan. The drawings, narrative presentation and studies included in the Master Plan must address the applicable issues identified in this Article, Article XXIV of this Ordinance (~~conceptSite Pplan~~) and the Subdivision Ordinance. A minimum checklist of issues to be included with the Master Plan is as follows:

(1)

A legal description and plat of the total site proposed for development showing site boundaries, existing street lines, lot lines, total acreage and easements. Existing historic landmarks, cemeteries, flood plains, flood ways and wet lands must also be delineated.

(2)

A general statement of planning objectives to be achieved by the planned zoning district, including the description of the proposed character of the development and the market for which the development is oriented. Target price point ranges for residential properties will be provided.

(3)

Environmental Impact Statement.

(4)

Economic Impact Statement.

(5)

A proposed land use plan showing the use of each lot, tract or parcel within the development.

(6)

Location of proposed streets, aisles and alleys; proposed specifications for all private streets, alleys and aisles and identification of all on and off street parking provisions.

(7)

A proposed plan showing anticipated circulation patterns of vehicular and pedestrian traffic.

(8)

A traffic study showing the impact of the plan on surrounding public streets and traffic patterns.

(9)

Proposed number of housing units, number of types, styles, configurations and colors.

(10)

Proposed location of areas devoted to each housing type, acreage and number of units for each such area, the minimum lot size and building spacing proposed for each area and housing type.

(11)

Location and nature of non - residential uses proposed, including planned mixed use structures. Define acreage and coverage of commercial related areas. Parking provisions must be included.

(12)

Description and location of planned street lights and sidewalks.

(13)

Location and acreage of proposed open spaces, public sites, and recreational areas, nature of recreational facilities and proposed means of maintenance of each site.

(14)

Location and acreage of un-useable open spaces, including delineation of proposed floodplains, floodway, wetlands and retention ponds. Proposed means of maintenance for each site must be defined.

(15)

A tree preservation plan that identifies provisions for preserving large trees on the site.

(16)

A general landscape plan including any special buffering proposed between project land uses and adjacent zoning districts.

(17)

If applicable, a phasing plan delineating the proposed phases of the development, the approximate commencement date for construction and a proposed build out period.

(18)

A statement that a property owners association will be created to meet proffered obligations.

(19)

The name, title and address of the planner, architect or engineer who prepared the proposed plans.

(20)

A public services and utilities impact study on existing municipal facilities; engineering evaluations of the adequacy of existing systems, and if required, modifications to public water, public sewer, and storm water facilities; a generalized layout of the proposed water and sewer service and fire protection systems within the district.

(21)

Enumeration and rationale for any variations and deviations from the provisions of this Article or the subdivision Ordinance.

ARTICLE XVI. Mobile Home Regulations

§ 16.1. Permitted mobile home location.

All residential mobile homes shall be located in a mobile home court, which has received a conditional use permit and which conforms with the requirements of the following section. No such mobile home outside of an approved mobile home court shall be stored, kept or used in any manner or connected to utilities, except those mobile homes being offered for sale and not inhabited.

§ 16.2. Minimum standards for mobile home courts.

(a)

Each lot provided for the occupancy of a single mobile home unit shall have an area of not less than 5,000 square feet and width of not less than 50 feet. No park shall be permitted an average density of mobile home lots of more than eight per acre. Each mobile home court shall provide an area of not less than five acres.

(b)

No mobile home or any structure, addition or appurtenance thereto shall be located less than ten feet from the nearest adjacent lot boundary.

(c)

Space between mobile homes may be used for the parking of motor vehicles if the space is clearly designated and the vehicle is parked at least ten feet from the nearest adjacent lot boundary.

(d)

Each mobile home lot shall abut or face a driveway, roadway or street of not less than 30 feet in width on a fifty-foot right-of-way, which shall have unobstructed access to a public highway, street or alley.

(e)

A mobile home court shall be surrounded by a landscaped strip of open space 50 feet in depth along the street frontage of a primary street and 25 feet in depth along all other lot lines or street frontage.

ARTICLE XVII. Cluster Zoning

§ 17.1. Intent.

The intent of this article is to allow the development of a cluster subdivision in residential zoning districts other than R-1A general residence. It provides for a variation of lot sizes, but does not allow an increase in the overall density that would normally be allowed in these districts. This article is intended to: encourage the preservation of environmentally sensitive lands; prevent soil erosion by permitting development according to the nature of the terrain and soils; provide larger open areas with greater utility for rest and recreation; provide for natural buffer areas along streets and highways; and, encourage more attractive and economic subdivision design.

§ 17.2. Design criteria.

(a)

Cluster subdivisions shall be designed to preserve significant natural features and sensitive environmental areas. These include, but are not limited to, the following: streams, shore lines, wetlands, ravines, significant stands of trees and steep slopes.

(b)

Open space intended for recreation or common use shall be easily accessible to pedestrians.

(c)

Natural buffer areas with a width of at least 35 feet shall be maintained along public streets on the perimeter of the project.

§ 17.3. Minimum size.

The minimum permitted size for any cluster subdivision shall be five acres.

§ 17.4. Application procedures.

Cluster subdivisions shall follow the application procedures outlined in the City of Franklin Subdivision Ordinance.

§ 17.5. Use.

Cluster subdivisions shall contain single-family dwellings only.

§ 17.6. Lot area, lot width and yards.

(a)

Individual lots in a cluster subdivision shall be exempt from the minimum lot area, lot width and yard requirements for residential districts. Side and rear yards may be reduced to zero provided that easements or covenants establish the rights of the two abutting properties where the main structures are to be constructed on or within five feet of a property line. Such easements or covenants shall establish the rights of each affected owner to gain access to each owner's structure for the purpose of performing essential maintenance and service.

(b)

Lots on the perimeter of the subdivision may be required to follow the normal lot areas, lot width and/or yard requirements for the residential districts.

(c)

The required lot area, lot width and yards shall be as shown on the approved final subdivision plat, and shall remain in effect unless the final subdivision plat is amended in accordance with the City of Franklin Subdivision Ordinance.

§ 17.7. Cluster subdivision density.

For a cluster subdivision, the number of lots for the entire parcel shall not exceed the number of lots per acre permitted in the zoning district in which they are located and only net acreage may be used to calculate the number of lots. Net acreage shall be calculated based on existing land conditions, as specified in the following chart. Twenty percent shall be subtracted from the net acreage so calculated to allow for street right-of-way, unless it can be demonstrated to the satisfaction of the zoning administrator that the proposed street rights-of-way will be less than 20 percent of the calculated net acreage.

Physical Land Unit	Percent Credited Toward Net Acreage
Slopes, less than 10%	100%
Slopes, 10% to 19%	70%
Slopes, 20% to 29%	50%
Slopes, greater than 30%	10%
100-year floodplain	0%
Wetlands	0%
Existing water features, (bodies of water, drainage channels, streams, etc.)	0%
Above ground high voltage	0%
Electric transmission line easements (69 kv or greater)	0%

§ 17.8. Common open space.

(a)

A minimum of 25 percent of the gross area of the cluster subdivision shall be common open space.

(b)

All common open space shall be preserved for its intended purpose as shown on the approved final subdivision plat. The common open space shall be either dedicated to the City of Franklin, subject to acceptance by the city, or administered by a nonprofit organization, subject to the following:

(1)

The developer must establish the organization prior to the recordation of the subdivision.

(2)

Membership in the organization shall be mandatory for all lot owners, present and future, within the cluster subdivision.

(3)

The organization shall own all common open space and recreational facilities, and shall provide for their maintenance, administration and operation.

~~ARTICLE XVA. Planned Elderly or Retirement Residential Community District – Not sure why this is a separate zoning district. I would suggest the use be regulated as a use type in the applicable residential district based upon the types of residential development desired in the proposed community or a permitted use under the PUD district.~~

~~§ 15A.1. Purpose of district.~~

~~[Amended by Ord. No. 2005-3, 2-14-2006]~~

~~The purpose of the planned elderly or retirement residential community district (PERRC) is to provide for a range of residential opportunities specifically planned for persons 55 years of age or older in order to afford these persons the benefits of independent living, assisted living, and nursing home care at one integrated location within a campus setting. The district is intended to allow greater flexibility than is generally possible under other zoning district regulations by allowing deviations in lot size, density, type of dwelling, lot coverage and open space. It provides for PERRCs which may be under single ownership and which may not require construction of public streets within the project area and PERRCs in which residents purchase the properties in which they reside, which do require construction of public streets within the PERRCs.~~

~~§ 15A.1-1. General criteria for the PERRC district.~~

~~[Amended by Ord. No. 2005-3, 2-14-2006]~~

~~(a)
The independent or assisted living housing accommodations to be provided shall be developed, operated and maintained in compliance with the following criteria:~~

~~(1)~~

~~Intended and operated for occupancy by persons 55 years of age or older;~~

~~(2)~~

~~At least 80 percent of the occupied units are occupied by at least one person who is 55 years of age or older;~~

~~(3)~~

~~Policies are adopted, published and adhered to concerning these occupancy requirements; and~~

~~(4)~~

~~Verification procedures must be in place so that the director of community development will have access to the records of the PERRC from time to time in order to verify that the 80 percent occupancy requirement is complied with.~~

~~(b)~~

~~Independent living facilities may only be incorporated with assisted living and/or nursing home care, with a state approved license for either assisted living or nursing home.~~

~~(c)~~

~~The ratio of independent living, assisted living and nursing home care shall be stated in the master plan.~~

~~§ 15A.2. Permitted uses.~~

~~[Amended by Ord. No. 2005-3, 2-14-2006]~~

~~The following uses shall be permitted in this district:~~

~~Single family attached or detached independent dwelling units for occupancy by persons meeting the general criteria listed in § 15A.1-1, when incorporated with assisted living and/or nursing home care, with a state approved license for either assisted living or nursing home care. Such structures may be single family, multi family, detached, attached, or institutional structures for lease or rent or sale.~~

~~§ 15A.3. Permitted accessory uses.~~

~~[Amended by Ord. No. 2005-3, 2-14-2005, Ord. No. 2005-16, 6-13-2005]~~

~~The following accessory uses shall be permitted in this district when incidental and subordinate to and in association with a principal permitted use within a PERRC, provided such accessory use is for the comfort and convenience of, and primarily to be used by the residents, their staff and guests, and further provided that such accessory uses are specifically set forth in the master plan and are to serve the community of persons older than 55.~~

- ~~(1) Private garages.~~
- ~~(2) Storage buildings other than shipping containers, sea containers, freight containers, portable storage units and like containers.~~
- ~~(3) Workshops.~~
- ~~(4) Privacy fences in the rear yard of residences.~~
- ~~(5) Cafeterias, snack and beverage bars.~~
- ~~(6) Food service contractors.~~
- ~~(7) Private households independent living residents employing workers primarily concerned with the operation of the household such as cooks, maids, gardeners, caretakers and other maintenance workers.~~
- ~~(8) Recreational areas for use only by the residents and their guests and by employees of the community.~~
- ~~(9) Residences occupied by custodians or guards or resident care providers.~~
- ~~(10) Other accessory uses incidental and specifically related to the convenience and care of the community of persons over 55, as approved per the master plan.~~
- ~~(11) Parking and loading areas.~~

~~§ 15A.4. General standards and district requirements.~~

~~[Amended by Ord. No. 2005-3, 2-14-2005]~~

- ~~(a) General standards:~~
 - ~~(1) The master plan of the PERRC shall emphasize compatibility with surrounding neighborhoods.~~
 - ~~(2) Proposed streets, parking areas and pedestrian circulation systems shall provide safe and convenient access to and from the development and all lots within the development. Streets shall be designed to allow for smooth traffic flow and minimum hazards to vehicular, bicycle and pedestrian traffic and to discourage through traffic. Adequate access and circulation for emergency and service vehicles shall be provided.~~
 - ~~(3) Landscaping shall meet the minimum requirements of article XXV of this ordinance.~~
 - ~~(4)~~

The PERRC shall, to the extent feasible, preserve existing trees on the site and the existing topography and the natural character of the site by minimizing grading thereof.

(b)

District requirements:

(1)

The minimum size for a district shall be 15 contiguous acres, but contiguous additions to the district may be added by the same process as set forth hereinbelow, which are less than 15 acres.

(2)

The maximum height of any building or structure in the district shall be 50 feet.

(3)

Open space for common use, excluding paved areas, shall comprise at least 30 percent of the total gross area of the district.

(4)

At least five percent of the total gross area of the district shall be developed for recreational use or community facilities such as walking paths, bike and exercise trails, playgrounds, swimming pools, gymnasiums, playing fields, tennis or basketball courts, gardens, landscaped areas around dwellings and other buildings or similar uses.

(5)

For lots within the PERRC the maximum lot coverage shall be 50 percent.

(6)

Each dwelling unit in the district shall front on a public street as required by § 2.3 of this ordinance, except that a district that is under single ownership shall not be required to bring access roads and roads for circulation within the PERRC up to public street standards, except that such access roads and roads for circulation within the PERRC shall be maintained in accordance with the standards set forth in the site plan ordinance and to such an extent that emergency vehicles shall have continual and unimpeded access to all dwellings and businesses in the PERRC.

§ 15A.5. Setback and yard requirements.

[Amended by Ord. No. 2005-3, 2-14-2005]

(a)

All residential, community and recreational structures in the PERRC shall be set back at least 35 feet from any boundary of the district.

(b)

There shall be no minimum lot size, yard or frontage requirements.

(c)

Building spacing shall provide privacy within each dwelling unit and ensure that each room has adequate light and air in accordance with the Virginia Uniform Statewide Building Code.

(d)

Building spacing and design shall provide privacy for outdoor activity areas associated with individual dwelling units.

(e)

Areas used as service yards, for storage of trash or for other utilitarian purposes shall be screened from adjoining dwellings with screens compatible with building designs and in accordance with article XXV of this ordinance.

§ 15A.6. Relationship to subdivision ordinance.

[Amended by Ord. No. 2005-3, 2-14-2005]

To encourage flexibility and creativity of design in the event that the property in the PERRC is to be subdivided and sold to separate owners, the master plan may provide for variations and deviations from the standards set forth in the subdivision ordinance, provided that city council determines that such variations and deviations do not diminish the protection of the health and safety of other residents of the city provided by the subdivision ordinance regulations.

§ 15A.7. Management of common spaces and facilities.

~~[Amended by Ord. No. 2005-3, 2-14-2005]~~

~~In the event that the property in the PERRC is to be subdivided and sold to separate owners, the developer shall provide for the establishment of a property owners' association in accordance with the Virginia Property Owners' Association Act for all individuals and corporations owning property within the PERRC to ensure the maintenance of all common open space, properties and facilities prior to the final approval, recording and sale of any lot.~~

~~(1)-~~

~~The membership of the property owners' association and the obligations of such association with respect to the common areas shall be set forth within a declaration, suitable for recording in the clerk's office of the circuit court of Southampton County meeting the requirements of the Virginia Property Owners' Association Act and shall be approved by the city attorney as being in compliance with statute prior to recording.~~

~~(2)-~~

~~A recorded copy of such declaration must be delivered to the office of the director of community development prior to approval of any subdivision plat.~~

~~(3)-~~

~~The declaration shall detail how the association shall be organized and administered, how the common areas and facilities are to be operated and maintained and how the owners of individual properties are to be assessed for their share of operation and maintenance of the common areas and facilities.~~

~~(4)-~~

~~All common areas and facilities within a development shall be preserved for their intended purposes as expressed in the approved master plan.~~

~~(5)-~~

~~All deeds conveying interests in property located within the PERRC shall contain covenants and restrictions running with the land sufficient to ensure that such areas are preserved for their intended purposes as expressed in the approved master plan and shall contain a prohibition against partition.~~

~~§ 15A.8. Development and preservation of common areas.~~

~~[Amended by Ord. No. 2005-3, 2-14-2005]~~

~~All common open space and recreational facilities shall be fully improved by the developer at a proportionately equivalent or greater rate than the construction of residential structures and shall be preserved for their intended purpose as expressed in the approved master plan.~~

~~§ 15A.9. Procedure to obtain approval of planned elderly or retirement residential community.~~

~~[Amended by Ord. No. 2005-3, 2-14-2005]~~

~~(a)-~~

~~Any person who wishes to have property rezoned to a PERRC district shall initiate such proposed rezoning pursuant to § 28.2 of this ordinance, and if such development involves the subdivision of land, by the concurrent submission of a preliminary subdivision plat in accordance with § 6-2 of the subdivision ordinance.~~

~~(b)-~~

~~In addition to the submissions required for rezoning and subdivision of the subject property, the applicant must submit to the director of community development eight copies of a master plan of the development in order for the city staff to review it and determine whether it is in compliance with the standards set forth in this article. The master plan shall be constituted by a site plan submitted in accordance with article XXIV site plan of this ordinance and such additional data as may be required for determining whether the plan is in compliance with the standards and provisions of this article.~~

~~(c)-~~

~~Directors of city departments shall review the master plan and report their findings to the director of community development who, prior to consideration of the plan by the planning commission, shall prepare a report, a copy of which shall be delivered to the applicant and the planning commission with recommendations for approval, disapproval or modification of the proposed master plan. Any recommendation for disapproval or modifications to the master plan shall state the reasons therefor.~~

~~(d)-~~

~~The planning commission shall recommend approval or disapproval of the master plan and the rezoning and forward such recommendations to city council. The planning commission shall indicate that approval of the site plan and any subdivision of property is contingent upon approval of the master plan and rezoning by city council.~~

~~(e)-~~

~~Final consideration of the master plan shall be concurrent with and a part of the consideration of the rezoning request by city council.~~

~~(f)~~

~~In the event that city council rezones any property in the city to a residential PERRC, the zoning administrator shall indicate such designation on the official zoning map of the city.~~

~~(g)~~

~~Minor changes to or deviations from an approved master plan may be approved by the majority vote of a committee, consisting of the director of community development, the member of the planning commission and the member of city council representing the ward in which the PERRC is located (the "committee"), without going through the procedure set forth in this section, if conditions arise which merit such changes or deviations. In the event that a member of the committee is an applicant for the rezoning or otherwise has a conflict of interest, then the city council shall select another commissioner or council member to serve on the committee. The request for changes or deviations must be supported by graphic and other information necessary for appropriate evaluation of the request. For the purpose of this section, minor changes or deviations refer to changes of location and design of buildings, other structures, streets, parking, recreational facilities, open space, landscaping or similar details which do not materially alter the character or concept of the approved master plan.~~

~~(h)~~

~~In the event that the committee determines, in its sole discretion, that requested changes or deviations in the master plan are something more than minor changes to or deviations from the master plan, the owner of the development may apply for permission to amend the approved master plan following the same procedure as set forth in this section.~~

Appendix D. Zoning Ordinance

ARTICLE III. R-O One-Family Residence District Use Regulations

§ 3.1. Purpose of the district.

The purpose of residential district, R-O, is to provide for low density, single-family residential development and related uses, including those public and semi-public uses and accessory uses as may be necessary or are normally compatible with residential surroundings.

§ 3.2. Permitted principal uses.

[Amended by Ord. No. 6-12-2000(2); Ord. of 4-28-2002(3); Ord. of 10-11-2021??]

- (a) Single-family dwelling, detached
- (b) Public park or playground.
- (c) Existing railroad lines, not including switching or storage yard, or other station facilities.
- (d) Public utility, neighborhood.
- (e) Cluster zoning in accordance with the provisions of article XVII of this zoning ordinance.
- (f) Family day home caring for no more than eight children including children residing in the home.
- (g) Community recreation.

§ 3.3. Permitted conditional uses.

[Amended by Ord. No. 6-12-2000(2); Ord. of 2-25-2002(5); Ord. of 4-28-2002(3); Ord. of 10-11-2021??]

Certain uses shall be conditionally permitted in the R-O district, when authorized as a special exception by the board of appeals.

- (1) Two-family dwelling.
- (2) Public maintenance and service facility.
- (3) Club.
- (4) Golf course.

- (5) Hospital.
- (6) Nursing home.
- (7) Funeral home.
- (8) Cemetery.
- (9) Child day center.
- (10) Antenna and/or Satellite, as accessory uses to a permitted principal use. (See Article XXIII of this zoning ordinance.)
- (11) Bed and breakfast inn.
- (12) Church.
- (13) Educational facility, primary/secondary.
- (14) Educational facility, college/university.
- (15) Cultural Service.
- (16) Community center.
- (17) Kennel, commercial
- (18) Kennel, private on a tract of five or more acres.
- (19) Adult day care center.
- (20) Adult day treatment facility.
- (21) Assisted living facility.
- (22) Family day home caring for nine or more children.

§ 3.4. Permitted accessory uses.

[Amended by Ord. of 11-24-1997(2); Ord. No. 2005-16, 6-13-2005]

Accessory uses, customarily incidental to a permitted principal use or a conditional use, are allowed on the same lot including but not limited to the following:

- (1) Private garage or carport.
- (2) Storage building other than shipping containers, sea containers, freight containers, portable storage units and like containers.

- (3) Guest home.
 - (4) Workshop.
 - (5) Employee living quarters within a one-family dwelling for persons employed therein.
 - (6) Home occupation.
 - (7) Sign, as permitted by article XXII of this ordinance.
 - (8) Fences and walls as permitted in § 2.9 of this ordinance.
 - (9) Temporary family health care structure. (Added by Ord. No. 2018-07, 6-25-2018)
 - (10) Accessory dwelling unit. (Added by Ord. No. 2018-08, 6-25-2018)
 - (11) Gardening (no zoning permit required).
[Added 5-22-2006¹]
- (12) Additional provisions dealing with the location, size and height of accessory structures are found in § 19.2(11) of this ordinance.

§ 3.5. Minimum lot area.

[Amended 8-28-2006 and 10-25-2021]

The minimum lot area shall be twenty thousand (20,000) square feet. Refer to article XIX for exceptions to the minimum lot area.

§ 3.6. Setback regulations.

[Amended by Ord. of 11-24-1997(3)]

All structures shall be set back at least fifty (50) feet from the right-of-way of the following streets: Clay Street, South Street, Armory Drive, College Drive and Hunterdale Road. All structures shall be set back at least forty (40) feet from the right-of-way of all other public streets. Pursuant to subsection 19.2(5), for the purpose of calculating setbacks no street shall be considered to have a right-of-way less than fifty (50) feet Wide.

§ 3.7. Minimum lot frontage and width.

[Amended 8-28-2006 and 10-25-2021]

- (1) The minimum lot frontage and width shall be one hundred (100) feet.
 - a. Frontage shall be measured along the front property line abutting a public street.

b. Width shall be measured at the setback line

- (2) The minimum frontage on a cul-de-sac shall be no less than fifty percent (50%) of minimum lot frontage; however, the minimum width at the setback line shall be deemed to be where the lot meets one hundred (100) feet of width.
- (3) In the case that there are existing lots of record in a subdivision having a width that would require a front setback to be lesser or greater than the other lots within the subdivision, the setback met by the majority of the lots within the same block shall be required, provided that in no case shall the front yard be reduced to less than fifteen (15) feet.

§ 3.8. Yard regulations.

[Amended by Ord. of 11-24-1997(4)]

This section sets forth the minimum yard dimensions in the district. Additional provisions dealing with size and special circumstances can be found in article XIX.

- (1) Side yards. The minimum width of a side yard for single family residences shall be ten (10) feet for one yard and twenty (20) feet for both yards. The minimum width of a side yard for other uses shall be twenty (20) feet for one yard and forty (40) feet for both yards.
- (2) Side yards for corner lots. The minimum width of side yards for corner lots for all uses is as set forth in subsections 19.2(7)b. and c.
- (3) Rear yard. The minimum depth of the rear yard shall be at least forty (40) feet from the principal permitted structure.
- (4) Front yard. Except as provided for in article XIX, front yard regulations are set forth in § 3.6 of this article.

§ 3.9. Height regulations.

The maximum height of all structures shall not exceed fifty (50) feet and may not exceed three (3) stories.

§ 3.10. Yard Variations.

Are as set forth in § 19.2(6),(7) and (8).

§ 3.11. Sign regulations.

All provisions for the regulation of signs in this district are found in article XXII.

§ 3.12. Parking regulations.

All provisions for the regulation of parking in this district are found in article XVIII.

§ 3.13. Floodplain regulations.

Floodplain regulations that apply to certain properties within the district are set forth in article XXI.

§ 3.14. Aircraft approach zone regulations.

Certain properties within the district may also be located within the aircraft approach zone. Applicable regulations are found in article XX.

ARTICLE V. R-1 One-Family Residence District Use Regulations

§ 5.1. Purpose of the district.

The purpose of residential district, R-1, is to provide for medium density, single-family and two-family residential development and related uses, including those public and semi-public uses and accessory uses as may be necessary or are normally compatible with residential surroundings.

§ 5.2. Permitted principal uses.

[Amended by Ord. No. 6-12-2000(4); Ord. of 4-8-2002(3)]

- (a) Single-family dwelling, detached.
- (b) Two-family dwelling.
- (c) Public park or playground.
- (d) Existing railroad lines, not including switching or storage yard, or other station facilities.
- (e) Public utility, neighborhood.
- (f) Cluster zoning in accordance with the provisions of article XVII of this zoning ordinance.
- (g) Family day home caring for no more than eight children including children residing in the home.
- (h) Community recreation.

§ 5.3. Permitted conditional uses.

[Amended by Ord. No. 6-12-2000(4); Ord. of 4-8-2002(3)]

Certain uses shall be conditionally permitted in the R-1 district, when authorized as a special exception by the board of appeals.

- (1) Single-family dwelling, attached such as townhouses as set forth in § 2.7 of this zoning ordinance.
- (2) Public maintenance and service facility.
- (3) Club.

- (4) Golf course.
 - (5) Hospital.
 - (6) Nursing home.
 - (7) Funeral home.
 - (8) Cemetery.
 - (9) Child day center.
-
- (10) Antenna and/or Satellite, as accessory uses to a permitted principal use in accordance with article XXIII.
 - (11) Bed and breakfast inn.
 - (12) Church.
 - (13) Educational facility, primary/secondary.
 - (14) Educational facility, college/university.
 - (15) Cultural service.
 - (16) Community center..
 - (17) Adult day care center.
 - (18) Adult day treatment facility.
 - (19) Assisted living facility.
 - (20) Family day home caring for nine or more children.
 - (21) Workshop.

§ 5.4. Permitted accessory uses.

[Amended by Ord. of 11-24-1997(2); Ord. No. 2005-16, 6-13-2005]

Accessory uses, customarily incidental to a permitted principal use or a conditional use, are allowed on the same lot including but not limited to the following:

- (1) Private garage or carport.
- (2) Storage building other than shipping containers, sea containers, freight containers, portable storage units and like containers.
- (3) Guest home.

- (4) Home occupation.
- (5) Sign, as permitted by article XXII of this ordinance.
- (6) Fence and wall as permitted in § 2.9 of this ordinance.
- (7) Temporary family health care structure. *(Added by Ord. No. 2018-07, 6-25-2018)*
- (8) Accessory dwelling unit. *(Added by Ord. No. 2018-08, 6-25-2018)*
- (9) Gardening (no zoning permit required).

[Added 5-22-2006⁽¹⁾]

[1] *Editor's Note: This ordinance also renumbered former Subsection (9) to Subsection (10).*

(10) Additional provisions dealing with the location size and height of accessory structures are found in § 19.2(11) of this ordinance.

§ 5.5. Minimum lot area.

- (1) Single-family, detached: The minimum lot area shall be 10,000 square feet.

- Two-family: The minimum lot area shall be 12,000 square feet.

- For Single-family, attached: The minimum lot area shall be 60,000 square feet.

(2) Refer to article XIX for exceptions to the minimum lot area.

§ 5.6. Setback regulations.

[Amended by Ord. of 11-24-1997(3)]

All structures shall be set back at least 30 feet from the right-of-way of all public streets. Pursuant to subsection 19.2(5), for the purpose of calculating setbacks no street shall be considered to have a right-of-way less than 50 feet wide.

§ 5.7. Minimum lot frontage and width.

- (1) For Single-Family, detached: The minimum lot frontage and width shall be fifty (50) feet.

For Two-Family: The minimum lot frontage and width shall be one hundred (100) feet.

For Single-family, attached: See Section 2.7.

- a. Frontage shall be measured along the front property line abutting a public street.
- b. Width shall be measured at the setback line.

(2) The minimum frontage on a cul-de-sac shall be no less than fifty percent (50%) of minimum lot frontage; however, the minimum width at the setback line shall be deemed to be where the lot meets one hundred (100) feet of width.

(3) In the case that there are existing lots of record in a subdivision having a width that would require a front setback to be lesser or greater than the other lots within the subdivision, the setback met by the majority of the lots within the same block shall be required, provided that in no case shall the front yard be reduced to less than fifteen (15) feet.

§ 5.8. Yard regulations.

[Amended by Ord. of 11-24-1997(4)]

This section sets forth the minimum yard dimensions in the district. Additional provisions dealing with size and special circumstances can be found in article XIX.

- (1) Side yards. The minimum width of a side yard for single family residences shall be ten feet for one yard and 20 feet for both yards. The minimum width of a side yard for other uses shall be 20 feet for one yard and 40 feet for both yards.
- (2) Side yards for corner lots. The minimum width of side yards for corner lots for all uses is as set forth in subsections 19.2(7)b. and c.
- (3) Rear yard. The minimum depth of the rear yard shall be at least 30 feet from the principal permitted structure, if it is a single-family dwelling. For all other principal permitted structures, the minimum depth of the rear yard shall be at least 40 feet.
- (4) Front yard. Except as provided for in article XIX, front yard regulations are set forth in § 5.6 of this article.

§ 5.9. Height regulations.

The maximum height of all structures shall not exceed 50 feet and may not exceed three stories.

§ 5.10. Yard variations.

Are as set forth in § 19.2(6), (7) and (8).

§ 5.11. Sign regulations.

All provisions for the regulation of signs in this district are found in article XXII.

§ 5.12. Parking regulations.

All provisions for the regulation of parking in this district are found in article XVIII.

§ 5.13. Floodplain regulations.

Floodplain regulations that apply to certain properties within the district are set forth in article XXI.

§ 5.14. Aircraft approach zone regulations.

Certain properties within the district may also be located within the aircraft approach zone. Applicable regulations are found in article XX.

ARTICLE VIII. R-2 General Residence District Use Regulations

§ 8.1. Purpose of the district.

The purpose of residential district, R-2, is to provide for high density, single-family (detached and attached) and two-family residential development and related uses including those public and semi-public uses and accessory uses as may be necessary or are normally compatible with residential surroundings.

§ 8.2. Permitted principal uses.

[Amended by Ord. No. 6-12-2000(7); Ord. of 4-8-2002(3); Ord. No. 2005-9, 5-9-2005]

- (a) Single-family dwelling, detached.
- (b) Two-family dwelling. (Added by Ord. No. 2018-12, 8-27-2018)
- (c) Single-family dwelling, attached such as townhouses as set forth in § 2.7 of this zoning ordinance
- (d) Public park or playground
- (e) Existing railroad lines, not including switching or storage yard, or other station facilities.

- (f) Public utility, neighborhood.
- (g) Cluster zoning in accordance with the provisions of article XVII of this zoning ordinance.
- (h) Family day home **caring for no more than eight children including children residing in the home.**
- (i) Community recreation.

§ 8.3. Permitted conditional uses.

[Amended by Ord. No. 6-12-2000(7); Ord. of 4-8-2002(3)]

Certain uses shall be conditionally permitted in the R-2 district, when authorized as a special exception by the board of appeals.

- (1) Multi-family dwelling.
- (2) Public maintenance and service building.
- (3) Club.
- (4) Golf course..
- (5) Community center.
- (6) Hospital.
- (7) Nursing home.
- (8) Funeral home.
- (9) Cemetery.
- (10) Child day center.
- (11) Antenna and/or Satellite.
- (12) Hotel.
- (13) Restaurant on lots abutting on streets that are a part of the thoroughfare system as described in the most recent Franklin Area Highway Needs Study, prepared by the Virginia Department of Transportation and adopted by the Franklin City Council.
- (14) Club.(provided that any such building shall be at least 25 feet from any other lot in an R district)
- (15) Bed and breakfast inn.
- (16) Church.
- (17) Educational facility, primary/secondary.

- (18) Educational facility, college/university.
- (19) Cultural service.
- (20) Community center.
- (21) Adult day care center.
- (22) Adult day treatment center.
- (23) Assisted living facility.
- (24) Boarding house.
- (25) Family day home. **caring for nine or more children.**

§ 8.4. Permitted accessory uses.

[Amended by Ord. of 11-24-1997(2); Ord. No. 2005-16, 6-13-2005]

Accessory uses, customarily incidental to a permitted principal use or a conditional use, are allowed on the same lot including but not limited to the following:

- (1) Private garage or carport.
- (2) Storage building other than shipping containers, sea containers, freight containers, portable storage units and like containers.
- (3) Guest home.
- (4) Workshop.
- (5) Home occupation.
- (6) Sign, as permitted by article XXII of this ordinance.
- (7) Fences and walls as permitted in § 2.9 of this ordinance.
- (8) Temporary family health care structure. (Added by Ord. No. 2018-07, 6-25-2018)
- (9) Accessory dwelling unit. (Added by Ord. No. 2018-08, 6-25-2018)
- (10) Gardening (no zoning permit required).

[Added 5-22-2006^[1]]

[1] *Editor's Note: This ordinance also renumbered former Subsection (9) to Subsection (10).*

(11) Additional provisions dealing with the location, size and height of accessory structures are found in § 19.2(11) of this ordinance.

§ 8.5. Minimum lot area.

(1) Single-family, detached and Two-family: The minimum lot area shall be 5,000 square feet.

For Single-family, attached: The minimum lot area shall be 60,000 square feet.

For Multi-family: The minimum lot area shall be 5 acres.

(2) Refer to article XIX for exceptions to the minimum lot area.

§ 8.6. Setback regulations.

[Amended by Ord. of 11-24-1997(3)]

All structures shall be set back at least 25 feet from the right-of-way of all public streets. Pursuant to subsection 19.2(5), for the purpose of calculating setbacks no street shall be considered to have a right-of-way less than 50 feet wide.

§ 8.7. Minimum lot frontage and width.

(1) For Single-family, detached and Two-family: The minimum lot frontage and width shall be fifty (50) feet.

For Single-family, attached: See section 2.7.

For Multi-family: See section 2.13.

a. Frontage shall be measured along the front property line abutting a public street.

b. Width shall be measured at the setback line.

(2) The minimum frontage on a cul-de-sac shall be no less than fifty percent (50%) of minimum lot frontage; however, the minimum width at the setback line shall be deemed to be where the lot meets one hundred (100) feet of width.

(3) In the case that there are existing lots of record in a subdivision having a width that would require a front setback to be lesser or greater than the other lots within the subdivision, the setback met by the majority of the lots within the same block shall be required, provided that in no case shall the front yard be reduced to less than fifteen (15) feet.

§ 8.8. Yard regulations.

[Amended by Ord. of 11-24-1997(4)]

This section sets forth the minimum yard dimensions in the district. Additional provisions dealing with size and special circumstances can be found in article XIX.

- (1) Side yards. The minimum width of a side yard for detached single family dwellings shall be ten feet for one yard and 15 feet for both yards. The minimum width of a side yard for other uses shall be 20 feet for one yard and 40 feet for both yards.
- (2) Side yards for corner lots. The minimum width of side yards for corner lots for all uses is as set forth in subsections 19.2(7)b. and c.
- (3) Rear yard. The minimum depth of the rear yard shall be at least 25 feet from the principal permitted structure, if it is a single-family dwelling. For all other principal permitted structures, the minimum depth of the rear yard shall be at least 40 feet.
- (4) Front yard. Except as provided for in article XIX, front yard regulations are set forth in § 8.6 of this article.

§ 8.9. Height regulations.

The maximum height of all structures shall not exceed 50 feet and may not exceed three stories.

§ 8.10. Yard variations.

Are as set forth in § 19.2(6), (7) and (8).

§ 8.11. Sign regulations.

All provisions for the regulation of signs in this district are found in article XXII.

§ 8.12. Parking regulations.

All provisions for the regulation of parking in this district are found in article XVIII.

§ 8.13. Floodplain regulations.

Floodplain regulations that apply to certain properties within the district are set forth in article XXI.

§ 8.14. Aircraft approach zone regulations.

Certain properties within the district may also be located within the aircraft approach zone. Applicable regulations are found in article XX.

ARTICLE IX. R-3 Mixed-Residential District Use Regulations

§ 9.1. Purpose of the district.

The purpose of residential district, R-3, is to provide for the highest density, single-family (detached and attached), two-family and multi-family residential development and related uses including those public and semi-public uses and accessory uses as may be necessary or are normally compatible with residential surroundings.

§ 9.2. Permitted principal uses.

[Amended by Ord. No. 6-12-2000(8); Ord. of 4-8-2002(3)]

- (a) Single-family dwelling, detached.
- (b) Two-family dwelling.
- (c) Single-family attached dwellings, such as townhouses as set forth in § 2.7 of this zoning ordinance.
- (d) Multi-family dwelling, as set forth in section 2.13 of this ordinance.
- (e) Public park and playground.

- (f) Existing railroad lines, not including switching or storage yard, or other station facilities.
- (g) Public utility, neighborhood.
- (h) Public utility, community.
- (i) Family day home. **caring for no more than eight children including children residing in the home.**
- (j) Community center.
- (k) Community recreation.
- (l) Cultural service.

- (m) Church.
- (n) Club.
- (o) Nursing home.
- (p) Funeral home.
- (q) Child day center.
- (r) Adult day center.
- (s) Assisted living facility.
- (t) Public maintenance and service facility.

§ 9.3. Permitted conditional uses.

[Amended by Ord. No. 6-12-2000(8); Ord. of 4-8-2002(3)]

Certain uses shall be conditionally permitted in the R-3 district, when authorized as a special exception by the board of appeals.

- (1) Golf course.
- (2) Hospital.
- (3) Cemetery.
- (4) Antenna and/or Satellite.
- (5) Church.
- (6) Educational facility, primary/secondary
- (7) Educational facility, college/university.

- (8) Adult day treatment facility.

- (9) Mixed-use development.

§ 9.4. Permitted accessory uses.

[Amended by Ord. of 11-24-1997(2); Ord. No. 2005-16, 6-13-2005]

Accessory uses, customarily incidental to a permitted principal use or a conditional use, are allowed on the same lot including but not limited to the following:

- (1) Private garage or carport.
- (2) Storage building other than shipping containers, sea containers, freight containers, portable storage units and like containers.
- (3) Workshop.
- (4) .
- (5) Home occupation.
- (6) Sign, as permitted by article XXII of this ordinance.
- (7) Fences and walls as permitted in § 2.9 of this ordinance.

[Added 5-22-2006⁽¹⁾]

[1] *Editor's Note: This ordinance also renumbered former Subsection (8) to Subsection (9).*

- (8) Additional provisions dealing with the location, size and height size of accessory structures are found in §§ 2.7(i) and 19.2(11) of this ordinance.
- (9) Temporary family health care structure. (Added by Ord. No. 2018-07, 6-25-2018)
- (10) Accessory dwelling unit. (Added by Ord. No. 2018-08, 6-25-2018)
- (11) Gardening (no zoning permit required).

§ 9.5. Minimum lot area.

[Amended by Ord. of 11-24-1997(6)]

- (1) The minimum area for the establishment of a mixed-residential development is twenty (20) acres.

- (2) Single-family, detached and Two-family: The minimum lot area shall be 4,000 square feet.

For Single-family, attached: The minimum lot area shall be 60,000 square feet.

Commented [BHW1]: Added minimum acreage to establish mixed-residential district.

For Multi-family: The minimum lot area shall be 5 acres.

(2) Refer to article XIX for exceptions to the minimum lot area.

§ 9.6. Setback regulations.

[Amended by Ord. of 11-24-1997(3)]

All structures shall be set back at least 20 feet from the right-of-way of all public streets. Pursuant to subsection 19.2(5), for the purpose of calculating setbacks no street shall be considered to have a right-of-way less than 50 feet wide.

§ 9.7. Minimum lot frontage.

(1) For Single-family, detached and Two-family: The minimum lot frontage and width shall be fifty (50) feet.

For Single-family, attached: See Section 2.7.

For Multi-family: See Section 2.13.

a. Frontage shall be measured along the front property line abutting a public street.

b. Width shall be measured at the setback line.

(2) The minimum frontage on a cul-de-sac shall be no less than fifty percent (50%) of minimum lot frontage; however, the minimum width at the setback line shall be deemed to be where the lot meets one hundred (100) feet of width.

(3) In the case that there are existing lots of record in a subdivision having a width that would require a front setback to be lesser or greater than the other lots within the subdivision, the setback met by the majority of the lots within the same block shall be required, provided that in no case shall the front yard be reduced to less than fifteen (15) feet.

§ 9.8. Yard regulations.

[Amended by Ord. of 11-24-1997(4)]

This section sets forth the minimum yard dimensions in the district. Additional provisions dealing with size and special circumstances can be found in articles II and XIX.

(1) Side yards.

(a) The minimum width of a side yard for single-family and two-family dwellings shall be five feet for one yard and ten feet for both yards.

(b) For single family attached, see section 2.7 and for multi-family, see section 2.13.

- (c) The minimum width of a side yard for other uses shall be 10 feet for one yard and 20 feet for both yards. Side yards for corner lots. The minimum width of side yards for corner lots for all uses is as set forth in subsections 19.2(7)b. and c.
- (2) Rear yard.
 - (a) The minimum depth of the rear yard shall be at least 20 feet from the principal permitted structure, if single-family or two-family.
 - (b) For single-family attached, see section 2.7 and for multi-family, see section 2.13.
 - (c) For all other principal permitted structures, the minimum depth of the rear yard shall be at least 30 feet.
- (3) Front yard. Except as provided for in articles II and XIX, front yard regulations are set forth in § 9.6 of this article.

§ 9.9. Height regulations.

The maximum height of all structures shall not exceed 50 feet and may not exceed three stories.

§ 9.10. Yard variations.

Are as set forth in § 19.2(6), (7) and (8).

§ 9.11. Sign regulations.

All provisions for the regulation of signs in this district are found in article XXII.

§ 9.12. Parking regulations.

All provisions for the regulation of parking in this district are found in article XVIII.

§ 9.13. Floodplain regulations.

Floodplain regulations that apply to certain properties within the district are set forth in article XXI.

§ 9.14. Aircraft approach zone regulations.

Certain properties within the district may also be located within the aircraft approach zone. Applicable regulations are found in § XX.

ARTICLE XVB. Residential and/or Mixed Use Planned Unit Development District

[Added 11-28-2005 and by Ord. No. 2018-06, 6-25-2018]

§ 15B.1. Purpose of District.

The purpose of the Residential Planned Unit development (PUD) zoning district is to provide for the development of planned residential communities that incorporate a variety of housing options and may incorporate certain limited commercial and office uses designed to serve the inhabitants of the PUD. The development will include features, such as enhanced building quality, innovative site design, historic preservation, open space protection and landscaping that exceeds the standards usually found in conventional developments. This PUD district is intended to allow greater flexibility than is generally possible under other zoning district regulations by allowing deviations in lot size, density, type of dwelling, lot coverage and open space. This flexibility is intended to permit a significant variation of available price points for residential properties within the district. It provides for PUDs, or portions of a PUD which may be under single ownership PUDs, or portions of a PUD, in which residents purchase the properties in which they reside.

§ 15B.2. Permitted uses.

(a)

The following uses shall be permitted in this district:

(1)

Single-family dwelling, detached and attached.

(2)

Two-family dwelling.

(3)

Multi-family dwelling.

(4)

Public park or playground.(5)Community center

(6)Community recreation.

(7)

Underground public utilities.

(b)

The following business uses shall be permitted in this district:

(1)

Child day center.

(2)

Church.

(3)Educational facility, primary/secondary.

(4)Educational facility, college/university.

(5)Cultural service.

(6)

Public utility, neighborhood.

(7)

General and professional offices.

(8)

Retail sales.

- Retail service.
- (9)
- Hospital.
- (10)Nursing home.
- (11)Medical facility.
- (12)Clinic.
- (13)
- Adult Day Center.

§ 15B.3. Permitted Accessory Uses.

The following accessory uses shall be permitted in this district:

- (1)
- Private garage and carport.
- (2)
- Storage building.
- (3)
- Workshop.
- (4)
- Privacy fences in the rear yard of residences.
- (5)
- Parking and loading areas.
- (6)
- Home occupation as defined in Article 28.
- (7)
- Sign as permitted in Article 22.
- (8)
- Guest home.
- (9)
- Accessory dwelling unit.
- (10)
- Gardening (no zoning permit required).

§ 15B.4. General Standards.

- (a)
- The master plan of the PUD shall emphasize compatibility with surrounding neighborhoods.
- (b)
- Proposed streets, parking areas and pedestrian circulation systems shall provide safe and convenient access to and from the development and all lots within the development. Streets shall be designed to allow for smooth traffic flow and minimum hazards to vehicular, bicycle and pedestrian traffic and to discourage through traffic. Adequate access and circulation for emergency and service vehicles shall be provided.
- (c)

All streets within the PUD district shall be public, except that approval may be sought for private streets serving a multifamily housing development and private alleys and drive aisles providing secondary or internal access for a parcel or lot having primary frontage on a public road. Traffic lanes of primary streets must be sufficiently wide to carry the anticipated volume and speed of traffic and in no case shall the pavement width be less than thirty (30) feet.

(d)

Sidewalks and streetlights, which provide reasonable pedestrian convenience and safety, shall be provided. Appropriate descriptions shall be provided in the Master Plan and become a part of the approval process.

(e)

Landscaping shall meet the minimum requirements of Article XXV of this ordinance. The PUD shall, to the extent feasible, preserve existing trees on the site and the existing topography and the natural character of the site by minimizing grading thereof. The Master Plan shall include a tree preservation plan that will identify target trees, and/or areas of trees, to be preserved within the district.

(f) Residential dwelling units of various types may be included in a mixed-use development and contribute to mixed-use character of the district as a whole. To qualify for a residential housing unit component within a mixed-use development, the applicant must integrate dwelling units with a proposed commercial development. Integration may be achieved by one or more of the following methods: added 6/25/2018

- i. Locating dwelling units above the ground floor of a commercial building.
- ii. Constructing an accessory dwelling unit attached to the rear of the commercial building provided that the commercial development would be the major structure seen from the street.
- iii. No more than 70% of the total area of the mixed-use development shall be dedicated to residential use. (50% adopted by ordinance 6/25/2018)

§ 15B.5. District Requirements.

(a)

The minimum size for a district shall be twenty(20) contiguous acres, but contiguous additions to the district may be added by the same process as set forth below. Proposed Plan Unit Developments of less than 10 acres are limited to the allowed residential uses only.

(b)

In order to create a diversified, interesting and attractive complement to the city and offer varying living opportunities to future residents, the following housing restrictions shall apply:

(1)

Single family dwelling, detached shall comprise at least 45% of the dwelling units within the district. A variety of lot sizes and dwelling types is desirable;

(2)

Remaining property devoted to housing shall be divided among at least two other dwelling unit types: two-family, single-family attached and multifamily units;

(c)

Permitted general and business offices, retail and service establishments are intended, primarily, to serve the community in which they are located. Facilities for these commercial operations should be located within one centralized area or zone, of the PUD district. These facilities should not occupy more than five (5%) of the gross useful land area of the district.

(d)

Mixed use buildings in which a commercial business is located on the first floor and residential uses are on the second and third floors are permitted within the commercial area of the district. The area occupied by a commercial in the mixed use facility will be counted towards the area permitted within the commercial area. The residential use will be counted against the permitted multi-family.

(e)

The maximum height of any building or structure in the district shall be fifty (50) feet or three (3) stories.

(f)

Open space for common use, excluding paved areas public and private streets, aisles and alleys and private streets paved areas, shall comprise at least twenty-five (25) percent of the total gross area of the district. At least seventy-five (75) percent of the open space must be satisfactory for recreational uses.

(g)

At least fifteen (15%) percent of the total gross area of the district shall be developed for recreational use or community facilities such as walking paths, bike and exercise trails, playgrounds, swimming pools, gymnasiums, playing fields, tennis or basketball courts, gardens, landscaped areas around dwellings and other buildings or similar uses. All common open space and recreational facilities will be developed at a rate proportional to the rate of construction of the residences within the development.

(h)

Each dwelling and commercial unit in the district shall front on a public street, except as permitted in Paragraph 15B.4(c) of this Article. Permitted private roads, alleys and aisles shall be maintained to such an extent that delivery and emergency vehicles shall have unimpeded access. Maintenance provisions will be defined in the approved Master Plan.

(i)

Signage used in the district must not exceed the applicable restrictions established in Article XXII of this Ordinance.

(j)

The Off-Street Parking within the PUD shall comply with the minimum requirements specified in Article XVII of this Ordinance. However, § 18.5 (g) shall not exempt the off-street parking requirements within a planned unit development.

§ 15B.6. Setback and Yard Requirements.

(a)

All residential, community and recreational structures in the PUD shall be set back at least thirty-five (35) feet from any boundary of the district.

(b)

All residential units, community and recreational structures between the outside perimeter boundary and the first street within the PUD shall comply with the, character of the underlying district and adjacent property.

(c)

Non-residential uses shall not border adjacent residential districts unless such uses are permitted within the adjacent district at the time of PUD approval. All business structures within the PUD shall be set back at least one-hundred (100) feet from the boundary line of the district.

(d)

The minimum lot size, yard, frontage and width requirements shall be established and approved as part of the master plan process.

(e)

Where a PUD is established on property that shares a block face with improved property, development within the PUD facing such existing improvements shall be harmonious as to height, mass, lot coverage and setbacks.

(f)

Building spacing shall provide privacy within each dwelling unit and ensure that each room has adequate light and air in accordance with the Virginia Uniform Statewide Building Code.

(g)

Areas used as service yards, for storage of trash or for other utilitarian purposes shall be screened from adjoining dwellings with screens compatible with building designs and in accordance with the landscaping requirements Article XXV of this ordinance.

§ 15B.7. Relationship to Subdivision Ordinance.

To encourage flexibility and creativity of design in the event that the property in the PUD is to be subdivided and sold to separate owners, the master plan may provide for variations and deviations from the standards set forth in the subdivision ordinance, provided that city council determines that such variations and deviations do not diminish the protection of the health and safety of other residents of the city provided by the subdivision ordinance regulations. Deviations and variations from the subdivision ordinance must be included as part of the approved master plan.

§ 15B.8. Management of Common Spaces and Facilities.

The Developer shall provide for the establishment of a Property Owners Association in accordance with the Virginia Property Owners' Association Act for all individuals and corporations owning property within the PUD. This will ensure adequate provisions for maintenance of all common open space, properties and facilities have been made prior to the final approval, recording and sale of any lot.

(1)

The membership of the property owners' association and the obligations of such association with respect to the common areas shall be set forth within a declaration suitable for recording in the Clerk's Office of the Circuit Court of Southampton County, meeting the requirements of the Virginia Property Owners' Association Act and shall be approved by the city attorney as being in compliance with statute prior to recordation.

(2)
A recorded copy of such declaration must be delivered to the office of the Director of Community Development prior to approval of any subdivision plat.

(3)
The declaration shall detail how the association shall be organized and administered, how the common areas and facilities are to be operated and maintained and how the owners of individual properties are to be assessed for their share of operation and maintenance of the common areas and facilities.

(4)
All common areas and facilities within a development shall be preserved for their intended purposes as expressed in the approved master plan.

(5)
All deeds conveying interests in common open space and recreational facilities located within the PUD shall contain covenants and restrictions running with the land sufficient to ensure that such areas are preserved for their intended purposes as expressed in the approved master plan and shall contain a prohibition against partition.

§ 15B.9. Development and Preservation of Common Areas.

(a)
All common open space and recreational facilities shall be fully improved by the Developer at a proportionately equivalent or greater rate than the construction of residential structures and shall be preserved for their intended purpose as expressed in the approved master plan.

(b)
All property within the PUD shall remain under single ownership of the Developer(s) until appropriate provisions have been made that insure satisfactory operation and ongoing maintenance of all open space, recreational and common space areas within the PUD. No property may be leased or sold until the Director of Community Development provides written confirmation that such provisions have been made.

§ 15B.10. Procedure to Obtain Approval of Residential Planned Unit Development.

(a)
Any person who wishes to have property rezoned to a Residential Planned Unit Development District shall initiate such proposed rezoning pursuant to § 28.2 of this ordinance, and if such development involves the subdivision of land, by the concurrent submission of a preliminary subdivision plat in accordance with § 5-2 of the subdivision ordinance.

(b)
In addition to the submissions required for rezoning and subdivision of the subject property the applicant must submit to the Director of Community Development eight copies of a Master Plan of the development in order for the city staff to review it and determine whether it is in compliance with the standards set forth in this Article. The master plan shall be constituted by a concept plan submitted in accordance with Article XXIV of this ordinance and such additional data as may be required for determining whether the plan is in compliance with the standards and provisions of this Article.

(c)
Directors of city departments shall review the master plan and report their findings to the Director of Community Development who, prior to consideration of the plan by the Planning Commission, shall prepare a report, a copy of which shall be delivered to the applicant and the Planning commission with recommendations for approval, disapproval or modification of the proposed master plan. Any recommendation for disapproval or modifications to the master plan shall state the reasons for the modification or denial.

(d)
The planning commission shall recommend approval or disapproval of the rezoning and forward such recommendations to city council. The planning commission shall indicate that approval of the any portion of the development shall be contingent upon compliance with the master plan approved as part of the rezoning.

(e)
Final consideration of the master plan shall be concurrent with and a part of the consideration of the rezoning request to city council.

(f)

In the event that city council rezones any property in the city to a residential PUD, the zoning administrator shall indicate such designation on the official zoning map of the city.

(g)

Minor changes to or deviations from an approved master plan may be approved by the majority vote of a Committee, consisting of the Director of Community Development, the member of the Planning Commission and the member of City Council representing the Ward or Wards in cases where the property is located in more than one Ward in which the PUD is located (the "Committee"), without going through the procedure set forth in this section, if conditions arise which merit such changes or deviations. The request for changes or deviations must be supported by graphic and other information necessary for appropriate evaluation of the request. For the purpose of this section, minor changes or deviations refer to changes of location and design of buildings, other structures, streets, parking, recreation facilities, open space, landscaping or similar details which do not materially alter the character or concept of the approved master plan.

(h)

In the event that the Committee determines, in its sole discretion, that requested changes or deviations in the master plan are something more than minor changes to, or deviations from the master plan, the owner of the development may apply for permission to amend the approved master plan following the same procedure as set forth in this section.

§ 15B.11. Phasing of the Planned Unit Development.

Nothing within this Article is intended to prevent the development from proceeding in stages or phases, provided that the following conditions are met:

(1)

The proposed stages or phases will be identified and delineated in the Master Plan.

(2)

All data required for the total PUD must be provided for each phase.

(3)

Each phase must conform to the Master Plan as approved or amended.

(4)

Each stage or phase must include useable open space areas, landscaped and available for use, approximately equivalent to the pro-rata share of the total open space approved for the PUD.

§ 15B.13. Contents of the Master Plan.

The formal application for the PUD overlay district must be submitted with the Master Plan. The drawings, narrative presentation and studies included in the Master Plan must address the applicable issues identified in this Article, Article XXIV of this Ordinance (concept plan) and the Subdivision Ordinance. A minimum checklist of issues to be included with the Master Plan is as follows:

(1)

A legal description and plat of the total site proposed for development showing site boundaries, existing street lines, lot lines, total acreage and easements. Existing historic landmarks, cemeteries, flood plains, flood ways and wet lands must also be delineated.

(2)

A general statement of planning objectives to be achieved by the planned zoning district, including the description of the proposed character of the development and the market for which the development is oriented. Target price point ranges for residential properties will be provided.

(3)

Environmental Impact Statement.

(4)

Economic Impact Statement.

(5)

A proposed land use plan showing the use of each lot, tract or parcel within the development.

(6)

Location of proposed streets, aisles and alleys; proposed specifications for all private streets, alleys and aisles and identification of all on and off street parking provisions.

(7)

A proposed plan showing anticipated circulation patterns of vehicular and pedestrian traffic.

(8)

A traffic study showing the impact of the plan on surrounding public streets and traffic patterns.

(9)

Proposed number of housing units, number of types, styles, configurations and colors.

(10)

Proposed location of areas devoted to each housing type, acreage and number of units for each such area, the minimum lot size and building spacing proposed for each area and housing type.

(11)

Location and nature of non - residential uses proposed, including planned mixed use structures. Define acreage and coverage of commercial related areas. Parking provisions must be included.

(12)

Description and location of planned street lights and sidewalks.

(13)

Location and acreage of proposed open spaces, public sites, and recreational areas, nature of recreational facilities and proposed means of maintenance of each site.

(14)

Location and acreage of un-useable open spaces, including delineation of proposed floodplains, floodway, wetlands and retention ponds. Proposed means of maintenance for each site must be defined.

(15)

A tree preservation plan that identifies provisions for preserving large trees on the site.

(16)

A general landscape plan including any special buffering proposed between project land uses and adjacent zoning districts.

(17)

If applicable, a phasing plan delineating the proposed phases of the development, the approximate commencement date for construction and a proposed build out period.

(18)

A statement that a property owners association will be created to meet proffered obligations.

(19)

The name, title and address of the planner, architect or engineer who prepared the proposed plans.

(20)

A public services and utilities impact study on existing municipal facilities; engineering evaluations of the adequacy of existing systems, and if required, modifications to public water, public sewer, and storm water facilities; a generalized layout of the proposed water and sewer service and fire protection systems within the district.

(21)

Enumeration and rationale for any variations and deviations from the provisions of this Article or the subdivision Ordinance.

ARTICLE XVI. Mobile Home Regulations

§ 16.1. Permitted mobile home location.

All residential mobile homes shall be located in a mobile home court, which has received a conditional use permit and which conforms with the requirements of the following section. No such mobile home outside of an approved mobile home court shall be stored, kept or used in any manner or connected to utilities, except those mobile homes being offered for sale and not inhabited.

§ 16.2. Minimum standards for mobile home courts.

(a)

Each lot provided for the occupancy of a single mobile home unit shall have an area of not less than 5,000 square feet and width of not less than 50 feet. No park shall be permitted an average density of mobile home lots of more than eight per acre. Each mobile home court shall provide an area of not less than five acres.

(b)

No mobile home or any structure, addition or appurtenance thereto shall be located less than ten feet from the nearest adjacent lot boundary.

(c)

Space between mobile homes may be used for the parking of motor vehicles if the space is clearly designated and the vehicle is parked at least ten feet from the nearest adjacent lot boundary.

(d)

Each mobile home lot shall abut or face a driveway, roadway or street of not less than 30 feet in width on a fifty-foot right-of-way, which shall have unobstructed access to a public highway, street or alley.

(e)

A mobile home court shall be surrounded by a landscaped strip of open space 50 feet in depth along the street frontage of a primary street and 25 feet in depth along all other lot lines or street frontage.

ARTICLE XVII. Cluster Zoning

§ 17.1. Intent.

The intent of this article is to allow the development of a cluster subdivision in residential zoning districts other than R-1A general residence. It provides for a variation of lot sizes, but does not allow an increase in the overall density that would normally be allowed in these districts. This article is intended to: encourage the preservation of environmentally sensitive lands; prevent soil erosion by permitting development according to the nature of the terrain and soils; provide larger open areas with greater utility for rest and recreation; provide for natural buffer areas along streets and highways; and, encourage more attractive and economic subdivision design.

§ 17.2. Design criteria.

(a)

Cluster subdivisions shall be designed to preserve significant natural features and sensitive environmental areas. These include, but are not limited to, the following: streams, shore lines, wetlands, ravines, significant stands of trees and steep slopes.

(b)

Open space intended for recreation or common use shall be easily accessible to pedestrians.

(c)

Natural buffer areas with a width of at least 35 feet shall be maintained along public streets on the perimeter of the project.

§ 17.3. Minimum size.

The minimum permitted size for any cluster subdivision shall be five acres.

§ 17.4. Application procedures.

Cluster subdivisions shall follow the application procedures outlined in the City of Franklin Subdivision Ordinance.

§ 17.5. Use.

Cluster subdivisions shall contain single-family dwellings only.

§ 17.6. Lot area, lot width and yards.

(a)

Individual lots in a cluster subdivision shall be exempt from the minimum lot area, lot width and yard requirements for residential districts. Side and rear yards may be reduced to zero provided that easements or covenants establish the rights of the two abutting properties where the main structures are to be constructed on or within five feet of a property line. Such easements or covenants shall establish the rights of each affected owner to gain access to each owner's structure for the purpose of performing essential maintenance and service.

(b)

Lots on the perimeter of the subdivision may be required to follow the normal lot areas, lot width and/or yard requirements for the residential districts.

(c)

The required lot area, lot width and yards shall be as shown on the approved final subdivision plat, and shall remain in effect unless the final subdivision plat is amended in accordance with the City of Franklin Subdivision Ordinance.

§ 17.7. Cluster subdivision density.

For a cluster subdivision, the number of lots for the entire parcel shall not exceed the number of lots per acre permitted in the zoning district in which they are located and only net acreage may be used to calculate the number of lots. Net acreage shall be calculated based on existing land conditions, as specified in the following chart. Twenty percent shall be subtracted from the net acreage so calculated to allow for street right-of-way, unless it can be demonstrated to the satisfaction of the zoning administrator that the proposed street rights-of-way will be less than 20 percent of the calculated net acreage.

Physical Land Unit	Percent Credited Toward Net Acreage
Slopes, less than 10%	100%
Slopes, 10% to 19%	70%
Slopes, 20% to 29%	50%
Slopes, greater than 30%	10%
100-year floodplain	0%
Wetlands	0%
Existing water features, (bodies of water, drainage channels, streams, etc.)	0%
Above ground high voltage	0%
Electric transmission line easements (69 kv or greater)	0%

§ 17.8. Common open space.

(a)

A minimum of 25 percent of the gross area of the cluster subdivision shall be common open space.

(b)

All common open space shall be preserved for its intended purpose as shown on the approved final subdivision plat. The common open space shall be either dedicated to the City of Franklin, subject to acceptance by the city, or administered by a nonprofit organization, subject to the following:

(1)

The developer must establish the organization prior to the recordation of the subdivision.

(2)

Membership in the organization shall be mandatory for all lot owners, present and future, within the cluster subdivision.

(3)

The organization shall own all common open space and recreational facilities, and shall provide for their maintenance, administration and operation.

Closed Session & Regular City Council Meeting Minutes November 14, 2022

Call to order

The Franklin City Council held a Closed Session pursuant to Virginia Code Section 2.2-3711-A-3, for discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body specifically potential acquisition of property on North High Street, on November 14, 2022 at 6:00 P.M. in the City Council Chambers located at 207 West Second Avenue, Franklin, Virginia 23851.

Council Members in Attendance: Frank Rabil, Mayor; Robert “Bobby” Cutchins, Vice-Mayor; Councilman Linwood Johnson (6:06 P.M.); Councilwoman Wynndolyn Copeland; Councilman Mark Kitchen; Councilman Ray Smith; Councilman Gregory McLemore.

Council Members not in Attendance:

Staff in Attendance: Amanda Jarratt, City Manager.

Councilman Mark Kitchen made a motion to go into closed session, with a second from Councilwoman Wynndolyn Copeland.

The motion carried the vote 7-0

The vote was as follows:

Councilman Linwood Johnson	Aye
Councilwoman Wynndolyn Copeland	Aye
Councilman Mark Kitchen	Aye
Vice Mayor Bobby Cutchins	Aye
Mayor Frank Rabil	Aye
Councilman Ray Smith	Aye
Councilman Gregory McLemore	Aye

Mayor Frank Rabil affirmed the motion carried unanimously.

Motion Upon Returning to Open Session

Roll call of all Council members move that the City of Franklin, Virginia City Council certify that, to the best of each member’s knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting held on November 14, 2022; (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the City of Franklin, Virginia City Council; and (iii) no

action was taken in closed meeting regarding the items discussed. The motion was seconded by Councilwoman Wynndolyn Copeland.

The motion carried the vote 7-0

The vote was as follows:

Councilman Linwood Johnson	Aye
Councilwoman Wynndolyn Copeland	Aye
Councilman Mark Kitchen	Aye
Vice Mayor Bobby Cutchins	Aye
Mayor Frank Rabil	Aye
Councilman Ray Smith	Aye
Councilman Gregory McLemore	Aye

The November 14, 2022 City Council Closed Session was adjourned at 6:40 P.M.

Call to order

The Franklin City Council held a regular City Council meeting on November 14, 2022 at 7:00 P.M. in the City Council Chambers located at 207 West Second Avenue, Franklin, Virginia 23851.

Council Members in Attendance: Frank Rabil, Mayor; Robert “Bobby” Cutchins, Vice-Mayor; Councilman Linwood Johnson; Councilwoman Wynndolyn Copeland; Councilman Mark Kitchen; Councilman Ray Smith; Councilman Gregory McLemore.

Council Members not in Attendance:

Staff in Attendance: Amanda Jarratt, City Manager; A’Risha Jones, Executive Assistant, recording minutes.

Other Staff in Attendance: Steve Patterson, Chief of Police; Robert Porti, Deputy Chief of Police; Vernie Francis; Chief of EMS; Carlee Gurskiy, Director of Community Development; Chad Edwards, Director of Public Works; Dinah Babb, Treasurer; Amanda Arrington, Accounting Clerk; Selenia Boone, Commissioner of the Revenue; Zach Wright, Director of Power & Light; Carson Blythe, Director of Tourism; Camara Jacobs, Director of Human Resources; Tracy Spence, Director of Finance; Sarah Rexrode, Director of Social Services; Sammara Bailey, Director of Parks & Recreation; Joe Ann Faulk, Accounting Supervisor; Regina Brown, Payroll Technician; Nancy Layman, Accounting; Melisa Blythe, Financial Accountant; Lois Panton, Purchasing.

Citizen’s Time

No citizens signed up at this time.

Amendments to Agenda

Mayor Frank Rabil asked if there any amendments to the agenda. There are no amendments at this time.

Mayor Frank Rabil took this time to offer condolences and sympathy to the victims of the recent tragedy at the University of Virginia.

Consent Agenda:

A. Introduction of New Employees

City Manager called Ms. Dinah Babb, City Treasurer, to come forward to introduce the departments' new employee, Amanda Arrington.

Ms. Babb introduced the newest member to the Treasurer team, Ms. Amanda Arrington. Ms. Arrington, is a native of Southampton County, and a 2004 graduate from Southampton County High School. Ms. Arrington is excited to work with the City and feels back in her element of working with the public. Ms. Arrington has a background in banking, and since her time here has learned very quickly.

Mayor Frank Rabil and Council congratulated and welcomed Ms. Amanda Arrington to the City of Franklin team.

B. Approval of September 26, 2022 Meeting Minutes & October 24, 2022 Meeting Minutes.

Mayor Frank Rabil asked if there were any corrections or additions for the September 26, 2022 meeting minutes.

Mayor Frank Rabil entertained a motion to approve the September 26, 2022 meeting minutes as presented. Councilman Mark Kitchen made a motion to approve the September 26, 2022 meeting minutes with a second from Councilman Linwood Johnson.

The motion carried the vote 7-0

The vote was as follows:

Councilman Linwood Johnson	Aye
Councilwoman Wynndolyn Copeland	Aye
Councilman Mark Kitchen	Aye
Vice Mayor Bobby Cutchins	Aye
Mayor Frank Rabil	Aye
Councilman Ray Smith	Aye
Councilman Gregory McLemore	Aye

Mayor Frank Rabil affirmed the motion carried unanimously.

Mayor Frank Rabil asked if there were any corrections or additions for the October 24, 2022 meeting minutes.

Mayor Frank Rabil entertained a motion to approve the October 24, 2022 meeting minutes as presented. Councilman Linwood Johnson made a motion to approve the October 24, 2022 meeting minutes with a second from Councilman Ray Smith.

The motion carried the vote 6-1-0

The vote was as follows:

Councilman Linwood Johnson	Aye
Councilwoman Wynndolyn Copeland	Aye
Councilman Mark Kitchen	Aye
Vice Mayor Bobby Cutchins	Aye
Mayor Frank Rabil	Abstained
Councilman Ray Smith	Aye
Councilman Gregory McLemore	Aye

Mayor Frank Rabil affirmed the motion carried unanimously.

C. Small Business Saturday Resolution 2022-27 (read by Councilman Mark Kitchen)



Small Business Saturday
Resolution # 2022-27

WHEREAS, the Government of City of Franklin, Virginia, celebrates our local small businesses and the contributions they make to our local economy and community; and

WHEREAS, according to the United States Small Business Administration, there are 32.5 million small businesses in the United States, small businesses represent 99.7% of firms with paid employees, small businesses are responsible for 62% of net new jobs created since 1995, and small businesses employ 46.8% of the employees in the private sector in the United States; and

WHEREAS, 79% of consumers understand the importance of supporting the small businesses in their community on Small Business Saturday®, 70% report the day makes them want to encourage others to Shop Small®, independently-owned retailers, and 66% report that the day makes them want to Shop Small all year long; and

WHEREAS, 58% of shoppers reported they shopped online with a small business and 54% reported they dined or ordered takeout from a small restaurant, bar, or café on Small Business Saturday in 2021; and

WHEREAS, the City of Franklin supports our local businesses that create jobs, boost our local economy, and preserve our communities; and

WHEREAS, advocacy groups, as well as public and private organizations, across the country have endorsed the Saturday after Thanksgiving as Small Business Saturday.

NOW, THEREFORE, BE IT RESOLVED, Mayor Frank Rabil, and the members of the City of Franklin Council, urge the residents of our community, and communities across the Country, to support small businesses and merchants on Small Business Saturday and throughout the year.

FURTHER, LET IT BE RESOLVED THAT, I, Frank Rabil, Mayor of the City of Franklin, Virginia, do hereby proclaim, November 26, 2022, as

SMALL BUSINESS SATURDAY

Signed this 14th day of November 2022.

Frank M. Rabil, Mayor
City of Franklin, Virginia

Mayor Frank Rabil asked for a motion to adopt Small Business Saturday Resolution 2022-27. Councilwoman Wynndolyn Copeland made a motion to adopt Small Business Saturday Resolution 2022-27 with a second from Councilman Linwood Johnson.

The motion carried the vote 7-0

The vote was as follows:

Councilman Linwood Johnson	Aye
Councilwoman Wynndolyn Copeland	Aye
Councilman Mark Kitchen	Aye
Vice Mayor Bobby Cutchins	Aye
Mayor Frank Rabil	Aye
Councilman Ray Smith	Aye
Councilman Gregory McLemore	Aye

Mayor Frank Rabil affirmed the motion carried unanimously.

Financial Matters:

A. FY 22 Audit Presentation

City Manager Amanda Jarratt called Ms. Tracy Spence, Director of Finance and staff from Creedle Jones & Associates who conducted the City audits. City Manager Amanda Jarratt stated the audits are a lengthy process and takes cooperation from all departments, however, places specific strain on the Finance Department. City Manager Jarratt thanks Ms. Tracy Spence for all her efforts to make sure that the City had a successful audit again as well as all the staff.

Ms. Tracy Spence had the pleasure to present Fiscal Year 2022 annual comprehensive financial report, for the fiscal year ending June 30, 2022. The preparation of this report has been accomplished by the efficient and dedicated services by the staff of the Department of Finance, various departments, and staff of Creedle Jones & Associates. Ms. Spence would like to thank the Finance team for their professionalism and hard work they have displayed all year round, to ensure the financial integrity of the City governments operations.

The Finance Department is as follows: Ms. Joe Ann Faulk, Accounting Supervisor; Ms. Nancy Layman, Financial Accountant; Ms. Melisa “Missy” Blythe, Financial Accountant; Ms. Lois Paton, Accounts Payable Technician; Ms. Regina Brown, Payroll Technician.

Ms. Robin Jones of Creedle Jones & Associates presented the financial audit. The auditors require this report to be done by December 15th of each year, staff is currently ahead of schedule. The auditors have also prepared the collection form, which is a federal form and goes to the federal audit clearinghouse, to report federal money that is received. Ms. Jones stated that the independent auditors report has been completed to show that the financial statements have been audited.

Ms. Jones stated that the City of Franklin has received a clean/unmodified opinion which states that the audit is good, no material weakness found. The City of Franklin has received this clean/unmodified opinion for the last 3 years.

Mayor Frank Rabil entertained a motion to accept the audit report as presented. Councilman Ray Smith made a motion to accept the audit report as presented with a second from Councilman Linwood Johnson.

The motion carried the vote 7-0

The vote was as follows:

Councilman Linwood Johnson	Aye
Councilwoman Wynndolyn Copeland	Aye
Councilman Mark Kitchen	Aye
Vice Mayor Bobby Cutchins	Aye
Mayor Frank Rabil	Aye
Councilman Ray Smith	Aye
Councilman Gregory McLemore	Aye

Mayor Frank Rabil affirmed the motion carried unanimously.

B. FY24 Budget Calendar

City Manager Amanda Jarratt stated the following is the suggested budget calendar for fiscal year 2024. This process will be starting in the upcoming weeks, the action needed is approval of the budget calendar by Council. This keeps staff and Council on track for the May 8th adoption, which would allow room if something unforeseen takes place.

Mayor Frank Rabil stated that Council can adopt the calendar, if adjustments are needed as staff sees fit, would that be allowed. City Manager Amanda Jarratt stated to Council that will be allowed, the calendar does build in optional work sessions as well and as always, as the City moves throughout the budget process, if additional meetings need to be schedule, that can take place.



FY 2023-2024 Budget Calendar

<u>Dates Subject to Change</u>	<u>Day</u>	<u>Action Item</u>
December 5, 2022	Monday	<ul style="list-style-type: none"> FY 2023-2024 Budget Requests Forms for Agencies Posted on City Webpage
December 8, 2022	Thursday	<ul style="list-style-type: none"> Joint Budget Work Session #1 with School Board
January 6, 2023	Monday	<ul style="list-style-type: none"> FY 2023-2024 Budget Requests Due from Agencies & Organizations
January 13, 2023	Friday	<ul style="list-style-type: none"> FY 2023-2024 Proposed Department Budgets Requests Due to City Manager
January 17-27, 2023	Monday	<ul style="list-style-type: none"> Management Budget Meetings with Dept. Directors
January 23, 2023*	Monday	<ul style="list-style-type: none"> 6:00 P.M. Agencies & Organizations Budget Presentations
March 13, 2023*	Monday	<ul style="list-style-type: none"> 6:00 P.M. Budget Work Session with City Council
March 20, 2023	Monday	<ul style="list-style-type: none"> FY 2023-2024 School Board Budget Submitted to City Manager
March 27, 2023*	Monday	<ul style="list-style-type: none"> 6:00 P.M. Budget Work Session with City Council (as necessary)
March 30, 2023	Thursday	<ul style="list-style-type: none"> Joint Budget Work Session #2 with School Board
April 12, 2023	Wednesday	<ul style="list-style-type: none"> Release Advertisement for Public Hearing
April 24, 2023*	Monday	<ul style="list-style-type: none"> 6:00 P.M. – Tentative Budget Work Session (as necessary) 7:00 P.M. – Public Hearing(s) on the FY 2023-2024 Proposed Budget & City Council Considers Action on School Board Budget
May 8, 2023*	Monday	<ul style="list-style-type: none"> City Council Considers Action on FY 2023-2024 Budget, Sets Tax Rates and Adopt Budget Resolutions

Councilman Ray Smith made a motion to approve the FY-2023-2024 Budget Calendar with the opportunity to change as needed, with a second from Councilman Linwood Johnson.

The motion carried the vote 7-0

The vote was as follows:

- Councilman Linwood Johnson Aye**
- Councilwoman Wynndolyn Copeland Aye**
- Councilman Mark Kitchen Aye**
- Vice Mayor Bobby Cutchins Aye**
- Mayor Frank Rabil Aye**
- Councilman Ray Smith Aye**

Mayor Frank Rabil affirmed the motion carried unanimously.

C. Budget Amendment 2023-9

City Manager Amanda Jarratt stated that the 2022-2023 City Budget is hereby amended to appropriate funding to Council approved compensation plan salary and related benefit increases. The budget amendment shows the revenue sources where it is taken and the changes to each of the departments.

Table with columns: 2022-2023 BUDGET, AMENDED BUDGET, INCREASE (DECREASE), and various departmental codes and descriptions. Includes sub-totals for #1 and #2.

#3					
502 SOLID WASTE FUND					
REVENUE					
502-3-41050-0300	Use of Unrestricted Net Position	\$	-	\$ 20,083	\$ 20,083
					20,083
EXPENDITURES					
502-4-42300-1101	Salaries and Wages - Regular	\$	232,989	248,871	\$ 18,802
502-4-42300-2100	Fica		18,060	19,039	979
502-4-42300-2210	Retirement - VRS		31,801	33,523	1,722
502-4-42300-2400	Group Life Insurance		3,164	3,335	171
502-4-42300-2720	Workmen's Compensation		16,786	17,695	909
					\$ 20,083
#4					
504 AIRPORT FUND					
REVENUE					
504-3-41050-0100	Transfer From General Fund	\$	-	\$ 8,735	\$ 8,735
					8,735
EXPENDITURES					
504-4-20010-1101	Salaries and Wages - Regular	\$	42,840	49,854	\$ 7,014
504-4-20010-2100	FICA		3,277	3,814	537
504-4-20010-2210	Retirement - VRS		5,771	6,716	945
504-4-20010-2400	Group Life Insurance		574	668	94
504-4-20010-2720	Workmen's Compensation		887	1,032	145
					\$ 8,735
#5					
505 ELECTRIC FUND					
REVENUE					
505-3-41050-0060	Use of Unrestricted Net Position	\$	-	\$ 7,504	\$ 7,504
					7,504
EXPENDITURES					
505-4-20010-1101	Salaries and Wages - Regular	\$	1,092,435	1,096,996	\$ 4,561
505-4-20010-1800	Salaries and Wages - Part time		31,668	33,417	1,749
505-4-20010-2100	FICA		85,994	86,477	483
505-4-20010-2210	Retirement - VRS		147,151	147,766	615
505-4-20010-2400	Group Life Insurance		14,639	14,700	61
505-4-20010-2720	Workmen's Compensation		13,887	13,922	35
					\$ 7,504

Councilman Linwood Johnson made a motion to approve Budget Amendment 2023-9 with a second from Councilman Mark Kitchen.

The motion carried the vote 7-0

The vote was as follows:

- Councilman Linwood Johnson** **Aye**
- Councilwoman Wynndolyn Copeland** **Aye**
- Councilman Mark Kitchen** **Aye**
- Vice Mayor Bobby Cutchins** **Aye**
- Mayor Frank Rabil** **Aye**
- Councilman Ray Smith** **Aye**
- Councilman Gregory McLemore** **Aye**

Mayor Frank Rabil affirmed the motion carried unanimously.

Old/New Business:

A. 5th Judicial Circuit Drug Treatment Program Overview

City Manager Amanda Jarratt called Mr. Terry Tate of the 5th Judicial Circuit Court to discuss the drug court program. As approved in the Budget Amendment a few weeks back, funds have been received from the opioids settlement, and those funds are being used in the drug court. Mr. Tate, Coordinator is here to give Council an overview.

Mr. Terry Tate stated the new drug court program in 5th Judicial Circuit Drug Court serves Isle of Wight, Southampton, and Suffolk. The mission is to provide a judicially-supervised, cost effective, collaborative approach for handling court involved individuals with substance use disorders (SUD) that promotes public safety, ensures accountability, and transforms participants into productive members of the community through quality, compassionate treatment. Drug court is an intensive 5 phase treatment program for treating non-violent offenders with significant substance use disorders. Drug treatment court combines case processing, treatment service and offender accountability under the leadership of the court. It focuses on treating the underlying cause of criminality and using cognitive behavioral tactics to protect against relapse. It also reduces the number of people in jail, on supervised probation, and breaks the substance abuse to prison cycle.

Mr. Tate state that since 2011, opioid deaths in Virginia have increase 500%, less than 20% of inmates with SUD receive any kind of formal treatment, making these individuals 12 times more likely to overdose within 2 weeks of release. Drug court provides safer communities, increases employment rates, and is cost saving for communities.

B. Legislative Agenda

City Manager Amanda Jarratt stated that the General Assembly session will be starting at the first of the year, there are several items to be discussed. The City of Franklin has been asked to draft a letter from the municipality to the General Assembly delegation regarding these three matters. The first is regarding the Regional Correction Facilities, the City of Franklin is the owner of the Western Tidewater Regional Jail, along with the City of Suffolk and Isle of Wight County. There was a senate bill adopted last year regarding inmate fee assessments. This group was asked to look at the fees there were charged to an inmate and provide findings by December 1, 2022.

City Manager Amanda Jarratt stated the Hampton Roads Region did establish a work group regarding the increase in violent crime throughout the region. The two specific items the City of Franklin have been asked to write letters to the General Assembly representation, would request a comprehensive strategy to better support law enforcement and other public safety officials, in responding to mental health emergencies. The City is requesting the flexibility to engage other qualified professionals to provide transportation and oversight during the handling of mental health patients through local government contracts, or any other means. The second would be to allow legislation to change the rules of the Virginia Retirement System to allow retired law enforcement officers to perform full time duties when necessary. Right now they are not able to do so because of the restrictions in place by the Virginia Retirement System.

City Manager Amanda Jarratt stated the needed action of Council is authorization to draft a letter to the General Assembly representation regarding these specific items and any others the Council would like.

Councilman Mark Kitchen made a motion to adopt the draft the letter to the General Assembly, with a second from Councilman Linwood Johnson.

The motion carried the vote 7-0.

The vote was as follows:

Councilman Linwood Johnson	Aye
Councilwoman Wynndolyn Copeland	Aye

Councilman Mark Kitchen	Aye
Councilman Ray Smith	Aye
Councilman Gregory McLemore	Aye
Vice Mayor Bobby Cutchins	Aye
Mayor Frank Rabil	Aye

Mayor Frank Rabil affirmed the motion carried unanimously.

C. Tourism ARPA Plan of Action

City Manager Amanda Jarratt called Ms. Carson Blythe, Director of Tourism to come forward in case of any questions by Council. The Commonwealth of Virginia along with the Virginia Tourism Corporation provided the City of Franklin with \$30,000.00 in ARPA fund, restricted for use for tourism matters. As done with previously received ARPA funding, a plan has been put into place for the use of the funds. If Council adopts this plan and move forward, then there will be a follow-up budget amendment.

Ms. Carson Blythe, Director of Tourism stated that the best use of the funds would be to disperse it amongst various projects that would go towards events, visitor and resident education as well as marketing and local market to pull in the local visitors, as the City of Franklin is a day trip destination.

Proposed Budget Overview:

Budget Item:	Cost:
Coastal Virginia Tourism Alliance – Group Marketing Initiative	\$750
Independence Day Celebration	\$5,000
Juneteenth Cultural Festival	\$5,000
Design and Print of Map/Brochure	\$5,000
Photography/Videography for Content Creation	<\$10,000
Virginia is for Lovers E-Newsletter Advertising	\$1,200
Blue Ridge Outdoors Digital Advertising	\$1,995
Cova Scene E-Newsletter Advertising	\$1,055
	Total: \$30,000

*Please note that all above pricing is based on current 2022 rates/quotes.

Councilman Mark Kitchen made a motion to approve the ARPA Fund plan of action with a second from Councilman Linwood Johnson.

Councilman Gregory McLemore stated in view of the Juneteenth event being an economic development tourism program, to keep the City from using as much of the general funds as possible, it had been recommended and discussed of using the ARPA grant to help support the event. That event expenses could come as close to \$1 million, which the City does not have the money, the purpose is to create revenue. If the funds from ARPA are not use for Juneteenth, the City would have to help support the event by use of the general fund.

The motion carried the vote 6-1.

The vote was as follows:

Councilman Linwood Johnson	Aye
Councilwoman Wynndolyn Copeland	Aye
Councilman Mark Kitchen	Aye
Councilman Ray Smith	Aye
Councilman Gregory McLemore	Nay
Vice Mayor Bobby Cutchins	Aye
Mayor Frank Rabil	Aye

Mayor Frank Rabil affirmed the motion carried.

D. Juneteenth Cultural Festival aka Virginia Mardi Gras

City Manager Amanda Jarratt stated that Councilman Gregory McLemore will provide the update of the Juneteenth event.

Councilman Gregory McLemore stated in view of the recent development with the ARPA funding plan of action, being that was some funding Councilman McLemore was depending on the City bringing to the program and that being taken for the use of other projects as well, the Juneteenth program will not be able to go on.

Vice-Mayor Bobby Cutchins stated that Council should move forward with a Juneteenth event, just not in that magnitude of size. Councilman McLemore stated the mission is to create an annual event that can generate revenue. Vice-Mayor Cutchins asked for clarification that Councilman McLemore is withdrawing the idea. Councilman McLemore stated the withdrawal is the association with the City, the event is already scheduled, it will go on, if the City will not support the event or wants to take the overseeing of the event, there is an issue. Vice-Mayor Cutchins stated the way that it was proposed to Council with the prospect of 150,000 individuals coming to Franklin, it must be approved as a safety, and personnel matter to happen in the City of Franklin. Councilman McLemore stated if there is going to be boundaries to the capacity before the Police begin to put an individual out, then that is certainly within the City's rights.

Councilman Gregory McLemore affirmed that event was an option presented to the City, since then, Council voted to move forward with the event, only item that was next was the vote on the resolution to bring forth to the other cities. Part of the presentation that was voted on stated that the City would use grant money to fund the idea, one of the main grants is being split up for other events. If the City is not willing to put forth the effort to reap the revenues, the promoters will move forward with the Juneteenth event and not have it with the City of Franklin.

Councilwoman Wynndolyn Copeland asked for clarification that the celebration will still be held in the City of Franklin regardless of the City's involvement. Councilman McLemore stated it will be like the Soul Festival event, the City provided the promoters with the park, security, and times. Mayor Frank

Rabil stated that there needs to a consensus from Council to move forward with a Juneteenth celebration as individuals or independently, not as a part of the City functions. All members agreed that there needs to be a celebration event. Councilman McLemore stated that there will be an event and the promoters will let the Council know of the details.

Mayor Frank Rabil stated that Council will move on. Councilman Linwood Johnson asked for clarification, will the \$5,000 of the ARPA fund still goes towards the Juneteenth Celebration, Mayor Frank Rabil stated that it could, that is what Council voted on. Councilman Ray Smith stated looking at the budget that was approved the previous year, the most amount given to any organization was \$6,500.00.

No action taken at this time.

- A. Juneteenth Cultural Celebration aka Virginia Mardi Gras Resolution 2022-26

Juneteenth Cultural Celebration Resolution 2022-26 was not voted on.

- E. City Managers Report

City Manager Amanda Jarratt stated staff is working architects and engineers on several capital projects approved by the Council. Staff has submitted and circulated draft contract with Enteros, the architects for the courthouse. The meeting for the demolition of the Armory is scheduled for 16th of November. There will be a public hearing for the November 28th meeting for the Ward 4 seat for the Franklin City Public Schoolboard, which will be advertised on the 16th of November in the Tidewater News. No one can be considered for that position if they are not nominated at the public hearing. If any nominations are submitted, Council can schedule interviews as done in the past. The City is having issues with the third-party entity that mails the bills for the real estate. Staff is actively seeking quotes from other vendors to make a change. They have inadvertently mailed the real estate bills with the mortgage, for those individuals that have a mortgage that pay every month for the real estate bill, instead of mailing those to the mortgage company as they were instructed to do. The payment comes directly from the mortgage company, they were mailed to the individuals. Ms. Dinah Babb, City Treasurer, is in attendance if Council has any questions.

City Manager Amanda Jarratt stated also shared on the City social media page, utility bills, while they were sent on time by staff, they weren't mailed out and processed. Because of the late mailing and the two holidays and the upcoming Thanksgiving holiday, utility bills will not be due until November 30th. The City will closed at 12 noon on Wednesday, November 23rd and closed all day Thursday and Friday, November 24th-25th. There is an elected officials training that will be held in January, if Council would like to attend, please notify City Administration for registration. The Department of Social Services is holding the annual angel tree, all gifts must be returned to the department by December 15th. Anyone wanting to participate may pick up the angel tree from the Department of Social Services, any time between 8:00 a.m. to 5:00 p.m.

Councilman Ray Smith asked for clarification, if the resident received the real estate bill including the mortgage, the resident may still pay the real estate fees separately. Ms. Babb stated for the resident to retain the bill for their personal records, they are being overnighted to the Treasury Department, they will be then sent directly to the third-party for the mortgage properties. The residents should do nothing until they hear from staff. Councilwoman Wynndolyn Copeland asked Ms. Babb if a late fee will be charged, Ms. Babb confirmed there will be no late charge.

General Updates

- Staff continues to work on the various capital projects approved by City Council.
- Staff continues to work with DHCD and Summit Engineering on the Laurel Street CDBG Grant. Client intake and income verifications have begun.
- A public information session as a part of the Department of Rail and Public Transit grant will be held on November 15 2022 at the Franklin Business Center from 5:00 p.m. to 7:00 p.m.
- Staff continues to meet with regional partners to discuss next steps on the regional radio system as well as violence and crime prevention.

Community Events

- Downtown Open House November 12th
- Small Business Saturday November 26th
- Holiday Parade December 2nd

Mayor Frank Rabil stated before going into Council/Staff Reports on Boards/Commissions, is a nomination for the Redevelopment and Housing Authority Board. Councilman Mark Kitchen made a motion to nominate Mr. Robert J. Taylor of 136 Bobwhite Lane, Franklin, Virginia. Councilman Linwood Johnson seconded the motion.

The motion carried the vote 7-0.

The vote was as follows:

Councilman Linwood Johnson	Aye
Councilwoman Wynndolyn Copeland	Aye
Councilman Mark Kitchen	Aye
Councilman Ray Smith	Aye
Councilman Gregory McLemore	Aye
Vice Mayor Bobby Cutchins	Aye
Mayor Frank Rabil	Aye

Mayor Frank Rabil affirmed the motion carried unanimously.

Council/Staff Reports on Boards/Commissions:

Councilman Linwood Johnsons stated that Western Tidewater Regional Jail Board meeting has been cancelled and will be rescheduled for another day.

Mayor Frank Rabil stated Hampton Roads Planning District Committee and Hampton Roads Transportation Planning board meeting on Thursday, November 17th. Any highlights will be given during the Friday updates.

Mayor Frank Rabil entertained a motion to adjourn the November 14, 2022 City Council meeting.

Adjournment

Councilman Ray Smith made a motion to adjourn the November 14, 2022 City Council meeting with a second from Councilman Linwood Johnson.

The motion carried the vote 7-0

The vote was as follows:

Councilman Linwood Johnson	Aye
Councilwoman Wynndolyn Copeland	Aye
Councilman Mark Kitchen	Aye
Vice Mayor Bobby Cutchins	Aye
Mayor Frank Rabil	Aye
Councilman Ray Smith	Aye
Councilman Gregory McLemore	Aye

Mayor Frank Rabil stated the meeting stands adjourn.

The November 14, 2022 City Council meeting was adjourned at 8:04 P.M.

Mayor

Clerk to City Council



**Resolution of Appreciation to
Sharon D. Mayes
Resolution 2022-28**

WHEREAS, The City of Franklin would like to recognize the retirement of Sharon D. Mayes, who has served the City of Franklin for twenty-three years; and

WHEREAS, Sharon D. Mayes served as a true representative for not only the citizens but her colleagues during her time of employment here at the City of Franklin; and

WHEREAS, Sharon D. Mayes throughout her career with the City of Franklin's Power & Light Department has shown her dedication to the department and the City of Franklin; and

WHEREAS, Sharon D. Mayes has shown that she is able to take action and adapt to any situation on any given day; and

WHEREAS, during the times of numerous power outages and hurricanes, Sharon would keep the department running with her ability to manage the abundant phone calls with citizens and by keeping in constant communication over the radio with other members of the department; and

WHEREAS, Sharon D. Mayes has been the face and pillar of the City of Franklin's Power & Light department, she is the first point of contact for citizens whenever there is a power and light issue.

WHEREAS, Sharon D. Mayes has maintained a high level of professionalism that has gained her great respect with staff and citizens; and

NOW, THEREFORE, BE IT RESOLVED, that the City of Franklin City Council honors the extraordinary service of Sharon D. Mayes.

AND, BE IT FURTHER RESOLVED, that a copy of this Resolution be spread upon the minutes of this meeting of the Franklin City Council as visible evidence of the high esteem in which this Council and the citizens of the City of Franklin hold Sharon D. Mayes, thereby forever preserving and recording its gratitude.

Signed this 28th day November 2022

Frank Rabil, Mayor
City of Franklin, Virginia



**Recognition of Appreciation to Jeffrey M. Noia
Resolution 2022-29**

WHEREAS, The City of Franklin would like to recognize the retirement of Jeffrey M. Noia, who has served the City of Franklin for twenty-nine years; and

WHEREAS, Jeffrey M. Noia began his career with the City of Franklin's Fire and Rescue Department as a Firefighter for nine-years, showing true testament to the department's mission to save lives, protect property and educate the public; and

WHEREAS, Jeffrey M. Noia after dedicating his services to the City of Franklin's Fire and Rescue Department, transitioned to the City of Franklin's Public Works Department, as a Wastewater Operator for three years; and

WHEREAS, Jeffrey M. Noia gave outstanding service and dedication as the Water System Technician, was later promoted to the Lead Utility Operator, where he has been a committed leader for the last seventeen years; and

WHEREAS, Jeffrey M. Noia being responsible for safe drinking water for the residents of the City of Franklin and surrounding communities; and

WHEREAS, Jeffrey M. Noia has been steadfast in maintaining the operation and maintenance of the City's water and sewer distribution systems; and

WHEREAS, Jeffrey M. Noia has on numerous occasions, found and implemented improvements to the daily City operations and functions; and

WHEREAS, throughout his tenure, with the highest of professionalism, assisted the residents of the City of Franklin with multiple grievances and work orders regarding water leaks and high usage; and

WHEREAS, during the times of numerous severe weather events, including major hurricanes, provided excellent assistance to the residents of the City of Franklin; and

NOW, THEREFORE, BE IT RESOLVED, that the City of Franklin City Council honors the exceptional service of Jeffrey M. Noia.

AND, BE IT FURTHER RESOLVED, that a copy of this Resolution be spread upon the minutes of this meeting of the Franklin City Council as visible evidence of the high esteem in which this Council and the citizens of the City of Franklin hold Jeffrey M. Noia, thereby forever preserving and recording its gratitude.

Signed this 28th day of November 2022

Frank Rabil, Mayor
City of Franklin, Virginia

BUDGET AMENDMENT 2023-10

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF FRANKLIN, VIRGINIA that the 2022-2023 City Budget is hereby amended to recognize the School's supplemental appropriation of State revenue and to appropriate for use.

	2022-2023		AMENDED		INCREASE
	BUDGET		BUDGET		(DECREASE)
250 SCHOOL OPERATING FUND					
REVENUE					
250-3-24000-0202 State School Basic Aid	\$ 7,941,769	\$	8,097,710	\$	155,941
				\$	155,941
EXPENDITURES					
250-4-60000-0011 Technology	\$ 996,334	\$	1,029,134	\$	32,800
250-4-60000-0001 Instruction	\$ 8,484,475	\$	8,607,616	\$	123,141
				\$	155,941

Certified copy of resolution adopted by Franklin City Council.

Clerk to the City Council



*Office of the City Manager
Amanda C. Jarratt*

November 22, 2022

To: Franklin City Council

From: Amanda C. Jarratt, City Manager

Reference: Franklin City Public Schools Carryover Request FY 22

Background Information

Each year after the completion and acceptance of the City of Franklin annual audit Franklin City Council considers a request from Franklin City Public Schools for the remaining funds from the previous fiscal year to be “carried over” for use in the current fiscal year.

Franklin City Public Schools had \$376,384 of Unassigned Fund Balance at June 30, 2022 per their audit. They have requested a FY23 carryover of \$321,663. As a result, \$54,721.00 would revert to the City of Franklin.

Needed Action

Discuss Franklin City Public Schools carryover request.



Franklin City Public Schools

207 West Second Avenue
Franklin, Virginia 23851-1713
(757) 569-8111 • Fax (757)516-1015

MEMORANDUM

TO: Amanda Jarratt
Franklin City Manager

FROM: Dr. Carlton Carter
Division Interim Superintendent

DATE: November 3, 2022

RE: Notice of Budget Adjustments

The Franklin City School Division requests that the following budget funds be adjusted to balance with proceeds received from state sources.

<i>Accounting Use Only</i>	<i>School Account</i>	<i>Amount</i>	<i>City Account</i>
VPSA – Technology Revenue Increase	10-410411000	\$ 32,800.00	250-3-24000-0202
VPSA Technology – Expense Increase	10-9-0-68100-6050-1000-007-000	\$ 32,800.00	250-4-60000-0011
ARP State portion - Revenue Increase		\$ 123,140.84	250-3-24000-0202
Instruction – Expense Increase		\$ 123,140.84	250-4-60000-0001



FRANKLIN CITY PUBLIC SCHOOLS

OFFICE OF THE
SUPERINTENDENT

207 West Second Avenue
Franklin, Virginia 23851-1713
(757) 569-8111 • Fax (757) 516-1015

MEMORANDUM

TO: Amanda Jarratt
Franklin City Manager

FROM: Dr. Tamara Sterling
Division Superintendent

DATE: October 6, 2022

RE: Rollover request

Due to severe raw material outages, shipping delays and labor shortages numerous purchases the school division committed to in FY 2022 were not able to be received prior to June 30.

For reasons beyond our control, we ask that the \$ 321,663 surplus recorded as of June 30, 2022 be rolled over to the school division unrestricted. This figure is below the amount of purchases undelivered and cancelled but it's what the surplus ended up at.

<i>Accounting Use Only</i>	<i>School Account</i>	<i>Amount</i>	<i>City Account</i>
Local Appropriation – Revenue	10-510500000	\$ 321,663.00	250-3-41050-0100
Operations & Maint Expense Increase	Fund 10	\$ 321,663.00	250-4-60000-0004

List of items cancelled or ordered and not received before June 30 due to supply disruptions and labor shortages.

PO

22-771	K-LOG	\$19,962.87	Vendor couldn't get materials
22-800	STAGE RIGHT	\$21,295.93	Vendor couldn't get materials
22-801	STAGE RIGHT	\$52,592.44	Vendor couldn't get materials
22-4900	MUSIC & ARTS	\$14,753.90	Vendor couldn't get materials
22-838	ATLANTIC GLASS & MIRROR	\$1,563.86	Vendor couldn't get materials
22-760	AMBASSADOR ENTERPRISES, INC	\$2,900.00	Vendor couldn't get materials
22-854	PERFORMANCE FLOORS, INC.	\$4,505.00	Vendor couldn't get materials
22-501	JOHNSTONE SUPPLY	\$9,543.70	Vendor couldn't get materials
	2nd grade class room furniture	\$56,000.00	Vendor couldn't get materials
	Preschool playground installation down payment	\$115,000.00	Vendor couldn't get materials
	Replacement Box truck	\$36,000.00	No vehicles on lot, order cancelled
	Work Comp Audit of FY 22	\$32,000.00	Vendor couldn't audit until September 2022
		\$366,117.70	



*Office of the City Manager
Amanda C. Jarratt*

November 22, 2022

To: Franklin City Council

From: Amanda C. Jarratt, City Manager

Reference: Ward 4 School Board Public Hearing

Background Information

The individual previously serving in the Ward 4 seat on the City of Franklin School Board submitted their resignation. The public notice was properly run in the Tidewater News on November 16, 2022. The individual selected for this seat will fill the unexpired term through June 30, 2024. No one may be considered for the seat if they are not nominated at the public hearing.

Needed Action

Conduct the public hearing and consider those individuals that have been nominated for the Ward 4 seat. Schedule interviews if desired.



*Office of the City Manager
Amanda C. Jarratt*

November 21, 2022

To: Franklin City Council

From: Amanda C. Jarratt, City Manager

Reference: FSEDI Strategic Plan

Background Information

As you all are aware the staff at Franklin Southampton Economic Development, Inc. has been working on a Strategic Plan. Karl Heck will be present to present the results.

Needed Action

None at this time.

FSEDI MISSION

Diversify the economy, create high quality jobs and provide a future for the families and youth of Franklin and Southampton.

FSEDI STRATEGIC PLANNING GOALS

GOAL 1. DIVERSIFY THE ECONOMY

Utilize Franklin-Southampton assets to meet the community's needs to both attract new businesses and expand existing businesses to avoid vulnerability to economic shock.

- Strategy 1** Market existing community assets and develop new assets to attract businesses.
- Strategy 2** Identify community needs regarding development of new business ventures.
- Strategy 3** Encourage active collaboration between educators and industry that will result in the development and retention of a skilled local workforce.
- Strategy 4** Identify, develop and bring awareness of available resources to expand existing businesses and encourage new businesses (larger scale businesses).
- Strategy 5** Foster new and existing small business growth.

GOAL 2. BUSINESS FRIENDLY CLIMATE

Ensure local government entities promote an "open arms" environment to welcome new businesses and foster business growth.

- Strategy 1** Create awareness and understanding among local governments of what constitutes a business-friendly climate.
- Strategy 2** Communicate, educate, and market Franklin Southampton positive business climate to attract new businesses.
- Strategy 3** Form and sponsor a diverse non-partisan Franklin -Southampton Business Friendly Committee to consistently work with local governments and businesses to influence positive change in the evolution of Franklin/Southampton as a "business friendly" area.

GOAL 3. FOSTER LOCAL TOURISM

Promote tourism that creates a positive economic impact on Franklin-Southampton communities.

Strategy 1 Align FSEDI tourism roles and responsibilities with the City of Franklin Tourism Department and with Southampton County Board of Supervisors.

Strategy 2 Market, promote, and sponsor local tourism initiatives events, and assets.

Strategy 3 Network with appropriate local, regional, and state tourism organizations.

Strategy 4 Collaborate with City and County to ensure citizens are prepared to embrace tourism and welcome tourists to the area.

GOAL 4. ORGANIZATIONAL EXCELLENCE

Foster an internal organizational effectiveness approach that will serve as a foundation for the continued development of FSEDI as a high-functioning organization.

Strategy 1 Develop an inclusive and diverse FSEDI Board to reflect the diversity of Franklin-Southampton communities. Diversity considerations encompass skills, background, gender, and ethnicity.

Strategy 2 Create and execute a stakeholder management plan to ensure all stakeholders are informed and aware of FSEDI's role and accomplishments. Stakeholders encompass two distinct groups: 1) The FSEDI stakeholders: Camp Family Foundation, Southampton County Board of Supervisors, Franklin City Council, Franklin Southampton Charities, Franklin Southampton Chamber of Commerce, and 2) the Franklin-Southampton communities at large.

Strategy 3 Incorporate the process of strategic planning into FSEDI as an ongoing and business function.



*Office of the City Manager
Amanda C. Jarratt*

November 22, 2022

To: Franklin City Council

From: Amanda C. Jarratt, City Manager

Reference: City Manager's Report

General Updates

- Staff continues to work on the various capital projects approved by City Council.
- Staff continues to work with DHCD and Summit Engineering on the Laurel Street CDBG Grant. Client intake and income verifications have begun.
- Staff continues to work with Michael Baker and the Department of Rail and Public Transit to get feedback from the public on potential fixed route transit options in the City.
- Staff continues to meet with regional partners to discuss next steps on the regional radio system as well as violence and crime prevention.

Community Events

- Holiday Parade December 2nd